

ORDINANCE NO. 15

Series 2013

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING MOVING HISTORIC STRUCTURES

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 amended by the addition of the following two definitions:

PRIMARY STRUCTURES:

The main buildings or structures on a lot which gives the site its unique character, and were historically the most important buildings on the site. In most cases, the primary structures shall be the largest structures on the property, and generally were located near the front portion of the lot, closer to the street. Primary structures are generally more ornate with more architectural detail. Examples of primary structures include the main residence, or main commercial building, as opposed to sheds, outhouses, and barns which are secondary structures in most instances.

SECONDARY STRUCTURES:

Buildings whose uses were historically ancillary to the primary use of the site. These include storage buildings such as sheds, outhouses and barns, which were typically smaller than the primary structure and usually located at the rear of the lot. These buildings were usually simpler in design than primary structures, were often not painted and were clad in lower quality materials.

Section 2. Subsection (B) of Section 9-1-19-5A of the Breckenridge Town Code, entitled "Policy 5 (Absolute) Architectural Compatibility" is repealed.

Section 3. Section 9-1-19-5R of the Breckenridge Town Code, entitled "Policy 5 (Relative) Architectural Compatibility", is amended to read in its entirety as follows:

9-1-19-5R: POLICY 5 (RELATIVE) ARCHITECTURAL COMPATIBILITY:

The town hereby finds that excessive similarity, dissimilarity, or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole, and by so doing impairs the benefits of existing property owners, the stability and value of real property, produces degeneration of property with attendant deterioration of conditions affecting health, safety, and general welfare of the community, and destroys a proper relationship between the taxable value of real property and the cost of municipal services provided therefor. Features of design include, but are not limited to, size, shape, scale, proportions, solid to void ratios, texture, pattern and color of materials, and architectural elements and details.

3 x (-2/+2) A. General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that

MOVING HISTORIC STRUCTURES ORDINANCE

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 subsection A 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. Brick is an acceptable building material on smaller building elements, provided an earth tone color is selected. Stucco is an acceptable building material so long as an earth tone color is selected, but its use is discouraged and negative points shall be assessed if the application exceeds twenty five percent (25%) on any elevation as measured from the bottom of the fascia board to finished grade. Such measurement shall include column elements, windows and chimneys, but shall not include decks and railing elements. Fiber cement siding may be used without the assignment of negative points only if there are natural materials on each elevation of the structure (such as accents or a natural stone base) and the fiber cement siding is compatible with the general design criteria listed in the land use guidelines. Roof materials should be nonreflective 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 subsection A applies only to areas outside of the conservation district, but does not apply to the Cucumber Gulch overlay protection district (see section 9-1-19-5A, "Policy 5 (Absolute) Architectural Compatibility", subsection D, of this chapter).

B. Historic and Conservation Districts: For all projects within the Historic or Conservation Districts, see Policy 24 (Absolute) The Social Community and Policy 24 (Relative) The Social Community.

C. Above Ground Density in Historic District: (See Policy 24 Absolute) The Social Community, B. Historic District.

Section 4. Section 9-1-19-24A, "Policy 24 (Absolute) The Social Community", of the Breckenridge Town Code is amended to read in its entirety as follows:

9-1-19-24A: POLICY 24 (ABSOLUTE) THE SOCIAL COMMUNITY:

A. Meeting and Conference Rooms: All condominium/hotels, hotels, lodges, and inns shall provide meeting areas or recreation and leisure amenities, at a ratio of one square foot of meeting or recreation and leisure amenity area for every thirty five (35) square feet of gross dwelling area.

B. Historic and Conservation District: Within the conservation district, which area contains the historic district (see special areas map¹) substantial compliance with both the design standards contained in the "Handbook Of Design Standards" and all specific individual standards for the transition or character area within which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the district structures, sites and objects significant to its history, architectural and cultural values.

(1) Within the historic or conservation district, no historic structure shall be altered, moved, or demolished without first obtaining a class A or class B

¹ See section 9-1-20 of this chapter.

development permit from the town. Accompanying such approval to alter, move or demolish any historic structure shall be an application for a class A or class B development permit as required by code to authorize any proposed new development which shall take the place of a moved or demolished historic structure. The issuance of building permits for altering, moving, or demolishing a historic structure and the construction of a replacement structure shall be issued concurrently and shall not be issued separately. Moving a historic structure from its historic lot or parcel to another lot or parcel is prohibited.

- (2) In addition to the procedural requirements of this chapter, an application for alteration, demolition, or moving of an historic structure shall be accompanied by a cultural survey prepared by a qualified person when required by the town.
- (3) Within the Main Street Residential/Commercial, South End Residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:

Aboveground Density (UPA)	Point Deductions
9.01-9.50	-3
9.51-10.00	-6
10.01-10.50	-9
10.51-11.00	-12
11.01-11.50	-15
11.51-12.00	-18
12.01 or more	See policy 5 (absolute) of this chapter

- (4) 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 chapter

Section 5. Subsection E of Section 9-1-19-24R, "Policy 24 (Relative) The Social Community", of the Breckenridge Town Code is amended to read in its entirety as follows:

3 x (-5/+5) E. Conservation District:

Within the conservation district, which 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 this title) 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.

Additional on-site preservation and restoration efforts beyond the requirements of the historic district guidelines for historic structures and sites as defined in chapter 11 of this title are strongly encouraged.

Positive points shall be awarded according to the following point schedule for on site historic preservation, or restoration efforts, in direct relation to the scope of the project, subject to approval by the planning commission. Positive points may be awarded to both primary structures and secondary structures.

A final point allocation shall be made by the planning commission based on the historic significance of the structure, its visibility and size. The construction of a structure or addition, or the failure to remove noncontributing features of a historic structure may result in the allocation of fewer positive points:

Primary Structures:

+1 On site historic preservation/restoration effort of minimal public benefit.

Examples²: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details.

+3 On site historic preservation/restoration effort of average public benefit.

Examples: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details, plus structural stabilization and installation of a new foundation.

+6 On site historic preservation/restoration effort of above average public benefit.

Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, plus structural stabilization and installation of a full foundation which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.

+9 On site historic preservation/restoration effort with a significant public benefit.

Example: Restoration/preservation efforts which bring a historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style and respecting the historic context of the site that fall short of a pristine restoration. Projects in this category will remove non-contributing features of the exterior of the structure, and will not include any above ground additions.

² Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this chapter.

+12 On site historic preservation/restoration effort with a very significant public benefit.

Example: Restoration/preservation efforts to a historic structure or site which bring the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style and respecting the historic context of the site with no new structures or additions and the removal of all noncontributing features of a historic structure or site. Such restoration/preservation efforts will be considered pristine.

Secondary Structures:

+1 On-site historic preservation/restoration of minimal public benefit.

Examples: Structural stabilization of walls, roof trusses and repairing damaged or missing roofing.

+2 On-site historic preservation of average public benefit.

Examples: Structural stabilization of walls, roof trusses and repairing roofs, plus full restoration of damaged or missing siding, doors, windows, and trim.

+3 On-site historic preservation of above average public benefit.

Examples: Complete restoration of the structure, including structural stabilization of walls, roof trusses and repairing roof, full restoration of damaged or missing siding, doors, windows and trim, plus installation of a full foundation. Secondary structures that encroach over a property line or easement shall be brought fully onto the applicant's property and outside of any easements or encroachments to qualify for this point allocation.

Section 6. Section 9-1-19-24R, "Policy 24 (Relative) The Social Community", of the Breckenridge Town Code is amended by the addition of a new subsection F, entitled "Moving Historic Structures", which shall read in its entirety as follows:

F. Moving Historic Structures:

A structure derives part of its historic significance from its setting, which includes the property itself, associated landscaping, view corridors, and other buildings. The manner in which a building relates to its site, how it is oriented on the property and its view orientation are all aspects of the building context that enrich our ability to understand the life ways that the historic district conveys. Removing a building from its historic setting, relocating a building on its historic site or altering its orientation diminishes our ability to interpret the history of the district and its historic structures to the fullest extent possible and therefore should be avoided. Instead, the preferred method is to preserve historic buildings in their existing locations.

The degree to which historic structures are moved on their site, or moved to another site, shall be considered in the allocation of negative points. Structures that are moved off the property to another site shall receive the greatest number of negative points. These moves alter the ability to interpret the history of a site and the historic structure. Every effort shall be made to preserve historic structures in their historic locations. When moving of structures is necessary, they shall be relocated in a manner which preserves the original context of the site and structure as much as possible. Structures shall not be moved any more than necessary to achieve reasonable use of the land.

MOVING HISTORIC STRUCTURES ORDINANCE

Changes that improve the ability to preserve any historic structure or to improve public safety shall be considered in the allocation of points under this section. The following is a guideline for the assignment of points for moving historic structures. The final allocation of points shall be made by the planning commission pursuant to Section 9-1-17-3 of this chapter. Negative points may be awarded to both primary and secondary structures.

No structure shall be moved unless the structure is also fully restored in its new location with structural stabilization, a full foundation, repairs to siding, windows, doors and architectural details, and roof repairs to provide water protection.

Moving Primary Structures:

0 points: Relocating of historic primary structures in order to bring them into compliance with required codes and/or setbacks and for correcting property encroachments, but keeping the structure on its original lot, and maintaining the historic context of the structure and site.

-3 points: Relocating of historic primary structures less than five (5) feet from its current or original location, keeping the structure on its original site, and maintaining the historic orientation and context of the structure and lot.

-10 points: Relocating a historic primary structure between five (5) feet and ten (10) feet from its current or original location, but keeping the structure on its original lot and maintaining the historic orientation and context.

-15 points: Relocating a historic primary structure more than ten (10) feet from its current or original location.

Secondary Structures:

0 points: Relocating of historic secondary structures in order to bring them into compliance with required codes and/or setbacks and for correcting property encroachments, but keeping the structure on its original lot, and maintaining the historic context of the structure and site.

-1 point: Relocating a historic secondary structure less than five (5) feet from its current or original location, keeping the structure on its original lot, and maintaining the historic orientation and context of the structure and site.

-2 points: Relocating a historic secondary structure between (5) feet and ten (10) feet from its current or original location, but keeping the structure on its original lot and maintaining the historic orientation and context of the structure and site.

-3 points: Relocating a historic secondary structure more than ten (10) feet from its current or original location, but keeping the structure on its original lot.

-15 points: Relocating a historic secondary structure to a site off the original lot.

Other Negative Points:

Any proposal for changing the historic orientation of a historic structure shall receive additional negative points based on the degree to which the change in orientation affects the ability to interpret the use and history of the site or structure. In general, the following points shall be assigned, unless a different point allocation is determined by the Planning Commission:

-2 points: Changing the historic orientation of a secondary structure

-10 points: Changing the historic orientation of a primary structure

Structures Not in Historic Location:

MOVING HISTORIC STRUCTURES ORDINANCE

On occasion, historic structures have been moved to new locations within the town. The moving of these structures (which were previously moved to new locations after the Town's historic Period of Significance, after 1942) are not subject to the allocation of negative points if the final location and configuration of the building is consistent with the policies and intent of the "Handbook of Design Standards for the Historic and Conservation Districts", and so long as the building is structurally stabilized and placed on a permanent foundation at the receiving site. Also, the receiving site shall be an appropriate context for the structure, as determined by the structure's original use and site.

Structures that were previously moved during the Town's Period of Significance (in 1942 or earlier) have achieved historical significance in their new or current location. In these cases, moving these structures again is discouraged and negative points shall be allocated by the Planning Commission in direct relation to the scope of the change in location and context, pursuant to the provisions of this chapter.

Returning Structures to their Historic Location:

It is the goal of the Town to encourage the return of historic structures back to their original, historic locations, in those cases where historic structures were previously moved off their historic location. Positive points shall be assigned according to the following point schedule:

+2 points: Relocation of a historic structure back to its historic location.

+5 points: Relocation of a historic structure back to its historic location and returning the site to its appearance at a particular moment in time within the Town's Period of Significance.

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: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) 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 23rd day of April, 2013.

This Ordinance was published on the Town of Breckenridge website on April 25, April 26, April 27, April 28 and April 29, 2013.

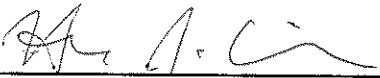
A public hearing on this ordinance was held on May 14, 2013.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 14th day of May, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

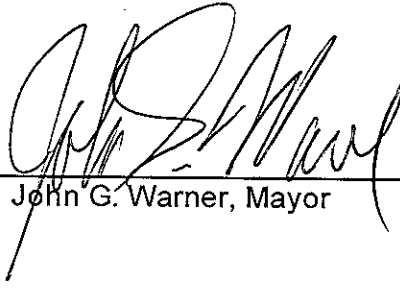
ATTEST:

TOWN OF BRECKENRIDGE

MOVING HISTORIC STRUCTURES ORDINANCE



Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



5/14/13

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on May 15, May 16, May 17, May 18 and May 19, 2013. This ordinance shall become effective on June 14, 2013.