

ORDINANCE NO. 40

Series 2006

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", CONCERNING RIDGELINE AND HILLSIDE DEVELOPMENT

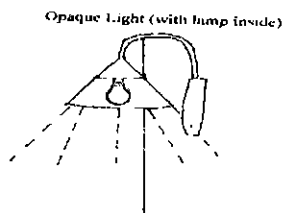
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following additional definitions:

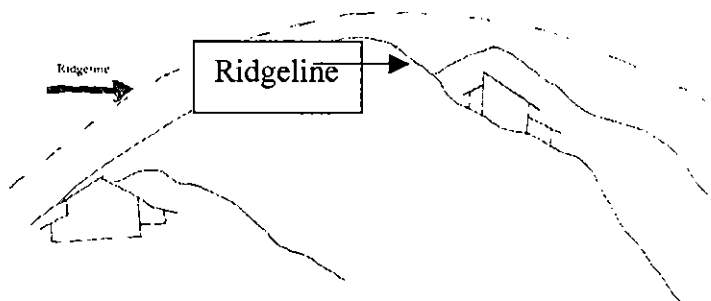
**AREA OF CONCERN:** A hillside or ridgeline which is visible from either: (i) Highway 9; (ii) the core of town; (iii) public parks; (iv) the Breckenridge Golf Course; or (v) other areas of the town which are view corridors.

**FULL CUT-OFF LIGHT FIXTURE:** An outdoor light fixture installed so that all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

**Opaque Light (with lamp inside):**



**RIDGELINE OR HILLSIDE DEVELOPMENT:** Development on a hillside or the crest of a hill which would create a silhouette or other substantially adverse impact when viewed from an area of concern.



**TREE CANOPY:** The uppermost spreading branchy layer of a healthy forest formed by the crowns of the trees.

Section 2. Chapter 1 of Title 9 of the Breckenridge Town Code is hereby amended by the addition of a new Policy 8 (Absolute), to be entitled "Ridgeline and Hillside Development", which shall read in its entirety as follows:

**8. (ABSOLUTE) RIDGELINE AND HILLSIDE DEVELOPMENT:**

**General Statement:** The welfare of the town is based to a great extent on the natural beauty of the valley and the scenic backdrop created by forested hillsides and other natural features. Because of the importance of aesthetics to the economic viability of the town, views are crucial and must be preserved. The town council hereby finds that protecting the scenic backdrop of the valley by reducing the visibility of development on hills or ridgelines: (i) adds value to the community; (ii) helps to protect property values; (iii) enhances the visitor and

resident experience; (iv) improves recreation experiences; (v) expands the economic viability of the local economy; (vi) increases the desirability of the town as a destination resort; (vii) and adds to the overall health, safety and general welfare of the community. This policy addresses concerns of preserving view corridors for the community's overall benefit.

Ridgelines that are of the highest concern to the town include those which are defined as areas of concern.

Development on a ridgeline or a hillside is prohibited, except when all of the following findings are made by the Planning Commission:

- a. There are no site development alternatives which avoid ridgeline or hillside development; and
- b. The proposed development will not have significant adverse impacts because the application includes all reasonable steps necessary to minimize the visual impacts of the development as viewed from an area of concern.

Where development is permitted near ridgelines or on hillsides, development shall be located and designed according to the following standards:

- A. **Site Plan:** New development shall be placed in a location which minimizes the visibility of the development. Structures shall not be located near visually-prominent ridgelines or hillsides when alternative locations are feasible. Development location shall be placed to minimize the need for long driveways and utility cuts. Driveways shall be designed to minimize grading activities and visibility of cut banks and fill slopes from off-site, particularly visibility from below the development and across the valley. Roadways and driveways shall be aligned to conform to the natural contours of the site, where feasible. The use of switchback driveways to achieve a change in elevation is discouraged in order to reduce site impacts, including tree removal, unnecessary cut and fill, and the need for retaining walls. Where switchback roads or driveways are necessary, sufficient space between road sections shall be provided to maintain existing or provide area for new vegetation. Reasonable snow stack area shall be considered when designing on a sloped site.

In special cases where there has been a significant change in the appearance of the slope from past activity, such as foresting or mining, the applicant may request a plat modification through the subdivision process to relocate the envelope to a more favorable location.

- B. **Site Grading /Cut and Fill /Retaining Walls:** New developments shall be designed to reduce the need for excessive re-grading, earth moving, vegetation removal and other site disturbance. Grading or earth moving to create a flat building pad on a sloped site is prohibited; instead, buildings shall be stepped to fit with the natural terrain. The use of retaining structures may be required when they will significantly reduce the grading and other site disturbance, such as tree removal. In cases where retaining structures are used, they must be constructed from sturdy, dark natural materials, such as boulders or engineered structures faced with natural rock or other material, which will blend with the surrounding area. Where retaining structures will be visible from an area of concern, the facade of the structure shall be finished in a dark earth tone color to effectively blend the structure into its surroundings. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the visibility of such structures when viewed from off-site. Where cut and fill slopes are used, they shall be re-vegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion.

An applicant shall not be awarded positive points under Policy 7 (Relative) "Site and Environmental Design" of this chapter for meeting the requirements of this absolute policy.

- C. **Design of Structures:** The design of structures on ridgelines or hillsides shall be such that the building will blend into the surrounding topography and existing vegetation. If a building is located on a steeply sloping site, it is encouraged that a portion of the floor area be incorporated below grade and built into the topography to the greatest extent possible.

The rooflines of structures shall mimic the contours of the topography, whether gently sloping or steep. Long, unbroken rooflines shall be no greater than fifty (50) feet in length.

Large expanses of glass shall be avoided on the downhill elevation of structures. Windows on the downhill side of a structure shall use non-reflective glass.

Building Massing: Where development on ridgelines and hillsides occurs building mass shall be broken into distinct, smaller forms including facades and rooflines. Structures shall be built in stepped levels to follow the ridgeline as viewed from the primary area of concern. Overhanging decks or cantilevers that make the building seem more massive from an area of concern are prohibited.

- D. Exterior Materials: Exterior building materials shall mimic, rather than contrast, with the site's background. The use of natural materials, such as logs, timbers, wood siding and stone, is strongly encouraged. Roof materials shall be non-reflective and shall blend into the site's backdrop as much as possible. Inappropriate materials include, but are not limited to: stucco, untextured exposed concrete, untextured or unfinished concrete unit masonry, reflective glass, reflective metal siding, reflective metal roofs and associated reflective roof top equipment and piping, and unpainted aluminum window frames.

Exterior Building Colors: Buildings and roofs shall be a dark natural color to effectively blend the building with the background. Colors that mimic the forest or hillside, when viewed from an area of concern, are required to reduce the visibility of structures on hillsides and ridges. Light colors that contrast with the forest or background are prohibited unless the applicant can sufficiently show that the proposed colors will help the building to more effectively blend in with its natural surroundings. (Examples of acceptable roof colors include such as shades of brown, green, gray, black and rust).

- E. Existing and Proposed Vegetation: Trees on the downhill side of a proposed development which help to screen the development when viewed from an area of concern are of the utmost importance for preservation. Where insufficient natural screening exists on a site, an applicant may be required to plant additional trees to effectively screen the visibility of the proposed development. When adding trees for screening, coniferous trees (such as spruce and fir), which maintain their foliage throughout the year are preferred (Note: diversification of evergreen trees is encouraged).
- F. Tree Canopy: Where a healthy tree canopy is present, new developments should avoid the visible intrusion of the building ridge penetrating above the elevation of the canopy. Ongoing and preventative maintenance of a healthy forest is encouraged. Dead and/or diseased trees shall be removed and properly disposed of in order to prevent disease spread and/or fire hazards.
- G. Exterior Lighting: The visibility of exterior lighting on sloped lots and structures on ridges shall be limited to lighting for safety and security. All exterior lighting shall be designed to minimize off-site visibility and glare. Exterior lighting shall incorporate the lowest wattage possible to achieve the purpose of safety and security. Only full cut-off light fixtures are permitted. Exterior light fixtures attached to a building for the purpose of site lighting shall not exceed fifteen (15) feet from finished grade or seven (7) feet from the finished floor of an upper story deck. Freestanding lamps shall not exceed seven (7) feet in height from finished grade. The use of motion detectors or timers on exterior lighting is strongly encouraged. No floodlights are permitted. All exterior lighting shall be oriented so that the light projection falls within the platted building envelope (where one exists), unless for the purpose of entry and/or driveway lighting. A single full cut-off light fixture may be used on an address monument. Low-pressure sodium lighting is preferred. Should alternative lighting sources be utilized, bulbs shall be limited to 40 watts. Light fixtures in or attached to trees are prohibited.

Section 3. Section 9-2-2 of the Breckenridge Town Code is hereby amended by the addition of the following additional definitions:

AREA OF CONCERN:

A hillside or ridgeline which is visible from either: (i) Highway 9; (ii) the core of town; (iii)

public parks; (iv) the Breckenridge Golf Course; or (v) other areas of the town which are view corridors.

**RIDGELINE OR HILLSIDE DEVELOPMENT:**

Development on the hillside or upon the crest of a hill which would create a silhouette or other substantially adverse impact when viewed from an area of concern.

Section 4. Section 9-2-3-1(C)(3)(f) is hereby amended so as to read in its entirety as follows:

(f) Natural features such as rock outcroppings, visible ridgelines or hillsides, marshes, wetlands, wooded areas and isolated preservable trees.

Section 5. Section 9-2-3-1(C)(3)(l) is hereby amended so as to read in its entirety as follows:

(l) A map indicating significant views into and out of the subdivision from adjacent properties, and public areas, and areas of concern designated by the director.

Section 6. Section 9-2-3-1(C)(4)(c) is hereby amended so as to read in its entirety as follows:

(c) The location, width and purpose of existing and proposed easements, and a description of those trees providing natural screening of the site which will be lost due to the construction of the proposed easements;

Section 7. Section 9-2-4-2(D) is hereby amended so as to read in its entirety as follows:

D. Every subdivision shall strive to conserve existing features which add value or are of benefit to the development or the town as a whole, such as trees, water courses, ridgelines and hillsides visible from an area of concern, historic sites, and similar irreplaceable assets.

1. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the plan has been granted and the plat filed, except in those instances where approval to remove trees has been granted pursuant to the requirements of the town's Development Code prior to filing of the plat. All trees on the plan required to be retained shall be preserved and all trees where required shall be welled and protected against change of grade. All disturbed areas shall be revegetated with native ground cover.

2. Every subdivision shall strive to preserve the existing natural landscape character of the site to the extent reasonable and feasible. The subdivider shall use best faith effort to preserve significant healthy trees. In determining which trees to preserve, consideration shall be given to preserving those which exhibit the following characteristics:

- a. Are significant specimen trees;
- b. Complement the project design including the enhancement of the future architecture and streetscape appearance;
- c. Can tolerate environmental changes to be caused by development; i.e., increased sunlight, heat, wind, snow loading and alteration of water regime;
- d. Have strong branching and rooting patterns;
- e. Are free of disease and insect infestation;
- f. Complement or do not conflict with stormwater practices;
- g. Exist in natural groupings including island of trees, or are significant singular trees;
- h. Do not conflict with necessary utility, roadway or sidewalk patterns.
- i. Help screen the visibility of existing and proposed development, including roadways, when viewed from an area of concern.

Where trees and other vegetation have been removed for the construction of the subdivision including roads, retaining walls, utilities, and other necessary improvements, the subdivider shall implement a landscaping and revegetation plan based on the standards for landscaping established in the town's Development Code, Section 9-1-19-22.

3. In addition to the landscaping required above, the subdivider of land containing little or no tree cover as determined by the town shall provide one tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two inches (2") suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted within or immediately adjacent to the subdivision. It is further encouraged that landscaping be placed on the downhill side of any retaining structures to screen the visibility of the road cut when viewed from off-site. Where cut and fill slopes are used, they shall be re-vegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion.

Section 8. Section 9-2-4-4(A) is hereby amended so as to read in its entirety as follows:

A. General: All utilities shall be installed underground and utility stubs provided from mains and laterals to all lots within the subdivision prior to the completion of the finished road surface. Utility mains and laterals should not be placed directly under street pavement when alternative locations within the proposed road right of way exist. Utility placement under road shoulders, snow stack easements, or independent utility corridors which can provide utility service to all individual lots while being accessible to maintenance equipment are preferred. The removal of trees outside of the road right of way for the installation of utilities or placement of utility easements, which trees provide an effective screen or buffer to existing or future development, is strongly discouraged. Particular attention shall be given to the preservation of trees and other natural features on the downhill side of any existing or future development. Where it becomes necessary to remove trees for the installation of utility lines, the subdivider shall design the line in such a way as to minimize the tree removal, and if required to lessen the visual impact of the line, shall vary the direction of the line when necessary. On a ridgeline or hillside site where it may be necessary to install utilities or to locate easements on the downhill side of existing or future development, a row of trees at least twenty (20) feet deep shall be maintained between the development site and the new utilities or easements to help screen the visibility of the development from an area of concern. Where possible, utilities and utility easements on forested ridgeline or hillside lots shall not be located immediately adjacent to platted envelopes in order to preserve a row of trees at least twenty (20) feet deep between the utility or easement and the development site for screening the development. No subdivision shall be approved by the town unless adequate public facilities are provided in accordance with this Chapter.

Section 9. Section 9-2-4-5(C)(7)(b) is hereby amended so as to read in its entirety as follows:

b. Outside of the Conservation District, a site disturbance envelope shall be located on a lot in a manner which complies with the following minimum setbacks:

- i. Front Yard: Twenty-five feet (25')
- ii. Rear Yard: Fifteen feet (15')
- iii. Side Yard: Fifteen feet (15'), with combined side yard setbacks on each lot equaling a minimum of fifty feet (50').

Site disturbance envelopes shall be located away from significant ridgelines and hillsides.

Section 10. Section 9-2-4-5(C)(7)(c) is hereby amended so as to read in its entirety as follows:

c. In addition to the minimum requirements which will be established through subsection C7b of this section, the location of a site disturbance envelope shall also take into consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5) significant trees which will effectively screen future development when viewed from an area of concern. Particular attention shall be given to trees on the downhill side of a site disturbance envelope.

Section 11. Section 9-2-4-5(F) is hereby amended so as to read in its entirety as follows:

F. Driveway Locations: In general, driveways shall be located so adequate sight distance is provided onto the abutting road, avoiding locations along the inside curve. If driveways are located on a ridgeline or hillside they shall not be visible from an area of concern. The center line of any driveway shall be located per the specifications adopted in the Breckenridge Street Standards.

Section 12. Section 9-2-4-11(A)(3)(a) is hereby amended so as to read in its entirety as follows:

a. Streets that are appropriately related to the general topography of the land are encouraged. Steep grades and sharp curves shall be avoided. Large cut and fill areas shall be avoided through alternative placement or retaining walls if necessary. The use of retaining structures is encouraged when they will significantly reduce the grading and other site disturbance including tree removal. In cases where retaining structures are used they must be constructed from sturdy, dark natural materials, such as boulders, or engineered structures faced with natural rock or other material, which will blend with the surrounding area. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the visibility of such structures when viewed from off-site. Specific standards which shall be followed are contained in the Breckenridge Street Standards.

Section 13. 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 14. 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.

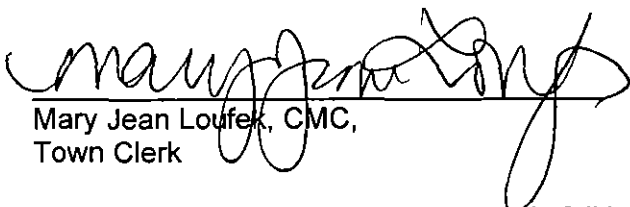
Section 15. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Parts 2 and 3 of Article 23 of Title 31, C.R.S. (municipal subdivision and zoning powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

Section 16. 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 24<sup>th</sup> day of October, 2006. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14<sup>th</sup> day of November, 2006, 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

  
Ernie Blake, Mayor

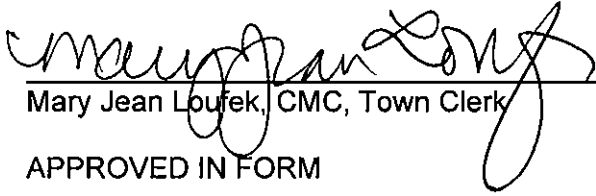
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on November 3, 2006.

The public hearing on this ordinance was held on November 14, 2006.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 14<sup>th</sup> day of November, 2006. 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

  
\_\_\_\_\_  
Ernie Blake, Mayor

APPROVED IN FORM

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

11/14/06  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on November 24, 2006.