

ORDINANCE NO. 35

Series 2007

AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXTERIOR LIGHTING; AND MAKING CONFORMING AMENDMENTS TO CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SIGN ORDINANCE"

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 9-12-7 of the Breckenridge Town Code, entitled "Definitions", is hereby amended by the addition of the following additional definitions:

- BISTRO LIGHTS:** A display of small white or clear bulbs on a string or tubes used to call attention and provide light and ambiance to an outdoor dining/bar area designated by the site plan.
- LUMENS:** A unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. A footcandle is one lumen per square foot.
- LZ-3** Lighting Zone 3 (the Residential Lighting Zone) as described in Section 9-12-10.
- OPAQUE:** An outdoor light fixture in which the walls of a fixture are comprised of a solid material, unable to be permeated by light, should a light source be held behind it.
- OUTLINE LIGHTING ON A BUILDING OR STRUCTURE:** Any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the building's frame, shape, roofline or window dimensions. Outline lighting includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs or tubing is visible to the public from a public right of way or from an outdoor public area.
- SEMI-OPAQUE** An outdoor light fixture with walls of a fixture comprised of a non-opaque material such as frosted, colored glass, or material such as mica which allows for some light trespass to be emitted from the walls of the fixture, referred to as a "glow", but such that the light source is not visible through the walls. Clear glass is not considered to be semi-opaque.

Section 2. The definitions of "LZ-1" and "LZ-2" as set forth in Section 9-12-7 of the Breckenridge Town Code are hereby amended so as to read in their entirety as follows:

- LZ-1** Lighting Zone 1 (the Downtown Overlay District Lighting Zone) as described in Section 9-12-10.
- LZ-2** Lighting Zone 2 (the Commercial Area Lighting Zone) as described in Section 9-12-10.

Section 3. Section 9-12-8(B) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- B. Holiday lighting: Temporary winter holiday lighting in LZ-1 is permitted between November 1 and the end of the Breckenridge Ski Resort ski season. Temporary winter holiday lighting in LZ-2 and LZ-3 is permitted between November 1 through February 1. Holiday lighting is prohibited at all other times. Holiday lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare.

Section 4. Section 9-12-8 (G) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

Architectural Accent Lighting: Lighting to accent an architectural element that is aimed or shielded to prevent lighting of the night sky with a maximum of one fixture of not more than 50 watts.

Section 5. Section 9-12-11 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

9-12-11: LIGHTING STANDARDS:

A. Lighting Standards for LZ-1 (Downtown Overlay District Lighting Zone):

1. Only fully shielded, downcast, semi-opaque fixtures with no portion of bulb visible are permitted for commercial, mixed-use, triplex, duplex and single family residential structures, and garages associated with such uses. Such fixtures are prohibited for all other types of structures.
2. Pole lights may have a maximum of two light sources per pole.
3. Pole lights within a parking lot of more than ten spaces shall be shielded, downcast opaque fixtures.
4. Bistro lighting is permitted at an outdoor dining/bar area designated by the site plan to provide light and ambiance. Bistro lighting includes a temporary arrangement of lighting bulbs or tubing from May 1 through October 31 of the same year.
5. Photometric plan of estimated foot-candle levels with maximum, and average illumination are required for parking lots with ten or more parking spaces. Emitted light shall not be greater than four foot-candle at the property line, except at site entry points if determined by the Director to be necessary for safety. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
6. Maximum fixture height as measured from finished grade:

Residential	15 feet
Commercial	18 feet
Pedestrian Pathways	10 feet
Upper-Story Decks	7 feet above deck
7. Lamp type. The lamp shall be Energy Star rated fluorescent with adequate cold rating, induction, high-pressure sodium, LED or low-pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of 60 watts. Energy Star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at 15 watts or no greater than 950 lumens. Other lamp types with Energy Star rating are permitted.

B. Lighting Standards for LZ-2 (Commercial Area Lighting Zone):

1. Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
2. Pole lights may have a maximum of two light sources per pole.
3. Commercial and mixed-use properties require a photometric plan of estimated foot-candle levels with maximum, and average illumination. Emitted light shall not be greater than one foot-candles at the property line, except at site entry points if determined by the Director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
4. Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15 feet
Commercial	18 feet
Pedestrian Pathways	10 feet
Upper-Story Decks	7 feet above deck
5. Lamp type. The lamp shall be Energy Star rated fluorescent with adequate cold rating, induction, high-pressure sodium, LED or low-pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of 60 watts. Energy Star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at 15 watts, or no greater than 950 lumens. Other lamp types are not permitted.

6. Location. The setbacks from the property line shall be at least equal to the total height of the luminaries.

C. Lighting Standards for LZ-3 (Residential Lighting Zone)

1. Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
2. Pole lights may have a maximum of one light source per pole.
3. Commercial, mixed-use or multi-family residential property parking lots require a photometric plan of estimated foot-candle levels with maximum, and average illumination. Emitted light shall not be greater than two-tenths foot-candles at the property line, except at site entry points if determined by the Director to be necessary for safety. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
4. Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15 feet
Commercial	18 feet
Pedestrian Pathways	10 feet
Upper-Story Decks	7 feet above deck
5. Lamp type. The lamp shall be Energy Star rated fluorescent with adequate cold rating, induction, high-pressure sodium, LED or low-pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of 60 watts. Energy Star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at 15 watts, or no greater than 950 lumens. Other lamp types are not permitted.
6. Location. The setbacks from the property line shall be at least equal to the total height of the luminaries.

Section 6. Section 9-12-12(A)(6) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

6. Signage illumination: All signage in LZ-1 LZ-2 and LZ-3 shall comply with Chapter 2, Title 8 of the Town Code. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade and not aimed at the sky, adjacent streets, roads or properties.

Section 7. The maps of the several lighting zones of the Town that are referenced in Section 9-12-15 of the Breckenridge Town Code and attached at the end of Chapter 2 of Title 9 of the Breckenridge Town Code are deleted, and shall be replaced with the revised maps of the lighting zones of the Town that are marked Exhibits "A" and "B", attached hereof and incorporated herein by reference.

Section 8. The definition of "Attention Getting Device" set forth in Section 8-2-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

ATTENTION GETTING DEVICE:	Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right of way or public area. Bistro lights as defined in Section 9-12-7 of this Code are not an attention getting device.
---------------------------	--

Section 9. The definition of "Outline Lighting" in Section 8-2-3 of the Breckenridge Town Code is hereby deleted.

Section 10. Section 8-2-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

Q. Seasonal Decorations: Temporary, noncommercial decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any national, local or religious celebration; provided, that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard. Temporary winter holiday lighting is allowed in accordance with Section 9-12-8(B) of this Code.

Section 11. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 12. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

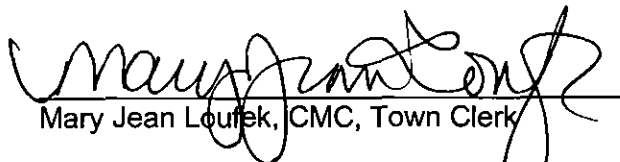
Section 13. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

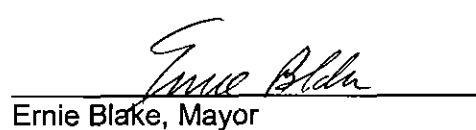
Section 14. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of November, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of November, 2007, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

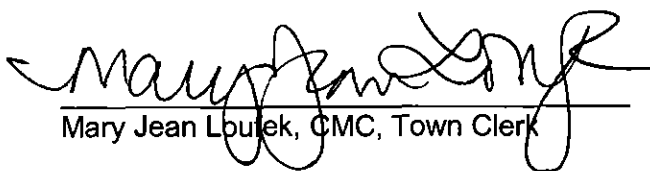
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on November 23, 2007.

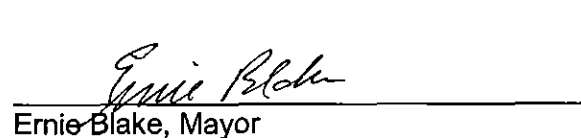
The public hearing on this ordinance was held on November 27, 2007.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of November, 2007. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

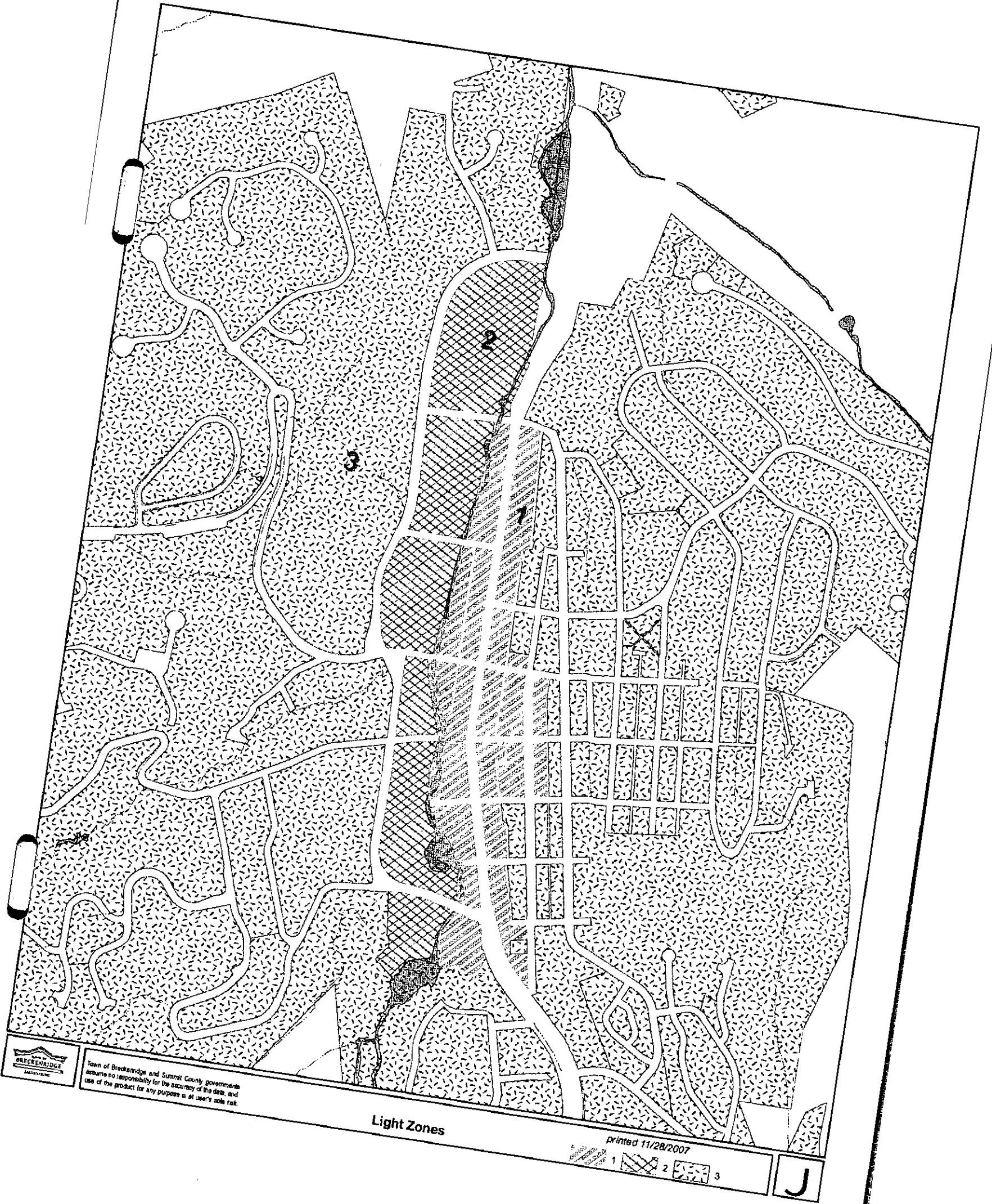
APPROVED IN FORM


Town Attorney 11/27/07
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on December 7, 2007.

Exhibit "A"

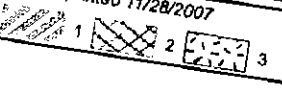
Map of Lighting Zones



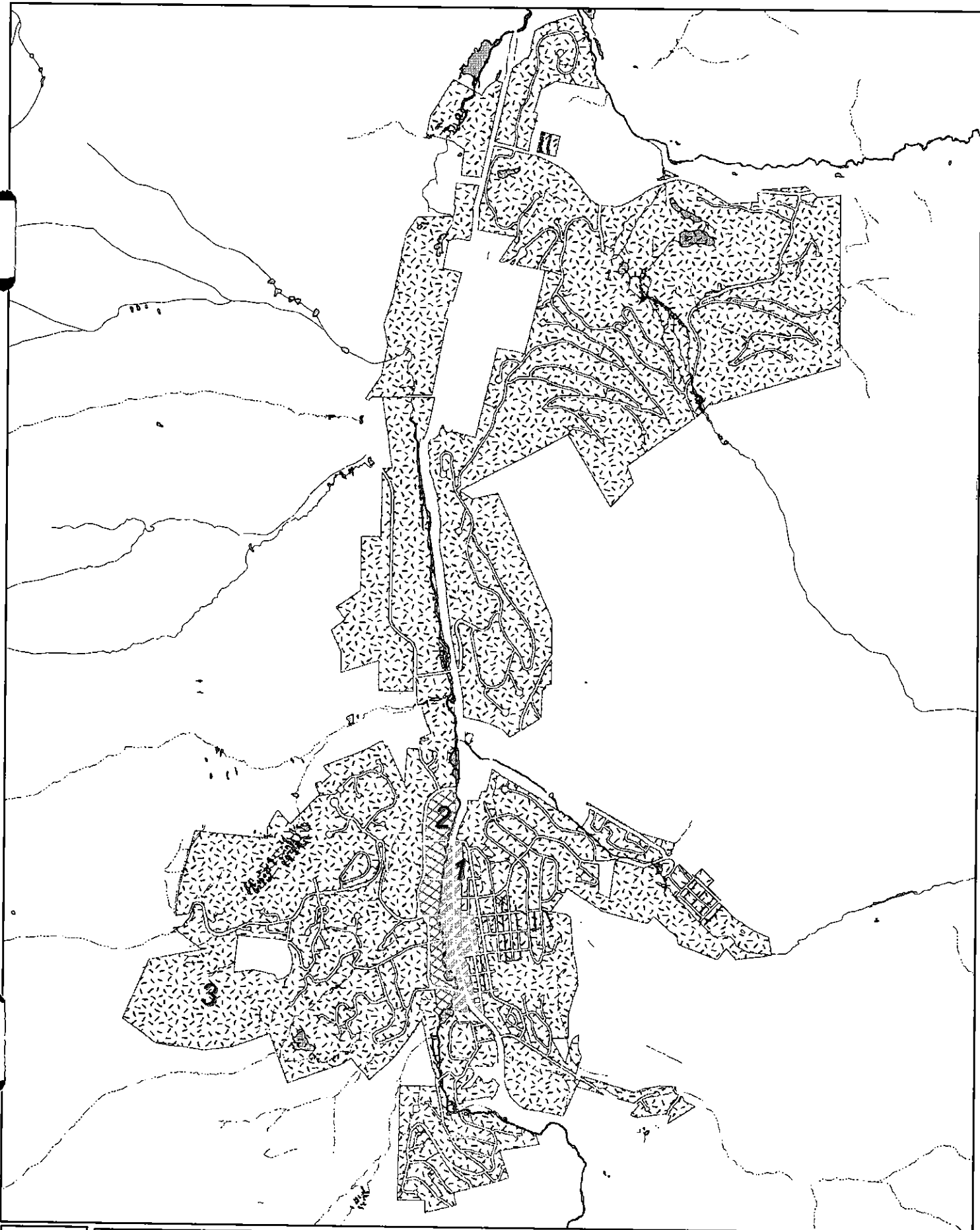
Town of Breckenridge and Summit County government assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Light Zones

printed 11/28/2007



J



Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Light Zones

printed 11/28/2007

	1		2		3
--	---	--	---	--	---

J