

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**ORDINANCE NO. 18
SERIES OF 2003**

AN ORDINANCE ADOPTING AND ENACTING RULES, REGULATIONS AND STANDARDS GOVERNING OUTDOOR LIGHTING.

WHEREAS, the Town of Snowmass Village has experienced a significant increase in the use of exterior illumination; and

WHEREAS, the residents of the Town of Snowmass Village value small town character and the qualities associated therewith, including the ability to view the stars against a dark sky; and

WHEREAS, the residents of the Town of Snowmass Village recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits their ability to enjoy the nighttime sky, and results in unnecessary use of electric power; and

WHEREAS, the residents of the Town of Snowmass Village desire to enact rules and regulations governing outdoor lighting in the Town of Snowmass Village, and

WHEREAS, The Town Manager of the Town of Snowmass Village has directed the Chief Building Official to investigate and prepare an exterior lighting ordinance for the benefit of the Town and its citizens, and

WHEREAS, the provisions of this Ordinance will be contained within Chapter 18, "Building Regulations", of the Town of Snowmass Village Municipal Code and shall be enforced through the office of the Chief Building Official, and

WHEREAS, the Town Council of the Town of Snowmass Village finds that the adoption of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF SNOWMASS VILLAGE, as follows:

Section One: Intent and Purpose. Snowmass Village has experienced a significant increase in the use of exterior illumination. Town residents value small town character and the qualities associated with this character, including the ability to view the stars against a dark sky. They recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant

conditions, limits their ability to enjoy the nighttime sky and results in unnecessary use of electric power. It is also recognized that some exterior lighting is appropriate and necessary. This Section is intended to help maintain the health, safety and welfare of the residents of Snowmass Village through regulation of exterior lighting in order to:

- a. Promote safety and security;
- b. Help preserve the small town character;
- c. Eliminate the escalation of nighttime light pollution;
- d. Reduce glaring and offensive light sources;
- e. Provide clear guidance to builders and developers;
- f. Encourage the use of improved technologies for lighting;
- g. Conserve energy; and,
- h. Prevent inappropriate and poorly designed or installed outdoor lighting.

Section Two: Addition of "Outdoor Lighting", Article XIII, Chapter 18 of the Snowmass Village Municipal Code.

18-262 Applicability. The lighting standards of this Section shall be applicable to all outdoor lighting within the Town of Snowmass Village. Existing outdoor lighting shall be considered "legal non-conforming" lighting for eighteen (18) months from the adoption date of this Ordinance. Lighting that falls into this category and has not been brought into conformance with this Section after eighteen (18) months shall be considered a violation of this Ordinance and such lighting shall be retrofitted to comply, replaced with a compliant fixture or removed, upon investigation and findings of the Building Official.

18-263 Definitions.

- a. **Fully Shielded Light.** Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform to the definition.
- b. **Foot-candles.** A unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of these regulations, foot-candles shall be measured at a height of three (3) feet above finished grade.
- c. **Fixture Height.** The height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.
- d. **High Intensity Discharge Light Source (HID).** Light sources characterized by an arc tube or discharge capsule that produces light,

with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards.

- e. **Point Light Source.** The exact place from which illumination is produced, as in a light bulb filament or discharge capsule.
- f. **Offsite Light Emission.** The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

18-264 Lighting Plans. An outdoor lighting plan shall be submitted in conjunction with applications for subdivision, planned unit development, development within any environmentally sensitive area, special review application and building permit applications for residential, commercial or multifamily buildings. Such lighting plans shall be subject to establishment and approval through the applicable review processes. Said lighting plan shall show the following:

1. The location and height of above grade light fixtures;
2. The type (incandescent, halogen, fluorescent, etc.) and luminous intensity of each light source;
3. The type of fixture (floodlight, full-cutoff, lantern, recessed, coach light, bollard, pole, etc.);
4. Estimates for site illumination resulting from the lighting, measured in foot-candles, including minimum, maximum and average illumination;
5. Other information deemed necessary by the Building Official to document compliance with the provisions of this Article.

18-265 Commercial & Multi-Family Lighting Standards. The following lighting standards shall be applicable to all non-residential properties, including mixed uses such as condominiums and apartments.

- a. Outdoor lighting used to illuminate parking spaces, exterior dining areas, driveways, maneuvering areas or buildings shall conform to the definition for "fully shielded light fixtures" and be designed, arranged and screened so that the point of light source is not visible from adjoining lots or streets. No portion of the bulb or lamp may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. The light level shall not exceed 15 foot-candles as measured three feet above finished grade. Exemptions may be requested for areas with high commercial, pedestrian or vehicular

activity up to a maximum of 25 foot-candles. Exemptions or consideration may be made for lighting when located on slopes greater than 30% in order to achieve compliance with this Section.

- b. Outdoor lighting shall be 12 feet or less in height unless it meets one or more of the following criteria:
 1. Fully shielded with a non-adjustable mounting;
 2. Lighting for parking and vehicle circulation areas in which case heights up to a maximum of 20 feet may be allowed;
 3. Building mounted lighting directed back at a sign or building façade;
 4. Lighting on above grade decks or balconies, which shall be fully shielded.
- c. All light sources, which are not fully shielded, shall use other than a clear lens material as the primary lens material to enclose the light bulb to minimize glare from that point light source. Exceptions may be allowed where there is a demonstrated benefit for the community determined through the exemption process listed in this section.
- d. High Intensity Discharge (HID) light sources are allowed with a maximum wattage of 175 for high-pressure sodium and 175 for metal halide. Standards for other HID light sources may be established by the Town for new technology consistent with the above restrictions. Compact fluorescent lamps shall not exceed 9 watts.
- e. Pole mounted fixture spacing for security and parking lot light fixtures shall be no less than 75 feet. Fully shielded decorative fixtures are allowed to maintain 50 feet fixture spacing. Wall mounted fixture spacing for security lighting shall be no less than 50 feet measured horizontally. Decorative fixtures directed back toward a building face shall be exempt from this spacing requirement when fully shielded and shall not exceed 100 watts. Decorative fixtures that are not fully shielded shall maintain a minimum spacing of 25 feet and shall not exceed 100 watts. Where security lighting is a combination of pole and wall mounted fixtures, minimum spacing shall be 75 feet.
- f. Pole mounted fixtures shall be limited to two (2) light sources per pole.
- g. Mixed use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than 50% residential based on square footage of uses.
- h. Up lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs or year-

round tree canopies which can functionally contain or limit illumination of the sky. In these cases the fixture spacing is limited to one fixture per 150 square feet of area and total lamp wattage within a fixture of 35 watts.

- i. Up lighting of flags is permitted with a limit of two fixtures per flagpole with a maximum of 150 watts each. The fixtures must be shielded such that the point source is not visible outside of a 15 feet radius.
- j. Outdoor vending, such as gas stations, require approval for lighting. Lighting shall not exceed a maximum of 20 foot-candles under the canopy.

18-266 Sign Lighting. In addition to the provisions of Section 18-265, the following provisions shall further regulate lighting of signs:

- a. Sign illumination shall not exceed 75 foot-candles as measured at the brightest point on the sign face.
- b. Only lighting that conforms with the Residential Lighting Standards shall illuminate signs in residential neighborhoods and zone districts.
- c. Illuminated signs, equal to or larger than 20 square feet in size, shall be turned off no later than 11:00 p.m. or one-half hour after the use to which it is appurtenant to is closed, whichever is later.

18-267 Residential Single Family Lighting Standards. The following lighting standards shall be applicable to residential properties including single-family dwellings, duplexes and town homes.

- a. Outdoor lighting shall be 12 feet or less in height unless it meets one or more of the following criteria;
 - 1. Fully shielded with a non-adjustable mounting;
 - 2. Lighting for parking and vehicle circulation areas in which case heights up to a maximum of 20 feet may be allowed;
 - 3. Building mounted lighting directed back at a sign or building façade;
 - 4. Lighting on above grade decks or balconies, which shall be fully shielded.
- b. No exterior light source shall exceed a rating of 60 watts. Outdoor lighting with HID light sources in excess of 50 watts shall be prohibited. In addition, incandescent light sources including halogen shall not exceed 60 watts. Compact fluorescent lamps shall not exceed 9 watts.
- c. All clear lensed light point sources shall be shielded. All light sources that are not fully shielded shall use other than a clear lens material, as

the primary lens material, to enclose the light bulb to minimize glare from a point source.

- d. Landscape lighting is limited to 35 watts per fixture per 150 square feet of landscaped area. Up lighting is prohibited as a landscaping element.
- e. Security lights shall be restricted as follows:
 1. The point light source shall not be visible from adjoining lots or streets.
 2. Floodlights must be controlled by a switch or preferably a motion sensor activated only by motion within owners property.
 3. Timer or photocell controlled flood lights shall be prohibited.
 4. Photocell lights shall be allowed under the following circumstances;
 - a. At primary points of entrance or in critical common areas and multi family properties;
 - b. Where the light sources are fully shielded by opaque material;
 - c. The light source is fluorescent or compact fluorescent to eliminate excess consumption of electricity.
 5. Lights must be fully shielded, down directed and screened from adjacent properties in a manner that limits light trespass to 0.1 foot-candle as measured at the property line.
 6. Light intensity shall not exceed 10 foot-candles measured 3 feet above grade.
 7. No light fixture shall be greater than 12 feet in height, except:
 - a. Pole or building mounted, fully shielded, and downward directed lights using a light source of not more than 50 watts.
- f. Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.
- g. Offsite light emission at property lines shall not exceed 0.1 foot-candle as measured at the brightest point.

18-268 Street Lighting Standards. All new lighting illuminating public right-of-ways and easements or private streets shall conform to the following standards:

- a. Street light fixtures shall be approved jointly by the Planning and Public Works Department and shall comply with the guidelines of this ordinance.

18-269 Exemptions. The following types of lighting installations shall be exempt from the provisions, requirements and review standards of this Section, including those requirements pertaining to Land Use review.

1. **Holiday Lighting.** Winter holiday lighting which is temporary in nature and which is illuminated only during ski season shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare conditions on adjacent streets or properties, is maintained in an attractive condition and does not constitute a dangerous situation or fire hazard.
 - a. Residential Guidelines. In order to limit Holiday Lighting density in residential areas, no more than one-third of a property's open space shall have Holiday Lighting. In addition, Holiday Lighting shall be extinguished, either automatically or manually, no later than 11 pm.
 - b. Commercial Guidelines. All Holiday Lighting in commercial areas shall be extinguished, either automatically or manually, no later than 2:30 am.
2. **Municipal Lighting.** Municipal lighting installed for the benefit of public health, safety and welfare, including but not limited to, traffic control devices, existing streetlights, special event lighting, and construction lighting. Any Town project built after January 15, 2004 shall comply with this ordinance.
3. **Temporary Lighting.** Any person may submit a written request to the Building Official for a temporary exemption request. If approved, the exemption shall be valid for not more than fourteen (14) days from the date of issuance of a written and signed statement of approval. The Building Official may approve an additional 14-day temporary exemption. The Building Official shall have the authority to refer an application for a temporary exemption to the Planning Commission if deemed appropriate. A temporary exemption request shall contain the following minimum information:

- a. Specific exemption or exemptions requested;
- b. Type, use and purpose of lighting fixtures involved;
- c. Duration of time requested for exemption;
- d. Type of lamp including wattage;
- e. Proposed location on property;
- f. Previous exemptions if applicable;
- g. Other information deemed necessary by Building Official.

4. **Decorative Lighting Elements.** Decorative lighting such as shades with perforated patterns and opaque diffusers may be exempted from the fully shielded requirement provided the lighting does not exceed 50 watts.

5. **Community Benefit.** If a proposed lighting plan or fixture layout does not meet the requirements of this Article but has demonstrated a community benefit, an exemption may be considered. The applicant shall submit additional information to adequately assess the community benefit for approval by the Building Official.

18-270 Prohibitions. The following types of exterior lighting sources, fixtures and installations shall be prohibited in the Town of Snowmass Village:

1. Light sources shall not be affixed to the top of a roof, except where required by the Building code.
2. Lighting for the purpose of illuminating a building façade shall be prohibited when such lighting is mounted to the ground, elevated on poles or mounted on adjoining or adjacent structures.
3. Blinking, flashing, moving, revolving, scintillating, flickering, intensity changing, color changing and internally illuminated signs shall be prohibited, except for, temporary holiday displays, lighting for public safety or traffic control or lighting required by the FAA for air traffic control and warning purposes.
4. Mercury vapor and low-pressure sodium lighting shall be prohibited.
5. Linear lighting (including neon and fluorescent) primarily intended as an architectural highlight to attract attention or used, as a means of identification or advertisement shall be prohibited.
6. Unshielded floodlights and timer-controlled floodlights shall be prohibited.

7. No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares. The following is prohibited:
 - a. Any fixed light not designed for roadway illumination that produces direct light or glare that could be disturbing to the operator of a motor vehicle.
 - b. Any light that may be confused with or construed as a traffic control device except as authorized by State, Federal or Local government.
8. No beacon or searchlight shall be installed, illuminated or maintained.
9. Up lighting is prohibited, except as otherwise provided in this Section.

18-271 Non-conforming Lighting. Unless otherwise specified within this Ordinance, within eighteen (18) months of the effective date of this Ordinance, all outdoor lighting fixtures that do not conform to the requirements of this Ordinance must be removed, replaced with conforming fixtures or retrofitted to comply to the extent practical as determined by the Building Official. Violations shall be corrected within sixty (60) days after being notified in writing by the Building Official.

18-272 Review Standards. Exterior lighting plans shall conform to the following design review standards:

1. **Height.** Outdoor residential and commercial lighting shall be twelve (12) feet or less above grade in height. Special review by the Planning and Zoning Commission may allow lighting of a greater height under the following circumstances:
 - a. A fixture of greater height is required due to safety, building design or extenuating circumstances, in which case the light shall be fully shielded with a non-adjustable mounting;
 - b. Lighting for commercial parking and vehicle circulation areas may have a maximum height of 20 feet above grade and shall be fully shielded;
 - c. Lighting on above grade decks or balconies, which are fully shielded.
2. **Foot Candles.** Outdoor non-residential, sign and residential lighting shall not exceed the maximum foot-candles designated in their

respective sections. Special review by the Planning Commission may allow lighting of greater intensity under the following circumstances:

- a. A fixture of greater light intensity is required due to safety, building design or extenuating circumstances in which case the light shall be fully shielded with a non-adjustable mounting;
- b. An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a non-adjustable mounting.

18-273 Procedures. Lighting plans and proposals shall be submitted as follows:

1. Lighting plans submitted in conjunction with applications for subdivisions, planned unit developments, developments with environmentally sensitive areas or special review applications shall be reviewed by the Planning Commission.
2. Lighting plans submitted as a part of a building permit application for a commercial or residential structure shall be reviewed by the Building Official. The Building Official shall have the authority to refer an application to the Planning Commission.
3. Any appeals related to decisions regarding outdoor lighting shall be made to the Town Manager.

Section Three: Effective Date. This Ordinance shall become effective on January 15, 2004.

Section Four: Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

READ, APPROVED AND ADOPTED, by the Town Council of the Town of Snowmass Village on First Reading on December 8, 2003 upon a motion by Council Member Mercatoris, the second of Council Member Virtue, and upon a vote of 4 in favor and 0 opposed.

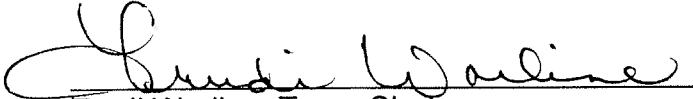
READ, APPROVED AND ADOPTED, as amended by the Town Council of the Town of Snowmass Village on Second Reading on December 15, 2003 upon a motion by Council Member Mercatoris, the second of Council Member Virtue, and upon a vote of 5 in favor and 0 opposed.

TOWN OF SNOWMASS VILLAGE

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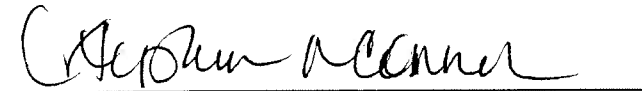
T. Michael Manchester, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Trudi Worline', written over a horizontal line.

Trudi Worline, Town Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Stephen R. Connor', written over a horizontal line.

Stephen R. Connor, Town Attorney