

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, ZONING,
RE: LIGHTING REQUIREMENTS

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 237-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on Tuesday, March 8, 2016, at **7:00 P. M.**, in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on a proposed amendment to the City's Zoning Code, Chapter 331, as follows:

ORDINANCE AMENDING SECTION 331-4, SPECIFIC TERMS DEFINED; SECTION 331-22, EXTERIOR LIGHTING; AND SECTION 331-129, IMPROVEMENTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE (LIGHTING).

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-4, Specific Terms Defined, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§331-4. Specific terms defined.

EXCESSIVE LIGHTING

Illuminance levels beyond that which is required for safety, as recommended in IESNA Recommended Practices, or higher than 5 footcandles on any lit surface.

EXTERIOR LIGHTING

Permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors.

FIXTURE

The bulb and the assembly that holds the bulb (or lamp) in a lighting system, including reflecting elements, shielding elements, cover glass or lenses, the ballast, and the housing.

FLOODLIGHT

A lamp or fixture intended to light a large area, which can produce light above the fixture.

FOOTCANDLE

The basic unit of illuminance (the amount of light falling on a surface). One footcandle is approximately equal to the illuminance produced by a light source of one candela in intensity, measured on a surface at a one foot distance from the source. Horizontal footcandles measure the illumination striking a horizontal plane.

FULL CUTOFF (FCO)

A classification for a fixture designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the fixture. In addition, the luminous intensity (as measured in candelas) emitted at any angle from 80° up to 90° cannot exceed a numerical value equal to 10% of the lumen rating of the lamp, as reported in a photometric report from the manufacturer. A cutoff, or semi-cutoff design allows a restricted amount of light emitted above the horizontal and a non-cutoff provides no restriction against light emitted above the horizontal.

IESNA

Illuminating Engineering Society of North America (IES or IESNA), an organization that establishes updated standards and illumination guidelines for the lighting industry.

LAMP

The generic term for an artificial light source, to be distinguished from the whole assembly (see "fixture"); commonly referred to as the "light bulb."

MOUNTING HEIGHT

The distance from level ground to the lowest light-emitting part of the fixture.

TEMPORARY LIGHTING

Temporary decorative lighting typically installed during holiday seasons.

Section 2. Section 331-22, Exterior Lighting, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-22. Exterior lighting.

[All exterior lighting accessory on private property, including the lighting of signs, shall be of such type and location and have such shading as will minimize the source of light from being seen from any adjoining streets and residential properties and which shall prevent objectionable glare observable from such streets or properties.]

A. Applicability.

(1) All exterior fixtures, installed, replaced, or repaired after the effective date of this chapter, shall conform to the standards established by this chapter.

(2) Existing lighting in conflict with this chapter shall be classified as "nonconforming", except for the following:

(a) Residential floodlights as regulated herein.

(b) Temporary lighting installed and lit between November 15th and January 15th of the following year.

(c) Residential sensor-activated fixtures as regulated herein.

B. Outdoor lighting standards.

(1) General standards for nonresidential.

(a) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded to prevent glare and excessive lighting.

(b) All area lights shall be full cutoff fixtures.

(c) Unshielded wall packs and floodlights are not permitted.

(2) Type of fixtures for all exterior lighting. All exterior lighting shall use full cutoff fixtures with the light source directed downward and with the fixture level with the horizontal plane, with the following exceptions:

(a) Unshielded residential fixtures equal to one 60-watt incandescent light per fixture, regardless of number of lamps, are allowed, provided the illumination standards are met.

(b) Residential floodlights of less than 1,800 lumens (100 watt incandescent) are permitted if angled downward such that the center beam is not directed above a forty-five-degree angle measured from the vertical line from the center of the light to the ground, and only if the fixture does not cause glare or excessive lighting, and beam spread beyond the intended target or across property lines. Photocells with operable timers that allow a light to go on at dusk and off by 11:00 p.m., as well as motion-sensor-activated lights are encouraged.

(c) Temporary lighting installed and lit between November 15th and January 15th of the following year.

(d) Residential sensor-activated fixtures, provided:

(i) The fixture is operational and located in such a manner, or shielded, to prevent glare and excessive lighting;

(ii) The fixture is set to only go on when activated and to go off within five minutes after activation has ceased; and

(iii) The sensor shall not be triggered by activity off the property.

(e) Lighting of radio, communication and navigation towers is allowed, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter, and that the provisions of this chapter are otherwise met. Tower lighting shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity and red, unless specifically forbidden under FAA requirements.

(f) In situations of lighted flags which are not illuminated with "downward" lighting, upward lighting may be used in the form of a narrow cone spotlight which confines the illumination to the flag. Municipal flags are exempt from this requirement.

(3) No fixtures shall be taller than 20 feet from the ground to their tallest point.

(4) Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.

(5) For all nonresidential lighting, the maximum illuminance at or beyond the property line that adjoins a residential parcel or public right-of-way may not exceed 0.05 footcandles horizontal on the ground or 0.05 footcandles vertical measured at a five-foot height above the ground, unless another applicable law supersedes. Maximum horizontal or vertical illuminance allowed between adjacent commercial properties is 0.1 footcandles.

(6) Illumination of all off-street parking and loading facilities, other than those accessory to one- and two-family dwellings, shall be provided such that the lighting level shall not exceed an intensity of five footcandles, nor shall it be less than 1.5 footcandles at pavement level.

(7) The average illuminance levels listed in the Illumination Levels for Various Common Tasks, as provided in the IESNA Recommended Practices Guidelines, shall not be exceeded for nonresidential lighting unless otherwise specified or approved by the Building Official.

C. Procedures for nonresidential lighting.

(1) Any change or alteration of nonresidential exterior lighting must be approved by the Building Official and verified, post installation, by the Code Enforcement Officer, to insure compliance with all the provisions of this chapter. Where new installations have been designed by an illuminating engineer/professional, he or she shall also conduct a post-installation inspection to verify and certify that the installed system operates as designed.

(2) All applications for site plan review, special permits, or building permits shall include lighting plans, fixture and controls specifications and additional documentation, if any lighting is to be used, regardless of whether the lighting is preexisting or proposed, showing the following, if requested by the Building Official, in order to verify that lighting conforms to the provisions of this chapter:

(a) Location of each current and proposed outdoor lighting fixture indicated on a site plan.

(b) Type of fixture equipment, including cutoff characteristics, indicating manufacturer and model number.

(c) Lamp source type, lumen output, and wattage.

(d) Mounting height indicated, with distance noted to nearest property line, for each fixture.

(e) Shielding and all mounting details, including pole foundation description.

(f) Initial illuminance levels as expressed in footcandle measurements on a grid of the site showing footcandle readings in every five foot square. The grid shall include light contributions from all sources.

(g) Statement of the proposed hours when each fixture will be operated.

(h) Total exterior lighting lamp lumens for proposed property.

(i) Lighting manufacturer specifications ("cut sheets") with photographs of the fixtures, indicating the cutoff characteristics of the fixture.

(j) Detailed photometric layout.

(k) Types of timing devices used to control on/off.

Section 3. Section 331-129, Improvements, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-129. Improvements.

All off-street parking and loading facilities shall be maintained in accordance with plans and specifications approved by the Planning Board.

[E. Lighting. Illumination of all off-street parking and loading facilities, other than those accessory to one- and two-family dwellings, shall be provided such that the lighting level shall not exceed an intensity of five footcandles, nor shall it be less than 1.5 footcandles at pavement level.]

Matter [bracketed] deleted.

Matter underlined added.

.All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated February 9, 2016, pursuant to Resolution No. 26.

Bennie F. Giles, III, City Clerk