

ORDINANCE NO. 5

Series 2006

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING BUILDING HEIGHT

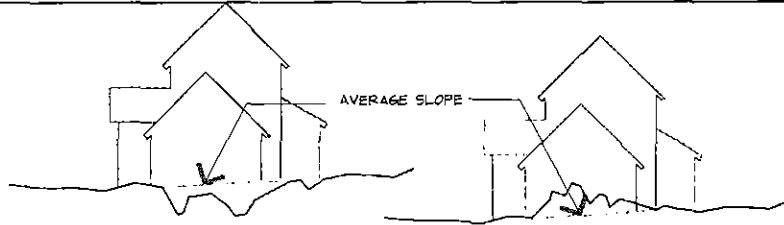
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The definition of "Building Height" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

**BUILDING HEIGHT:** The height of a building as measured from any point from within a building's foundation or around a building's foundation perimeter, and is based on the methods described under the definition of Building Height Measurement.

Section 2 Section 9-1-5 of the Breckenridge Town Code is amended by the inclusion of a new definition of "Building Height Measurement", which shall read in its entirety as follows:

**BUILDING HEIGHT MEASUREMENT:**

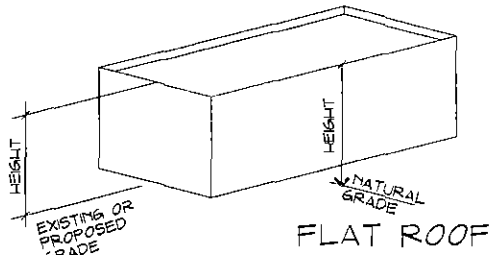


IN THE CASE OF NON-NATURAL OR HIGHLY IRREGULAR TOPOGRAPHY DUE TO PAST MINING IMPACTS OR OTHER MAN-MADE IMPACTS WITHIN THE EXISTING SITE DEVELOPMENT AREA, AN AVERAGE SLOPE MAY BE USED.

Building height is measured in one of the following three ways (A., B. or C.); all are measured from a point on the roof to a point on the grade directly below. Measurement is taken from points around the outside edge of the building's perimeter to natural or proposed grade, which ever yields a greater dimension, and from within the building's foundation perimeter to natural grade. In the case of non-natural or highly irregular topography due to past mining impacts or other man-

made impacts within the existing site development area (see illustration below), an average slope may be used.

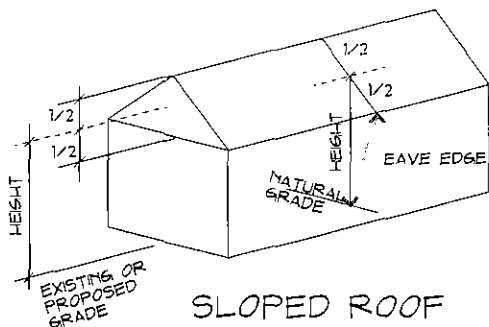
All buildings with flat roofs are measured per method "A". All Multi-Family buildings, commercial buildings and all buildings within the Conservation District are measured per method "B". All Single-



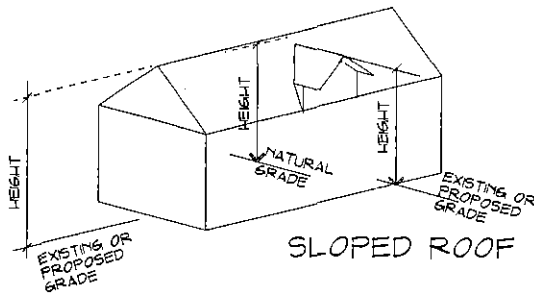
Family Residences and Duplex Units outside the Conservation District are measured per method "C" (unless a flat roof is proposed, then method "A" would be used).

(A.) Measurement to the highest point of a flat or mansard roof: The greatest dimension, measured vertically, of a building between the highest point of a flat or mansard roof, including the cap of parapet, to a point measured directly below as described above.

(B.) Measurement to the mean elevation of a sloped roof: The greatest dimension, measured vertically, to a point between the ridge and the eave edge of a sloped roof, to a point measured directly below as described above.



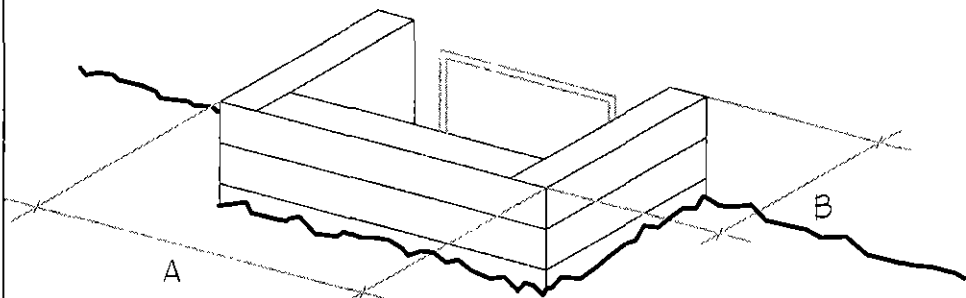
(C.) Measurement to the highest element of a sloped roof: The highest point of any roof element to a point measured directly below as described above.



On any lot exhibiting evidence of cut or fill grade not authorized by the Town, the applicant may be required to provide a professional soil analysis to determine the natural grade. No excessive fill, excavation or other artificial methods of grade manipulation will be permitted to create an exaggerated building site to manipulate the building height measurement.

(D.) Exceptions: Building height measurement shall not include:

- (1.) For Single-Family Residences or Duplex Units: Chimneys are not measured for height but are limited to no more than two (2) feet higher than the adjacent ridge or cap of parapet.
- (2.) For Non-residential structures and Multi-family structures: Elevator shaft extensions, chimneys, and focal elements such as church steeples, spires, clock towers or similar structures that have no density or mass, (in no instance shall any these structures extend over ten (10) feet above the specified maximum height limit) or the first five (5) feet of height within the first floor common area lobbies in Multi-Family structures.
- (3.) Areaways, Lightwells and Basement Stairwells: An areaway, lightwell or basement stairwell of less than fifty (50) square feet in area, enclosed on all four sides, shall not be counted towards maximum permissible height. (See illustration below.)

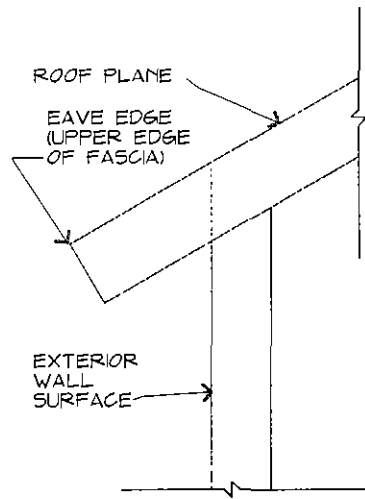


A X B EQUALS LESS THAN 50 FEET IN AREA

**Section 3** Section 9-1-5 of the Breckenridge Town Code is amended by the inclusion of a new definition of "Eave Edge", which shall read in its entirety as follows:

**EAVE EDGE:**

**EAVE EDGE:** Eave Edge is the point in the roof plane at the upper edge of the eave or fascia. (See illustration below.)



Section 4. The definition of "Story" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Section 5 Section 9-1-5 of the Breckenridge Town Code is amended by the inclusion of a new definition of "Story to Height Conversion", which shall read in its entirety as follows

**STORY to HEIGHT CONVERSION::** A conversion factor used in determining allowed building heights outside the conservation district for all structures except Single Family residences and Duplexes, where the first two stories of a building are allocated thirteen (13) feet in height each, and all subsequent stories are each allocated twelve (12) feet in height. One half story equals six (6) feet.

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

6. (ABSOLUTE) BUILDING HEIGHT: The maximum allowed height for structures shall be as follows:
  - A. Within The Historic District:
  - A. Within The Conservation District:
    - (1.) Building height measurement shall be to the highest point of a flat or mansard roof or to the mean elevation of a sloped roof.
    - (2.) Maximum building height for all non-residential, Multi-Family, Duplex and Single-Family Structures:
      - (i) In land use districts 11, 17 and 18, and in those portions of land use districts 18<sub>2</sub> and 19 north of Lincoln Avenue or south of Washington Street, building height shall not exceed twenty-six feet (26').
      - (ii) In those portions of land use districts 18<sub>2</sub> and 19 that lie between Lincoln Avenue and Washington Street, building height shall not exceed thirty feet (30').

B. Outside The Conservation District:

(1.) For all Single-Family Residences or Duplex Units: Measurement shall be to the highest point of any roof element and shall not exceed thirty-five feet (35').

(2.) For all structures except Single Family and Duplex Units outside the Conservation District: No building shall exceed the Land Use Guidelines recommendation by more than two (2) full stories.

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

6. (RELATIVE) BUILDING HEIGHT:

1 (-2,+2) (RELATIVE) BUILDING HEIGHT (6/R): The height of a building has many impacts on the community. Building heights that exceed the Land Use Guidelines can block views, light, air, and solar radiation; they can also disrupt off site vistas, impact scenic backdrop and penetrate tree canopies that provide screening to maintain a mountain forest character. It is encouraged that the height of new buildings be controlled to minimize any negative impacts on the community.

I. For all structures except Single Family and Duplex Units outside the Conservation District:

A. Within The Conservation District: The impact of building heights within the Conservation District is critical to the building's compatibility with the Conservation District Guidelines and neighboring existing historic structures. 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 Conservation District:

1 X (0/-3) (1.) In Land Use Districts 11, 17 and 18, and those portions of 18<sub>2</sub> and 19 which lie north of Lincoln Avenue or south of Washington Street, a maximum height of twenty three feet (23') is strongly encouraged. For buildings with heights greater than twenty-three feet (23'), points shall be deducted based on the following table:

Building Height	Point Deductions
23.01 - 24 feet	-1
24.01 - 25 feet	-2
25.01 - 26 feet	-3

1 X (0/-5) (2.) In those portions of Land Use Districts 18<sub>2</sub> and 19, which lie between Lincoln Avenue and Washington Street, a maximum height of twenty-five feet (25'), is strongly encouraged. For buildings with heights greater than twenty-five feet (25'), points shall be deducted based on the following table:

Building Height	Point Deductions
25.01 - 26 feet	-1
26.01 - 27 feet	-2
27.01 - 28 feet	-3
28.01 - 29 feet	-4
29.01 - 30 feet	-5

B. Outside the Conservation District:

(1.) For all structures except Single Family and Duplex Units outside the Conservation District: Negative points under this subsection shall be assessed based upon a project's relative compliance with the building height recommendations contained in the Land Use Guidelines, as follows:

- 5 points Buildings that exceed the building height recommended in the land use guidelines, but are no more than one-half (1/2) story over the land use guidelines recommendation.
- 10 points Buildings that are more than one-half (1/2) story over the land use guidelines recommendation, but are no more than one story over the land use guidelines recommendation.
- 15 points Buildings that are more than one (1) story over the land use guidelines recommendation, but are no more than one and one-half (1-1/2) stories over the land use guidelines recommendation.
- 20 points Buildings that are more than one and one-half (1-1/2) stories over the Land Use Guidelines recommendation, but are no more than two (2) stories over the Land Use Guidelines recommendation.

Any structure exceeding two (2) stories over the Land Use Guidelines recommendation will be deemed to have failed Absolute Policy 6, Building Height.

(2.) For all structures except Single Family and Duplex Units outside the Conservation District: Additional negative or positive points may be assessed or awarded based upon the Planning Commission's findings of compliance with the following:

- 1 x (-1/+1) b. It is encouraged that buildings incorporate the upper most story density into the roof of the structure, where no additional height impacts are created.
- 1 x (-1/+1) c. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, un-broken ridgelines, 50 feet or longer, are discouraged.

II. For all Single Family and Duplex Units outside the Conservation District:

(A.) Additional negative or positive points may be assessed or awarded based upon the Planning Commission's findings of compliance with the following:

- 1 x (-1/+1) b. It is encouraged that buildings incorporate the upper most story of density into the roof of the structure, where no additional height impacts are created.
- 1 x (-1/+1) c. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, un-broken ridgelines, 50 feet or longer, are discouraged.
- 1 x (0/+1) d. Roof forms are encouraged to have a minimum pitch of eight in twelve (8:12) to a maximum pitch of twelve in twelve (12:12) over 90% of the roof area (measured in plan); however, up to 10% of the roof area may be flatter than an eight in twelve (8:12) pitch.

Section 7. 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 8. 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.

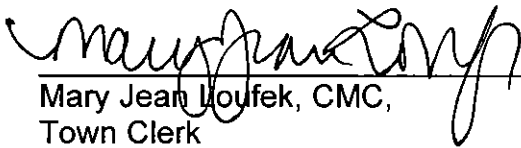
Section 9. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 10. 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 10th day of January, 2006. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of January, 2005, 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

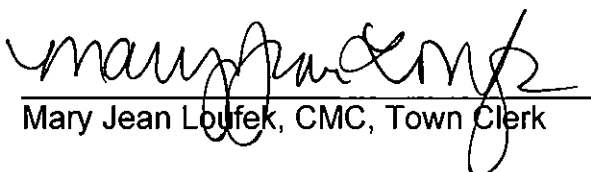
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on January 20, 2006.

The public hearing on this ordinance was held on January 24, 2006.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 24th day of January, 2006. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

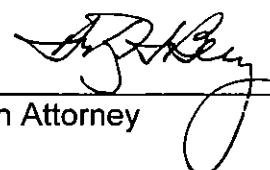
ATTEST:

TOWN OF BRECKENRIDGE

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

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

APPROVED IN FORM

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

1/24/06  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on February 3, 2006.