

**RESOLUTION
OF THE
BATTLEMENT MESA SERVICE ASSOCIATION
ADOPTING POLICIES AND PROCEDURES
REGARDING OUTDOOR LIGHTING**

- SUBJECT:** Adoption of a policy and procedure regarding regulation of outdoor lighting.
- PURPOSE:** To adopt a policy and procedure to be followed for outdoor lighting within the Battlement Mesa P.U.D.
- AUTHORITY:** The Declaration, Bylaws and Articles of the Association and Colorado law.
- EFFECTIVE:** January 1, 2006
- RESOLUTION:** The Association hereby adopts the following policy and procedure regarding outdoor lighting within the Battlement Mesa P.U.D.:

A. Purpose. This Section of Covenants, Conditions and Restrictions is intended to help maintain the health, safety, and welfare of the residents living within the Battlement Mesa P.U.D. through regulation of outdoor lighting in order to:

1. Promote safety and security
2. Eliminate the escalation of nighttime light pollution
3. Reduce glaring and offensive light sources
4. Provide clear guidance to builders and developers
5. Encourage the use of improved technologies for lighting
6. Conserve energy
7. Prevent inappropriate and poorly designed or installed outdoor lighting

B. Definitions.

1. Fully Shielded Light Fixture: 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.

2. 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 the finished grade.
3. 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.
4. 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.
5. Point Light Source: The exact place from which illumination is produced (i.e. a light bulb filament or discharge capsule).

C. Lighting Plans. An outdoor lighting plan shall be submitted in conjunction with applications for a subdivision, planned unit development, special review application, or a building permit application for a commercial or multi-family building. Such lighting plans shall be subject to approval through the applicable review process. 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 light level should be provided if available to expedite the review process.
5. Other information deemed necessary by the Battlement Mesa Service Association.

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

1. 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. 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.

2. Outdoor lighting shall be 12 ft. or less in height unless it meets one or more of the following criteria:
 - a. Fully shielded with a non-adjustable mounting.
 - b. Lighting for parking and vehicle circulation areas where heights up to a maximum of 20 ft. may be allowed.
 - c. Building mounted lighting directed back at a sign or building facade.
 - d. Lighting on above grade decks or balconies which are fully shielded.
3. 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 the 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.
4. 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 Battlement Mesa Service Association for new technology consistent with the above restrictions.
5. 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. Pole mounted fixtures shall be limited to two light sources per pole.
6. 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.

7. 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.
8. 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.
9. Outdoor vending, such as gas stations, require approval for lighting. Lighting shall not exceed a maximum of 20 candles under the canopy.

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

1. Outdoor lighting shall be 12 ft. or less in height unless it meets one or more of the following criteria:
 - a. Fully shielded with a non-adjustable mounting.
 - b. Lighting for parking and vehicle circulation areas where heights up to a maximum of 20 ft. may be allowed.
 - c. Building mounted lighting directed back at a sign or building facade.
 - d. Lighting on above grade decks or balconies which are fully shielded.
 - e. At primary points of entrance or in critical common areas for commercial and multi-family properties.
 - f. Where the light sources are fully shielded by opaque material.
 - g. Where the light source is fluorescent to eliminate excess electricity consumption.
2. Outdoor lighting with HID light sources in excess of 35 watts (bulb or lamp) shall be prohibited. In addition, incandescent lighting sources including halogen shall not exceed 50 watts.
3. All light sources that are not fully shielded shall use other than a clear lens material, as the primary lens material, to enclose the light bulb to minimize glare from a point source.
4. Landscape lighting is limited to 35 watts per fixture per 150 sq. ft. of landscaped area (as measured in a horizontal plane).
5. Security lights shall be restricted as follows:

- a. The point light source shall not be visible from adjoining lots or streets.
- b. Flood lights must be controlled by a switch or preferably a motion sensor activated only by motion within owners property.
6. 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.
7. Light intensity shall not exceed 10 foot-candles measured 3 ft. above finished grade.

F. Street Lighting Standards. All new lighting illuminating public right-of-ways and easements or private streets shall be approved by the Battlement Mesa Service Association.

G. Prohibitions. The following types of exterior lighting sources, fixtures, and installations shall be prohibited in the Battlement Mesa P.U.D.:

1. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights 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.
2. 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 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 County government.

III. **No Other Amendments.** Except as amended by the terms of this Amendment and previous Amendments, the Declaration shall remain in full force and effect.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Battlement Mesa Service Association, a Colorado nonprofit corporation, certifies that the foregoing

Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on December 20, 2005 and in witness thereof, the undersigned has subscribed his/her name.

**BATTLEMENT MESA SERVICE
ASSOCIATION,**
a Colorado nonprofit corporation

By: Charles D. Hill
_____, President