

ORDINANCE NO. 11
Series 2010

April 6, 2010: Introduced as Council Bill 10, Series 2010 by Councilor Klasina VanderWerf, seconded by Councilor Harriet Crittenden LaMair, and considered in full text on first reading. Passed by a vote of 5 yes and 1 no.

May 4, 2010: Considered in full text on second reading. Passed by a vote of 5 yes and 1 no.

**A BILL FOR AN ORDINANCE
 OF THE CITY OF CHERRY HILLS VILLAGE
 AMENDING CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
 CONCERNING ZONING, BY AMENDING SECTION 16-16-50 CONCERNING EXTERIOR
 LIGHTING**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens; and

WHEREAS, exterior lighting is necessary for safety, utility, security, and the enjoyment of property; and

WHEREAS, exterior lighting should be designed and oriented so as to protect property owners, pedestrians and motorists from hazards and nuisances related to excessive light levels, glare and light spill; and

WHEREAS, exterior lighting should be designed and oriented so as to preserve the dark-sky and semi-rural character of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 16-16-50 of the Cherry Hills Village Municipal Code concerning exterior lighting is hereby amended to read as follows:

Section 16-16-50. Exterior Lighting

~~Exterior lights for buildings and houses shall be so oriented and shielded that they do not shine directly onto any part of another lot, street or public property. For the purposes of this Section, a light shall be deemed to shine directly onto other property if the source of illumination (bulb or direct lamp image) is visible in a direct line of sight from any portion of the other property, and the light is sufficiently strong to cast a plainly visible shadow on such other property or create an unreasonable risk to the safety of vehicular or pedestrian traffic on a street or public property. Lights associated with accessory or recreational uses or structures exceeding twelve (12) feet in height shall be off between 11:00 p.m. and sunrise the next day.~~

(a) Purpose and intent. The purpose and intent of this section is to accommodate the reasonable lighting needs of residents in a manner that preserves the semi-rural character of the Village and the qualities associated with this character, including the ability to view stars against a dark sky, while protecting the health, safety and general welfare of the community. The City Council finds that these regulations are necessary in order to:

- (1) Promote safety and security;
- (2) Preserve the semi-rural character of the community;
- (3) Reduce the amount of night-time light pollution;
- (4) Reduce offensive light glare and light trespass onto adjacent properties and rights-of way;

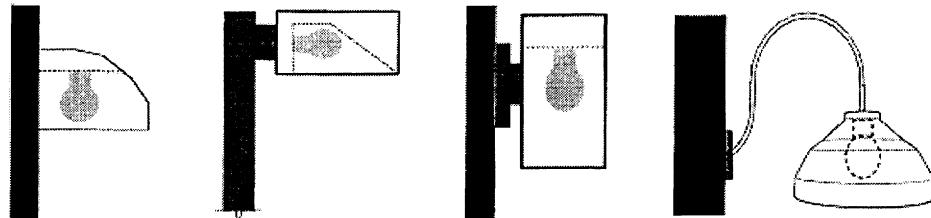
(5) Conserve energy; and

(6) Promote appropriately designed and installed outdoor lighting.

(b) Lighting requirements.

(1) All exterior lights shall include fixtures that fully shield the light source so that light is not emitted above the horizontal plane of the fixture unless otherwise specified in this Section.

Examples of Fully Shielded Fixtures



(2) Each light fixture shall not exceed a maximum output of 1,800 lumens (approximately equivalent to a 100 watt incandescent bulb) unless otherwise specified in this Section.

(3) All exterior lights shall be designed and oriented in a way to minimize glare and light spill onto adjacent lots, streets and rights-of-way. Exterior lights shall not be allowed to shine directly onto abutting residential lots or in any manner that creates a hazard to adjacent properties or to pedestrian or vehicular traffic on adjacent streets and rights-of-way.

(4) Landscape and architectural accent lighting. Lighting used exclusively to illuminate landscape elements, such as trees, bushes, sculptures and fountains, and lighting used exclusively to illuminate building façades and structures as accent lighting shall be turned off from 11:00 p.m. to sunrise the following day. Landscape and architectural accent lighting may include up-lighting as long as such lighting is shielded and the bulb is not visible by a direct line of sight from an adjacent property or right-of-way.

(5) Recreational Use Lighting. Lights associated with accessory or recreational uses or structures exceeding 12 feet in height shall be turned off between 11:00 p.m. and sunrise the following day. Light fixtures may exceed an output of 1,800 lumens as long as the light source is not directly visible from adjoining lots or streets or result in a light level greater than 0.2 foot-candles when measured at the ground level of an adjoining property line.

(6) Motion detected security lighting. Unshielded spotlights activated by a motion sensor shall be allowed with a maximum output of 2,800 lumens (approximately equivalent to a 150 watt incandescent bulb). The light shall only be activated by movement located on the property on which the light is located and go off within 5 minutes after the detected motion ceases.

(c) Exceptions. The standards of this Section shall not apply to the following types of lighting:

(1) Seasonal and holiday lighting displays not to exceed 45 days per calendar year.

(2) Up-lighting of flags when the light source is shielded from the sides.

(3) Sign illumination as set forth in Article XV of this Chapter.

(4) Outdoor lights associated with an approved permit for a Nonprofit Institution, Private Club, Public Recreation Facility or Nonprofit Recreational Facility as set forth in Article XX of this Chapter.

(5) Outdoor lights associated with an approved Major Event Permit as set forth in Article XXI of this Chapter.

(6) Lighting required by an adopted building code of the City.

(7) Municipal lighting installed for the benefit of public health, safety and welfare including, but not limited to, traffic control devices, street lights and construction lights.

(8) Lighting of parking areas for public, semipublic, commercial or other nonresidential areas as set forth in Section 16-16-20 of this Chapter.

(d) Nonconforming Lights. Light fixtures in existence prior to the date of enactment of this ordinance shall be deemed conforming and exempt from the requirements of this Section except as set forth in Subsection (e) below. Such existing light fixtures shall be so oriented and shielded so that they do not shine directly onto any part of another lot, street or public property. A light shall be deemed to shine directly onto other property if the source of illumination (bulb or direct lamp image) is visible in a direct line of sight from any portion of the other property, and the light is sufficiently strong to cast a plainly visible shadow on such other property or create an unreasonable risk to the safety of vehicular or pedestrian traffic on a street or public property.

(e) Procedures for New Development. For all new residences and proposals to increase the square footage of a residence by 50% or more, all lighting on the property shall meet the requirements of this Section. In order to ensure compliance with the requirements of this section, the following documents shall be submitted with the application for a building permit:

(1) A site plan indicating the proposed location of all outdoor lighting fixtures.

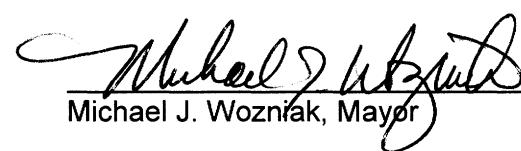
(2) A schedule describing each typical illumination device, light fixture, lamp, shield and support. This description may include, but is not limited to, manufacturer's catalog cuts and drawings, lamp types and lumen outputs.

(3) Other information deemed necessary by the City Manager, or his or her designee, to document compliance with the provisions of this Section.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 3. Effective date and time. This Ordinance shall become effective at 12:00 a.m. on the eleventh (11th) day after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 11, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 4th day of May, 2010.



Michael J. Wozniak

Michael J. Wozniak, Mayor

ATTEST:



Laura Smith

Laura Smith, City Clerk

APPROVED AS TO FORM:



Kenneth S. Fellman

Published in *The Villager*

Published _____

Legal # _____