

ORDINANCE NO. 5

Series 2024

**A BILL FOR AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE
TOWN CODE PERTAINING TO EXTERIOR LIGHTING.**

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

Section 1. That section 9-12-2 of the Town of Breckenridge Exterior Lighting Code be amended by deleting the language stricken and adding the language underlined to read as follows:

9-12-2: FINDINGS:

The town council of the Town of Breckenridge hereby finds and determines that:

A. The welfare and enjoyment of the town is associated with its small town character;
B. Because of the importance of the view of the stars in the night sky ~~to~~ and the health of the town's residents and visitors, it is important that the town adopt responsible lighting standards to preserve that view and level of health;

C. Protecting the wildlife population living within the town and surrounding areas that depends upon the night sky and a natural level of darkness at night;

D. Preserving and protecting the night sky enhances the use and enjoyment of property through the use of appropriate lighting practices;

~~D~~E. The town values the practice of energy conservation, and because of the town's devotion to energy conservation, emphasis on responsible lighting practices is desired to decrease the human impact on the environment; and

~~E~~F. Individual pole and building mounted fixtures and lighting systems should be designed, constructed, and installed to: 1) preserve the town's small town character; 2) minimize impacts on adjacent property owners; 3) ~~control glare and light trespass~~ reduce light pollution; 4) conserve energy; 5) maintain safety and security of people and wildlife; and 6) maintain the view of the stars in the night sky.

Section 2. That section 9-12-4 of the Town of Breckenridge Exterior Lighting Code be amended by deleting the language stricken and adding the language underlined to read as follows:

9-12-4: LEGISLATIVE FINDINGS REGARDING ELIMINATION OF NONCONFORMING LIGHTING FIXTURES:

A. On balance, the burdens created to individual property owners by the provisions of this chapter requiring the eventual elimination of nonconforming lighting fixtures are greatly outweighed by the benefits that will be provided to all of the citizens of and the many visitors to the town and areas that are in close proximity to the town. The value of the fixtures required to be replaced by this chapter are comparatively small and that, on balance, the burden placed on property owners is minimal, given the value of such fixtures as compared to the substantial benefits gained by such replacement, which is a substantial decrease of unnecessary light trespass and light pollution.

B. The required period for the eventual elimination of nonconforming lighting fixtures contained in this chapter, which is based upon the formula that is used by the United States internal revenue service to depreciate fixtures attached to real property over a fifteen (15) year

period as approved in 2007 and extended an additional two years to 2025, is reasonable and provides a rational basis for the deadline for the elimination of nonconforming lighting fixtures established by this chapter.

C. The deadline for the eventual elimination of nonconforming lighting fixtures established by this chapter will allow the property owner to recoup or recover costs or otherwise to reap the benefits of the useful life of such nonconforming fixtures in a manner that is consistent with the generally accepted methods of depreciating fixtures utilized by the United States internal revenue service.

Section 3. That section 9-12-6 of the Town of Breckenridge Exterior Lighting Code be amended by deleting the language stricken and adding the language underlined to read as follows:

9-12-6: APPLICABILITY; COMPLIANCE DATE:

A. The provisions of this chapter shall apply to all new “development” of real property (as that term is defined in section [9-1-5](#) of this title) which:

1. Involves new construction for which a development permit is required;
2. Involves the remodeling of an existing building or structure for which a development permit is required; provided, however, that compliance with the requirements of this chapter is required for a remodel of an existing building or structure only with respect to the remodeled portion of the existing building or structure; or
3. Involves the installation of new exterior light fixtures.

B. All commercial and residential outdoor lighting fixtures that were lawfully installed prior to July 1, 2007 but that do not comply with the requirements of this Chapter are declared to be legal nonconforming fixtures. All legal nonconforming fixtures and light sources may continue to be used and maintained after the adoption of this Chapter, but shall be brought into compliance with the requirements of this Chapter upon the first to occur of:

1. A determination by the Director that the legal nonconforming fixture constitutes a public hazard or nuisance;
2. The replacement of the legal nonconforming fixture; or
3. July 1, 2025.

Notwithstanding any other provision of this Chapter, all legal nonconforming fixtures and light sources shall be brought into compliance with the requirements of this Chapter not later than July 1, 2025.

4. Prior to July 1, 2025 a legal nonconforming fixture described in Section [9-12-6B](#) may be brought into compliance with the requirements of this Chapter by the approval of such fixture as a retrofit fixture as defined in Section [9-12-7](#). Once approved as a retrofit fixture by the Director pursuant to Section [9-12-6B](#) the fixture shall be deemed to be in compliance with the requirements of this Chapter.

~~C. All legal nonconforming decorative and bistro lighting may continue to be used and maintained after the adoption of the ordinance codified in this chapter, but shall be brought into compliance with the requirements of this chapter upon the first to occur of:~~

- ~~1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance; or~~
- ~~2. April 30, 2012~~

All legal nonconforming signage lighting may continue to be used and maintained after the adoption of the ordinance codified in this Chapter, but shall be brought into compliance with the requirements of this Chapter upon the first to occur of:

1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance; or

2. February 13, 2033.

Section 4. That section 9-12-7 of the Town of Breckenridge Exterior Lighting Code be amended by deleting the language stricken and adding the language underlined to read as follows:

9-12-7:DEFINITIONS:

ADDRESS LIGHTING: Fixtures used to illuminate the address of a property.

ARCHITECTURAL ACCENT LIGHTING: Fixtures used to accent architectural features, materials, colors, style of buildings, landscape features, or art that are located, aimed and shielded so that light is directed downward onto those features or upwards if fully contained within an architectural element.

BISTRO LIGHTS: A display of small white or clear bulbs on a string ~~or tubes~~ that are used to call attention and provide light and ambiance to an exterior food and beverage area designated by the site plan allowed in Lighting Zone 1 and 2 and for residential uses up to 150 square feet over a deck or patio in all lighting zones.

BULB: Includes all types of lighting sources.

DECORATIVE LIGHTING: Decorative string lighting, consisting of bulbs no larger than three inches, that outlines a building or structure following the trim line on an eave, window or railing; or decorative string lighting in trees; or decorative string lighting between commercial or mixed use buildings or to a post or structure forming a canopy over a walkway. Decorative lighting does not fill in building features such as walls and roofs.

FIXTURE: An electrical device that has a housing, mount, or socket for a light source or lamp and the parts to distribute, position, and protect the light source.

FLUORESCENT: A lamp containing mercury vapor with an inner phosphor coating that interacts to create visible light.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA-(OR IESNA): The professional society of lighting engineers, including those from manufacturing companies and others professionally involved in lighting.

INCANDESCENT: A wire filament enclosed in a glass bulb that is heated until glowing. Tungsten-halogen lamps are a type of incandescent.

INCIDENT LIGHT: Light that strikes a surface or an object. Incident light can be from a light source directly or reflecting off another surface.

KELVIN (K): The unit of measurement indicating correlated color temperature (CCT) of a light, defined by a scale that ranges from red light (1,000 K) to blue-white light (10,000 K or more).

LIGHT EMITTING DIODE (LED): A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light). Warm white or filtered LEDs meet CCT <3,000 K; S/P ratio <1.2.

LZ 1: Lighting Zone 1 (the Downtown Overlay District Lighting Zone) as described in section 9-12-11 of this chapter.

~~LZ 2: Lighting Zone 2 (the Commercial Area Lighting Zone) as described in section 9-12-11 of this chapter.~~

~~LZ 3: Lighting Zone 3 (the Residential Lighting Zone) as described in section 9-12-11 of this chapter.~~

LIGHTING ZONE: A geographic area of the town as described in section [9-12-10](#) of this chapter. The lighting zones of the town are depicted on the map maintained in the ~~Office of the Director~~ department of community development. Such map is incorporated herein by reference and made a part of this chapter. The map shall be interpreted so that the boundaries of the lighting zones follow the centerlines of streets, roads, alleys and rights-of-way, and existing property boundaries. ~~Disputes regarding the boundaries of the lighting zones shall be determined by the town council.~~

LUMENS: A unit of measurement for the actual amount of visible light which is produced by a lamp as specified by the manufacturer. A foot-candle is one lumen per square foot.

OPAQUE LIGHT FIXTURE: An outdoor light fixture ~~in which the walls of a fixture which with walls that~~ house the light source are comprised of a solid material, unable to be permeated by light, ~~should a light source be held behind it.~~ Glass is not considered opaque however, glass on a fixture ~~may be~~ is acceptable if the glass is flat, horizontal, and does not allow any light to be emitted above the horizontal plane. ~~Below the opaque aspect of the fixture which houses the light source.~~

~~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.~~

OVERHEAD WALKWAY LIGHTING: Downcast, fully shielded small white or clear light emitting diode (LED) LED "warm or "soft" bulbs which provide outdoor light for the purpose of facilitating safe pedestrian traffic through a publicly owned pedestrian access corridor that is not a public street or alley. ~~Overhead walkway lights shall be installed on a black or gray wire or metal rod, not to exceed three thousand kelvin (3,000 K) kelvin or a maximum of eight hundred fifty (850) total lumens across the property or area. Overhead walkway lighting may not be located in any location that is wider than thirty two (32) feet.~~

PHOTOCELL: A mechanism that is activated by the ~~nonpresence~~ absence of sunlight (and has the effect of illuminating a property all night). ~~Photocells are permitted only at primary entrances and where the light source is fully shielded.~~

RETROFIT FIXTURE: A legal non-conforming fixture as described in Section [9-12-6B](#) that has a permanent opaque lining applied to it which extends to the lowest portion of the bulb or lower, or other permanent modification to the fixture approved by the Director that brings such fixture and light source into compliance with the requirements of this Section.

SECURITY LIGHTING: A light Lighting that is used either commercially or residentially for protection of goods or property.

SEMI-OPAQUE LIGHT FIXTURE: An outdoor light fixture ~~with walls of a fixture with walls that are~~ comprised of a nonopaque material such as frosted, colored glass, or a material such as mica which allows for some light trespass to be emitted ~~from~~ through the walls of the fixture, referred to as a "glow,"; but such that the light source is not visible through the walls.

Within semi-opaque fixtures the bulb must be recessed so that no portion of the bulb would be visible if the nonopaque material was removed. Semi-opaque is sometimes called “translucent.”
Clear glass is not considered ~~to be~~ semi-opaque.

Section 5. That subsection B of section 9-12-8 entitled “Exemptions” is hereby repealed and replaced as underlined to read follows:

B. *Decorative Lighting:* All decorative lighting shall:

1. Be allowed in all lighting zones from November 1 through April 1 of the following year.
At all other times decorative lighting is unlawful.

2. Be limited to two (2) of the following features: a) the building roof eave line, b) the building window trim, c) building columns, or d) railings.

3. Not protrude from the upper wall plane or the roof of a structure or fill in such features on a structure. Lighting on a building shall be in a singular strand along the eaves, window trim or railings.

4. Consist only of LED bulbs.

5. Not exceed three inches in size.

6. Not blink or rotate, nor create a hazard or nuisance from glare. Decorative lighting shall be maintained in good working condition at all times.

7. Commercial uses in Lighting Zone 1 has a curfew of 2 a.m. All other decorative lighting has a curfew of 11 p.m.

Section 6. That subsections C through H of section 9-12-8 entitled “Exemptions” is hereby amended to delete the language stricken and add the language underlined to read follows:

C. ~~*Street Lighting*~~ *Municipal Lighting:* Lighting required for public safety installed by a public entity or private utility company along a public right-of-way, at a trailhead, along a trail, or at any public park or playground. ~~Lighting in the right-of-way~~ All such lighting shall comply with the requirements of the Town’s engineering regulations standards.

D. *Temporary Lighting:* Lighting for festivals, celebrations, or other public activities as approved by the town.

E. *Lighting of Flags:* The lighting of national, State or local Municipal flags is permitted ~~it~~ only with a maximum of two (2) fixtures ~~of not more than eighty watts (80 W) each~~ and emitting no more than a total of seventy five (75) lumens per linear foot of pole height; poles of greater than twenty (20) feet must be lit from above with no more than eight hundred (800) lumens. This exemption shall not apply to any other type of flag.

F. *Lighting of Public Art:* The lighting of public art is permitted with ~~a maximum of two (2) fixtures of not more than sixty watts (60 W) each~~ no more than a total of seventy-five (75) emitted lumens per linear foot of structure height; structures of greater than twenty (20) feet must be lit from above with no more than eight hundred (800) lumens.

G. *Architectural Accent Lighting:* Fixtures must be fully shielded and their light must be downcast. Lamp color shall be a warm white color, with a CCT that does not exceed three thousand kelvins (3,000 K). Lighting to accent an architectural element ~~that is~~ must be aimed or shielded to prevent lighting of the night sky, with a maximum of one fixture or LED lighting strip per feature of not more than ~~fifty watts (50 W)~~ nine hundred (900) emitted lumens per property.

Uplighting is permitted if the illumination is effectively contained within an overhanging architectural element and is a maximum of one fixture per feature of not more than eight hundred (800) emitted lumens.

H. ~~Sign Lighting: The lighting of a sign when done in accordance with the requirements of chapter 15 of this title. (Ord. 21, Series 2007; amd. Ord. 30, Series 2010; Ord. 1, Series 2019; Ord. 3, Series 2019; Ord. 3, Series 2022)~~

Address Lighting: Fixtures used to light an address shall be downcast and fully shielded. Lamp color shall be a warm white color, with a CCT that does not exceed three thousand kelvins (3,000 K). The chosen lamp type of each fixture shall not exceed nine hundred fifty (950) emitted lumens.

Section 7. That section 9-12-10 of the Town of Breckenridge Lighting Code be amended by deleting the language stricken and adding the language underlined to read as follows:

9-12-10: LIGHTING ZONES:

A. The purpose of the lighting zones is to separate areas within the town which have different lighting needs, natural conditions, ~~different~~ levels of appropriate light usage, and ~~different~~ sensitivities to the various obtrusive aspects of outdoor lighting. Because of this, the lighting zones are defined within this chapter with lighting standards appropriate to each zone.

B. The boundaries of the lighting zones are shown on the map maintained in the ~~Office of the Director~~ department of community development.

Section 8. That section 9-12-11: entitled "LIGHTING STANDARDS:", is hereby repealed and replaced with the following language underlined to read as follows:

9-12-11: LIGHTING STANDARDS:

A. Lighting Standards for All Lighting Zones:

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures are permitted.

2. Maximum Fixture Height: Maximum fixture height as measured from finished grade:

<u>Residential</u>	<u>15 feet</u>
<u>Commercial</u>	<u>18 feet</u>
<u>Pedestrian pathways</u>	<u>10 feet</u>
<u>Upper story decks</u>	<u>7 feet above deck</u>
<u>Eave overhangs (e.g., soffit)</u>	<u>10 feet plus 1 foot for every 5 feet from edge of eave*</u>
<u>Bistro lights</u>	<u>15 feet above grade or 8 feet above rooftop deck</u>

* For example, for a 20 foot high eave with a 10 foot overhang, a fixture may be 12 feet high as measured from grade or from an upper level deck (10 feet + 2 feet).

3. *Lamp Type:* All lamp types must be a white color, with a CCT that does not exceed three thousand kelvins (3,000 K).

a. LED: Permitted at a maximum of nine hundred fifty (950) emitted lumens per fixture.

b. Fluorescent: Must be ENERGY STAR rated with adequate cold rating, permitted at a maximum of fifteen watts (15 W) per fixture.

c. Incandescent: Permitted on building mounted or signage fixtures at a maximum of sixty watts (60 W) per fixture.

d. All other lamp types: Must be ENERGY STAR rated and shall not exceed nine hundred fifty (950) emitted lumens per fixture.

4. *Bistro Lighting:* Temporary bistro lighting is permitted at an exterior food and beverage area designated by the site plan to provide light and ambiance in Lighting Zones 1 and 2. Bistro lighting is allowed for residential properties up to 150 square feet over a deck or patio in all Zones. The term "temporary" as used in this section means from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful. The following standards shall apply to temporary bistro lighting:

a. Be used only with "warm" color LED bulbs that do not exceed a temperature of two thousand eight hundred kelvin (2,800 K);

b. Be fully shielded and downcast;

c. For commercial uses all bistro lighting shall not be highly visible from the right-of-way when located on a rooftop (e.g., rooftop deck screened on a minimum of two (2) sides by wall, adjacent buildings, etc.), and must be set back a minimum of 5 feet from the rooftop edge.

B. *Lighting Standards for Lighting Zone 1 (LZ-1) (High Ambient Lighting Zone):*

1. *Fixtures:* Semi-opaque fixtures are allowed in LZ-1 provided they are fully shielded and downcast.

2. *Pole Lights Generally:* Pole lights may have a maximum of two (2) light fixtures per pole.

3. *Photometric Plan:* Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Incident light on the ground shall not be greater than one (1) foot-candle at the property line, except at site entry points. The illumination levels on all commercial and mixed use properties shall not exceed by more than 10% the values recommended by the Illuminating Engineering Society for the use. Cut-sheets for all exterior light fixtures shall be submitted with the photometric plan.

4. *Overhead Walkway Lighting:* Overhead walkway lighting is permitted year round.

5. *Bistro Lighting:* Temporary bistro lighting is permitted.

C. Lighting standards for Lighting Zone 2 (LZ-2) (Medium Ambient Lighting Zone):

1. Pole Lights: Pole lights may have a maximum of two (2) light fixtures per pole.
2. Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Incident light on the ground shall not be greater than one-half (0.5) foot-candle at the property line, except at site entry points. The illumination levels on all commercial and mixed use properties shall not exceed by more than 10% the values recommended by the Illuminating Engineering Society for the use. Cut-sheets for all exterior light fixtures shall be submitted with the photometric plan.
3. Location: The setbacks from the property line shall be at least equal to the height of the light fixture. Parking facility lighting shall follow the setback requirements defined in Section 9-3-9.
4. Overhead Walkway Lighting: Overhead walkway lighting is permitted year-round.
5. Bistro Lighting: Temporary bistro lighting is permitted.

D. Lighting standards for Lighting Zone 3 (LZ-3) (Low Ambient Lighting Zone):

1. Pole Lights: Pole lights may have a maximum of one light fixture per pole.
2. Photometric Plan: Commercial, mixed use or multifamily residential properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Incident light on the ground shall not be greater than two-tenths (0.2) foot-candle at the property line, except at site entry points. The illumination levels on all commercial and mixed use properties shall not exceed by more than 10% the values recommended by the Illuminating Engineering Society for the use. Cut-sheets for all exterior light fixtures shall be submitted with the photometric plan.
3. Location: The setbacks from the property line shall be at least equal to the height of the light fixture. Parking facility lighting shall follow the setback requirements defined in Section 9-3-9.

Section 9. That section 9-12-12: entitled "LIGHTING STANDARDS FOR SPECIFIC USES:" is hereby amended by deleting the language stricken and adding the language underlined to read as follows and the remainder of the section is renumbered accordingly:

9-12-12: LIGHTING STANDARDS FOR SPECIFIC USES:

A. *Standards for Specific Uses:*

1. Single-Family Residential: Exterior lighting shall be fully shielded, downcast and opaque with no bulb visible. Energy star rated compact fluorescent lamps are encouraged. Exterior lighting, including recessed can lighting, shall be limited to a total amount equal to two light fixtures per entrance to a structure and a maximum of six additional fixtures on and around the residence that are compliant with all requirements listed in this Chapter.

2. *Gas Stations:* Canopy fixtures shall be mounted on the lower surface of canopies and must be fully shielded in and of themselves (canopy edges do not qualify as shielding) by means of a flat lens recessed into the underside of the canopy, or a fixture that has a flat lens with and opaque sides. Lighting shall not exceed twenty (20) foot-candles on the ground. Areas outside the area covered by the service station pump island canopy shall be illuminated so that the maximum horizontal illuminance at grade level is no more than ten (10) foot-candles.

3. ~~Security Lighting:~~ ~~Security lighting should use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. The use of motion sensors, timers, photocells or other means to activate lighting during times when it is needed is encouraged to conserve energy and provide safety and promote compatibility between different land uses. However, photocells are permitted only at primary entrances and where the light source is fully shielded. Security light intensity shall be a maximum of ten (10) foot-candles.~~

4. ~~Architectural Accent Lighting:~~ ~~Fixtures must be fully shielded and downcast. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed downward onto those features. Uplighting is permitted if the illumination is effectively contained within an overhanging architectural element and is no more than forty (40) watts.~~

5. ~~Recreational Facilities:~~ Lighting for fields, courts, ice rinks, or tracks shall not exceed maximum illuminance criteria as defined by the Illuminating Engineering Society of North America (IESNA). Exterior sports arenas, with exterior luminaries light fixtures for the playing area, shall be illuminated only for scheduled events and extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, shall be extinguished at ten o'clock (10:00) P.M. or within ~~one (1) hour~~ one-half (1/2) hour after the end of an event, whichever is later. Exterior sports arenas, with exterior lighting fixtures for the playing area, shall have the illumination level determined by the sport of play in each event. Light levels shall be reduced for sports that require less than the maximum available lighting for the field based on IES sports lighting standards.

6. ~~Signage Illumination:~~ All signage in LZ 1, LZ 2 and LZ 3 shall comply with chapter 15 of this title. ~~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 façade and not aimed at the sky, adjacent streets, roads or properties.~~

7. ~~Decorative, Overhead Walkway Lighting, and Bistro Lighting:~~ ~~Decorative, overhead walkway, and bistro lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare. Decorative, overhead walkway, and bistro lighting shall be maintained in good working condition at all times. Decorative lighting that outlines a building or structure shall not protrude from the upper wall plane or the roof. Decorative lighting shall consist only of light emitting diode (LED) bulbs; "warm" or "soft" LED bulbs that do not exceed a temperature of two thousand eight hundred (2,800) kelvin are required.~~

8. 4. Parking Lots: Parking lots shall meet the requirements of sections 9-3-8 and 9-3-9 of this title.

9. ~~Bistro Lights~~: ~~Bistro lights shall be extinguished by ten o'clock (10:00) P.M. or within one half (1/2) hour after the close of business, whichever is later.~~

10. ~~Commercial LED strip lighting shall:~~

a. ~~Be white in color;~~

b. ~~Not exceed two thousand eight hundred (2,800) kelvin;~~

c. ~~Not flash or rotate;~~

d. ~~Be installed so that the source is not visible;~~

e. ~~Not exceed one and one half (1 1/2) watt maximum per linear foot; and~~

f. ~~Be installed at a height no greater than 4 feet as measured from the ground or floor directly below~~

Section 10. That a new section 9-12-13: entitled "LIGHTING STANDARDS FOR SPECIFIC TYPES:" is hereby added to read as underlined below and the remainder of Chapter 12 is renumbered accordingly:

9-12-13: LIGHTING STANDARDS FOR SPECIFIC TYPES:

A. Standards for Specific Types:

1. Security Lighting: Security lighting shall use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. The use of motion sensors, timers, photocells or other means to activate lighting during times when it is needed is encouraged to conserve energy, provide safety, and promote compatibility between different land uses. However, photocells are permitted only at primary entrances to a building and where the light source is fully shielded. Security lighting illuminance levels shall be a maximum of ten (10) foot-candles.

2. Signage Illumination: All signage in LZ 1, LZ 2 and LZ 3 shall comply with chapter 15 of this title. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure and aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign face and not aimed at the sky, adjacent streets, roads or properties. Luminance shall not exceed nine (9) foot candles or one hundred nits (100 candelas per square meter) during the first hour after sunset, and lighting must be fully extinguished one hour after sunset or within one-half (1/2) hour of the end of normal business hours, whichever is later.

3. Overhead Walkway Lighting: Overhead walkway lights shall be installed on a black or gray wire or metal rod, not to exceed three thousand kelvins (3,000 K) nor a maximum of eight hundred fifty (850) total lumens across the property or area. Overhead walkway lighting may not be located in any location that is wider than thirty two (32) feet. Overhead walkway lighting shall not blink, flash, or rotate, nor create a hazard or nuisance from glare.

Overhead walkway lighting shall be maintained in safe and good working conditions at all times.

4. Bistro Lights: Bistro lighting shall not blink, or rotate, nor create a hazard or nuisance from glare. Bistro lighting shall be maintained in safe and good working conditions at all times. Bistro lights shall be extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the close of business, whichever is later.

5. LED Strip Lighting: LED strip lighting shall:

- a. Be fully shielded with no light source visible;
- b. Be white or soft white in color;
- c. Not exceed two thousand eight hundred kelvins (2,800 K);
- d. Not blink or rotate;
- e. Not exceed one and one-half (1 1/2) watt maximum per linear foot; and
- f. Be installed at a height no greater than 4 feet as measured from the ground or floor directly below.

Section 11. That subsection C of section 9-15-18, entitled "SIGN DESIGN STANDARDS - GENERALLY:" be amended by deleting the language stricken and adding the language underlined to read as follows:

C. Lighting Standards: All sign lighting shall comply with signage illumination requirements listed in section 9-12-12 and the lighting zone limitations listed in section 9-12-11.

1. Shielded Lighting: Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the vehicular travel lanes of adjacent public rights-of-way. The use of adequate shielding, designed so that light from sign illuminating devices does not shine directly into the eyes of passing motorists without first being reflected off the sign or its background, is required whenever sign lighting is used.

~~2. Subdued Lighting: The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest Municipal street; and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity and shall comply with chapter 12 of this title.~~

~~3. Direction Of Lighting: All lighting fixtures shall be placed above the sign and shall shine downward toward the sign. Illumination of signs shall not be directed toward adjacent properties.~~

~~4. Internally Lit Signs: No sign that is placed on the exterior of a building or on the interior of the building within five feet (5') of a window shall be internally lit.~~

Section 12: That subsections E and L of section 9-3-9: entitled "DESIGN

STANDARDS FOR OFF STREET PARKING FACILITIES:" be amended by deleting the language stricken and adding the language underlined to read as follows:

E. *Lighting:* All parking facilities containing ten (10) or more parking spaces shall submit a photometric plan. This information shall be provided by a registered Colorado engineer.

1. The parking lot lighting shall not exceed IESNA recommended foot-candle and lumen levels, and applications are encouraged to use the lower end of the range. ~~This information shall be provided by a registered Colorado engineer.~~
2. All fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property's designated lighting zone per section [9-12-11](#) of this title.
3. All lights shall be level mounted and ~~eighty five degrees (85°)~~ ninety degree (90°) full cut off downcast fixtures.
4. All fixtures shall be a minimum of half the distance of the length of the pole from the property line (e.g., an 18-foot pole shall be a minimum of 9 feet from the property line).
5. Lighting fixtures shall not exceed three thousand kelvins (3,000 K) kelvin in CCT. LEDs lighting shall use filtered LEDs ~~for a warm white color~~ to minimize blue light emission.
6. Foot-candle levels shall not exceed two-tenths (0.2) foot-candle at a property line, unless for safety ingress/egress as determined by the director.
7. Parking lots light fixtures are encouraged to be greater in number and lower to grade rather than have a reduced number and increased height.

F. *Grades:* The sustained surface grades for parking areas shall not exceed a minimum of one-half percent (0.5%) or a maximum of four percent (4%). Driveway grades shall not exceed a maximum grade of eight percent (8%). The first 5 feet of a driveway shall be graded to match the cross slope of the connecting street. For downhill sites, a 20-foot staging area with a maximum grade of negative four percent (-4%) is required (section [9-3-19](#), attachment B of this chapter). For uphill sites, a 20-foot staging area with the first 5 feet matching the cross slope of the connecting road and the next 15 feet at a maximum grade of four percent (4%) is required (section [9-3-19](#), attachment C of this chapter). Grades shall comply with all requirements of the engineering regulations.

G. *Heated Driveways:* Driveway heat systems shall terminate at the property line. If the system extends into the public right-of-way, a separate zone must be created for that portion of the system and accommodations must be made to reduce the impacts of the melted drainage at the snow/melted interface. A revocable license agreement acceptable in form and substance to the town attorney must be approved by the town and executed prior to the issuance of a certificate of occupancy. Heated driveways shall comply with all requirements of the engineering regulations.

H. *Drainage:* All off street parking facilities shall be graded for proper drainage so that all surface discharge is channeled to a natural or improved drainageway without causing nuisance or damage to other properties or the improvements thereon.

I. *Location:* The location of all required off street parking facilities shall be as follows:

1. *Residential Uses:* For residential uses, except residences located in buildings adjacent to the "Riverwalk" as defined in section [9-1-19-37A](#), "Policy 37 (absolute) special areas," of this title, all required off street parking spaces shall be provided on the same property as the residential units they are intended to serve.

2. *Nonresidential Uses:* Off street parking for nonresidential uses shall be placed totally on the same parcel of land as the use, unless a fee in lieu is paid to the town as provided in section [9-3-12](#) of this chapter.

3. *Parking Space Location:* No parking space shall be located closer than 5 feet from any public street, public alley, public pedestrianway or public right-of-way or 3 feet from any property line.

J. *Landscaping:* A minimum of twenty five (25) square feet per parking stall shall be utilized for landscaping purposes. Any parking facility containing more than two (2) side-by-side loading spaces shall contain at least two hundred (200) square feet of landscaped area raised a minimum of six inches (6") above the parking surface for each two (2) side by side loading spaces. Landscaping shall be maintained according to the standards contained in the development code.

K. *Snow Stacking:* (Rep. by Ord. [1](#), Series 2019)

L. *Signs:* Appropriate signage directing traffic shall be placed in any off street parking facility pursuant to the Breckenridge Sign Code¹ in compliance with sign design and lighting regulations in section 9-12-13 and section 9-15-18 of this title.

Section 13. 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 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 23rd day of January, 2024.

This ordinance was published in full on the Town of Breckenridge website on January 24, January 25, January 26, January 27 and January 28, 2024.

A public hearing on this ordinance was held on February 13, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of February, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor Pro Tem

APPROVED IN FORM

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on February 15, February 16, February 17, February 18 and February 19, 2024. This ordinance shall become effective on March 20, 2024.