

PEOPLE'S ORDINANCE NO. 10

SERIES 1990

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, SECTIONS OF THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING HEIGHT RESTRICTIONS, DENSITY AND MASS BONUSES AND PROCEDURAL REQUIREMENTS FOR DEVELOPMENT WITHIN THE BRECKENRIDGE HISTORIC DISTRICT

WHEREAS, the Town has determined the existing Development Code regulations concerning various Historic District issues are inadequate; and

WHEREAS, the Town has determined additional information is required in order to do complete reviews of projects; and

WHEREAS, the Town has determined the existing allowed heights of buildings within the Historic District are incompatible with the character of the District; and

WHEREAS, the Town has determined high density, mixed use projects within the Historic District create problems; and

WHEREAS, the Town Council and Town Planning Commission have reviewed the issues addressed in this ordinance and have conducted public meetings to receive input on the proposed amendment; and

WHEREAS, the Town Council has determined these amendments are necessary to preserve the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1.

Title 9, Chapter 1, Section 18-1, "Class A Development Permit Process, (B) Preliminary Hearings shall be amended to read as follows:

B. Preliminary Hearing.

1. All Class A applications shall be required to be submitted to the Planning Commission for review at a minimum of two preliminary hearings prior to the submission of a formal application and the commencement of the final review process. In addition, the applicant may be requested:
 - (a) To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed project are of such magnitude as to require review by referral agencies at this stage of the review process.
 - (b) To schedule an on-site inspection with members of the Commission and staff some time after the first preliminary hearing and before the second or subsequent preliminary hearings. Color and texture samples of proposed building materials of a size and quantity as requested by the Director shall be provided for this site visit (building corners shall be marked).
 - (c) The Planning Commission may require a third preliminary hearing for all Class A projects.
2. First Preliminary Hearing.
 - (a) Purpose. The purpose of the first preliminary hearing is to acquaint the Planning Commission with the applicant's inten-

tions, and the general scope of the project. The first preliminary hearing should be utilized as a work session to discuss the general concept of the project including use, density, mass, general site layout, and the relationship of the project within the neighborhood.

(b) Submission Requirements. The applicant shall supply at a minimum five (5) sets (as noted) of the following drawings and materials eleven (11) days prior to the first preliminary hearing.

- (1) A site plan map indicating the general site design of the application and providing adequate detail to evaluate the preliminary landscaping, circulation, parking, snowstacking, and other similar aspects of the application against the Development Code policies (five sets).
- (2) Existing topography, natural features and vegetation (five sets), and all other existing features of the site (lot lines, utilities, curbs, gutters, sidewalks, rights-of-way, etc.).
- (3) Floor plans (five sets).
- (4) All building elevations indicating the general architectural character of the building with heights referenced to USGS and Town of Breckenridge datum (five sets).
- (5) Vicinity map. Within the Historic District, the scale shall be 1:16 consisting of all structures, lot lines and setback dimensions to lot lines, public rights-of-way, roads, and water features on both sides of the street for the entire block or within 400 feet on each side of the property, whichever is greater (five sets).
- (6) Tabulation of floor area, lot coverage, and mass of building, broken down by uses. (dwelling area, common area, parking, etc. - five sets).
- (7) An application on a form provided by the Community Development Department (one).
- (8) A fee as set forth in the Breckenridge Fee Schedule (one).
- (9) Within the Historic District, one (1) set of pictures showing the site and the surrounding neighborhood.
- (10) Within the Historic District, a cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, site, or the Historic District in general (one).
- (11) Within the Historic District, an architectural impact statement which describes the design intent and how the project meets the Breckenridge Historic District Guidelines (one set).
- (12) Within the Historic District, a streetscape elevation for each side of the street at a scale of 1:16 that indicates the height and width for all buildings in existence and to be constructed, with windows and door openings included. The drawing shall encompass the entire block or an area within 400 feet on each side of the property whichever is greater (five sets).

3. Subsequent Preliminary Hearings.

(a) Purpose. The purpose of the second and all subsequent preliminary hearings is to refine the proposal and review those re-

finements with the Planning Commission. No applicant shall proceed to a second preliminary hearing until the applicant has a general consensus from the Planning Commission on the conceptual aspect of the project.

(b) Submission Requirements. For the second and all subsequent preliminary hearings, the applicant shall supply at a minimum five (5) sets (as noted) of the following drawings and materials a minimum of eight (8) days prior to the hearing.

- (1) Site plan map (five sets).
- (2) Existing topography, natural features and vegetation (five sets).
- (3) Floor plans (five sets).
- (4) All building elevations at a scale of 1:4 indicating the architectural character of the building including building materials with heights referenced to USGS datum (five sets).
- (5) Vicinity map. Within the Historic District, the scale shall be 1:16 consisting of all structures, lot lines and setback dimensions to lot lines, public rights-of-way, roads and water features on both sides of the street for the entire block or within 400 feet on each side of the property, whichever is greater (five sets).
- (6) Tabulation of floor area, lot coverage, and mass of building, broken down by uses (dwelling area, common area, parking, etc. - five sets).
- (7) An application on a form provided by the Community Development Department (one).
- (8) A fee as set forth in the Breckenridge Fee Schedule (one).
- (9) Within the Historic District, one (1) set of pictures showing the site and the surrounding neighborhood.
- (10) Within the Historic District, a cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, site, or the Historic District in general (one).
- (11) A scale model of the proposed development; preferred scale 1/8" = 1'0" (one model).
- (12) Color and texture samples of all exterior materials with combinations of materials and colors shown as they will appear in the finished building (one set).
- (13) A phasing schedule if phasing of the project is proposed (five sets).
- (14) Four (4) photographic panoramic views showing the site from the perimeter of the property on 90 degree compass intervals, or as otherwise specified by the Director (one set).
- (15) Within the Historic District, an updated streetscape elevation as required for the first preliminary hearing.
- (16) Within the Historic District, an updated architectural impact statement if the intent of the design solution has changed significantly since the first preliminary.

Section 2.

Title 9, Chapter 1, Section 18-2, "Class B Development Permit Process"
(B) Preliminary Hearings, shall be amended to read as follows:

B. Preliminary Hearing.

1. All Class B applications shall be required to be submitted to the Planning Commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the applicant may be requested:
 - (a) To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed project are of such magnitude as to require review by referral agencies at this stage of the review process.
 - (b) To schedule an on-site inspection with members of the Commission and staff prior to a final hearing. Color and texture samples of proposed building materials of a size and quantity as requested by the Director shall be provided for this site visit (building corners shall be marked).
 - (c) The Planning Commission may require a second preliminary hearing for all Class B projects.
2. Purpose. The purpose of the first preliminary hearing is to acquaint the Planning Commission with the applicant's intentions and general scope of the project. The first preliminary hearing should be utilized as a work session to discuss the general concept of the project including uses, density, mass, general site layout, and the relationship of the project to the neighborhood.
3. Submission Requirements. The applicant shall supply at a minimum five (5) sets (except as noted) of the following drawings and materials prior to each preliminary hearing. A complete application shall be required eleven (11) days prior to the first preliminary hearing, and eight (8) days prior to all subsequent preliminary hearings.
 - (a) A site plan map indicating the general site design of the application and providing adequate detail to evaluate the preliminary landscaping, circulation, parking, snowstacking, and other similar aspects of the application against the Development Code policies (five sets).
 - (b) Existing topography, natural features, vegetation, and all other existing features of the site (lot lines, utilities, curbs, gutters, sidewalks, rights of way, etc.) (five sets).
 - (c) Floor plans (five sets).
 - (d) All building elevations at a scale of 1:4 indicating the general architectural character of the building including building materials with heights referenced to USGS datum (five sets).
 - (e) Vicinity map. Within the Historic District, the scale shall be 1:16 consisting of all structures, lot lines and setback dimensions to lot lines, public rights-of-way, roads and water features on both sides of the street for the entire block or within 400 feet on each side of the property, whichever is greater (five sets).
 - (f) Tabulation of floor area, lot coverage, and mass of building, broken down by uses (dwelling area, common area, parking, etc. - five sets).

- (g) An application on a form provided by the Community Development Department (one).
- (h) A fee as set forth in the Breckenridge Fee Schedule (one).
- (i) A phasing schedule if phasing of the project is proposed (five sets).
- (j) Color and texture samples (one set).
- (k) Within the Historic District, one (1) set of pictures showing the site and the surrounding neighborhood.
- (l) Within the Historic District, a cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, site, or the Historic District in general (one).
- (m) Within the Historic District, an architectural impact statement which describes the design intent and how the project meets the Breckenridge Historic District Guidelines (one set).
- (n) Within the Historic District, a streetscape elevation for each side of the street at a scale of 1:16 that indicates the height and width of all buildings in existence and to be constructed, with windows and door openings included. The drawing shall encompass the entire block or an area within 400 feet on each side of the property, whichever is greater (five sets).

Section 3.

Title 9, Chapter 1, Section 19-1-19, 3 (Absolute) Density/Intensity, (D) shall be amended to read as follows:

- D. Maximum Density Calculations (Priority System): It is the intention of the Town to encourage uses which have been determined to be needed and desirable for the general benefit of the Town, and to discourage those uses which it determines provided little or no benefit or are a detriment to the community.

With this goal in mind, the Town has established the following multipliers to be utilized in calculating maximum allowed density with regard to residential development.

<u>Use</u>	<u>Multiplier</u>
Hotel, inn, motel, bed & breakfast - outside Historic District	1.15
Employee housing * - outside Historic District	1.15
Hotel, inn, motel, bed & breakfast - inside Historic District	1.00
Employee housing * - inside Historic District	1.00
CondoHotel	1.00
Single family	1.00
Duplex and townhouse	1.00
Condominiums, apartments or boarding houses	0.75

* This includes apartments or condominiums that are guaranteed to remain as long term rentals for a period of not less than twenty (20) years.

The maximum allowed density for a project shall be adjusted by the above multiplier for the specific uses listed.

The formula for total allowed dwelling area for a specific residential project shall be as follows:

$$\frac{\text{Allowed Units per Guidelines (or plat if applicable)}}{\text{Unit to Square Footage Conversion (3/B)}} \times \frac{\text{Multiplier (3/D)}}{\text{Total Allowed Gross Dwelling Area sq. ft.}} =$$

Section 4.

Title 9, Chapter 1, Section 19-1-19, 4 (Relative) Mass, shall be amended by the deletion in its entirety of Subsection A, 1, Commercial/Mixed Use.

Section 5.

Title 9, Chapter 1, Section 19-1-19, 4B shall be amended to read as follows:

In a land use district where density is calculated by a floor area ratio only, residential and mixed use projects shall not be allowed additional square footage for accessory uses, and the total mass of the building shall be that allowed by the floor area ratio of the specific districts. In residential and mixed use developments within land use districts 18₂ and 19, no additional mass shall be allowed for the project and the total allowed mass shall be equal to the allowed density.

Section 6.

Title 9, Chapter 1, Section 9-1-5, Definitions, shall be amended:

- A. By the addition of the following definitions:

Building Height -- the highest vertical distance obtained under any roof element. Said vertical distance shall be measured from the highest point of the coping of a flat roof, or from the highest point of a mansard roof, or from the mean elevation between the ridge and eave of the gable of a sloped roof to the median elevation of a point on the final grade five feet away from the foundation, or to a reference datum of the natural grade prior to site disruption for construction, whichever yields a greater dimension.

Block -- a unit of land bounded by the centerline of a public right-of-way on four sides, two being streets and two being alleys or rear yard property lines, or as described by the Director as necessary to adequately define the context of a project.

- B. By the amendment of the following definition to read as follows:

Floor Area -- the area included within the surrounding exterior walls (including the exterior wall itself) of a building or portion thereof, exclusive of vent shafts and courts and include those areas of the building not designed as living area, but have a floor-to-ceiling height of five (5) feet or more. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projections of the roof or floor area.

Section 7.

Title 9, Chapter 1, Section 19-1-19:6, (Absolute) Building Height, shall be added and shall read as follows:

6. (ABSOLUTE) Building Height - Historic District.

The maximum allowed height for structures located within the Historic District shall be as follows:

- A. In land use districts 11, 17, and 18, and in those portions of land use districts 18₂ and 19 north of Lincoln Avenue or south of Washington Street, building height shall not exceed twenty six (26) feet when measured from the mean elevation of the natural grade prior to site disruption for construction, or final grade after construction.

- B. In those portions of land use districts 18₂ and 19 that lie between Lincoln Avenue and Washington Street, building height shall not

exceed thirty (30) feet when measured from the mean elevation of the natural grade prior to site disruption for construction, or final grade after construction.

Section 8.

Title 9, Chapter 1, Section 19-1-19:6, (Relative) Building Height, shall be amended to read as follows:

6. (RELATIVE) Building Height.

A. Height Criteria Outside of Historic District. The height of a building has many impacts on the community. Buildings that are too tall can block views, light, air and in some cases, solar radiation, to other properties. It is encouraged that the height of new buildings be controlled to minimize the negative impacts on the community. To meet this goal, developments outside the Historic District should strive to comply with the following four criteria:

1. Architectural Compatibility. The height of all buildings are strongly encouraged to be architecturally compatible with the neighborhood.
2. General Character. The height of all buildings shall be in general compliance with the height standards established in the Land Use Guidelines for the district in which the project is situated.
3. Scenic Values and Views. Buildings should not be of such height so as to block, destroy, or degrade the scenic values as seen from other sites.
4. Solar Radiation. The height of buildings should be such that adjacent properties are not adversely affected by the loss of solar radiation to their existing building or, to a lesser degree, future building sites.

B. Height Criteria Inside of Historic District. The impact of building heights within the Historic District is critical to the building's compatibility with the Historic District Guidelines. In most instances the taller a building is, the greater its impact will be on adjacent buildings and the District in general. The Town desires to keep negative impacts to a minimum and has established the following policies aimed at controlling the height of new construction within the Historic District.

1. In land use districts 11, 17 and 18, and those portions of 18₂ and 19 which lie north of Lincoln Avenue or south of Washington Street, a maximum height of 23 feet is strongly encouraged. For buildings with heights greater than 23 feet, points shall be deducted based on the following table:

<u>Building Height</u>	<u>Point Deductions</u>
23.01 - 24 ft.	1
24.01 - 25 ft.	2
25.01 - 26 ft.	3

2. In those portions of land use districts 18₂ and 19 which lie between Lincoln Avenue and Washington Street, a maximum height of 25 feet is strongly encouraged. For buildings with heights greater than 25 feet, points shall be deducted based on the following table:

<u>Building Height</u>	<u>Point Deductions</u>
25.01 - 26 ft.	1
26.01 - 27 ft.	2
27.01 - 28 ft.	3

28.01 - 29 ft. 4
29.01 - 30 ft. 5

Section 9.

Title 9, Chapter 1, Section 19-1-19:5 (Relative) Architectural Compatibility, shall be amended to read as follows:

5. (RELATIVE) Architectural Compatibility. The Town hereby finds that excessive similarity, dissimilarity, or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole, and by so doing impairs the benefits of existing property owners, the stability and value of real property, produces degeneration of property with attendant deterioration of conditions affecting health, safety, and general welfare of the community, and destroys a proper relationship between the taxable value of real property and the cost of municipal services provided therefor. Features of design include, but are not limited to: size, shape, scale, proportions, solid to void ratios, texture, pattern and color of materials, and architectural elements and details.
- 3 x (-2/+2) A. General Architectural and Aesthetic Compatibility. All proposed new developments, alterations or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the Land Use Guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersection streets within the same or adjacent Land Use Districts is discouraged. This section only applies to areas outside of the Historic District.
- 5 x (-5/0) B. Historic District. Within the Historic District, compatibility of a proposed project within the surrounding area and district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of historic structures on the site is the primary goal. Any actions that are in conflict with this primary goal or the Historic District Guidelines are strongly discouraged, while the preservation of the Town's historic fiber and compliance with the Historic District Guidelines is strongly encouraged. Applications adjacent to Main Street are the most critical concerning this policy.

Section 10.

Title 9, Chapter 1, Section 19-1-19-24, (Relative) Social Community, shall be amended by adding the following subsection:

- E. Historic Preservation.
- 5 x (0/+2) Additional preservation efforts beyond the requirements of the Historic District Guidelines, or efforts to preserve historic structures or site, or contributions to the Town or Summit Historical Society for specific preservation efforts are strongly encouraged.

Examples: Density transfers to areas outside of the Historic District; donation of facade easements; removal of additions to historic structures that detract from the structure's historic significance; monetary donations to the Summit Historical Society or Town for preservation efforts; saving and moving a secondary structure onto the site or other suitable sites.

Section 11.

Title 9, Chapter 1, Section 19-1-19, 3 (Absolute) Density/Intensity, C, shall be amended by the addition of subsection 4, which shall read as follows:

(4) Within land use districts where the allowed density is designated in terms of floor area ratio for commercial uses and units per acre for residential uses, the allowed density for a project containing both residential and commercial uses shall be calculated on a pro rata basis as determined by the allowed percentages of the residential and commercial densities. For purposes of this section, commercial uses shall mean all non-residential uses.

Section 12.

A. Title 9, Chapter 4, Town of Breckenridge Master Plan, Section 5, Land Use, is hereby amended as follows:

1. Page 5-6: The density for residential uses within land use district 19 is established at: 20 UPA for lodging uses.
2. Page 5-16: District 19 is amended to read: District (19). Use (R Commercial/Lodging) DENSITY (1:1 FAR/20 UPA).
3. Page 5-21: District 19 density is amended to read: 1:1 FAR for commercial or 20 UPA for residential.

B. The Breckenridge land use guidance system, District 19 guidelines, Acceptable Land Uses and Intensities is hereby amended to read as follows:

Land Use Type: Commercial
 Intensity of Use: 1:1 FAR/20 UPA residential
 Structure Type: Special Review


Commercial activities, particularly those which contribute to the solidarity of the central business district, are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas. Commercial uses with residential secondary uses are also acceptable.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL ONLY this 27th day of March, 1990. A Public Hearing on this Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 8th day of May, 1990, at 7:30 pm. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


 Mary Jean Loufek, Town Clerk

TOWN OF BRECKENRIDGE


 Stephen C. West, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 5, 1990.

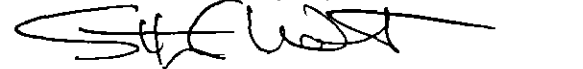
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 8th day of May, 1990.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


 Mary Jean Loufek, Town Clerk

TOWN OF BRECKENRIDGE


 Stephen C. West, Mayor

APPROVED IN FORM


 Town Attorney

5/8/90
 Date

This Ordinance was published by title, with amendments, in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 17, 1990.