

ORDINANCE NO. 24

Series 2001

AN ORDINANCE ADOPTING CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING HISTORIC PRESERVATION; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

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

Section 1. There is hereby added to the Breckenridge Town Code a new Chapter 11 of Title 9, to be entitled "Historic Preservation", which shall read in its entirety as follows:

CHAPTER 11

HISTORIC PRESERVATION

SECTION:

- 9-11-1: PURPOSE AND INTENT
- 9-11-2: DEFINITIONS
- 9-11-3: DESIGNATION OF LANDMARKS, LANDMARK SITES, HISTORIC DISTRICTS AND CULTURAL LANDSCAPE DISTRICTS
- 9-11-4: DESIGNATION CRITERIA
- 9-11-5: REVOCATION OF DESIGNATION
- 9-11-6: AMENDMENT OF DESIGNATION
- 9-11-7: PROPERTY STABILIZATION REQUIRED
- 9-11-8: RECOGNITION OF MERIT
- 9-11-9: DEMOLITION CRITERIA
- 9-11-10: UNSAFE OR DANGEROUS CONDITIONS EXEMPTED
- 9-11-11: EFFECT ON EXISTING CONSERVATION DISTRICT
- 9-11-12: ENFORCEMENT AND PENALTIES
- 9-11-13: CONFLICT WITH DEVELOPMENT CODE
- 9-11-14: COMPLIANCE WITH BUILDING CODE

9-11-1: PURPOSE AND INTENT:

A. The purpose of this Chapter is to promote the public health, safety, and welfare through:

1. The protection and preservation, by appropriate regulations, of the Town's historic and cultural heritage;
2. The enhancement of property values, and the stabilization of historic neighborhoods;
3. The increase of economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town's many tourists and visitors; and
4. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

B. The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character by authorizing the Town to designate landmarks, landmark sites, historic districts and cultural landscape districts; to require stabilization of properties which are of historic value in order to assure that such properties will not be lost as a result of inadvertence, indifference or neglect; and to ensure that the maintenance, alteration or demolition of properties of historic value shall be carefully considered for impact to the property's contribution to the Town's heritage.

9-11-2: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

BUILDING OFFICIAL: The Building Official of the Town of Breckenridge, Colorado.

<b>COMMISSION:</b>	The Town of Breckenridge Planning Commission.
<b>CULTURAL LANDSCAPE DISTRICT:</b>	A designated geographic area, including: cultural and natural resources and the wildlife or domestic animals therein, associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values. Historic cultural landscapes are composed of a number of character-defining features which, individually or collectively, contribute to the landscape's physical appearance as they have evolved over time. In addition to vegetation and topography, cultural landscapes may include water features such as ponds, streams, and fountains; circulation features such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights and sculptural objects.
<b>DEMOLITION:</b>	Any act or process which destroys, in whole or in part, any landmark.
<b>DEPARTMENT:</b>	The Department of Community Development of the Town.
<b>DESIGNATION:</b>	The designation of one or more lot(s), tract(s) or parcel(s) of land as a landmark, landmark site, historic district or cultural landscape district pursuant to this Chapter.
<b>DESIGNATION PROPOSAL:</b>	A proposal to designate one or more lot(s), tract(s) or parcel(s) of land as a landmark, landmark site, historic district or cultural landscape district pursuant to this Chapter.
<b>DIRECTOR:</b>	The Director of the Department of Community Development of the Town.
<b>FEDERALLY-DESIGNATED LANDMARK:</b>	A building or structure certified by the Secretary of the Interior as historic because: (i) it is listed in the National Register of Historic Places, or (ii) it is located in a registered Historic District and the Secretary has certified that the building is of historic significance to the District. The term "federally-landmarked structure" includes buildings or structures which are listed as "landmarks", "contributing" buildings or structures and "contributing with qualifications" buildings or structures.
<b>HISTORIC DISTRICT:</b>	A designated area containing a number of structures having a special historical or architectural value. A historic district is a geographically definable area including a concentration, linkage or continuity of subsurface sites, above surface sites, buildings, structures, objects or activities. The district is related by a pattern of either physical elements or social activities. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
<b>LANDMARK:</b>	A designated individual building, structure, object or an integrated group of buildings, structures or objects having a special historical or architectural value. Unless otherwise indicated in this Chapter, the term "landmark" shall include both federally designated landmarks and Town-designated landmarks.
<b>LANDMARK SITE:</b>	A designated area without buildings, structures or objects, but having a special historical or architectural value.
<b>OWNER OR PROPERTY OWNER:</b>	The owner in fee of any undivided interest in a given lot, tract or parcel of land. If the mineral interest has been severed, the landowner is the owner in fee of an undivided interest in the surface estate and not the

owner in fee of an undivided interest in the mineral estate.

STABILIZATION OR STABILIZE: Providing weather protection; or repair or preservation of a roofing structure, roof rafter, load bearing wall or foundation.

TOWN: The Town of Breckenridge, Colorado.

TOWN-DESIGNATED LANDMARK: A building or structure designated by the Town as a landmark pursuant to this Chapter.

TOWN COUNCIL OR COUNCIL: The Town Council of the Town of Breckenridge, Colorado.

### 9-11-3: DESIGNATION OF LANDMARKS, LANDMARK SITES, HISTORIC DISTRICTS AND CULTURAL LANDSCAPE DISTRICTS:

A. Designation Authorized. Pursuant to the procedures hereinafter set forth in this Section, and subject to Section 9-11-4, the Town Council may, by ordinance, designate a landmark, landmark site, historic district or a cultural landscape district. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter, and eligible for such incentive programs as may be developed by the Town.

B. Designation Procedures. The Town shall follow the following procedures in connection with any proposal to designate a landmark, landmark site, historic district or a cultural landscape district:

1. Property Owner Consent.

a. Landmarks and Landmark Sites. No proposal for the designation of a landmark or a landmark site shall be accepted by the Director as complete and ready for Town action unless the property owner of the landmark or landmark site has consented to such designation.

b. Historic Districts and Cultural Landscape Districts. No proposal for the designation of a historic district or a cultural landscape district site shall be accepted by the Director as complete and ready for Town action unless at least fifty one percent (51%) of the property owners of the land within the proposed historic district or cultural landscape district have consented to such designation.

c. Director to Give Notice. Within 30 days following receipt of a historic district or cultural landscape district designation proposal, and prior to accepting such proposal as being complete and ready for Town action, the Director shall send written notice of the submission of such designation proposal to the owner(s) of the land which is the subject of the designation proposal as shown on the records of the Summit County Assessor. The notice provided by the Director shall outline the reasons for and the effects of the proposed designation.

2. Process to Be Followed. A proposal to designate a historic district or cultural landscape district shall be processed by the Town using the Class A Development Permit process as set forth in the Development Code, except as otherwise expressly provided in this Section. A proposal to designate a landmark or landmark site shall be processed by the Town in accordance with sub-paragraphs 3 and 4 of this paragraph B.

3. Commission Review. A complete proposal for any landmark, landmark site, historic district or cultural landscape district designation shall be forwarded by the Director to the Commission who shall make a recommendation to Council regarding the proposed designation.

4. Council Decision. Final approval of any landmark, landmark site, historic district or cultural landscape district designation shall be by ordinance adopted by the Town Council.

5. Exemptions. The Town Council may exempt from designation a property meeting the applicable designation criteria of Section 9-11-4 if the Council finds that the property owner has demonstrated by a preponderance of the evidence that the proposed designation creates an undue hardship. The following criteria shall be used in assessing the potential for hardship:

a. Economic Hardship

i. For investment or income producing properties, the owner's inability to obtain a reasonable rate of return on the property in its present condition, or if rehabilitated, under the alterations criteria.

ii. For non-income producing properties consisting of owner-occupied single-family dwellings and/or properties not solely operated for profit, the owner's inability to convert the property to a non-profit use in its present condition, or if rehabilitated, under the alterations criteria.

iii. Non-economic hardship. The designation creates a situation substantially inadequate to meet the applicant's needs because of specific and unique health and/or safety issues.

6. Designation Notification. Whenever a historic district or cultural landscape district has been designated by the Town Council as provided in this Section, the Director shall promptly notify the owner of any property included therein.
7. Appeal. An appeal from a decision of the Town Council with respect to the designation of a historic district or cultural landmark district shall be taken pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

C. Designation Criteria. The Commission's recommendation, and the Council's decision regarding any proposal for designation of a landmark, landmark site, historic district or cultural landscape district, shall be based on the criteria set forth in Section 9-11-4.

D. Design Standards. Any landmark or landmark site within the Town's Historic District (as defined in section 9-1-5 of this Code), shall be subject to the applicable regulations of the Town's Handbook of Design Standards for the Historic and Conservation Districts, and the Design Standards for the applicable Character Areas, as amended from time to time. Any landmark, landmark site, historic district or cultural landscape district which is designated outside of the Town's existing Historic District shall be subject to any standards adopted for that specific designation.

9-11-4: DESIGNATION CRITERIA: The following criteria shall be used in reviewing proposals for designation pursuant to Section 9-11-3:

A. Landmarks/Landmark Sites. Landmarks or landmark sites must be at least fifty (50) years old and meet one or more of the criteria for architectural, social or geographic/environmental significance as described in subsections (A)(1) through (3) of this Section. A landmark may be exempted from the age requirement if it is found to be exceptionally important in other significant criteria.

1. Landmarks and Landmark Sites. Landmarks or landmark sites shall meet at least one of the following:

a. Architectural

1. Exemplifies specific elements of architectural style or period.
2. *Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.*
3. Demonstrates superior craftsmanship or high artistic value.
4. Represents an innovation in construction, materials or design.

5. Is of a style particularly associated with the Breckenridge area.
6. Represents a built environment of a group of people in an era of history.
7. Includes a pattern or grouping of elements representing at least one of the above criteria.
8. Is a significant historic remodel.

b. Social

1. Is a site of a historic event that had an effect upon society.
2. Exemplifies cultural, political, economic or social heritage of the community.
3. Is associated with a notable person or the work of a notable person.

c. Geographic/Environmental

1. Enhances sense of identity of the community.
2. Is an established and familiar natural setting or visual feature of the community.

2. Archaeological Sites. Archaeological sites shall meet one or more of the following:

a. Architectural

1. Exhibits distinctive characteristics of a type, period or manner of construction.
2. Is a unique example of structure.

b. Social

1. Has the potential to make an important contribution to the knowledge of the area's history or prehistory.
2. Is associated with an important event in Breckenridge's or Summit County's development.
3. Is associated with a notable person(s) or is the work of a notable person(s).
4. Is a typical example of or is associated with a particular ethnic group.
5. Is a unique example of an event in Breckenridge's or Summit County's history.

c. Geographic/Environmental

1. Is geographically or regionally important.

Buried human remains shall be handled in as culturally sensitive and appropriate a manner as possible.

3. All properties proposed for designation as landmarks or landmark sites under this Chapter shall be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria):

- a. The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation.

- b. The property retains original design features, materials and/or character.
- c. The structure is on its original location or is in the same historic context after having been moved.
- d. The structure has been accurately reconstructed or restored based on documentation.

B. Historic Districts and Cultural Landscape Districts. Properties that do not contribute to the significance of the historic district or cultural landscape district may be included within the boundaries of a historic or cultural landscape district as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.

District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

In addition to meeting at least one of the following criteria, a historic district or cultural landscape district must be at least fifty (50) years old. The Town may waive age requirement for a particular historic or cultural landscape district if the resources within the proposed district are found to be exceptionally important in other significant criteria.

Historic and cultural landscape districts shall meet one or more of the following:

1. Architectural

- a. The area exemplifies specific elements of an architectural period or style.
- b. The area is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally.
- c. The area demonstrates superior craftsmanship or high artistic value.
- d. The area represents an innovation in construction, materials, or design.
- e. The area is of a style particularly associated with Breckenridge area.
- f. The area represents a built environment of a group of people in an era of history.
- g. The area includes a pattern or grouping of elements representing at least one of the above criteria.
- h. The area includes one or more significant historic remodels.

2. Social

- a. The area is a site of historic event that has an effect upon society.
- b. The area exemplifies cultural, political, economic or social heritage of the community.
- c. The area is associated with a notable person(s) or the work of a notable person(s).

3. Geographic/Environmental

- a. The area enhances sense of identity of the community.

- b. The area is an established and familiar natural setting or visual feature of the community.

#### 4. Archaeology/Subsurface

- a. The area has the potential to make an important contribution to the area's history or prehistory.
- b. The area is associated with an important event in the area's development.
- c. The area is associated with a notable person(s) or the work of a notable person(s).
- d. The area includes distinctive characteristics of a type, period or manner of construction.
- e. The area is of geographical importance.
- f. The area includes a typical example of or is associated with a particular ethnic group.
- g. The area includes a typical example of or is associated with a local cultural or economic activity.
- h. The area is a unique example of an event or structure.

#### 9-11-5: REVOCATION OF DESIGNATION:

A. If a building, structure or object that is a landmark, is on a landmark site, or is within a historic district or a cultural landscape district, has been lawfully removed or demolished, the owner may apply to the Council for a revocation of the designation.

B. The Town Council may revoke a landmark, landmark site, historic district or cultural landscape district designation if, after following the applicable procedures prescribed by Section 9-11-3(b), it determines that the landmark, landmark site, historic district or cultural landscape district no longer meets the applicable designation standards of Section 9-11-4.

9-11-6: AMENDMENT OF DESIGNATION: The designation of a landmark, landmark site, historic district or cultural landscape district may be amended to add a building, structure or object to the existing designation under the procedures prescribed by subsection 9-11-3(b).

#### 9-11-7: PROPERTY STABILIZATION REQUIRED:

A. The Town intends to preserve from deliberate or inadvertent neglect any landmark whose stabilization is necessary to prevent the landmark's deterioration.

B. No owner, lessee, or occupant of any landmark shall fail to prevent stabilization of the landmark.

C. No owner, lessee or occupant of any landmark shall fail to comply with all applicable provisions of this Chapter and other ordinances of the Town regulating property maintenance of the landmark.

D. Before the Town Attorney files a complaint for failure to stabilize a property as required by this Section, the Director shall notify the property owner, lessee, or occupant of the need to stabilize the property, shall endeavor to assist the owner, lessee, or occupant in determining how to stabilize the property, and shall give the owner a reasonable time, not less than 30 days, to perform the required stabilization.

#### 9-11-8: RECOGNITION OF MERIT:

A. Recognition List. The Council may approve a list of buildings, structures or objects of historical or architectural merit that have not been designated as landmarks and are not within a historic district or a cultural landscape district, to which the Council may add from time to time, in order to recognize and encourage the protection, enhancement, and use of such buildings, structures or objects. Such list may include Town-owned property located outside the corporate

limits of the Town. Nothing in this Section shall be construed to impose any regulations or controls upon buildings, structures or objects of merit solely because they are included on the list.

B. Recognition Program. The Council may authorize such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation, and use of any listed building, structure, object, listed landmark, or listed structure in a historic district or cultural landscape district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such buildings, structures or objects.

9-11-9: DEMOLITION CRITERIA: No historic structure as defined in Section 9-1-5 of the Breckenridge Town Code, or landmark shall be demolished without the owner first having obtained a demolition permit from the Town. A demolition permit shall not be approved by the Town until a replacement/reuse plan for the property has been approved by the Town. An application for a demolition permit pursuant to this Section shall be processed as a B Major Development Permit application in accordance with the Development Code, but shall be evaluated only under the following criteria. As part of the Development Permit application, the Town may require that a cultural survey be prepared by a qualified person at the applicant's cost.

A. Review criteria for total demolition. A permit for demolition shall only be approved if all of the following criteria are met:

1. The building, structure or object proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain it;
2. The building, structure or object cannot be rehabilitated or reused on site to provide for any reasonable economical use of the property;
3. The building, structure or object cannot be practically moved to another site in the Town;
4. The applicant demonstrates that the demolition proposal mitigates to the greatest extent practical the following:
  - a. Any impact(s) that will occur to the visual character of the neighborhood where demolition is proposed to occur.
  - b. Any impact(s) that will occur to the historic importance of the buildings, structures or objects located on the property and adjacent properties.
  - c. Any impact that will occur to the architectural integrity of the buildings, structures or objects located on the property and adjacent properties;

Consideration will be given to whether materials can be recycled for use as part of another building, structure or object.

In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review criteria for partial demolition. A permit for partial demolition shall only be approved if all of the following criteria are met:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the building, structure or object;
2. The applicant has mitigated, to the greatest extent possible:
  - a. Impacts on the historic importance of the buildings, structures or objects located on the property.
  - b. Impacts on the architectural integrity of the buildings, structures or objects located on the property; and

Consideration will be given to whether materials can be recycled for use as part of another building, structure or object.



9-11-10: UNSAFE OR DANGEROUS CONDITIONS EXEMPTED: Nothing in this Chapter shall be construed to prevent any demolition which is immediately necessary to correct an unsafe or dangerous condition of any structure, other object, or parts thereof, where such condition is declared to be unsafe or dangerous by the Building Official, the Red, White and Blue Fire Protection District or the Director, acting within the scope of their lawful authority, and where the proposed demolition has been declared by the Director to be immediately necessary to correct the existing condition. Such immediate measures may be taken only if any necessary permits are obtained.

9-11-11: EFFECT ON EXISTING CONSERVATION DISTRICT: Nothing in this Chapter shall affect the designation of the Town's Conservation District, or any National Register listing or designation of landmarks or landmark sites, as the same exist as of the date of the adoption of this Chapter. The prior designation of the Town's Conservation District, and the prior National Register listing or designation of landmarks and landmark sites within the Town, as the same exist as of the date of the adoption of this Chapter, are hereby expressly ratified, confirmed and approved.

9-11-12: ENFORCEMENT AND PENALTIES:

A. No person shall violate or permit to be violated any of the requirements of this Chapter. Violations of this Chapter are punishable as misdemeanor offenses provided in Chapter 4 of Title 1 of this Code. The civil action provisions of Section 1-8-10 of this Code shall be applicable to an alleged violation of the requirements of this Chapter.

B. In addition to the civil and criminal penalties provided above, the following violations of this Chapter shall be subject to the following additional administrative penalties:

1. An alteration which is made to a landmark or landmark site without an approved development permit issued under the Development Code may result in up to a one year moratorium on all building and development permits for the subject property.
2. The moving or demolition a landmark without an approved permit issued under this Chapter may result in up to a five year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

9-11-13: CONFLICT WITH DEVELOPMENT CODE: In the event of any conflict between the provisions of this Chapter and the provisions of the Breckenridge Development Code (Chapter 1 of this Title), the provisions of this Chapter shall control.

9-11-14: COMPLIANCE WITH BUILDING CODE: Any repair, alteration or addition which is necessary for the preservation, restoration, rehabilitation or continued use of a landmark may be made without conformance to all the requirements of the Town's Building Code in accordance with Section 3403.5 of the Town's Building Code.

Section 2. The definition of "Certified Historic Structure" as set forth in Section 9-1-5 of the Breckenridge Town Code is hereby deleted.

Section 3. The sixth item under "Class B Major" under the definition of "Class B Development" as set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- Demolition or moving of a landmark or historic structure (including any portion of the structure).

Section 4. The definition of "Contributing Historic Structure" as set forth in Section 9-1-5 of the Breckenridge Town Code is hereby deleted.

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

HISTORIC STRUCTURE      Any building or structure first built prior to 1943 that is not listed on the national register or that is not landmarked.

Section 6. Paragraph (A)(1) of Section 9-1-17-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. Additions to any Town-designated landmark or federally-designated landmark as defined in Chapter 11 of Title 9 of this Code greater in size than twenty five percent (25%) of the existing floor area of the entire building or four hundred (400) square feet, whichever is less.

Section 7. Subparagraph (C)(2)(b)(14) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

14. 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, or any Town-designated landmark, federally-designated landmark, landmark site or cultural landscape district as defined in Chapter 11 of Title 9 of this Code or the Historic District in general (1 set).

Section 8. Subparagraph (C)(3)(l) of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

14. 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, or any Town-designated landmark, federally-designated landmark, landmark site or cultural landscape district as defined in Chapter 11 of Title 9 of this Code or the Historic District in general (1 set).

Section 9. Subparagraph (C)(2) of Policy 3 (Absolute), Density/Intensity, of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

(2) Square footage shall be calculated by counting the following floor areas against the density calculations:

Commercial: Density shall be calculated by adding the total square footage of each floor of the building. Except as provided below, this shall include any basement areas or storage areas, no matter what the proposed use shall be, and shall be measured from the outside of the exterior walls. Exceptions: a) any portion of a basement area of a Town-designated landmark as defined in Chapter 11 of Title 9 of this Code, which is: 1) located directly underneath the existing building, 2) completely or partially buried below grade, and 3) properly restricted to use as storage for tenants or occupants of the building, shall not be counted toward allowed density for such building so long as the historic USGS floor elevation of the building is maintained; and b) any underground portion of a building which is used to provide required or approved parking for the project.

Residential:

"Single-family" - the total square footage of the building from the outside of the exterior walls shall constitute the proposed density. This shall include any basement areas (finished or unfinished and entryways, but shall not include the garage nor other unfinished areas that could not constitute living area under the Uniform Building Code without substantial physical renovation (i.e., crawlspaces, attic).

"Townhouses and duplexes" - same as for single-family.

"Multi-family" - the total square footage of the residential portions of the building from the outside of the exterior wall to the outside of the interior wall, if adjacent to a common area, or to the outside of the other exterior wall if not. Common areas such as lobbies, hallways, and amenity areas shall not be counted against the density.

"Hotels, lodges, etc." - same as for multi-family.

\*In those instances where commercial uses are being proposed within a multi-family building, hotel, etc., the density of those uses shall be counted against the allowed density; and, where the allowed density is calculated in units rather than floor area ratio, the one thousand (1,000) square foot equals one unit calculation shall be utilized.

Exception: Any portion of a basement area of a "Town-designated landmark" as defined in Chapter 11 of Title 9 of this Code, which is: 1) located directly underneath the landmark building, and 2) completely or partially buried below

grade, shall not be counted toward allowed density for such building so long as the historic USGS floor elevation of the building is maintained.

Section 10. Subparagraphs Paragraph B(1) of Policy 5(Absolute), Architectural Compatibility, of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

(1) Within the Conservation District, no historic structure shall be altered, moved or demolished without first obtaining a Class A or Class B development permit from the Town. Accompanying such approval shall be an application for a Class A or Class B development permit as required by Code to authorize any proposed new development which will take the place of a moved or demolished historic structure. The issuance of building permits for a moved or demolished historic structure and the construction of a replacement structure shall be issued concurrently and may not be issued separately.

Section 11. Paragraph B of Policy 5(Relative), Architectural Compatibility, of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

5 x (-5/0)                      B.        Conservation District: Within the Conservation District, which area contains the Historic District, compatibility of a proposed project with the surrounding area and the District as a whole is of the highest priority. Within this District, the preservation and rehabilitation of any historic structure or any Town-designated landmark or federally designated landmark on the site (as defined in Chapter 11 of Title 9 of this Code) is the primary goal. Any action which is in conflict with this primary goal or "The Handbook of Design Standards" is strongly discouraged, while the preservation of the Town's historic fiber and compliance with the Historic District design standards is strongly encouraged. Applications concerning development adjacent to Main Street are the most critical under this policy.

Section 12. Subparagraph (2) of paragraph (C) of Policy 5 (Relative), Architectural Compatibility, of Section 9-1-19 of the Breckenridge Town Code is hereby amended to read in its entirety as follows:

(2) In connection with permit applications for projects within those character areas of the Historic District specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the Handbook of Design Standards for the Historic and Conservation Districts), or "historic structure" or "landmark" as defined in this code, and in connection with permit applications for projects within the North Main Residential, North End Residential, and the East Side Residential Character Areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

Aboveground Density (UPA) Point Deductions	
9.01- 9.50	-3
9.51-10.00	-6
10.01 or more	See Policy 5 (Absolute) of this Section

Section 13. Paragraph (A) of Policy 15(Relative), Refuse, of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- A.        The following trash dumpster enclosure design features, set forth in Section 5-6-6 of this Code, are encouraged to be incorporated in the enclosure design.
- 1 x (+1)                      Mechanically lifted overhead door with remote set to hauler's frequency.
- (+2)                              Incorporation of trash dumpster enclosure into a principal structure.
- (+2)                              Rehabilitation of historic sheds for use as an approved trash dumpster enclosure, in a manner that preserves the integrity of the historic shed.

Section 14. The first two unnumbered paragraphs of Paragraph E of Policy 24(Relative), Social Community, of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in their entirety as follows:

E. Historic Preservation:

Additional preservation efforts beyond the requirements of the Historic District Guidelines, or efforts to preserve historic structures or any Town-designated landmark, federally-designated landmark, landmark site or cultural landscape district as defined in Chapter 11 of Title 9 of this Code, or contributions to the Town of Summit Historical Society for specific preservation efforts are strongly encouraged, subject to approval by the Planning Commission by way of a special finding.

Examples: Density transfers to areas outside of the Historic District; donation of facade easements; removal of additions to historic structures, Town-designated landmarks or federally-designated landmarks 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 15. There is hereby added to Chapter 5 of Title 9 of the Breckenridge Town Code a new Section 9-5-3-3, entitled "Additions or Modifications", which shall read in its entirety as follows:

9-5-3-3: ADDITIONS OR MODIFICATIONS: The following additions or modifications are hereby made to "The Handbook of Design Standards":

A. The third unnumbered paragraph of Section 4.2 of "The Handbook of Design Standards" is hereby amended so as to read in its entirety as follows:

These design standards apply specifically any Town-designated landmark or federally designated landmark as defined in Chapter 11 of Title 9 of this Code. In addition, the standards may be used for buildings that are listed as "Supporting" and as "Non-Contributing" under applicable federal landmarking regulations. In those cases, the standards for new construction also apply. If a building is not "historic", design alterations will still need to be compatible with nearby historic neighbors.

Section 16. 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.

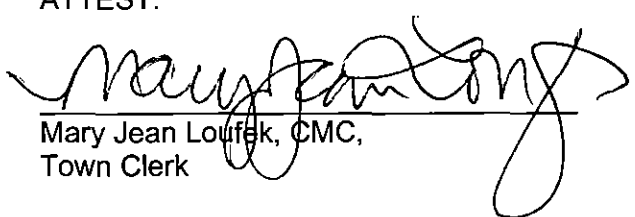
Section 17. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 18. 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.

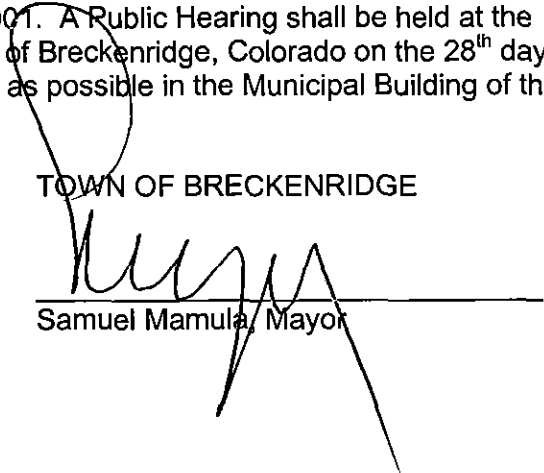
Section 19. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 14<sup>th</sup> day of August, 2001. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28<sup>th</sup> day of August, 2001, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

  
Mary Jean Loufek, CMC,  
Town Clerk

TOWN OF BRECKENRIDGE

  
Samuel Mamula, Mayor

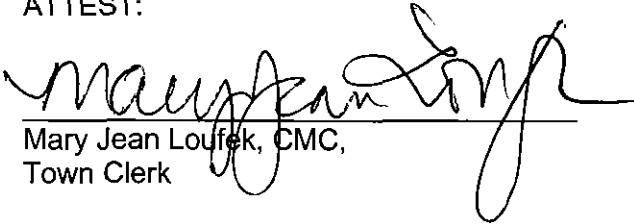
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 24, 2001.

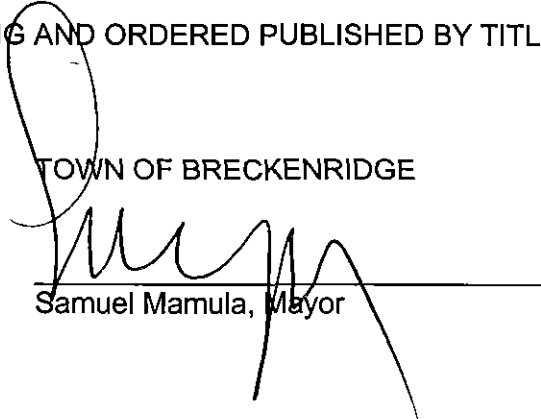
The public hearing on this ordinance was held on August 28, 2001.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 28<sup>th</sup> day of August, 2001.

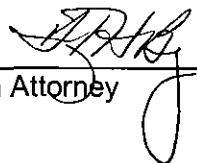
ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Mary Jean Loufek, CMC,  
Town Clerk

  
\_\_\_\_\_  
Samuel Mamula, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney

8/28/01  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 7, 2001.