

ORDINANCE NO. 19

Series 1995

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING PROVISIONS CONCERNING ARCHITECTURAL COMPATIBILITY, BUILDING HEIGHT, GENERAL SITE SUITABILITY AND LANDSCAPING

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

Section 1. There is hereby added to Section 9-1-5 of the Breckenridge Town Code a new definition of "Wetlands", which shall read in its entirety as follows:

WETLANDS All land areas classified as wetlands by the Army Corps of Engineers, including but not limited to lakes, streams, ponds, swamps, marshes, bogs, areas of seasonal standing water, and other similar areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (including willows, rushes and sedges). The term "wetlands" does not include areas that are saturated solely by the application of agricultural irrigation water.

Section 2. There is hereby added to Section 9-1-5 of the Breckenridge Town Code a new definition of "Areas of Potential Natural Hazards", which shall read in its entirety as follows:

AREAS OF POTENTIAL NATURAL HAZARDS Land area which may be subject to wildfire (Category C as designated on the Wildfire Hazard Map of the Town Master Plan), flooding, avalanche, rock falls, mud flows, debris flows, and unstable soils, slopes, or rocks.

Section 3. There is hereby added to Section 9-1-5 of the Breckenridge Town Code a new definition of "Specimen Tree", which shall read in its entirety as follows:

SPECIMEN TREE A distinctive, healthy tree, which is of high value because it is a particularly impressive or unusual example of a species. A specimen tree possesses one or more of the following comparatively outstanding attributes: size, age, shape or any other trait that epitomizes the character of the species.

Section 4. Paragraph A of Policy 5 (Relative), entitled "Architectural Compatibility", set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

3x(-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 intersecting streets within the same or adjacent Land Use Districts is discouraged. This section only applies to areas outside of the Historic District.

Exterior building materials and colors should not unduly contrast with the site's background. The use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged because they weather well and reflect the area's indigenous architecture. Stucco or brick, provided an earth-tone color is selected, are acceptable building materials on smaller building elements, or as a secondary/accent material. Roof materials should be non-reflective and blend into the site's backdrop as much as possible. Inappropriate exterior building materials include, but are not limited to untextured exposed concrete, untextured or unfinished unit masonry, highly reflective glass,

reflective metal roof, and unpainted aluminum window frames. This section only applies to areas outside of the Historic District.

Section 5. Subparagraph (A)(2) of Policy 6 (Relative), entitled "Building Height", set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

(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. In addition to the provisions of this Section, it is encouraged that building heights on forested sites should not extend above the tree heights found on the site and therefore development profiles should not penetrate the tree canopy. In the event that an increase to the building height less than or equal to one story above that recommended in the Land Use District Guidelines would result in a commensurate reduction of construction impacts, including less site grading, slope retention and tree cutting, and the building(s) is designed in such a manner so as not to cause negative impacts described elsewhere in this Policy, then the project should be assessed fewer negative points than would otherwise be warranted for exceeding the maximum height recommended in the Land Use District Guideline. A beneficial reduction in site disturbance would be when the development, as a result in the increased building height, would blend in better with its environment.

Section 6. Policy 7 (Relative), entitled "General Site Suitability", set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

7. (RELATIVE) GENERAL SITE SUITABILITY. The Town hereby finds that it is in the public interest for land uses and their intensities to be suited to the basic characteristics of the sites for which they are proposed.

4x(-2/+ 2) The intent of this Policy is to reward proposed development that is designed in such a way as: to blend into and be harmonious with the natural environment of the site; to successfully incorporate natural features and other existing conditions that may be present on the site into the design in such a way as to make them assets to the development. This Policy is also intended to discourage levels of development intensity which result in generally compromised site function and aesthetics.

Development plans which will receive an award of positive points will have been designed in such a manner as to:

1. Preserve wetlands, if present, pursuant to applicable regulations and, avoid development of areas of potential natural hazard, if present.

The existence of constraining physical conditions on specific sites may render some portion of these sites unsuitable for development. As a result of these site conditions, buildings and other aspects of development should be located elsewhere on the site. The development rights associated with the non-developed areas of the sites should either be transferred off site, in accordance with Section 9-1-17-12 of this Chapter, or incorporated into the remainder of the site if they can be incorporated in such a way that allows the development to remain consistent with the development character intent of the applicable Land Use District Guideline(s). Due to site characteristics, maximum development densities recommended in the Land Use Guidelines, may not be achievable;

2. Successfully mitigate any proposed site grading through reclamation and revegetation. If an alternative site layout that causes less site grading and complies with all other relevant development code policies is viable, then it should be strongly considered for incorporation into the Development Permit Application;

3. Plan building placement and other development impacts in a manner that allows for effective site buffers. Efforts should be made to retain and incorporate existing vegetation, if present, that will be effective in buffering the impacts of development;

4. Allow for efficient site circulation, and;

5. Feature building masses that are in character with the Land Use District recommendation;

Development proposals that achieve this intent will be granted positive points pursuant to Section 9-1-17-3 of this Chapter; those that do not achieve this intent will receive negative points.

Other factors that affect the suitability of a particular parcel for a particular land use relate to social, economic, and aesthetic concerns as well.

Section 7. Paragraph A of Policy 8 (Relative), entitled "Site Design", set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

A. Integration and Separation: It is encouraged that those elements and functions of the site which are basically compatible with one another be integrated by design to the degree of their compatibility, and separated to the degree of their incompatibility. It is strongly encouraged that conflicting elements of projects be separated and that all elements of the project work together in a cohesive manner from both a physical and visual standpoint. It is further encouraged that proposed developments not be placed in such a manner to disrupt steep slopes, wetlands or other significant natural features.

4x(-2/+2) The overall design objectives shall be: to blend the development into the natural terrain and character of the site; to minimize off site views of grading and other ground disruption; and to reduce the potential for erosion and other environmental degradation. The Town encourages designs for these objectives to include:

1. *Designing compact building foot prints. Building designs should step buildings with the slope to minimize grading and tree cutting for access and drainage. Site improvements should be designed to minimize cut and fill areas, particularly those areas most visible from off site. Grading large areas to create a flat "benched" building pad is strongly discouraged;*

2. *Designing driveways and circulation systems that work with the existing topography. Design site configurations that result in comparatively less cut and fill needs for on site vehicular circulation.*

3. *Providing parking under a building or in a garage is strongly encouraged wherever possible. Excessively large outdoor/surface parking areas are discouraged;*

4. *Providing terraced retaining wall systems with landscape areas are encouraged instead of cut/fill areas for slope retention. Retaining walls made of natural materials such as rock, rock-faced concrete, or timber are preferred. To maintain a human scale, retaining walls of six feet or less are recommended.*

Section 8. Policy 22 (Relative), entitled "Landscaping", set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

4x(-2/+2) A. All developments are strongly encouraged to make landscaping improvements which contribute to the objective of providing a more beautiful, safe, and environmentally sound community. To meet this goal, all projects will be evaluated on how well they implement the following suggested criteria:

(1) *It is encouraged that at least one tree a minimum of six feet (6') in height be planted at least every fifteen feet (15') along public rights-of-way.*

(2) *It is encouraged that all landscaping areas have a minimum dimension of five feet (5').*

(3) *Development permits should identify and preserve specimen trees, significant tree stands, and tree clusters. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers. Buildings shall be placed in locations that result in adequate setbacks to preserve these priority trees. Measures shall be taken to prevent site work around these tree areas. Applicants are encouraged to seek professional advise on these issues from experts in the field;*

(4) *Selective tree cutting/thinning to maintain the health of the tree stand, provide solar access and views, or to allow for customized landscaping, is appropriate, provided that an effective buffer of vegetation is maintained to help blend the*

development into the site. Clustering trees and creating natural openings is preferred over randomly leaving single trees throughout the site;

(5) It is encouraged that the landscaping materials utilized are those species that are appropriate for the high alpine altitude climate found in Breckenridge. The Town of Breckenridge Landscaping Guide shall be used to evaluate this particular criteria.

(6) Installation, use and maintenance of irrigation systems to insure survival of landscaping in the long term is strongly encouraged.

(7) Revegetation measures, including but not limited to, seeding, netting, mulching, and irrigation for disturbed areas and cut/fill slopes are strongly encouraged. Cut and fill slopes should not exceed a 2:1 gradient.

(8) It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on the recycling of water.

(9) It is encouraged that wheel retention devices be utilized for parking areas adjacent to landscaping in those instances where the devices will not interfere with proper snow plowing operations.

(10) It is encouraged that plant materials be provided in sufficient quantity, of acceptable species, and placed in such arrangement so as to create a landscape which is appropriate to the Breckenridge setting and which subscribes to the Historic District Guidelines.

(11) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American Standard for Nursery Stock.

(12) It is encouraged that the remaining fifty percent (50%) of the shrub stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container, size, root spread, and ball size and shape shall be in general compliance with the American Standard for Nursery Stock.

(13) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease.

(14) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural state, or if not naturally forested, that it be planted with landscaping materials other than ground cover such as trees and shrubs.

(15) It is encouraged that all planting materials proposed for areas also designated as snow stacking areas be of a size or type that will not be adversely affected by the proposed snow storage.

(16) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of Policy 22: "Landscaping", of this Chapter is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.

2x(-2/+2) B. It is encouraged that additional landscaping adjacent to or within public rights-of-way be provided to enhance the aesthetic beauty of the community. This landscaping shall be coordinated with the Town and may be either adjacent to or off site.

Section 9. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 10. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

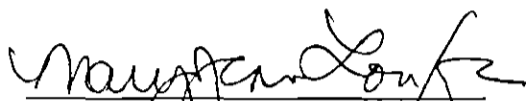
Section 11. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 12. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of June, 1995. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 11th day of July, 1995 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

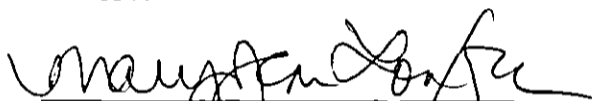
This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 5, 1995.

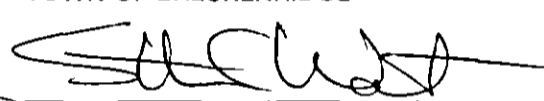
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 11th day of July, 1995.

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


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

7/19/95
Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 19, 1995.