

Introduced by: Ms. Durham, Mr. Carter,
Mr. Cartier, Mr. Tackett,
Mr. Hollins

Date of introduction: March 9, 2021

ORDINANCE NO. 21-024

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), DIVISION 40.22.700 (“EXTERIOR LIGHTING STANDARDS”) TO REQUIRE THAT ALL NEW CASTLE COUNTY APPROVED LIGHT SOURCES USE LIGHT EMITTING DIODE (LED) OR EQUALLY ENERGY EFFICIENT TECHNOLOGY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and decreasing the often negative environmental impact of energy generation; and

WHEREAS, New Castle County Code requires that the Department of Land Use review and authorize many different types of exterior lighting sources, including streetlights and exterior fixtures within residential and commercial developments, parking lot lighting, lighting at recreational facilities and sporting fields, and lighting at County-owned properties, on all manner of Land Use plans; and

WHEREAS, the federal government has begun the process of phasing out the use of less efficient incandescent light bulbs, thereby shifting all new construction towards the use of higher-efficiency light sources; and

WHEREAS, nearby jurisdictions, such as the City of Philadelphia and the City of Wilmington, have recently mandated the use of LED streetlights, including the retrofitting of existing fixtures to LED light sources; and

WHEREAS, the use of LED lighting results in an overall reduction in costs, in that while fixtures might be more expensive, the reduction in maintenance costs from longer bulb lifespans and lower energy costs, more than offset those initial costs; and

WHEREAS, LED lighting technology has improved dramatically from its early days to cast softer, less harsh, and equally bright light and are 75% more efficient than traditional incandescent light sources; and

WHEREAS, New Castle County has embraced energy conservation as part of its broader and forward-thinking GreeNCC initiative.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Division 40.22.700 (“Exterior Lighting Standards”) is hereby amended by adding the underlined language, as set forth below.

Division 40.22.700. - Exterior lighting standards.

Exterior lighting is regulated to eliminate light spillover and glare on motor vehicle operators, pedestrians, and land uses within the light source's proximity. Safety considerations are the basis of the regulations, especially with respect to motor vehicles. In other cases, the regulations protect against both nuisance and hazard aspects of glare or excess light.

Sec. 40.22.710. - Exterior lighting plan.

Any time exterior lighting is installed or substantially modified, and whenever a zoning permit is sought (as required in Section 40.31.240), an exterior lighting plan shall be submitted to the Department to determine whether this Article's requirements have been met and that adjoining property will not be adversely impacted by the proposed lighting. All exterior lighting plans submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs.

Sec. 40.22.720. - Lighting standards.

Two (2) types of light sources or luminaries are available (Figure 40.22.720). One (1) is a semi-cutoff fixture, directing the light to limit view of the light source or luminaire. The second is a cutoff fixture, shielding the light source from view. The maximum permitted illumination and the maximum permitted luminaire height are set forth in Table 40.04.111. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle at the residential property line. Non-cutoff street lights shall only be permitted if required by DeIDOT. All light sources or luminaries that are installed pursuant to a plan submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs.

Sec. 40.22.730. - Street lights.

- A. Public street lighting shall conform to standards set by DeIDOT and the Department.
- B. Street lights in residential areas are encouraged and may be authorized by the establishment of a special tax assessment district by action of the County Council.
- C. Adequate lighting of driveways, parking lots, walkways and other public and semi-public and employee areas shall be provided in all commercial, industrial and multi-family residential developments, in accordance with accepted illuminating engineering standards. All public street lights in plans submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs.

Sec. 40.22.740. - Exterior lighting for outdoor recreational uses.

Ball diamonds, playing fields, and tennis courts have unique requirements for nighttime visibility and generally have limited hours of operation. These uses may meet the following limited use standards for approval of lighting in excess of the exterior lighting standards of Table 40.04.111. A special use permit shall be required when the light structure or the area to be lit is within five hundred (500) feet of a residential property where a residential use is built or where a residential dwelling can be built.

- A. The site plan meets all other Code requirements and, to the maximum extent possible, lighting is located to avoid shining at residential uses.
- B. Exterior light sources do not exceed the maximum permitted post height of eighty (80) feet.
- C. The light source or luminaire shall be cutoff fixtures. For all plans submitted after September 1, 2021, the light source or luminaire shall be equipped with LED or equally energy-efficient bulbs. The luminaire may have a cutoff angle that extends beyond the property boundaries if:
 - 1. A landscaped bufferyard is provided to prevent light and glare spillover to adjacent residential property. The Department shall be able to require denser bufferyards than those in Table 40.04.111 to achieve this objective.
 - 2. The maximum permitted illumination shall not exceed one-tenth (0.1) footcandle at the residential property line or the street curb, whichever is less.

Sec. 40.22.741. - Sign lighting, shielded spotlights.

Shielded spots shall be screened by evergreen landscaping, walls, berms, or cutoff shielding so the light source is not visible off site. All shielded spots in plans submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs. In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

Sec. 40.22.750. - Lighting, generally.

- A. Exterior lights for nonresidential uses shall be shielded, shaded or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists. All exterior lights for nonresidential uses in plans submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.

- B. Exterior lights in residential areas shall be shielded, shaded or directed so that light intensity and glare shall not adversely affect neighboring property owners or passing motorists. All exterior lights in residential areas in plans submitted after September 1, 2021 shall utilize LED or equally energy-efficient bulbs. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council
of New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This ordinance requires that all plans submitted after September 1, 2021 for review and approval by New Castle County include the use of high-efficiency lighting technology, at least as efficient as LED lighting. This requirement will apply to street lights, parking lot lighting, walkway lighting and other uses in new developments, recreational lighting on sports fields, internally or externally lit signs, and all exterior fixtures on residential and commercial lighting plans submitted under this Division of the UDC.

FISCAL NOTE: No discernable negative fiscal impact to New Castle County is anticipated upon the adoption of this legislation.