

3. Delivery service areas shall be incorporated along the alley. Any truck loading facility shall be an integral component of the building. Shared facilities are highly encouraged.
4. Mechanical exhaust, including parking garage ventilation, shall be vented through the roof. The exhaust equipment shall be located as far away from the Street as practical.
5. Mechanical ventilation equipment and ducting shall be accommodated internally within the building and/or located on the roof, minimized to the extent practical and recessed behind a parapet wall or other screening device such that it shall not be visible from a public right-of-way at a pedestrian level. New buildings shall reserve adequate space for future ventilation and ducting needs.

26.412.070 Suggested Design Elements. The following guidelines are building practices suggested by the City, but are not mandatory. In many circumstances, compliance with these practices may not produce the most-desired development and project designers should use their best judgment.

A. Signage:

Signage should be integrated with the building to the extent possible. Integrated signage areas already meeting the City's requirements for size, etc. may minimize new tenant signage compliance issues. Common tenant listing areas also serves a public wayfinding function, especially for office uses. Signs should not block design details of the building on which they are placed. Compliance with the City's sign code is mandatory.

B. Display windows:

Display windows provide pedestrian interest and can contribute to the success of the retail space. Providing windows that reveal inside activity of the store can provide this pedestrian interest.

C. Lighting:

Well-lit (meaning quality, not quantity) display windows along the first floor create pedestrian interest after business hours. Dynamic lighting methods designed to catch attention can cheapen the quality of the downtown retail environment. Illuminating certain important building elements can provide an interesting effect. Significant light trespass should be avoided. Illuminating the entire building should be avoided. Compliance with the City's Outdoor Lighting code, Section 26.575.050, is mandatory.

D. Original Townsite Articulation:

Buildings spanning more than one Original Townsite Lot should incorporate façade expressions coincidental with these original parcel boundaries to reinforce historic scale. This may be inappropriate in some circumstances, such as on large corner lots.

E. Architectural Features:

Parapet walls should be used to shield mechanical equipment from pedestrian views. Aligning cornices and other architectural features with adjacent buildings can relate new buildings to their historical surroundings. Awnings and canopies can be used to provide architectural interest and shield windows and entryways from the elements.

development plan an architectural character plan, which adequately depicts the character of the proposed development. The proposed architecture of the development shall:

1. be compatible with or enhance the visual character of the city, appropriately relate to existing and proposed architecture of the property, represent a character suitable for, and indicative of, the intended use, and respect the scale and massing of nearby historical and cultural resources.
2. incorporate, to the extent practical, natural heating and cooling by taking advantage of the property's solar access, shade, and vegetation and by use of non- or less-intensive mechanical systems.
3. accommodate the storage and shedding of snow, ice, and water in a safe and appropriate manner that does not require significant maintenance.

F. Lighting.

The purpose of this standard to ensure the exterior of the development will be lighted in an appropriate manner considering both public safety and general aesthetic concerns. The following standards shall be accomplished:

1. All lighting is proposed so as to prevent direct glare or hazardous interference of any kind to adjoining streets or lands. Lighting of site features, structures, and access ways is proposed in an appropriate manner.
2. All exterior lighting shall in compliance with the Outdoor Lighting Standards unless otherwise approved and noted in the final PUD documents. Up-lighting of site features, buildings, landscape elements, and lighting to call inordinate attention to the property is prohibited for residential development.

G. Common Park, Open Space, or Recreation Area.

If the proposed development includes a common park, open space, or recreation area for the mutual benefit of all development in the proposed PUD, the following criteria shall be met:

1. The proposed amount, location, and design of the common park, open space, or recreation area enhances the character of the proposed development, considering existing and proposed structures and natural landscape features of the property, provides visual relief to the property's built form, and is available to the mutual benefit of the various land uses and property users of the PUD.
2. A proportionate, undivided interest in all common park and recreation areas is deeded in perpetuity (not for a number of years) to each lot or dwelling unit owner within the PUD or ownership is proposed in a similar manner.
3. There is proposed an adequate assurance through a legal instrument for the permanent care and maintenance of open spaces, recreation areas, and shared facilities together with a deed restriction against future residential, commercial, or industrial development.

H. Utilities and Public facilities.

The purpose of this standard is to ensure the development does not impose an undue burden on the City's infrastructure capabilities and that the public does not incur an unjustified financial burden. The proposed utilities and public facilities associated with the development shall comply with the following:

7. Access ways. In addition to ingress and egress requirements of the Building Code, access to and from wireless telecommunication services facilities and equipment shall be regulated as follows:
 - a. No wireless communication device or facility shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.
 - b. The facility must be secured from access by the general public but access for emergency services must be ensured. Access roads must be capable of supporting all potential emergency response vehicles and equipment.
 - c. The proposed easement(s) for ingress and egress and for electrical and telephone shall be recorded at the Pitkin County Clerk and Recorder's Office prior to the issuance of building permits. (Ord. No. 1-2002 § 18, 2002; Ord. No. 53-2003, §14, 15)

26.575.140 Accessory uses and accessory structures.

An accessory use shall not be construed to authorize a use not otherwise permitted in the zone district in which the principal use or structure to which it is accessory. An accessory use or structure may not be established prior to the establishment of the principal use or structure to which it is accessory. Accessory buildings or structures shall not be provided with kitchen or bath facilities sufficient to render them suitable for permanent residential occupation.

26.575.150 Outdoor lighting.

A. Intent and purpose. The City of Aspen has experienced a significant increase in the use of exterior illumination. City 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 Aspen 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.

B. Applicability. The lighting standards of this section shall be applicable to all outdoor lighting within the City of Aspen. Existing outdoor lighting shall be considered legal non-conforming lighting for one year from the adoption date of this ordinance.

C. 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 with 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 3 ft. above finished grade.
- (c) Fixture Height: 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 (i.e., a light bulb filament or discharge capsule).
- (f) Light Trespass: the shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

D. Lighting Plans.

- (a) 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 application for a commercial or multi-family building. 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 above grade of light fixtures;
 - (2) The type (such as incandescent, halogen, high pressure sodium) and luminous intensity of each light source;
 - (3) The type of fixture (such as floodlight, full-cutoff, lantern, coach light);
 - (4) Estimates for site illumination resulting from the lighting, as measured in foot-candles, should include minimum, maximum and average illumination. Comparable

examples already in the community that demonstrate technique, specification, and/or light level should be provided if available to expedite the review process; and

(5) Other information deemed necessary by the Community Development Director to document compliance with the provisions of this Article.

(b) Single family and duplex building shall be in compliance with the standards of Section 26.575.090.

E. Non-Residential Lighting Standards. The following lighting standards shall be applicable to all non-residential properties including mixed uses:

- (a) Outdoor lighting used to illuminate parking spaces, 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 light source shall not be visible from adjoining lots or streets. No portion of the bulb or direct lamp image may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. For example, for a fixture with a mounting height of twelve (12) feet, no portion of the bulb or direct lamp image may be visible from twenty-four (24) feet away in any direction. The light level shall not exceed 10 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 20 foot-candles.
- (b) Outdoor lighting shall be 12 ft. or less in height unless it meets one of the following criteria:
 - The lighting is fully shielded and the point light source is not visible beyond the boundaries of the property in which it is located; or
 - The lighting is otherwise approved in Section 27.575.150 (K).
- (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 so as 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 high pressure sodium (HPS) and 175 watt metal halide (coated lamp -- 3,000 degrees Kelvin). Standards for other HID light sources may be established by the City for new technology consistent with the above restrictions.
- (e) Spacing for security and parking lot light fixtures that are pole mounted shall be no less than 75 ft. apart. Decorative fixtures (which are also fully shielded) are allowed to maintain a 50 ft. fixture spacing. Wall mounted fixture spacing for security lighting shall be no less than 50 ft. measured horizontally. Decorative fixtures directed back toward a building face shall be exempt from this spacing requirement when shielded and shall not exceed 50 watts. Decorative fixtures that are not shielded shall maintain a minimum

spacing of 25 ft. and shall not exceed 50 watts. Where security lighting is a combination of pole and wall mounted fixtures, minimum spacing shall be 75 ft. and a maximum of 150 ft.

- (f) Pole mounted fixtures shall be limited to two 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 sq. ft. of area (as measured in a horizontal plane) and a total lamp wattage within a fixture of 35 watts.
- (i) Up-lighting of flags is permitted with a limit of two fixtures per flag pole with a maximum of 150 watts each. The fixtures must be shielded such that the point source is not visible outside of a 15-ft. radius.
- (j) Outdoor vending, such as gas stations, require approval for lighting. Lighting shall not exceed a maximum of 20 candles under the canopy.

F. Residential Lighting Standards. The following lighting standards shall be applicable to residential properties:

- (a) Outdoor lighting shall be 12 ft. or less in height unless it meets one of the following criteria:
 - The lighting is used to illuminate above grade decks or balconies, is fully shielded, and the point light source is not visible beyond the boundaries of the property in which it is located; or,
 - The lighting is fully recessed into a roof soffit, fully shielded, and is not visible beyond the boundaries of the property in which it is located; or,
 - The lighting is otherwise approved in Section 27.575.150 (K):
- (b) Outdoor lighting with HID light sources in excess of 35 watts (bulb or lamp) shall be prohibited. In addition, incandescent light sources including halogen shall not exceed 50 watts.
- (c) All light sources that are not fully shielded shall use material other than a clear lens material to enclose the light source. The point light source shall not be visible from adjacent properties.

- (d) Landscape lighting is limited to 35 watts per fixture per 150 sq. ft. of landscaped area (as measured in a horizontal plane).
- (e) Security lights shall be restricted as follows:
 - 1. The point light source shall not be visible from adjoining lots or streets.
 - 2. Flood lights must be controlled by a switch or preferably a motion sensor activated only by motion within owners property.
 - 3. Timer controlled flood lights shall be prohibited.
 - 4. Photo-cell lights shall be allowed under the following circumstances:
 - a) At primary points of entrance (e.g. front entries) or in critical common areas for commercial and multi-family properties;
 - b) where the light sources are fully-shielded by opaque material (i.e. the fixture illuminates the area but is not itself visibly bright); and
 - c) the light source or fluorescent (or compact fluorescent) to eliminate excess electricity consumption.
 - 5. Lights must be fully shielded, down directed and screened from adjacent properties in a manner that limits light trespass to .1 of a foot candle as measured at the property line.
 - 6. Light intensity shall not exceed 10 foot-candles measured 3 ft. above finished grade.
 - 7. No light fixture shall be greater than 12 feet in height. Exceptions are:
 - (a.) Tree mounted fully shielded, downward directed lights using a light of 25 watts or less, and
 - (b.) Building mounted flood lights fully shielded, downward directed lights using a light of 50 watts or less.
 - (c) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.
 - (d) Light trespass at property lines should not exceed .1 of a foot-candle as measured at the brightest point.

G. Reserved

H. 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 Zoning Officer review.

- 1. Holiday Lighting. Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained in an attractive condition, and does not constitute a fire hazard.

2. **Municipal Lighting.** Municipal lighting installed for the benefit of public health, safety, and welfare including but not limited to traffic control devices, street lights, and construction lighting.
3. **Temporary Lighting.** Any person may submit a written request to the Community Development Director 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. An additional 14 day temporary exemption may be approved by the Director. The Director shall have the authority to refer an application for a temporary exemption to the Planning and Zoning Commission or the Historic Preservation Commission if deemed appropriate. A temporary exemption request shall contain at least the following information:
 - a. Specific exemption or exemptions requested;
 - b. Type, use and purpose of outdoor lighting fixture(s) involved;
 - c. Duration of time requested for exemption;
 - d. Type of lamp and calculated lumens;
 - e. Total wattage of lamp(s);
 - f. Proposed location on premises of the outdoor light fixture(s);
 - g. Previous temporary exemptions, if any;
 - h. Physical size of outdoor light fixture(s) and type of shielding provided; and,
 - i. Such other information as may be required by the Community Development Department Director.
4. **Approved Historic Lighting Fixtures.** Non-conforming lighting fixtures which are consistent with the character of the historic structure or district may be exempted with approval from the Historic Preservation Officer or Historic Preservation Commission. Approved fixtures shall be consistent with the architectural period and design style of the structure or district and shall not exceed 50 watts.
5. **Decorative lighting elements,** such as shades with perforated patterns and opaque diffusers, may be exempted from the fully-shielded requirement provided they do not exceed 50 watts.
6. If a proposed lighting plan or fixtures are proposed that do not meet this code but that have demonstrable community benefit, an exemption may be considered. The applicant shall submit additional information to adequately assess the community benefit for approval by the Community Development Director.

I. Prohibitions. The following types of exterior lighting sources, fixtures, and installations shall be prohibited in the City of Aspen.

1. Light sources shall not be affixed to the top of a roof or under a roof eave, except where required by building code.

2. Lighting for the purpose of illuminating a building facade shall be prohibited when such lighting is mounted to the ground or poles, or is mounted on adjoining/adjacent structures.
3. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights 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 due to their poor color rendering qualities.
5. Linear lighting (including but not limited to neon and fluorescent lighting) primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement shall be prohibited.
6. Unshielded flood lights and timer controlled flood lights shall be prohibited.
7. Lighting directed toward the Roaring Fork River or its tributaries.
8. 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 City government.
9. No beacon or search light shall be installed, illuminated, or maintained.
10. Up-lighting is prohibited, except as otherwise provided for in this Section.

J. *Nonconforming Lighting.* Unless otherwise specified within this ordinance, within one (1) year of the effective date of this ordinance, all outdoor lighting fixtures that do not conform to requirements of this ordinance must be replaced with conforming fixtures or existing fixtures must be retrofitted to comply. Violations shall be corrected within 60 days of being cited. Until that time, all existing outdoor lighting fixtures that do not already comply shall be considered legal nonconforming fixtures.

K. *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 at a 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; or
 - (b) Lighting for commercial parking and vehicle circulation areas may have a maximum height of 20 feet above grade and shall be fully shielded
2. Foot Candles. Outdoor Non-Residential (26.575.070), Sign (26.575.080), and Residential (26.575.090) Lighting Standards shall not exceed the foot candles designated in their respective sections. Special review by the Planning and Zoning Commission may allow lighting of a greater intensity under the following circumstances:
- a. A fixture of a 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; or
 - b. An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a non adjustable mounting.

L. Procedures.

- 1. Administrative Review Procedures. Lighting plans submitted in conjunction with applications for subdivision, planned unit development, development within any environmentally sensitive area, or special review application shall be reviewed by the Planning and Zoning Commission.
- 2. Lighting plans submitted as a part of a building permit application for a commercial or multi-family structure shall be reviewed administratively by the Community Development Director. The Director shall have the authority to refer an application to the Planning and Zoning Commission or the Historic Preservation Commission if deemed appropriate.
- 3. Appeals. Any appeals related to decisions regarding outdoor lighting shall be made to the Board of Adjustment compliant with the procedures in the Appeals Section 26.316 of this Land Use Code.

(Ord. No. 47-1999, §1; Ord. No. 53-2003, §16,17,18,19,20)

26.575.160 Dormitory.

Occupancy of a dormitory unit shall be limited to no more than eight (8) persons. Each unit shall provide a minimum of one hundred fifty (150) square feet per person of net living area, including sleeping, bathroom, cooking and lounge used in common. Standards for use and design of such facilities shall be established by the city's housing designee.

26.575.170 Fuel storage tanks