

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTIONS 17.5.12: LIGHTING REGULATIONS AND CHAPTER 17.8: DEFINITIONS TO ACCOMPLISH THE FOREGOING.**

**RECITALS**

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time to time due to changing circumstances or for general housekeeping purposes. Such an update of the CDC has become necessary for technical corrections, clarifications and consistency.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1. Amendment of Community Development Code**

- A. The Town of Mountain Village Community Development Code, Title 17 is hereby amended and replaced as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

**Section 2. Ordinance Effect**

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective on \_\_\_\_\_ XX, 2020

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the xx<sup>th</sup> day of \_\_\_\_\_ 2020 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16<sup>th</sup> day of January, 2020**

**TOWN OF MOUNTAIN VILLAGE:**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

ATTEST:

By: \_\_\_\_\_  
Laila Benitez, Mayor

\_\_\_\_\_  
Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this XX<sup>th</sup> day of \_\_\_\_\_, 2020.**

**TOWN OF MOUNTAIN VILLAGE:**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

ATTEST:

By: \_\_\_\_\_  
Laila Benitez, Mayor

\_\_\_\_\_  
Town Clerk

Approved As To Form:

\_\_\_\_\_  
Jim Mahoney, Assistant Town Attorney

I, \_\_\_\_\_, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Pete Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_ XX, 2019. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Pete Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Town Clerk

(SEAL)

## EXHIBIT A

(Language ~~stricken~~ is deleted; underlined language is new.)

A.1: CDC § 17.5.12 is amended as follows:

### 17.5.12 LIGHTING REGULATIONS

#### A. Purpose and Intent

The purpose of the Lighting Regulations is to establish standards for minimizing the unintended and undesirable side effects of residential exterior lighting while encouraging the intended and desirable safety and aesthetic purposes of such lighting. It is the purpose of the Lighting Regulations to allow illumination that provides the minimum and safe amount of lighting that is needed for the lot on which the light sources are located. In addition, the purpose of this section is to protect the privacy of neighboring residents by controlling the intensity of the light source. All exterior lighting shall conform to the standards set forth below.

#### B. ~~Limited Exterior Lighting~~ permissible with review

The basic guideline for exterior lighting is for it to be subdued, understated and indirect to minimize the negative impacts to surrounding lots and public rights-of-way. The location of exterior lighting that meets the requirements of this section shall only be allowed at:

1. Buildings where Building Codes require building ingress and egress doors;
2. Pedestrian walkways or stairs;
3. Plaza areas and other public areas where lighting is required;
- ~~4. Deck or patio areas;~~
4. Surface parking lots;
5. Signs;
6. Address identification or address monuments;
7. Flags;
8. Public art;
9. Driveways;
10. Street lights; and
11. Swimming pools, spas and water features.

#### C. Exterior Lighting that require a Design Variation

Certain types of exterior lighting are permissible with an approved design variation. The intent of these provisions is to provide allowances for exterior lighting that enhances and transforms architectural and structural facades as well as outdoor spaces in a way that meets the criteria of the Design Variation Standards and the Purpose and Intent of the Lighting Regulations.

The following exterior lighting requires a Design Variation to be granted by the Design Review Board pursuant to Section 17.1.11(E)(5); and must otherwise meet the Purpose and Intent of the Exterior Lighting Regulations, Section 17.5.12(A) and the Lighting Design

Requirements provided below at Section 17.5.12(F).

1. Architectural Lighting;
2. Lighting Associated with Outdoor Living Spaces.

**C. D. Prohibited Lighting. The following exterior lighting is prohibited:**

1. Architectural lighting;
- 2 1. Landscape lighting;
- 3 2. Up-lighting;
- 4 3. Flood lighting;
- 5 4. Other lighting not outlined above as permitted or exempt lighting;
- 6 5. Lighting that causes glare from a site or lot to any designated wetlands or other environmentally sensitive areas;
- 7 6. Lighting that causes glare from a site or lot to adjoining property; and
- 8 7. Lighting that produces glare to vehicles within a public right-of-way or access tract.

**~~D.~~ E. Exemptions. The following types of exterior lighting shall be exempt from the Lighting Regulations:**

1. Seasonal lighting, providing individual lamps are less than seventy (70) lumens per linear foot of lighting;
  - a. Seasonal lighting shall not detrimentally affect adjacent neighbors. If the Town determines that such lighting detrimentally affects adjacent neighbors, it may determine such lighting to be a nuisance and require the lighting to be removed.
2. Temporary lighting that is used for theatrical, television, performance area and construction sites;
3. Emergency lighting;
4. Special event lighting approved by the Town as a part of the required development application;
5. Swimming pool and/or hot tub lighting when it is established that no off-site glare shall occur;
6. Lighting of the United States Flag when there is no other down-light option to prevent upward glare;
7. Lighting within public right-of-way for the principle purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way when the purpose is to illuminate areas outside the public right-of-way; and,
8. Lighting required by the ski resort operator for the ordinary operation of the ski area snow making installation and operation.

**~~E.~~ F. Lighting Design Regulations.**

1. **Full Cut-Off Fixture Design.** All exterior lighting shall be eighty-five degrees (85°) full cut-off fixtures that direct the light downward without any off-site glare, except as exempted in Section 17.5.12(D).
  - a. Each exterior luminaire shall be fully shielded down directed light sources and shall not exceed 850 lumens, with the exception of residential outdoor pathway and recessed stairway lighting which shall not exceed 300 lumens per luminaire. Lighting for Town owned parking garages shall not exceed 5000 lumens per luminaire.
2. **Required Exterior Lighting Type.** LED lighting or other equivalent high efficacy lighting compliant with this section, shall be used for all exterior lighting. Any fixture with a 0-5 watt lamp shall have a minimum overall luminous efficacy of 30 lumens/watt; any fixture with a 6-15 watt lamp shall have a minimum overall luminous efficacy of 45 lumens/watt.
3. **Maximum Temperature.** The maximum correlated color temperature for all proposed lighting types regardless of lamp type, shall be a minimum of 2,400 degrees Kelvin and shall not exceed 3,000 degrees Kelvin, or may employ amber light sources, filtered LED light sources, or a suitable alternative - with the goal of having a warmer light source.
4. **Lighting for Parking Areas.** Lighting shall be provided for surface parking areas and underground parking garages.
  - a. Surface parking lot lighting shall be located in landscaped areas to the extent practical.
  - b. Parking area lights are encouraged to be greater in number, lower in height and lower in light level.
  - c. Approved parking area lighting shall direct the light onto the parking lot areas only and ensure lower elevation development is protected from glare.
5. **Maximum Height Limit for Lights.** The following light fixture height limits shall be met. The review authority may approve other heights based on site-specific considerations.
  - a. The maximum height for a pole-mounted light fixture shall be twelve feet (12'), as measured from the immediate adjacent grade, either natural or finished. Pole-mounted light fixtures are not permitted or intended to be placed on buildings or structures in order to artificially increase the height allowance or circumvent maximum height allowances.
  - b. The maximum height for a wall-mounted light fixture shall be seven feet (7') above the directly adjacent walking surface or pathway, except for sign lighting that may be higher as reviewed and approved by the review authority to allow for proper illumination of the sign.

c. The maximum height for public surface parking, above ground and/or underground parking garage area lighting shall be fifteen feet (15') above the grade of the parking spaces that are intended to be illuminated. The town would encourage alternative lighting proposals to minimize parking area lighting impacts.

d. Architectural Lighting that obtains a Design Variation pursuant to Section 17.5.12(C) may be permitted to exceed the requirements for Maximum Height Limits.

(\*\*\*)

**A.1: CDC § 17.8 is amended as follows with the proposed definition inserted alphabetically:**

**Chapter 17.8 Definitions**

(\*\*\*)

Architectural Lighting: Lighting that has been designed to reveal architectural beauty, shape, and/or building massing or form; and for which lighting for any other purpose is incidental.