

SECTION 19

OUTDOOR LIGHTING REGULATIONS

19.1 **PURPOSE:**

In order to preserve the scenic beauty, rural setting, character, and the dominating influence of the natural environment of Ouray County and the health, safety, and welfare of its citizens and visitors, there are hereby established Outdoor lighting Regulations. The intent of these regulations is to eliminate glare and minimize, but not totally eliminate, ambient light that impacts properties other than the property where the light is located.

19.2 **COMPLIANCE:**

A. All land uses; land use approvals; all new development, including all construction, renovations, and additions; and all new exterior signage shall meet the requirements of this Section Except the following:

- (1) Existing lighting used for farming and ranching operations which is shielded as set forth in Section 19.3; and
- (2) Lighting that is required by State and Federal regulating agencies, including but not limited to OSHA and MSHA; and
- (3) Lights operated by motion detectors that are set at no more than ten (10) minute duration after activation which are shielded as set forth in Section 19.3; and
- (4) Accent lighting or feature enhancing lighting is allowed but shall be restricted to fixtures that are UL stamped and limited to a maximum output of 800 lumens per fixture (40 watts incandescent or equivalent) regardless of the number of bulbs.

B. All applications for land use approvals and building permits shall include exterior lighting schedules and/or plans sufficient to determine compliance with these regulations.

C. Continued compliance with these regulations shall be required in the future, notwithstanding an initial determination by the County that development meets the requirements of this Section. (*See note at end of section.*)

19.3 **CRITERIA AND STANDARDS:**

A. No exterior lighting shall radiate above a level that is five degrees (5°) degrees below horizontal.

(19.3)

- B. No outdoor light may be used in a manner that could interfere with the safe movement of motor vehicles on public thoroughfares.
- C. To the extent that is practical, ambient light across property lines shall be kept to a minimum.

19.4 PROCESS FOR REVIEW:

A. Development Requiring a Building Permit

- (1) Upon receipt of a completed application for a building permit, a County Staff shall review the project and determine whether it meets the requirements of this Section. If the County Staff finds the project in compliance, the County Staff may issue a building permit for the project. If the County Official determines that the project does not comply, the County Staff, in writing, shall so notify the applicant and indicate areas of non-compliance.
- (2) An applicant may appeal the decision of Land Use Staff to the Board of Adjustment in accordance with Section 12.5 of this Code.

B. All Other Development (PUDs and Special Use Permits)

All other development shall be reviewed for outdoor lighting compliance during the normal development review process as outlined in Section 5, Section 6, Section 8, and Section 23 of this Code.

19.5 DEFINITIONS:

- A. AMBIENT LIGHT. Indirect light, which is detectable beyond the illuminated area. Distinguished from glare.
- B. DIRECT LIGHT. Unshielded light rays.
- C. GLARE (ARTIFICIAL LIGHTING). Intense and/or blinding light, causing visual discomfort or disability.

19.6 COVENANTS RELATING TO VISUAL IMPACT:

The covenants of any PUD, as required by this Code, shall contain at least the following provisions as well as any other provisions required by this Code:

- A. All development within the PUD shall comply with the outdoor lighting regulations of this Section.
- B. An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.

(19.6)

- C. The outdoor lighting provisions of the covenants may not be amended or altered, in any fashion that would make them less strict than the Outdoor Lighting Regulations of this Code, without prior approval of the County.

19.7 APPEALS AND VARIANCES:

Appeals and Variances shall be pursuant to the provisions in Section 12 of this Code.

***Note:** All existing lighting that was made nonconforming as of the date of December 9, 2002, the original date of adoption of the Outdoor Lighting Regulations, was required to be in compliance no later than January 1, 2008.*