

Comprehensive Lighting Codes

Commercial District Lighting Code

BEVERLY SHORES TOWN COUNCIL

ORDINANCE No. 2013-09

ADOPTING THE RECOMMENDATION OF THE PLAN COMMISSION TO AMEND THE ZONING ORDINANCE BY REPEALING COMMERCIAL DISTRICT REGULATIONS SECTIONS 155.105 THROUGH 155.115, INCLUSIVE AND ADOPTING IN REPLACEMENT THEREOF COMMERCIAL DISTRICT REGULATIONS SECTIONS 155.105 THROUGH 155.112

WHEREAS, the Plan Commission prepared a Proposed Amendment to the Zoning Ordinance that repeals Commercial District Regulations Sections 155.105 through 155.115, inclusive and adopts in replacement thereof Commercial District Regulations Sections 155.105 through 155.112, inclusive, that is consistent with IC 36-7-4-601;

WHEREAS, pursuant to IC 36-7-4-604, the Plan Commission conducted a Public Hearing on June 3, 2013 at 6:30 PM CDT at the Administration Building, 500 S Broadway, Beverly Shores, IN 46301 concerning a Proposed Amendment to the Zoning Ordinance that repeals Commercial District Regulations Sections 155.105 through 155.115, inclusive and adopts in replacement thereof Commercial District Regulations Sections 155.105 through 155.112, inclusive. The public hearing was continued on June 3, 2013 and was completed on August 5, 2013;

WHEREAS, on December 2, 2013, the Plan Commission approved a favorable recommendation of the Proposed Amendment to the Zoning Ordinance that repeals Commercial District Regulations Sections 155.105 through 155.115, inclusive and adopts in replacement thereof Commercial District Regulations Sections 155.105 through 155.112, inclusive; and

WHEREAS, upon due consideration of the recommendation of the Plan Commission and other evidence, the Town Council of the Town of Beverly Shores finds it is in the best interest of the Town and its residents to follow the recommendations of the Plan Commission regarding amending the Town Code of Ordinances to repeal Commercial District Regulations Sections 155.105 through 155.115, inclusive and adopt in replacement thereof Commercial District Regulations Sections 155.105 through 155.112, inclusive.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Beverly Shores that it accepts the recommendation of the Plan Commission and that the Town of Beverly Shores Code of Ordinances be amended by repealing Title XV Commercial District Regulations Sections 155.105 through 155.115, inclusive and adopt in replacement thereof Commercial District Regulations Sections 155.105 through 155.112, inclusive, as follows:

155.110 SIGN REGULATIONS

The following sign regulations shall apply in the General Commercial District:

- (A) No flashing, animated or moving business or identification signs shall be permitted in the General Commercial District.
- (B) No pennants, streamers and other moving or fluttering eye-catching devices shall be permitted in the General Commercial District.
- (C) Roof and wall signs shall be permitted.
- (D) Except for a gas station and mini-marts or convenience stores with fuel pumps, pylon signs are not permitted.
- (E) No billboards shall be permitted in the General Commercial District.
- (F) Signs shall not be located in any public right-of-way and shall not be any closer than five (5) feet to any boundary Lot line.
- (G) A Lot may contain multiple signs for each permitted use on the Lot provided that their total area does not exceed one hundred (100) square feet in the aggregate and no individual sign shall be larger than fifty (50) square feet.
- (H) All illuminated signs shall be front lit and the lighting fixtures shall be mounted facing down at or near the top of the sign structure and located a minimum of two hundred (200) feet from any residential property line or any residential lot of record.
- (I) The design of all signs shall be approved by the Building Committee. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub.
- (J) All signs in the General Commercial District shall be located on the Lot to which they refer and shall not advertise off-site goods or services.
- (K) All existing permanent wall and freestanding signs lawfully in existence immediately prior to enactment of this Ordinance can remain until removed or replaced by a lawful sign as defined by this Ordinance or until such time as said existing legal sign is no longer safely maintained or the use is changed. An existing sign may be changed so long as the sign's gross surface area is not increased.

155.112 BULK REGULATIONS

All buildings, structures and uses shall conform to the following requirements:

(H) *Lighting standards*: The purpose of these lighting standards and the policy of the Town of Beverly Shores is to minimize glare and over-lighting beyond the property boundary of each Lot by limiting outdoor lighting that is misdirected, excessive or unnecessary. The density of outdoor lighting, whether shielded or unshielded, shall not exceed in the aggregate 50,000 lumens per acre in the General Commercial District. Lighting shall be shielded to meet the following requirements:

- (i) No light shall shine directly into the windows of a building on abutting Lot.
 - (ii) No light shall shine directly from a light source onto the ground or improvements of an abutting Lot, although incidental light may be permitted to fall on an abutting Lot. Such lighting shall not exceed one-half (1/2) of an ISO foot-candle at ground level on the abutting Lot.
 - (iii) No light shall shine directly onto public roads.
 - (iv) No parking lot lighting standard or building fixture shall exceed twenty-five (25) feet in height from grade level.
 - (v) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than ten (10) feet high, and shall direct the light source away from the boundary line of the Lot.
 - (vi) Light fixtures located adjacent to a residential use of a Lot shall be setback a minimum of twenty (20) feet from the boundary line of the Lot.
 - (vii) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.
 - (viii) No flashing or intermittent or moving lights, including lights on signs, shall be permitted.
 - (ix) Any lighting fixture with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot lighting fixtures with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the lighting fixture.
 - (x) All existing lighting fixtures lawfully in existence immediately prior to enactment of this Ordinance can remain until removed or replaced by a lawful lighting fixture as defined by this Ordinance or until such time as said existing lighting fixture is no longer safely maintained or the use is changed.
- (I) Violations. All violations of the regulations of the General Commercial District shall be punishable by a fine not exceeding \$2,500 per violation. Each calendar day that the violation shall continue to exist, or each distinct repetition of any violation, shall constitute a separate violation.

Residential District Lighting Code

§ 155.201 HEAT AND GLARE REGULATIONS.

No operation or activity under the control of the property user shall cause or generate heat or glare in excess of the limits provided herein:

(A) Heat. Every use and activity shall be so operated that it does not raise the ambient temperature at or beyond any lot line more than 2°F; and

(B) Glare. In addition to the standards imposed by particular use district regulations, no operation shall, between the hours of 11:00 p.m. and 6:00 a.m. cause illumination in excess of 0.05-foot candles at a point 40 feet from the street line in a Residential District. (Ord. 208, passed 12-19-1983) Penalty, see § 155.99.