

vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties.

3. Area and bulk requirements. The installation of a satellite dish antenna shall not cause a violation of area and bulk requirements within the zone district in which it is located, unless a variance is granted by the Board of Adjustment.
4. Right-of-way. A satellite dish antenna shall not be placed on an easement or in the City right-of-way, unless an encroachment permit is secured.
5. Increased danger. The installation of a satellite dish antenna shall not cause any increased danger to neighboring property in the event of collapse or other failure of the antenna structure.
6. Visual impact. The visibility of the dish from the public way shall be reduced to the highest degree practical including, but not limited to, sensitive choice in placement of the dish, screening with fencing, landscaping, sub-grade placement or any other effective means that both screen the dish and does not appear to be unnatural on the site.

B. Conditions. The Community Development Director may apply reasonable conditions to the approval deemed necessary to insure conformance with said review criteria. If the Community Development Director determines that the proposed satellite dish antenna does not comply with the review criteria and denies the application or the applicant does not agree to the conditions of approval determined by the Community Development Director, the applicant may apply for conditional use review by the Planning and Zoning Commission.

C. Procedures. Procedures established in Chapter 26.304, Common Development Review Procedures, shall apply to all satellite dish antennas.

[\(Ord. No. 1-2002 § 17\)](#)

26.575.130 Rescinded and replaced by 26.505 Wireless communications facilities and equipment

[\(Ord. No. 1-2002 § 18; Ord. No. 52-2003, §§ 14, 15; Ord No 5-2019\)](#)

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 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. Existing outdoor lighting shall be considered legal nonconforming lighting for one (1) 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 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 Chapter.
- b. Single family and duplex building shall be in compliance with the standards of Section 26.575.090.

E. Nonresidential lighting standards. The following lighting standards shall be applicable to all nonresidential 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 ten (10) foot-candles as measured three (3) feet above finished grade. Exemptions may be requested for areas with high commercial, pedestrian or vehicular activity up to a maximum of twenty (20) foot-candles.
- b. Outdoor lighting shall be twelve (12) feet or less in height unless it meets one (1) of the following criteria:
 - 1) 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
 - 2) The lighting is otherwise approved in Subsection 27.575.150.K, Miscellaneous Supplemental Regulations, review standards.
- 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 one-hundred-seventy-five high-pressure sodium (HPS) and one-hundred-seventy-five-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 seventy-five (75) feet apart. Decorative fixtures (which are also fully shielded) are allowed to maintain a fifty-foot fixture spacing. Wall mounted fixture spacing for security lighting shall be no less than fifty (50) feet measured horizontally. Decorative fixtures directed back toward a building face shall be exempt from this spacing requirement when shielded and shall not exceed fifty (50) watts. Decorative fixtures that are not shielded shall maintain a minimum spacing of twenty-five (25) feet and shall not exceed fifty (50) watts. Where security lighting is a combination of pole and wall mounted fixtures, there shall be a minimum of seventy-five (75) feet and a maximum of one-hundred-fifty-foot spacing.
- f. Pole mounted fixtures shall be limited to two (2) 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 fifty percent (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 (1) fixture per one hundred- fifty (150) sq. ft. of area (as measured in a horizontal plane) and a total lamp wattage within a fixture of thirty-five (35) watts.
- i. Up-lighting of flags is permitted with a limit of two (2) fixtures per flagpole with a maximum of one hundred fifty (150) watts each. The fixtures must be shielded such that the point source is not visible outside of a fifteen-foot radius.
- j. Outdoor vending, such as gas stations, requires approval for lighting. Lighting shall not exceed a maximum of twenty (20) candles under the canopy.

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

- a. Outdoor lighting shall be twelve (12) feet 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, Miscellaneous Supplemental Regulations, review standards.
- b. Outdoor lighting with HID light sources in excess of thirty-five (35) watts (bulb or lamp) shall be prohibited. In addition, incandescent light sources including halogen shall not exceed fifty (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 thirty-five (35) watts per fixture per one hundred fifty (150) square feet 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 floodlights 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 one-tenth (.1) of a foot candle as measured at the property line.
 - 6) Light intensity shall not exceed ten (10) foot-candles measured three (3) feet above finished grade.
 - 7) No light fixture shall be greater than twelve (12) feet in height. Exceptions are:
 - (a) Tree mounted fully shielded, downward directed lights using a light of twenty-five (25) watts or less and
 - (b) Building mounted flood lights fully shielded, downward directed lights using a light of fifty (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 fourteen (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 fixtures involved;
 - c) Duration of time requested for exemption;
 - d) Type of lamp and calculated lumens;
 - e) Total wattage of lamps;
 - f) Proposed location on premises of the outdoor light fixtures;
 - g) Previous temporary exemptions, if any;
 - h) Physical size of outdoor light fixtures 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. Nonconforming 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 fifty (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 fifty (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 floodlights 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 sixty (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 nonadjustable mounting; or
 - b) Lighting for commercial parking and vehicle circulation areas may have a maximum height of twenty (20) feet above grade and shall be fully shielded
2. Foot-candles. Outdoor nonresidential (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 nonadjustable mounting; or
- b) An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a nonadjustable mounting.

L. Procedures.

1. Administrative review procedures. Lighting plans submitted in conjunction with applications for subdivision, planned 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 Chapter 26.316 of this Title.

[\(Ord. No. 47-1999, § 1; Ord. No. 52-2003, §§ 16—20\)](#)

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 square footage per person in accordance with the Aspen/Pitkin County Housing Authority Guidelines, as amended. Standards for use and design of such facilities shall be established by the Aspen/Pitkin County Housing Authority. A dormitory unit shall be considered the same as a multi-family unit for all requirements of the Land Use Code other than permitted and conditional uses.

[\(Ord. No. 46-2015, § 23\)](#)

26.575.170 Fuel storage tanks

All fuel storage tanks shall be completely buried beneath the surface of the ground except that above ground storage tanks may be approved as conditional uses in the Service/Commercial /Industrial and Public Zone Districts.

26.575.180 Required Access

This section shall apply to new development and redevelopment, remodeling, or expansion following demolition. Redevelopment, remodeling, or expansion that has not triggered demolition shall comply with the provisions of this section to the greatest extent practical.

A. Elevators. All commercial, mixed-use, and lodging buildings which contain an elevator shall provide elevator access to all basement and upper building levels, units and commercial tenant spaces in a manner that meets the requirements of the International Building Code Chapters 10 and 11 as