

ORDINANCE NO. 1

Series 2019

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 9 OF THE  
BRECKENRIDGE TOWN CODE

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

Section 1. The definition of "Building Heights Measurement" in Section 9-1-5 of the  
Breckenridge Town Code is amended to read as follows:

<p>BUILDING HEIGHT MEASUREMENT:</p>	<p>Building height is measured in one of the following three (3) 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, whichever 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 manmade impacts within the existing site development area (see illustration below), an average slope may be used.</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>All buildings with flat or shed roofs are measured per method A. All multi-family buildings, commercial buildings and all buildings within the historic district are measured per method B (unless a flat or shed roof is proposed, then method A would be used). All single-family residences and duplex units outside the historic district are measured per method C (unless a flat or shed roof is proposed, then method A would be used).</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>A. Measurement to the highest point of a flat, shed, or mansard roof: The greatest dimension, measured vertically, of a building between the highest point of a flat, shed, or mansard roof, including the cap of parapet, to a point measured directly below as described above.</p> <p>B. Measurement to the mean elevation of a gable or hip roof: The greatest dimension, measured vertically, to a point between the ridge and the eave edge of a gable or hip roof, to a point measured directly below as described below:</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>C. Measurement to the highest element of a gable or hip roof: The highest point of any roof element to a point measured directly below as described below:</p> <p style="text-align: center;">&lt;Illustration&gt;</p>
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	<p>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.</p> <p>D. Exceptions: Building height measurement shall not include:</p> <ol style="list-style-type: none"> <li>1. For Single-Family Residences Or Duplex Units: Chimneys are not measured for height but are limited to no more than two feet (2') higher than the adjacent ridge or cap of parapet.</li> <li>2. For Nonresidential 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 of these structures extend over 10 feet above the specified maximum height limit), or the first five feet (5') of height within the first floor common area lobbies in multi-family structures.</li> <li>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 (4) sides shall not be counted towards maximum permissible height (see illustration below):</li> </ol> <p style="text-align: center;">&lt;Illustration&gt;</p>
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Section 2. The definition of “Class A Development “ in Section 9-1-5 of the Breckenridge Town Code is amended by the addition of a new item I, which shall read as follows::

CLASS A DEVELOPMENT:	H. Remodel or addition to any historic residential structure within the historic district or the conservation district.
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Section 3. The definition of “Class B –Minor Development “in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

CLASS B – MINOR:	<p>A. Change of use within a residential district.  B. Site work, landscaping, grading, and utility installations on steep slopes (greater than 15 percent) or within environmentally sensitive areas.  C. Operation of a home childcare business.  D. Vendor carts, large.  E. Application for exempt large vendor cart designation.</p> <p>Class B development is divided into major and minor categories for purposes of payment of application fees only. The procedures set forth in the development code for the processing of class B development permit applications apply to both major and minor categories.</p>
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Section 4. The definition of “Accessory Apartment” contained within the definition of

“Residential Use” in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

<p>ACCESSORY APARTMENT:</p>	<p>A. A residential unit located on the same parcel of land as a single-family unit, which is secondary in size and use to the single-family unit and meets the following criteria:</p> <p>A. The total dwelling area of the unit is no greater in size than one-third (<math>\frac{1}{3}</math>) of the total dwelling area of the single-family unit.</p> <p>B. The total dwelling area of the unit is no greater in size than one thousand two hundred (1,200) square feet.</p> <p>C. Legal title to the accessory apartment and single-family unit is held in the same name.</p> <p>D. With the exception of section D.1. below, accessory apartments may only be occupied by persons employed at least 30 hours per week in Summit County with a lease term of not shorter than six months.</p> <p>1. Accessory apartments may be occupied by persons with disabilities or persons 65 years or older.</p> <p>2. All permits issued for accessory apartments shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property with the requirements set forth above under D and D.1. The covenant shall grant enforcement power to the Town of Breckenridge or an authorized designee.</p> <p>Units that meet all of the criteria will be classified as a portion of the single-family unit, while those that do not meet all the criteria specified shall be classified as either a duplex (if attached) or a second home (if detached).</p>
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Section 5. New definitions of “Community Facilities” and “Institutional Uses” are added in Section 9-1-5 of the Breckenridge Town Code as follows:

<p>COMMUNITY FACILITIES:</p>	<p>Facilities used by the community as a whole that provide an essential service to the community, such as water and sewer treatment plants, libraries, schools, police and fire stations, and community centers.</p>
<p>INSTITUTIONAL USE:</p>	<p>A nonprofit or quasi public use, such as a church, library, public or private school, hospital including associated medical office facilities, or government owned or operated structure or land used for public purpose, along with customary accessory uses.</p>

Section 6. The definition of “Employee Housing” in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

<p>EMPLOYEE HOUSING:</p>	<p>A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working for a business located in and serving Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.</p> <p>All employee housing units shall be a minimum of two hundred fifty (250) square feet of density in size and shall</p>
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	have a living area containing at a minimum: a kitchen sink; cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches (30") in front; sleeping accommodations; a separate closet with a door; and a separate bathroom with a door, lavatory, and a bathtub or shower.
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Section 7. The definition of "Site Specific Development Plan" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

SITE SPECIFIC DEVELOPMENT PLAN:	A class A, B, C, or D-Major development permit.
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Section 8. Section 9-1-8 of the Breckenridge Town Code, entitled "Preliminary Evaluation," is deleted.

Section 9. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by the addition of a new Section 9-1-17-3.5, entitled "Duration of Point Assignments," which shall read as follows:

9-1-17-3.5: DURATION OF POINT ASSIGNMENTS:

The assignment of points for a development permit is vested for the duration of the development permit, including after a Certificate of Occupancy has been issued, up to the vesting period as specified in Section 9-1-17-8. When an applicant requests to modify or apply for a new development permit on the same property during the vested period, the applicant may use positive points associated with the valid development permit (only those positive points that exceeded a zero point score) to offset negative points accrued in the permit modification or new development permit.

Section 10. Section 9-1-17-11 (D) of the Breckenridge Town Code is amended to read as follows:

D. Duration Of Vested Right: Subject to the provisions of subsection F of this section, and section 9-1-19-39A of this chapter, all vested rights with respect to any class A or B development permit shall terminate and expire at the end of three (3) years from the date of the approval by the town council of such development permit, and all vested rights with respect to a class C or class D major development permit shall expire eighteen (18) months from the date of the approval by the town council or director of such permit, unless substantial construction pursuant to such permit has been completed. There are no vested property rights for a class D minor development permit.

Section 11. Section 9-1-17-12 (B) of the Breckenridge Town Code is amended to read as follows:

B. Other Transfers: A transfer of density to a lot or parcel within the town from either one lot or parcel located outside of the town, but within the Upper Blue River Basin, or pursuant to a certificate of development rights issued pursuant to that certain "intergovernmental agreement concerning transferred development rights between the town and Summit County, Colorado", as amended from time to time, may be approved by the town only in conjunction with approval of a development agreement, with the exception that a transfer of density involving 0.5 SFEs or less of transferred density may be allowed in conjunction with a development permit and does not require a development agreement. If the vesting period expires on a development permit with a density transfer, then a new development agreement must be obtained to allow a density transfer in association with a new development permit for the property. In no case may a density transfer be allowed into the historic district or land use district 1. A density transfer pursuant to the referenced intergovernmental agreement that includes a transfer of development rights sending area wetland lot shall be limited so that no more than twenty five percent (25%) of any density approved for transfer (not to exceed 2 development rights) may originate from a qualifying wetland lot of "high importance" or "concern" as defined in the intergovernmental agreement; only whole development rights are eligible for transfer from wetlands lots. If a density transfer is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: 1) the amount of density transferred; 2) the new total amount of density on the receiving parcel; 3) the total new amount of density on the sending parcel; and 4) an acknowledgment by the owner of the

receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with this chapter. The covenant shall be recorded with the clerk and recorder of Summit County, and shall conclusively establish the amount of density on the receiving parcel as of the date of such covenant. Upon the execution of the density transfer covenant described above, the owner of the receiving parcel shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density on the receiving parcel. Development approval shall include a condition of approval that specifies the time or times at which all requirements as set forth above are complied with (e.g., prior to issuance of building permits). Development permit conditions of approval shall state the amount of density required to be transferred and shall not include specific dollar amounts for purchasing such density. The cost of purchasing density shall be based on the current rate established for sale of TDRs at the time of purchase, as outlined in the intergovernmental agreement.

Section 12. Section 9-1-18-1(D)(1)(a) of the Breckenridge Town Code is amended to read as follows:

a. An application signed by the property owner of record, or an agent having power of attorney on forms provided by the town. Any variances applied for shall be included in the application.

Section 13. Section 9-1-18-4(B)(1) of the Breckenridge Town Code is amended to read as follows”

1. Once a completed application and all accompanying material have been submitted, the director shall review the proposal and approve it with or without conditions, or deny it. In addition, the director shall have the right to reclassify any class D minor application as a class D major or a class C and process it accordingly.

Section 14. Section 9-1-18-4(D) of the Breckenridge Town Code is deleted.

Section 15. Section 9-1-19-2R, “Policy 2 (Relative) Land Use Guidelines,” of the Breckenridge Town Code is amended to read as follows:

9-1-19-2R: POLICY 2 (RELATIVE) LAND USE GUIDELINES: The town strongly encourages all developments to meet the guidelines established within the adopted “land use guidelines” document for the district in which they lie, and, where applicable, the guidelines established by an approved master plan.

4 x (- A. Uses: Proposed uses which will not conflict with the existing uses, but will conform to the desired character and function of the district in which they lie, and where applicable, with an approved master plan, are encouraged. Uses which are in conflict with existing uses and/or with the desired character and function of the district in which they lie, or, where applicable, with an approved master plan, are discouraged.

2 x (- B. Relationship To Other Districts: In those instances where a project lies adjacent to a district boundary where the proposed uses may be incompatible, the applicant is encouraged to modify the proposed use to one that is compatible, or take extra measures to provide adequate buffers in an effort to lessen any negative impacts upon the property lying within the adjacent land use district.

3 x (- C. Nuisances: Uses that create a nuisance or hazard to others in the community, including, but not limited to, significant or continuous noise, vibration, odors, radio or electronic interference, or heat shall be discouraged.

Section 16. Sections A, B, and E of Section 9-1-19-3A, “Policy 3 (Absolute) Density/Intensity,” of the Breckenridge Town Code is amended to read as follows:

A. Commercial, Industrial, and other Non-Residential Uses: Commercial, industrial, and other non-residential uses’ densities are designated within the land use guidelines in terms of a floor area ratio (FAR). All developments which lie in a district where the density is designated in the terms of floor area ratio shall continue to utilize the allowed density as calculated through the particular

FAR as the basis for determining compliance with this policy.

Where a transfer of density is proposed pursuant to Section 9-1-17-12 for a commercial, service commercial, industrial, or other non-residential use, then the conversion table below shall be used to determine the amount of density required to be transferred to the project site.

B. Residential: Residential uses whose allowed densities are calculated in terms of units within the land use guidelines shall utilize the following square footage conversion tables to determine the maximum dwelling area allowed within a specific project. (The town requires dwelling units to be converted to square footage rather than units because the town has determined that the impacts of a development are more closely related to the total square footage of the project than the number of units.) Furthermore, it is the intention of the town to encourage uses which have been determined to be needed and desirable for the general benefit of the town, and to discourage those uses which it determines provide little or no benefit or are a detriment to the community.

### CONVERSION TABLE

Within conservation district:

Single-family	1 unit = 1,600 square feet
Duplexes and townhouses	1 unit = 1,600 square feet
Boarding houses	1 unit = 900 square feet
All other residential (including bed and breakfast, apartment, and condominium)	1 unit = 1,200 square feet

Outside conservation district:

Single-family	1 unit = unlimited square footage*
Duplex included within site plan level development permit with net density of less than 5 units per acre	1 unit = unlimited square footage*
Duplex included within site plan level development permit with net density of 5 units per acre or more	1 unit = 1,600 square feet
Townhouse	1 unit = 1,600 square feet
Hotel, inn, motel, bed and breakfast	1 unit = 1,380 square feet
Boarding houses	1 unit = 900 square feet
All other residential (including apartment and condominium)	1 unit = 1,200 square feet
Commercial, service commercial, industrial, and all other non-residential uses	1 unit = 1,000 square feet

\*Refer to section 9-1-19-4A, "Policy 4 (Absolute) Mass", subsection A, of this chapter for mass limitations in certain subdivisions that may further limit aboveground density.

For purposes of this policy, the term "net density" shall mean the total number of approved residential dwelling units per acre contained within the land area covered by a site plan level development permit.

When using the above table to calculate density on a site, the following formula shall be used: equivalent units (as determined by above table) x Units Per Acre (as determined by the applicable Land Use District or Master Plan) x size of lot. For example, within the Conservation District, a single-family home (1,600 square foot multiplier in above table) x 11 UPA (in Land Use District 17) x .14

acres (lot size) = 2,464 square feet of allowed density. Please note that densities are further limited in the conservation district based on the Historic District Guidelines and the particular character area the property is located in, so the above noted UPA density may be less than noted.

E. Density For Attainable Employee Housing Projects:

When new Employee Housing projects are developed within the corporate limits of the town, the town government shall transfer density it owns to the Employee Housing project at a one to four (1:4) ratio (i.e., transfer 1 development right for every 4 Employee Housing project units permitted to be built).

Section 17. Section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity," of the Breckenridge Town Code is amended by the addition of the following new sections:

F. Exemption for Community Facilities and Institutional Uses

(1) Where community facilities and institutional uses are proposed, no density shall be required to be transferred to subject property to account for the density associated with the community facility or institutional use.

G. Transfer of Density Required

(1) Where a development project is proposed to exceed the permitted density of the property as identified under the controlling development policy or document, including, but not limited to, the land use guidelines, master plan, development agreement, or other controlling site specific rule, regulation or court order, then a transfer of density must be enacted pursuant to Section 9-1-17-12 and as further controlled by other sections in this Code.

H. Aboveground Density In Historic District:

(1) Within the Main Street residential/commercial, south end residential, and South Main Street character areas a maximum of 12.0 units per acre for aboveground density for new construction is allowed. Projects within such areas which contain 12.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.

a. Within the Main Street residential/commercial character area only, density and mass will not be assessed against a project for the construction of a "connector" element which complies with priority policy 80C of the "Handbook Of Design Standards For The Historic And Conservation Districts".

(2)a. Within the eastside residential, north end residential, and the North Main Street residential character areas, a maximum of 9.0 units per acre for aboveground density for new construction is allowed, except for those developments described in subsection H(2)b of this section. Projects within such areas which contain 9.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.

b. In connection with permit applications for projects 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") anywhere within the eastside residential, north end residential, and the North Main Street residential character areas, a maximum of 10.0 units per acre for aboveground density is allowed. Projects of such types which contain 10.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.

(3) For the purposes of this chapter, "aboveground density" shall mean that portion of the density of a structure that is above finished grade. If a structure has a foundation wall that is exposed more than two feet (2') above finished grade, a portion of the allowable above grade density for such structure shall be assessed to the floor which is partially below grade in accordance with priority policy 80B of the "handbook of design standards" adopted by section 9-5-3 of this title.

Within the historic district a one thousand six hundred (1,600) square foot multiplier is used to calculate the allowed aboveground density for any use. For example, a typical fifty foot by one hundred twenty five foot (50' x 125' aboveground density for any use (0.143 acre x 1,600 x 9 UPA).

- (4) All spaces with vaulted ceilings that have a wall plate height over fourteen feet (14') shall be double counted toward the allowable aboveground density (8 foot first floor plate height, 1 foot floor system, 5 foot plate height for a potential second floor).
- (5) In connection with permit applications for projects within the historic district 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"), true one-story historic buildings with a first floor plate height of less than ten feet (10') shall not have the density in the attic space counted toward aboveground density, provided that there are no dormers, windows, or skylights that are added to the attic space of the historic building.

Section 18. Section 9-1-19-3R, "Policy 3 (Relative) Compliance With Density/Intensity Guidelines," of the Breckenridge Town Code is amended to read as follows:

9-1-19-3R: POLICY 3 (RELATIVE) COMPLIANCE WITH DENSITY/INTENSITY GUIDELINES:

A. Compliance with the maximum allowed intensity/density as calculated in section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity", of this chapter, and with regard to commercial from the land use guidelines is strongly encouraged. Deviations in excess of the maximum allowed total square footage shall only be allowed through density transfers pursuant to section 9-1-17-12 of this chapter and shall be assessed negative points according to the following schedule:

	<u>% Deviation Up From Guidelines</u>	<u>Point Deductions</u>
5 x (point deduction)	0.1 - 5%	2*
	5.01 - 10%	3
	10.01 - 15%	4
	15.01 - 20%	5
	20.01 - 30%	6
	30.01 - 40%	7
	40.01 - 50%	8
	50.01% and above	20

\*Excess density allowed for Employee Housing, as allowed in section 9-1-19-3 A, Section D., is exempt from the point deductions listed in the above table. Excess density is exempt from a 2 point deduction if the density is transferred pursuant to subsection 9-1-17-12B of this chapter and if the total excess density for the project does not exceed 5 percent of the maximum density allowed. This exemption does not apply to any transfers of density into the historic district or LUD 1.

B. Conservation District Densities

(1) 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:

<u>Aboveground Density</u> <u>(UPA)</u>	<u>Point Deductions</u>
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-	-	-
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 section 9-1-19-3 A, Section H., of this chapter	

(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 section 9-1-19-3A, Section H., of this chapter

Section 19. Subsection A of Section 9-1-19-4R, “Policy 4 (Relative) Mass,” of the Breckenridge Town Code is amended to read as follows:

A. Additional aboveground square footage may be allowed over and above the intensity/density calculation based on the following formulas for accessory uses such as garages, meeting rooms, lobbies, hallways, recreational areas, etc.:

(1) (Rep. by Ord. 10, Series 1990)

(2) Single-Family, Duplexes, Bed And Breakfasts, And Townhouses: Single-family, duplex, bed and breakfast, and townhouse developments may be allowed an additional twenty percent (20%) of aboveground floor area as specified in Section 9-1-19-3A (H) and Section 9-1-19-3R (B) for the provision of garages, common amenity areas, and common storage areas. This mass bonus does not apply to single-family or duplex structures listed in section 9-1-19-4A, “Policy 4 (Absolute) Mass”, subsection A, of this chapter.

(3) Apartments And Boarding Houses: Apartment and boarding house developments may be allowed an additional thirty percent (30%) of aboveground floor area for the provision of amenities and/or common areas.

(4) Condominiums, Hotels, Inns, And Lodges: Condominiums, hotels, inns, lodges, and other similar uses may be allowed an additional thirty percent (30%) of aboveground floor area for the provision of amenities and/or common areas.

Compliance with the aboveground square footage recommendations as set forth here is encouraged. Mass is the total aboveground square footage of a project (density + common areas). Deviations in excess of the maximum allowed total square footage shall only be allowed through density transfers pursuant to section 9-1-17-12 of this chapter and shall be assessed negative points according to the following schedule:

The following formula shall be utilized to determine any deviations from these guidelines:

	<u>% Deviation Up From Guidelines</u>	<u>Point Deductions</u>
5 x (point deduction)	0.1 - 5%	2*
	5.01 - 10%	3
	10.01 - 15%	4
	15.01 - 20%	5
	20.01 - 30%	6
	30.01 - 40%	7
	40.01 - 50%	8
	50.01% and above	20

\*Excess mass allowed for Employee Housing, as allowed in Section 3A. D., is exempt from the point deductions listed in the above table. Excess mass is exempt from a 2 point deduction if the density is transferred pursuant to subsection 9-1-17-12B of this chapter and if the total excess mass for the project does not exceed 5 percent of the maximum mass allowed. This exemption does not apply to any transfers of density/mass into the historic district or LUD 1.

Section 20. Subsection B of Section 9-1-19-4R, "Policy 4 (Relative) Mass," of the Breckenridge Town Code is amended to read as follows:

In a land use district where density is calculated by a floor area ratio only, residential and mixed use projects shall not be allowed additional square footage for accessory uses, and the total mass of the building shall be that allowed by the floor area ratio of the specific districts. In residential and mixed use developments within land use districts 18, and 19, no additional mass shall be allowed for the project and the total allowed mass shall be equal to the allowed density, with the exception that additional mass may be allowed in land use district 18 for projects involving historic renovations and remodels of the primary historic structure.

Section 21. The fourth paragraph of Section 9-1-19-5A: "Policy 5 (Absolute) Architectural Compatibility," of the Breckenridge Town Code is amended to read as follows:

The number of colors used on one structure is limited to three (3); this does not include specifically appropriate additional colors as listed in the architectural color placement list in the design guidelines for such elements as window sashes, porch floors, ceiling half timbers, or roof coverings, flashing, flues, brick, rusted metal, and unfinished natural surfaces such as rock and stone.

Section 22. Section C of Section 9-1-19-5A: "Policy 5 (Absolute) Architectural Compatibility," of the Breckenridge Town Code is deleted.

Section 23. The fourth paragraph of Section E of Section 9-1-19-5A: "Policy 5 (Absolute) Architectural Compatibility," of the Breckenridge Town Code is amended to read as follows:

Within the conservation district a solar device shall be located to reduce the visibility of the solar device from a public street (as opposed to an alley) to the greatest extent practical and to reduce negative impacts to historic structures. In most cases, preference 1 will reduce visibility and is the highest and most preferred; preference 5 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device within the conservation district is as follows, unless a less visual option is available on site: 1) as a building integrated photovoltaic device; 2) on non-historic structures or additions; 3) on an accessory structure; 4) on the primary structure; and 5) highly visible from the public street.

Section 24. Section A of Section 9-1-19-5R: "Policy 5 (Relative) Architectural Compatibility", of the Breckenridge Town Code is amended to read as follows:

3 x (-2/+2)	A.	General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be
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	<p>architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This subsection A only applies to areas outside of the historic district. Architecture within the historic district is regulated by the Handbook of Design Standards for the Historic and Conservation Districts.</p>
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Section 25. Section C of Section 9-1-19-5R: "Policy 5 (Relative) Architectural Compatibility", of the Breckenridge Town Code is deleted.

Section 26. Section 9-1-19-6A, "Policy 6 (Absolute) Building Height," of the Breckenridge Town Code is amended to read as follows:

9-1-19-6A: POLICY 6 (ABSOLUTE) BUILDING HEIGHT:

A. Within The Historic District:

- (1) Building height measurement shall be to the highest point of a flat, shed, or mansard roof or to the mean elevation of a gable or hip roof.
- (2) Maximum building height for all nonresidential, multi-family, duplex and single-family structures:
  - a. 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').
  - b. 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 Historic 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 historic district: Building height measurement shall be to the highest point of a flat, shed, or mansard roof or to the mean elevation of a gable or hip roof. No building shall exceed the land use guidelines recommendation by more than two (2) full stories.

Section 27. Section (A)(2) of Section 9-1-19-6R: "Policy 6 (Relative) Building Height," of the Breckenridge Town Code is amended to read as follows:

(2) Outside The Historic District:

- a. For all structures outside the historic 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 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.

b. For all structures except single-family and duplex units outside the historic 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)      1. It is encouraged that buildings incorporate the uppermost story density and mass into the roof of the structure, where no additional height impacts are created.

1 x (-  
1/+3)      2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Buildings that step down one full story on the edges may be awarded +1 points. Buildings that step down two full stories may be awarded +2 points. Buildings that step down three full stories may be awarded +3 points. Roof forms should step down on at least two building edges that are visible to the public in order to qualify for positive points. Stepping down of building stories should occur in a cascading fashion, with drops of one floor at a time, rather than abrupt drops of two or three stories at once. Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.

B. For all single-family and duplex units outside the historic district:

(1) 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)      a. It is encouraged that buildings incorporate the uppermost story of density into the roof of the structure, where no additional height impacts are created.

1 x (-  
1/)      b. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.

1 x  
(0/+1)      c. 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 ninety percent (90%) of the roof area (measured in plan); however, up to ten percent (10%) of the roof area may be flatter than an eight in twelve (8:12) pitch. (

Section 28. Section 9-1-19-7R: "Policy 7 (Relative) Site and Environmental Design," of the Breckenridge Town Code is amended to read as follows:

2 x (-  
2/+2)      The town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.

The existence of constraining physical conditions on some properties may render some portion(s) of these sites unsuitable for development. Constraining physical conditions may consist of, but are not limited to: ravines, the shape or topographical conditions of the specific property involved, adverse soils conditions and existing easements. As a result of these conditions, buildings and other aspects of development should be located elsewhere on the site. The development rights associated with the non-developed areas of the sites should either be transferred off site, in accordance with section 9-1-17-12 of this chapter, or incorporated into the remainder of the site. If they can be incorporated into the remainder of the site, it should be done in such a way to allow the development to remain

consistent with the development character and function intent of the applicable land use district guideline(s) or approved master plan. Due to site characteristics, the acceptable intensities recommended in the land use guidelines or approved master plan may not be achievable.

The overall design objectives shall be:

- To blend development into the natural terrain and character of the site.
- To minimize the negative impacts of offsite views of grading and building massing.
- To minimize site surface disruption; reduce the potential for erosion and other environmental degradation.
- To generally develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well.

Development plans will incur points based upon the criteria above and their design so as to:

2 x (-2/+2) A. Site Design And Grading: In order to reduce the amount of site disturbance, including vegetative removal, developments should be designed in a manner that minimizes the amount of cut and fill on a site, particularly those areas visible from adjacent properties and rights of way. Placement of buildings on the site should be accomplished in a manner that further minimizes new grading and any vegetative removal necessary for site access and drainage. Grading large areas to create a flat "benched" building pad is strongly discouraged unless disruption is planned to be minimized with a mechanical shoring method. The town must approve any such plan.

4 2 x (-4/+4) B. Site Buffering: Developments should be buffered from adjacent properties and public rights of way and should attempt to provide a maximum degree of privacy for occupants of both the site and surrounding properties. To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering. Buffering between the developments and neighboring properties may include, but is not limited to:

- Preservation of existing mature tree stands or specimen trees.
- The physical distance from property edge to the development.
- Landscaped berms at the property perimeter.

Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, no positive points may be awarded under this policy for new landscaping. Positive points for new landscaping shall be awarded under section 9-1-19-22R, "Policy 22 (Relative) Landscaping", of this chapter.

2 x (-2/+2) C. Retaining Walls: Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.

Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case by case basis, but are not recommended for use in locations visible from streets or public areas.

Smaller retaining wall systems generally not exceeding four feet (4') in height that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that incorporates retaining walls taller than four feet (4') but causes less site grading and complies with all other relevant development code policies is viable, then it shall not be assessed negative points because of its height.

4 2 x (-4/+4) D. Driveways And Site Circulation Systems: Driveways and circulation systems are encouraged to work efficiently with the existing topography

rather than requiring excessive site disturbance to accommodate their installation. Vehicular circulation systems, including driveways, parking areas, and delivery areas should be designed in a manner that results in the minimum site disturbance possible to provide safe access to the site.

Garages should be located in a manner that eliminates the need for long or double switchback drives and reduces overall site disturbance. In some instances, this may require that a garage be placed in the front yard, or near a public right of way, rather than hidden behind a building.

- 2 x (0/+2) E. Wetlands: Enhance wetlands, if present, beyond the requirements of the town's applicable regulations. Enhancements may include: the reintroduction of natural water flow, flora, fauna, and wildlife habitat.
- 2 x (-2/+2) F. Significant Natural Features: Avoid development within areas of significant natural features, if present on site. Significant natural features may include, but are not limited to:
- Knolls or ridgelines.
  - Rock outcroppings.

If development in these or similar areas can be avoided, then every effort should be made to do so.

Section 29. The second paragraph of Section D of Section 9-1-19-8A: "Policy 8 (Absolute) Ridgeline and Hillside Development," of the Breckenridge Town Code is amended to read as follows:

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 feet (50') in length. An applicant shall not be awarded positive points under section 9-1-19-6R for avoiding long, unbroken rooflines when done so to comply with this absolute policy.

Large expanses of glass shall be avoided on the downhill elevation of structures. Windows on the downhill side of a structure shall use glass with the lowest reflectivity rating.

Section 30. Section B of Section 9-1-19-9A: "Policy 9 (Absolute) Placement of Structures," of the Breckenridge Town Code is amended to read as follows:

B. Commercial, Industrial, and other Non-Residential Setbacks: No portion of any structure including overhangs and projections shall be placed closer than one foot (1') to an adjacent property, except that commercial, office, industrial, or other similar developments may be allowed to be built at the property line in land use districts 11, 18<sub>2</sub>, and 19.

Section 31. Section 9-1-19-13R: "Policy 13 (Relative) Snow Removal and Storage," of the Breckenridge Town Code is amended to read as follows:

9-1-19-13R: POLICY 13 (RELATIVE) SNOW REMOVAL AND STORAGE:

- 4 x (-2/) Snow Storage Areas: Adequate space shall be provided within the development for the storage of snow.

A. Size Of Storage Areas: It is encouraged that a functional snow storage area be provided which is equal to approximately twenty five percent (25%) of the areas to be cleared of snow. Specific areas to be cleared shall include the full dimensions of roadways, walkways, and parking areas. An exception to the above 25% functional snow storage area is allowed where an operating snowmelt system is installed.

B. Aesthetics: It is encouraged that snow storage areas be located away from public view.

Section 32. Section 9-1-19-14R: "Policy 14 (Relative) Storage," of the Breckenridge Town Code is amended to read as follows:

9-1-19-14R: POLICY 14 (RELATIVE) STORAGE:

2 x (-  
2/+2) General: Multi-Unit residential developments are encouraged to provide the types and amounts of storage that are appropriate to the development. Storage areas shall include storage space for vehicles, boats, campers, firewood, equipment and goods, and shall be located where they are most convenient to the user, and least offensive to the community. Interior storage of at least five percent (5%) of the building is encouraged. Closets and garages shall not count towards this interior storage percentage.

Section 33. Section 9-1-19-15A: "Policy 15 (Absolute) Refuse," of the Breckenridge Town Code is amended to read as follows:

9-1-19-15A: POLICY 15 (ABSOLUTE) REFUSE AND RECYCLING

All development shall provide an enclosed, screened location for the storage of refuse and recycling. An approved trash dumpster enclosure is required for all trash dumpsters and compactors in accordance with title 5, chapter 6 of this code. If the manner of storage or collection requires vehicular access, it shall be provided in such a way so as not to impair vehicular or pedestrian movement along public rights of way.

The town finds that individual refuse pick up for multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes, is inconvenient, inefficient and potentially hazardous in a community with a high percentage of short term rental units. Multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes shall provide a trash dumpster or compactor with an approved trash dumpster enclosure, which includes adequate space for recycling.

Section 34. Section 9-1-19-15R: "Policy 15 (Relative) Refuse," of the Breckenridge Town Code is amended to read as follows:

9-1-19-15R: POLICY 15 (RELATIVE) REFUSE AND RECYCLING:

All developments are encouraged to provide for the safe, functional and aesthetic management of refuse and recycling beyond that required by title 5, chapter 6, "Trash Dumpsters And Compactors", of this code.

A. The following trash dumpster and recycling enclosure design features are encouraged to be incorporated in the enclosure design:

1 x (+2)

(+1) Incorporation of trash dumpster and recycling area into a principal structure.

(+2) Rehabilitation of historic sheds for use as an approved trash dumpster and recycling enclosure, in a manner that preserves and/or refurbishes the integrity of the historic shed.

(+2) Dumpster and recycling sharing with neighboring property owners; and having the shared dumpster and recycling on the applicant's site.

Section 35. Section 9-1-19-19A: "Policy 19 (Absolute) Loading," of the Breckenridge Town Code is deleted.

Section 36. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by a new Section 9-1-19-19R: "Policy 19 (Relative) Loading," which shall read as follows:

9-1-19-19R: POLICY 19 (RELATIVE) LOADING:

2 x  
(0/+2) Loading Areas: It is encouraged that adequate loading areas be provided for all commercial development. Where a development includes an exceptional approach to provision of loading (e.g., underground loading docks) and where loading areas are physically separated from pedestrian and vehicular traffic areas, positive points should be considered. Positive

points shall not be awarded under this policy if positive points are earned under Policy 16R subsections (2) and (3).

Section 37. Section 9-1-19-20R: "Policy 20 (Absolute) Relative," of the Breckenridge Town Code is amended to read as follows:

9-1-19-20R: POLICY 20 (RELATIVE) RECREATION FACILITIES:

3 x (-2/+2)      The community is based, to a great extent, on tourism and recreation; therefore, the provision of recreational facilities, available to the general public, is strongly encouraged. Each residential project should provide for the basic needs of its own occupants, while at the same time strive to provide additional facilities that will not only be used for their own project, but the community as a whole. Commercial projects are also encouraged to provide recreational facilities whenever possible. The provision of recreational facilities can be on site or off site.

Section 38. Section A of Section 9-1-19-21R: "Policy 21 (Relative) Open Space," of the Breckenridge Town Code is amended to read as follows:

9-1-19-21R: POLICY 21 (RELATIVE) OPEN SPACE:

3 x (-2/+2)      A. Private Open Space:

- (1) Residential Areas: It is encouraged that all residential developments or the residential portions of multiuse developments retain at least thirty percent (30%) of their gross square footage of land area in natural or improved open space. Streets and driveways, parking lots, sidewalks, decks, planter boxes, rooftop gardens, or small landscaping strips shall not count as open space. Where possible, open space shall be placed adjacent to rights of way and other public areas.

Exception for single-family residences outside conservation district: No positive points shall be awarded under this policy in connection with an application to develop a single-family residence located outside the town's conservation district. Negative points may be assessed under this policy if an application to develop a single-family residence outside the conservation district does not provide for the preservation of at least thirty percent (30%) of the site in natural or improved open space.

- (2) Commercial Areas: It is encouraged that all commercial (nonresidential) developments or the commercial portions of multiuse developments contain at least fifteen percent (15%) of their gross square footage of land area in natural, improved or functional open space. Streets and driveways, parking lots, sidewalks, decks, planter boxes, rooftop gardens, or small landscaping strips shall not count as open space. Where possible, open space shall be placed adjacent to rights of way and other public areas.

Exception for Character Area 6 in the Conservation District: Properties within Character Area 6 (Core Commercial) as identified in the Handbook of Design Standards for the Historic and Conservation Districts, are allowed to be built up to the property line to match the historic development pattern and thus leave little area for provision of open space. As such, commercial properties in Character Area 6 shall not be assessed negative points for failing to provide at least fifteen percent (15%) open space.

Section 39. Section 9-1-19-22R: "Policy 22 (Relative) Landscaping," of the Breckenridge Town Code is amended to read as follows:

9-1-19-22R: POLICY 22 (RELATIVE) LANDSCAPING:

2 x (-1/+3)      A. All developments are strongly encouraged to include landscaping improvements that exceed the requirements of section 9-1-19-22A, "Policy 22 (Absolute) Landscaping", of this chapter. New landscaping installed as part of an approved landscape plan should enhance forest health, preserve



the natural landscape and wildlife habitat and support firewise practices. A layered landscape consistent with the town's mountain character, achieved through the use of ground covers, shrubs, and trees that utilize diverse species and larger sizes where structures are screened from adjacent properties and public rights of way, is strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community.

- B. To meet the goals described in subsection A of this section, compliance with the following relative landscape standards is encouraged. An application shall be evaluated on how well it implements the following:

(1) All landscaping areas should have a minimum dimension of ten feet (10').

(2) Development applications should identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings should be placed in locations on the property that result in adequate setbacks to preserve specimen trees and existing vegetation. Appropriate measures should be taken to prevent site work around these areas. Applicants should seek professional advice on these issues from experts in the field.

(3) Landscaping materials should consist of those species that are native to the town, or are appropriate for use in the town's high altitude environment. The "Landscaping Guidelines" shall be used to evaluate those particular criteria.

(4) Landscaping materials should consist of those species that need little additional water (over and above natural precipitation) to survive, or the applicant should provide an irrigation system on the property that complies with subsection B(6) of this section. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.

(5) Installation, use, and maintenance of irrigation systems to ensure survival of landscaping in the long term is strongly encouraged until plant material is established. Irrigation systems must utilize drip irrigation or similar low flow systems and the recycling of water is strongly encouraged. Sprinkler systems may be used for lawn and sodded areas and areas planted with perennials, but may be subject to negative points per this policy. All approved irrigation systems should be maintained on an annual basis.

(6) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces is encouraged to promote water quality.

(7) In low traffic areas the use of permeable paving allowing precipitation to percolate through areas that would traditionally be impervious is encouraged.

(8) Plant materials should be provided in sufficient quantity; be of acceptable species; and be placed in such arrangement so as to create a landscape that is appropriate to the town's setting and that complies with the historic district guidelines, if applicable.

(9) Not less than fifty percent (50%) of the tree stock installed on a property should include a variety of larger sizes, ranging up to the largest sizes (at maturity) for each species that are possible according to accepted landscaping practices. Such tree stock should recognize the town's high altitude environment, transplant feasibility, and plant material availability. The interrelationships of height, caliper, container size and shape must be in general compliance with the nursery stock standards.

(10) Not less than fifty percent (50%) of all deciduous trees described in the landscape plan should be multistem.

(11) Landscaping should be provided in a sufficient variety of species to ensure the continued aesthetic appeal of the project if a particular species is killed through disease. Native species are preferred.

(12) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of section 9-1-19-22A, "Policy 22 (Absolute) Landscaping", of this chapter is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.

- C. Negative points shall be assessed against an application according to the following point schedule:

-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties and public rights of way; the use of large areas of sod or other nonnative grasses or perennials that require irrigation and exceed 500 square feet in area; the use of excessive amounts of exotic landscape species; and the removal of specimen trees that could be avoided with an alternative design layout.

- D. Positive points will be awarded to an application according to the following point schedule. Examples of positive point awards 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.

+2: Proposals that provide some public benefit. Examples include: the preservation of specimen trees as a result of a new building footprint configuration to preserve the trees; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes (a minimum of 2.5 inch caliper for deciduous trees and 8 feet for evergreen trees); utilizing a variety of species; and the layering of ground covers, shrubs, and trees that enhances screening from public rights of way and adjacent properties.

+4: Proposals that provide above average landscaping plans and that include a water conservation checklist. Examples include: all those noted under +2 points, in addition to the planting of trees that are of larger sizes (a minimum of 3 inch caliper for deciduous trees and 10 feet for evergreen trees) and the largest sizes possible for their species; utilizing a variety of species and the layering of ground covers, shrubs, and trees that enhances screening from public rights of way and adjacent properties. A minimum of fifty percent (50%) of all new planting should be native to the town and the remaining fifty percent (50%) should be adapted to a high altitude environment. A water conservation checklist must be prepared for the property that indicates a list of water conservation measures (a minimum of three measures) that will be utilized. Examples of these measures include rain sensors, use of water conserving grass species, irrigation timers, and other conservation measures acceptable to the Town.

Section 40. Section 9-1-19-24A: "Policy 24 (Absolute) The Social Community," of the Breckenridge Town Code is amended to read 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 map) 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 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 a historic structure shall be accompanied by a cultural survey prepared by a qualified person when required by the town.

Section 41. Section A of Section 9-1-19-24R: "Policy 24 (Relative) Social Community," of the Breckenridge Town Code are amended to read as follows:

A. Employee Housing: It is the policy of the town to encourage the provision of employee housing units in connection with commercial, industrial, and multi-unit residential developments to help alleviate employee housing impacts created by the proposed uses.

(1) Point Assessments: The following points shall be assessed in connection with all development permit applications for commercial, industrial and residential projects:

Points	Percentage Of Project Density In Employee Housing	Examples Of Square Footage Conversion Of Percentage From Second Column Size Of Project In Square Feet (Density) (Point awards for actual projects shall be calculated using the first 2 columns of this table)				
		**4,000	5,000	10,000	20,000	50,000
-10	0.0	n/a	0	0	0	
-9	0.01 - 0.5	n/a	n/a	n/a	n/a	*250
-8	0.51 - 1.0	n/a	n/a	n/a	n/a	400
-7	1.01 - 1.5	n/a	n/a	n/a	*250	600
-6	1.51 - 2.0	n/a	n/a	n/a	400	900
-5	2.01 - 2.5	n/a	n/a	*250	500	1,100
-4	2.51 - 3.0	n/a	n/a	300	600	1,400
-3	3.01 - 3.5	n/a	n/a	350	700	1,600
-2	3.51 - 4.0	n/a	n/a	400	800	1,900
-1	4.01 - 4.5	n/a	n/a	450	900	2,200
0	4.51 - 5.0	n/a	*250	500	1,000	2,400
1	5.01 - 5.5	n/a	275	550	1,100	2,700
2	5.51 - 6.0	*250	300	600	1,200	2,900
3	6.01 - 6.5	275	325	650	1,300	3,200
4	6.51 - 7.0		350	700	1,400	3,400
5	7.01 - 7.5	300	375	750	1,500	3,600
10***	100	***	***	***	***	***

\* Minimum unit size permitted to qualify as employee housing is 250 square feet, therefore any unit less than 250 square feet is the equivalent of providing no employee housing for the purpose of earning positive or negative points.

\*\* Single-family and duplex residential projects shall not be assessed negative points for the non-provision of employee housing, but such projects may be awarded positive points in accordance with the table set forth above.

\*\*\* Development projects that are built with 100% of the units deed restricted for Employee Housing may receive 10 positive points, provided they meet the following criteria:

- All units must meet the definition of Employee Housing.
- For sale projects must average 100% of the Area Median Income for Summit County, Colorado.
- For rent project must be rented at a rental rate affordable to 80% of the Area Median Income for Summit County, Colorado.
- All deed restrictions must comply with the Town's current deed restriction standards as set in the Town's Housing Guidelines.

Section 42. Section D of Section 9-1-19-24R: "Policy 24 (Relative) Social Community," of the Breckenridge Town Code are amended to read as follows:

- 3 x (0/+2) D. Meeting And Conference Rooms Or Recreation And Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of 9-1-19 24A is strongly encouraged. (These facilities, when provided over and above that required in subsection A of 9-1-19 24A, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of 9-1-19 24 A.)

Section 43. The first four paragraphs of Section E of Section 9-1-19-24R: "Policy 24 (Relative) Social Community," of the Breckenridge Town Code are amended to read 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. Substantial compliance with the "handbook of design standards" is expected.

Additional onsite 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 onsite 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. Positive points are further limited where historic structures are proposed to be moved, per section F. below.

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:

Section 44. Section E (1) of Section 9-1-19-24R: "Policy 24 (Relative) Social Community," of the Breckenridge Town Code is amended to read as follows:

(1) Primary structures:

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

Examples: 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. Projects that involve moving historic primary structures are not eligible for this +6 point assignment.

Section 45. Those portions of Section F of Section 9-1-19-24R: "Policy 24 (Relative Social Community," of the Breckenridge Town Code beginning with "F. Moving Historic Structures, and ending with "Relocating a historic secondary structure to a site off the original lot" are amended to read 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.

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. Where a historic structure is moved and negative points are assigned for the move under Section F. (1), then positive points for restoration work under Section E. (1) shall only be awarded to the extent that the restoration/preservation efforts exceed the requirements above (e.g., structural stabilization, a full foundation, repairs to siding, windows, doors and architectural details, and roof repairs).

(1) 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.

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

(2) 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.

- 3 points: Relocating a historic secondary structure less than five (5') 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.
- 5 points: Relocating a historic secondary structure between five (5') and ten feet (10') 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.
- 10 points: Relocating a historic secondary structure more than ten feet (10') 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.

Section 46. Section 9-1-19-25R: "Policy 25 (Relative) Transit," of the Breckenridge Town Code is amended to read as follows:

9-1-19-25R: POLICY 25 (RELATIVE) TRANSIT:

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(-  
4/+4) Nonauto Transit System: The inclusion of or the contribution to a permanent nonauto transit system, designed to facilitate the movement of persons to and from Breckenridge or within the town, is strongly encouraged. Nonauto transit system elements include buses and bus stops, both public and private, air service, trains, lifts, and lift access that have the primary purpose of providing access from high density residential areas or major parking lots of the town to the mountain, etc. Any development which interferes with the community's ability to provide nonauto oriented transportation elements is discouraged. Positive points shall be awarded under this policy only for the inclusion of or the contribution to nonauto transit system elements which are located on the applicant's property. Higher point assignments will be considered for transit systems available to the general public.

Section 47. Section 9-1-19-26A: "Policy 26 (Absolute) Infrastructure," of the Breckenridge Town Code is amended to read as follows:

9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE:

A. Streets And Roadways: All developments shall be served by adequately sized and constructed public roadways.

(1) Public Streets And Roadways: Public streets and roadways which lie wholly or substantially within a development and those which are adjacent to the development shall be either constructed or brought into compliance with the street development standards and policies of the town. This shall include the installation of street lighting and street signs, as well as the repair of existing curb cuts that are no longer required, the installation of sidewalks, and all other required improvements.

(2) Private Streets And Roadways: Private streets, roadways and driveways which intersect or connect with public streets and roadways shall comply with the provisions of the street development standards of the town.

(3) Right Of Way Rehabilitation: Whenever disturbed, rights of way along public streets shall be rehabilitated and landscaped according to the provisions of the town.

B. Water: All developments must connect to the municipal water system or to another central water system which is approved by the town. The system utilized must have ready reserves in order to meet the consumptive uses of treated water and the fire flow requirements of the development without reducing the level of service to existing customers.

C. Sanitary Sewer: All developments shall be served by adequately sized and constructed sewer systems.

(1) Central System: All developments shall be served by a centralized sewer system under an effective national pollution discharge elimination system. Septic tanks, sanitary leach fields or filter fields, sewage lagoons, or other forms of noncentralized sewage disposal are prohibited in all cases, except where a centralized system cannot be provided. The town shall solely determine this issue, with input from the Upper Blue Sanitation District and Summit County Environmental Health Department.

D. Costs: All costs associated with the development as required herein shall be the responsibility of the applicant.

Section 48. Section B of Section 9-1-19-27A: "Policy 27 (Absolute) Drainage," of the Breckenridge Town Code is amended to read as follows:

B. Permits: Acquisition of any and all permits required by state and federal authorities for work to be done within and/or adjacent to an established waterway or drainage system is the sole responsibility of the applicant. A copy of these permits shall be attached to the application for building or construction permit, or shall be submitted prior to the start of work when a building permit will not be issued.

Section 49. Section 9-1-19-27R: "Policy 27 (Relative) Drainage," of the Breckenridge Town Code is amended to read as follows:

9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE:

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|--------------------|---|
| 3 x<br>(0/+2)      | Municipal Drainage System: All developments are encouraged to provide drainage systems that exceed the minimum requirement of the town and, if they so choose, to provide drainage improvements that are of general benefit to the community as a whole and not solely required for the proposed development.   |
| 1 x<br>(-<br>1/+1) | Stormwater Detention Ponds: Where stormwater detention ponds are included in developments, it shall be the goal to have aesthetically attractive detention ponds. The use of vegetation, including xeriscaping and native grass-lined ponds and swales is encouraged, provided they do not interfere with detention functions. Detention ponds which include minimal vegetation and large amounts of rocks, boulders, and unvegetated surfaces are discouraged. |

Section 50. Section A of Section 9-1-19-28A: "Policy 28 (Absolute) Utilities," of the Breckenridge Town Code is amended to read as follows:

9-1-19-28A: POLICY 28 (ABSOLUTE) UTILITIES:

A. Underground Utilities: Within the area of the development and for any extensions off site, all utility lines shall be placed underground. For renovations, restorations and remodels that exceed thirty percent (30%) of the structure's estimated value prior to renovation, restoration or remodel, all utility lines on site

shall be placed underground. An exception to this undergrounding requirement is provided for transmission lines carrying voltage of 33 kv or greater.

Section 51. Section D of Section 9-1-19-29A: "Policy 29 (Absolute) Construction Activities," of the Breckenridge Town Code are amended to read as follows:

9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION ACTIVITIES:

D. As Built Construction Drawings: As built construction drawings of all utility installations which are located in municipally owned areas or in areas to be dedicated to the town shall be submitted to the town in both .pdf and .dwg formats prior to issuance of a certificate of occupancy by the town.

Section 52. Section A of Section 9-1-19-30A of the Breckenridge Town Code is amended to read as follows:

A. Number Of Wood Burning Appliances: The number of wood burning appliances that may be installed in any project constructed or remodeled within the town is hereby limited to the following:

(1) Single-family residential: One Environmental Protection Agency (EPA) certified wood burning appliance per dwelling unit. No wood burning appliances shall be allowed in any accessory apartments.

(2) Duplex and townhouse residential: One EPA-certified wood burning appliance per dwelling unit; provided, that each unit has one thousand five hundred (1,500) square feet or more of internal heated floor area. No wood burning appliances shall be allowed in units with less than one thousand five hundred (1,500) square feet of internal heated floor area.

(3) Multi-unit residential: One EPA-certified wood burning appliance per floor located in a lobby or common area containing greater than one thousand (1,000) square feet, with a maximum of two (2) per individual building. No such wood burning appliances shall be allowed in dwelling units.

(4) Restaurant or bar: One EPA-certified wood burning appliance per restaurant or bar, or restaurant/bar combined.

Section 53. Section 9-1-19-30R: "Policy 30 (Relative) Air Quality," of the Breckenridge Town Code is deleted.

Section 54. Section 9-1-19-31A: "Policy 31 (Absolute) Water Quality," of the Breckenridge Town Code is amended to read as follows:

9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY:

All drainage systems, grading, or earth disturbances shall be so designed and maintained as not to increase turbidity, sediment yield, or the discharge of any other harmful substances which will degrade the quality of water. All developments shall comply with the requirements of the Breckenridge water quality and sediment transport control ordinance. The Town may require ongoing water quality monitoring as a condition of development approval.

Section 55. Section 9-1-19-32A: "Policy 32 (Absolute) Water Conservation," of the Breckenridge Town Code is deleted.

Section 56. Section 9-1-19-33R: "Policy 33 (Relative) Energy Conservation," of the Breckenridge Town Code is amended to read as follows:

9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION:

The goal of this policy is to incentivize energy conservation and renewable energy systems in new and existing development at a site plan level. This policy is not applicable to an application for a master plan. This policy seeks to reduce the community's carbon footprint and energy usage and to help protect the public health, safety and welfare of its citizens.



A. Residential Structure Three Stories Or Less: All new and existing residential developments are strongly encouraged to have a home energy rating survey (HERS)/Energy Rating Index (ERI) as part of the development permit review process to determine potential energy saving methods and to reward developments that reduce their energy use.

For new construction, positive points will be awarded for the percentage of energy use reduction of the new residential structure compared to the same building built to the minimum standards of the Town's most recently adopted International Energy Conservation Code Residential Provisions. This shall mean, for an interim period, that the percent energy use reduction shall be compared to a baseline 70 HERS/ERI score. Upon adoption by the Town of the 2018 International Energy Conservation Code, the percent energy use reduction shall be compared to the baseline ERI score required as established in the Code. As subsequent International Energy Conservation Codes are adopted by the Town, the percent energy use reduction shall be compared to the baseline ERI score required established in that Code.

For existing residential development, including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) as compared to the energy consumption of the proposed structure remodel.

Positive points will be awarded according to the following point schedule for new construction:

Points	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard <sup>1</sup>
+1	Obtaining a HERS or ERI index
+2	20% - 39%
+3	40% - 59%
+4	60% - 79%
+5	80 - 99%
+6	100+%-

<sup>1</sup>International Energy Conservation Code (IECC) Residential Provisions.

Positive points will be awarded according to the following point schedule for structures that existed on February 12, 2019, which undergo major exterior remodels or additions:

Points	Existing Residential (Prior To February 12, 2019); Percentage (%) Improvement Beyond Existing HERS/ERI Index <sup>2</sup>
+1	Obtaining a HERS/ERI index
+2	20 - 39%
+3	40 - 59%
+4	60 - 79%
+5	80 - 99%
+6	100+%

<sup>2</sup> Existing HERS Index shall be for the structure prior to any modifications. Where an existing HERS/ERI score exceeds 125, a maximum score of 125 shall be assigned to the existing structure as a baseline to compare energy improvements to.

B. Commercial, Lodging And Multi-Family In Excess Of Three Stories In Height: New and existing commercial, lodging, and multi-family developments are

strongly encouraged to take advantage of the positive points that are available under this policy by achieving demonstrable and quantifiable energy use reduction within the development. For new construction, positive points will be awarded for the percentage of energy use reduction of the performance building when compared to the same building built to the minimum standards of the adopted IECC. The percentage of energy use saved shall be expressed as MBh (thousand BTUs/hour).

For modifications to existing buildings including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) compared to the energy consumption of the proposed structure remodel. Points shall be awarded in accordance with the following point schedule:

Points	New Structures; Percent Energy Saved Beyond The IECC Minimum Standards	Existing Structures (Prior To August 14, 2012); Percent Improvement Beyond Existing Energy Consumption
+1	10% - 19%	10% - 19%
+2	20% - 29%	20% - 29%
+3	30% - 39%	30% - 39%
+4	40% - 49%	40% - 49%
+5	50% - 59%	50% - 59%
+6	60% - 69%	60% - 69%
+7	70% - 79%	70% - 79%
+8	80%+	80%+

Positive points will be awarded only if an energy analysis has been prepared by a registered design professional as required by subsection E of this section, using an approved simulation tool in accordance with simulated performance alternative provisions of the town's adopted energy code.

C. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

Point Range	Design Feature
0	If the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed.
-1	1-500 square feet heated driveway, sidewalk, plaza, etc.
-2	501-999 square feet heated driveway, sidewalk, plaza, etc.
-3	1,000+ square feet heated driveway, sidewalk, plaza, etc.
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace)
0	Water features powered completely by a renewable energy source (e.g., solar, wind).
-1	Water features powered by conventional energy sources utilizing less than 4,000 watts or less than five (5) horsepower.
-2	Large outdoor water features (per feature) powered by conventional

energy sources utilizing over 4,000 watts or five (5) horsepower motor or greater.

D. Other Design Features:

1x(-2/+2) Other design features determined by the planning commission to conserve significant amounts of energy may be considered for positive points. Alternatively, other features that use excessive amounts of energy may be assigned negative points. However, positive points may not be assessed under this Section D. if the project has incurred positive points under A or B above, with the exception of (1) below.

- (1) 1x(+1) One positive point may be awarded for new construction that has been built solar and electric vehicle ready. In order to qualify as "Solar and Electric Vehicle Ready", the following must be provided:
  - a. Design of roof shall allow for a minimum of 30% designated area for PV (no obstructions or shading)
  - b. Locate and provide space for future required electrical equipment (inverter and meter)
  - c. Install conduit from roof to future electrical equipment locations
  - d. Main electrical panel shall have space for future solar
  - e. Structural live and dead loads included in roof design (only required for existing buildings)
  - f. A 240v outlet (or higher voltage) is provided in each garage bay to allow for charging of electric vehicles. For commercial and multi-family projects, one 240v outlet is provided for each 10 parking spaces.

E. General Provisions:

(1) A projected analysis shall be submitted at the time of development permit application if positive points are requested as well as submittal of a confirmed analysis prior to the issuance of a certificate of occupancy or certificate of completion. A HERS/ERI analysis shall be performed by a certified HERS/ERI rater. An analysis of energy saved beyond the IECC shall be performed by the licensed Colorado engineer of record for the project.

(2) No development approved with required positive points under this policy shall be modified to reduce the HERS/ERI index, percentage of improvement, or percentage of energy savings above the IECC standards in connection with the issuance of such development permit. ("Required positive points" means those points that were necessary for the project to be approved with a passing point analysis.)

(3) Prior to the issuance of a certificate of occupancy each development for which positive points are awarded under this policy shall submit a letter of certification showing compliance with the projected energy rating or percentage of energy savings in comparison to the IECC. The required confirmed certification for a residential development three (3) stories or less in height shall be submitted by a certified HERS/ERI rater. The required confirmed certification for a residential development taller than three (3) stories, and for all commercial development, shall be submitted by a licensed Colorado engineer and accompanied by balance and commissioning reports.

Section 57. Section 9-1-19-34A: "Policy 34 (Absolute) Hazardous Conditions," of the Breckenridge Town Code is amended to read as follows:

9-1-19-34A: POLICY 34 (ABSOLUTE) HAZARDOUS CONDITIONS:

A. Geologic Hazard Potential: Geologic hazards shall include, but not be limited to, avalanches, landslides, rockfalls, mudflows, debris fans, unstable or potentially unstable slopes, ground subsidence, faulting, expansive soil or rock, Pierre Shale, and mining related modifications or other manmade modifications of the natural geology which may pose some geologic hazard.

No development shall occur in any area of, or affected by, a geologic hazard unless mitigated to the satisfaction of the town. Proof of mitigation may require reports as specified by the town.

B. Erosion Hazard Potential: No sediment should leave the property boundary of a development site and be transported onto adjacent properties or right-of-ways. Erosion control measures shall be installed where required by the town through the Breckenridge water quality and sediment transport control ordinance.

C. Flood Danger To Life Or Property: No development shall increase danger to life or property from flood hazard within the town. This shall include, but not be limited to, prohibition of actions which might increase the size of the floodway, reduce flood channel capacity, constrict the size or flow of the flood channel, create a significant backflow condition, increase the potential for debris in the floodway, or increase the volume or velocity of floodwaters.

~~E~~D. Floodplains: For all areas located within the special flood hazard areas as delineated on the flood boundary floodway map, the flood insurance rate maps and the flood insurance study, a plan of onsite flood prevention, control and hazard mitigation shall be prepared and implemented according to the provisions of the Breckenridge flood damage prevention ordinance.

Section 58. Section A of Section 9-1-19-35A: "Policy 35 (Absolute) Subdivision," of the Breckenridge Town Code is amended to read as follows:

A. All subdivisions shall comply with the Breckenridge subdivision ordinance Chapter 9-2 and applicable master plans.

Section 59. Section C of Section 9-1-19-36A: "Policy 6 (Absolute) Temporary Structures," of the Breckenridge Town Code is amended by the addition of a new subsection (5) which shall read as follows:

(5) If a permit for a temporary structure is requested to be renewed, it may be approved subject to all other relevant development code policies, such as Policy 5A and 5R. This provision shall not apply to temporary tents and Seasonal Noncommercial Greenhouses.

Section 60. The definition of "Riverwalk" in subsection A1 of Section 9-1-19-37A: "Policy 37 (Absolute) Special Areas," of the Breckenridge Town Code is amended to read as follows:

RIVERWALK: The area bounded by Ski Hill Road on the north, South Park Avenue on the south, Main Street on the east and the easterly bank of the Blue River on the west where the town has constructed or intends to construct public improvements in order to make the area more attractive for use by the residents of, and visitors to the town.

Section 61. Sections B and G of Section 9-1-19-38.5: "Policy 38.5 (Absolute) Home Childcare Business," of the Breckenridge Town Code are amended to read as follows:

B. Application: An application for a development permit to operate a home childcare business shall be filed and processed pursuant to section 9-1-18-2 of this chapter. The fee for such application shall be based on the fee for a Class D minor development application, as set in the Department's fee schedule.

G. Term Of Permit: A permit for the operation of a home childcare business remains valid as long as the same business owner runs the childcare business in the same location, and provided all other sections of this code are complied with. If the childcare business changes ownership or location, than the permit must be renewed and the process for renewal of permit under Section H. below must be adhered to.

Section 62. Section 9-1-19-40A: "Policy 40 (Absolute) Chalet Houses," of the Breckenridge Town Code is deleted.

Section 63. Section 9-1-19-42A: "Policy 42 (Absolute) Exterior Loudspeakers," of the Breckenridge Town Code is amended to read as follows:

9-1-19-42A: POLICY 42 (ABSOLUTE) EXTERIOR LOUDSPEAKERS:

Exterior loudspeakers may only be allowed in seating areas associated with the deck or patio area of a restaurant or liquor licensed establishment, and are not allowed on front porches or entranceways. Exterior loudspeakers shall be located on a site so as to minimize the visibility of such speakers, and shall be affixed in such a manner as to reduce noise intrusion on adjacent properties and to adhere to the requirements of the Town's Noise Ordinance (Title 5, Chapter 8 of this Code). Exterior loudspeakers shall not be used for the purpose of attracting attention to the restaurant or liquor licensed establishment where they are located.

Section 64. Section 9-1-19-43A: "Policy 43 (Absolute) Public Art," of the Breckenridge Town Code is amended to read as follows:

9-1-19-43A: POLICY 43 (ABSOLUTE) PUBLIC ART:

A. An application for a Class C or Class D minor development permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The Public Art Advisory Committee of Breckenridge Creative Arts shall not review such applications, except for murals described under C.7. below, unless specifically requested to do so by the Planning Commission.

B. Notwithstanding anything contained in this Code to the contrary, murals are prohibited within the Conservation District; provided, however, a mural may be displayed in the Conservation District pursuant to a permit issued under title 4, chapter 3 of this Code.

C. Notwithstanding Section A. above, a mural may be permitted on commercial properties outside the Conservation District through a Class C development permit, subject to the following:

(1) A mural may only be placed on one façade of a building and that façade may not directly face a street front (e.g., may not be located on a building elevation parallel to the street).

(2) A mural may only occupy 50 percent of a building façade, or 200 square feet, whichever is less.

(3) A mural may be considered for placement on the side of tunnel walls, retaining walls, and utility boxes.

(4) A mural may not advertise products or services provided within the building the mural is affixed to. Such advertisement shall be considered signage and shall be subject to the provisions of the Town's Sign Code (Title 8, Chapter 2 of the Town Code).

(5) A mural may not be placed on a residential property.

(6) Any lighting used to illuminate murals must adhere to the Town's Exterior Lighting Regulations (Title 9, Chapter 12 of the Town Code).

(7) All applications for murals shall be referred to the Town's Public Art Advisory Committee of Breckenridge Creative Arts for its review and comments. The Public Art Advisory Committee of Breckenridge Creative Arts shall review the mural at a meeting and shall make a recommendation as to whether the application should be approved, approved with modifications, or denied. In its review of a mural application, the Public Art Advisory Committee of Breckenridge Creative Arts shall consider the Site and Artwork Selection Criteria included in the Breckenridge Public Art Program Master Plan and Policy. The applicant shall provide the following information for the review of the Planning Commission and the Public Art Advisory Committee of Breckenridge Creative Arts:

a. A rendering of the proposed mural, including a site plan and building elevations so the location and scale can clearly be understood;

- b. A complete list of the brand of paints to be used and the specifications of materials to be used;
- c. If a protective coating is applied to the finished work, identify the type of coating to be used;
- d. A description of the responsible party for maintaining the artwork to address potential damage, vandalism, or weathering; and
- e. Lighting plans if lighting is proposed.

The recommendations of the Public Art Advisory Committee of Breckenridge Creative Arts shall be forwarded to the Planning Commission for their consideration. The Planning Commission may rely on the recommendations in making its final determination on a mural application.

The Public Art Advisory Committee of Breckenridge Creative Arts shall not review any proposed mural which, in the determination of the Director, contains noncommercial speech protected by the First Amendment to the United States Constitution or Article 2, Section 10 of the Colorado Constitution.

If an application for a mural is approved, the applicant shall enter into an agreement, with terms acceptable to the Town, guaranteeing the maintenance of the artwork and identifying a process for de-accessioning the mural. At the discretion of the Planning Commission and the Public Art Advisory Committee of Breckenridge Creative Arts, the Planning Commission may place a limitation on the length of time the mural may be displayed.

Section 65. The introductory paragraph of Section 9-1-19-44A: "Policy 44 (Absolute) Radio Broadcasts," of the Breckenridge Town Code is amended to read as follows:

A CLASS D DEVELOPMENT PERMIT shall be obtained to authorize a radio broadcast. Such application may be combined with a class D minor development permit application for a temporary structure. An application for a development permit to authorize a radio broadcast shall be subject to the following:

Section 66. Section 9-1-19-45A: "Policy 35 (Absolute) Special Commercial Events," of the Breckenridge Town Code is deleted.

Section 67. Section 9-1-19-47A: "Policy 47 (Absolute) Fences, Gates and Gateway Entrance Monuments," of the Breckenridge Town Code is amended to read as follows:

**9-1-19-47A: POLICY 47 (ABSOLUTE) FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS:**

A. General Statement: The welfare of the town is based to a great extent on the character of the community, which includes natural terrain, open spaces, wildlife corridors and wooded hillsides. The installation of fences and privacy gates in residential areas can erode this character by impeding views, hindering wildlife movement and creating the image of a closed, unwelcoming community. It is the intent of the town to prohibit fences in most situations in areas outside of the conservation district in order to: maintain the open, natural and wooded alpine character of the community; establish mandatory requirements for the erection of allowed fences in other parts of the town; allow for fences on small lots in master planned communities; regulate the design of gateway entrance monuments; and prohibit privacy gates anywhere within the town.

B. Within The Conservation District: Fences within the conservation district shall be reviewed under the criteria of the "Handbook Of Design Standards For The Historic And Conservation District". Where fences are required by law and the proposed fence design does not meet the handbook of design standards, the planning commission may approve an alternate design if all of the following required criteria are met: 1) the project as a whole is in substantial compliance with the "Handbook Of Design Standards For The Historic And Conservation Districts"; 2) the alternate fence design does not have a significant negative aesthetic impact on the development and it complies as much as feasible with the handbook of design standards; 3) a fence design that meets the "Handbook

Of Design Standards For The Historic And Conservation Districts” could not meet the design required by law.

C. Outside The Conservation District: Fences and landscape walls are prohibited outside the conservation district, except the following fences and landscape walls are permitted when constructed in accordance with the design standards described in subsection D of this section:

- (1) Pet fences;
- (2) Fences around children’s play areas;
- (3) Fences around ball fields, tennis courts, swimming pools, ski lifts or other outdoor recreation areas;
- (4) Construction fences;
- (5) Temporary fences used for crowd control or to limit access or egress to or from a short term special event;
- (6) Fencing required by law;
- (7) Privacy fencing to screen hot tubs;
- (8) Fencing around cemeteries;
- (9) Fences specifically authorized in a vested master plan containing specific fence design standards;
- (10) Town fences to delineate public trails or protect open space values;
- (11) Fencing at public improvement projects proposed by the town;
- (12) Private fences to delineate the boundary between private land and a public trail or public open space, as authorized by D. (17) below;
- (13) Fencing at parking lots to protect pedestrians and designate crosswalks;
- (14) Fencing at self-storage warehouses; and
- (15) Fences installed by utility companies around utility equipment.
- (16) Landscape walls within disturbance envelopes.
- (17) Fencing to screen outside storage associated with commercial businesses

D. Design Standards: All fencing and landscape walls outside the conservation district shall comply with the following design standards:

- (1) Fences in residential areas shall be constructed of natural materials, and may be either a split rail, buck and rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. Fences of other materials or designs are prohibited. (Exception: Where an applicant can demonstrate to the satisfaction of the town that an alternative material would be architecturally compatible with the surrounding neighborhood, the director may authorize such materials.) Fences in residential areas shall have a maximum solid to void ratio of one to three (1:3) (example: 1 inch of solid material for every 3 inches of opening). Solid privacy fences are prohibited, except for short lengths of fencing used to screen hot tubs, if they comply with subsection D(9) of this section.
- (2) PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural logs are preferred.
- (3) Pet fences shall be located in a rear or side yard or where the fence is not visible from a public right of way. Pet fences shall be located to minimize their visibility to the greatest extent possible, which in most instances will require the fence to be located behind or to the side of a structure. Pet fences may incorporate a wire mesh material to control pets. The wire mesh may be installed vertically on the fence, or may extend horizontally over the top of the enclosed pet area, or both. The maximum area of a fenced pet enclosure shall be four hundred (400) square feet. Pet fences are limited to fifty four inches (54”) in height, and shall have a maximum solid to void ratio of one to three (1:3).
- (4) Fences around children’s play areas shall be located in a rear or side yard where possible, or where the fence is not visible from a public right of way, which in most instances will require the fence to be located behind or to the side of a structure. The fence may incorporate a wire mesh material to enclose the yard. The maximum area of a fenced children’s play area on private property shall be four hundred (400) square feet. Fences around children’s play areas are limited to fifty four inches (54”) in height, and shall have a maximum solid to void ratio of one to three (1:3). Fencing at state licensed childcare centers may exceed four hundred (400) square feet if required by their state license.
- (5) Fences around ball fields, tennis courts, or other outdoor recreation areas shall use black or dark green coated chainlink fencing, steel or aluminum, or wood. Uncoated or galvanized chainlink fencing is prohibited. This standard applies to fencing of both public and private recreation areas. Wind privacy screens may be incorporated into the fence.
- (6) Fences at outdoor swimming pools shall be constructed of steel or aluminum

tubing or wood, and may include a tempered glass windscreen. Chainlink fencing is prohibited. The use of acrylic glass or plexiglass is prohibited, except at access control points in an amount sufficient to prevent unauthorized users from reaching inward to unlock or open gates.

(7) Fencing at ski lifts and gondolas may be used to protect pedestrians and skiers from overhead lifts and mechanical equipment, or to delineate passenger loading zones. Such fencing may be constructed of natural materials, such as split rail wood, or steel or aluminum. Chainlink and plastic or PVC fencing is prohibited. Safety fencing and netting on ski runs is allowed and may be constructed of plastic, high density polyethylene or similar materials.

(8) Construction fencing may be constructed of plastic, chainlink, wood or other material, as approved by the town. Wind and/or privacy screens may be incorporated into the construction fence. Temporary construction fencing shall be removed upon completion of the project or upon issuance of a certificate of occupancy or certificate of compliance, where applicable. Construction fencing shall be maintained in good condition by the general contractor during its use.

(9) Privacy fences around hot tubs and spas shall not exceed six feet (6') in height and shall not exceed fifteen feet (15') in total length. Such fences shall be architecturally compatible with the adjacent buildings. Where a fence around a hot tub or spa is highly visible, landscaping may be required to soften the visual impact of the fence.

(10) Fencing around cemeteries is exempt from this policy. The design of cemetery fencing is encouraged to emulate historic fencing from local cemeteries and follow the fence policy in the "Handbook Of Design Standards For The Historic And Conservation Districts". Historically fences were generally constructed of wrought iron, cast iron, or wood pickets, and were generally about three feet (3') tall.

(11) Fences approved by the town to delineate public trails or protect open spaces shall be constructed of natural materials, and shall be either a split rail, buck and rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. These fences should be designed to accommodate wildlife, and may be substantially different from fences on residential or commercial properties, due to the unique needs and goals of public trails and open spaces.

(12) Fences in parking lots may be allowed when necessary to delineate pedestrian areas from parking and circulation areas, and to designate drive aisles. The design of fences in parking lots shall reflect the surrounding character of the neighborhood. Within the conservation district, fences shall reflect the character of historic fences. Outside the conservation district natural materials and greater openings between rails shall be used to reflect the more open and natural character of the neighborhood. In most cases, split rail fences will be most appropriate.

(13) Fences at self-storage warehouses and for commercial outdoor storage shall not exceed six feet (6') in height, and shall be designed to allow visibility through the fence. Such fences shall be designed with a maximum solid to void ratio of one to three (1:3), shall be constructed of steel, aluminum or wood, and may be painted. Chainlink fencing is prohibited. Self-storage warehouses may incorporate a gate to control access to the site, notwithstanding subsection H of this section.

(14) Fencing around utility equipment shall not exceed six feet (6') tall. Such fencing may be constructed of chainlink, metal, or wood.

(15) Where natural materials are required by this policy, and where an applicant can demonstrate to the satisfaction of the town that an alternative material including, but not limited to, recycled materials, would be indistinguishable from natural materials, or where other materials or designs are required by law, the town may authorize such materials or designs.

(16) Landscape walls shall not exceed three feet in height or 20 feet in length and shall be constructed of natural materials such as wood or stone.

(17) The Director may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space through a Class D minor permit and only upon the finding that the applicant has satisfactorily demonstrated that the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space.

E. Site Plan; Survey: A site plan showing the location of existing structures, property lines, and the location of the proposed fence may be required by the director as part of the submittal requirements for a fence. A survey from a



Colorado licensed surveyor may also be required by the director to verify property lines and easements.

F. Architectural Specifications: Architectural elevations showing the design, material, color, and size of the proposed fence may be required by the director as part of the submittal requirements for a fence.

G. Fences On Easements: If a fence crosses an easement, the fence shall not interfere with the use of the easement.

H. Privacy Gates: Privacy gates are prohibited anywhere within the town.

I. Vested Master Plan: This policy shall not apply to any fence to be constructed upon land that is subject to a vested master plan containing specific fence design standards and criteria. The construction of such fence shall be governed by the applicable design standards and criteria contained in the master plan.

J. Gateway Entrance Monuments: Gateway entrance monuments within the conservation district are prohibited. Outside the conservation district, gateway entrance monuments may be allowed only when they meet the following criteria:

(1) Gateway entrance monuments shall be permitted only for residential subdivisions of five (5) or more lots, and for hotels and condominiums located outside of the conservation district. Such gateway entrance monuments shall not exceed eight feet (8') in height, and shall not exceed twenty feet (20') in length. One monument is allowed to each side of the road or driveway at the entrance to the subdivision, with up to two (2) monuments total at each vehicular entrance to the subdivision. Entry monuments shall not be constructed in the public right of way. Such entrance monuments shall be constructed of natural materials, such as stone and/or wood, and may incorporate the subdivision entrance sign, under a separate permit. Gateway entrance monuments shall not incorporate an arch or other structure over the road. Privacy gates shall not be incorporated into the gateway entrance monument.

(2) Gateway entrance monuments at private residences shall not exceed five feet (5') in height, and shall not exceed a footprint of ten (10) square feet in ground area. One monument is allowed, and may be located on either side of the driveway at the entrance to the property. Entry monuments shall not be constructed in the public right of way. Such entrance monuments shall be constructed of the same materials that are installed on the private residence, and may incorporate the residence name or street address and light fixtures. Gateway entrance monuments shall not incorporate an arch or other structure over the road. Privacy gates shall not be incorporated into the gateway entrance monument.

Section 68. Section D of Section 9-1-19-49A: "Policy 49 (Absolute) Vendor Carts," of the Breckenridge Town Code is amended to read as follows:

D. Duration Of Development Permit: A development permit for a large or small vendor cart issued pursuant to this policy shall be valid for three (3) years as provided in section 9-1-17-8 of this chapter, and may be renewed. A development permit issued pursuant to this policy may also be revoked for cause as provided in section 9-1-6 of this chapter.

Section 69. Section 9-1-20 of the Breckenridge Town Code is amended to read as follows:

9-1-20: SPECIAL AREAS MAPS IDENTIFIED:

Blue River walkway.

Breckenridge Historic District.

Community entrance.

Section 70. A new Section 9-2-1-9-1 of the Breckenridge Town Code is added:

9-2-1-9-1 VACATION OF LOT LINES

Buildings and other improvements that extend across property lines create undesired non-conforming situations respecting setbacks, etc., that should be corrected. Development applications involving properties under a single ownership that contain multiple subdivided lots may be required by the Town to abandon lot lines that are internal to the exterior lot lines of the property ownership, where the lot line abandonment is necessary to address improvements that encroach onto the adjacent property under the same ownership.

Section 71. Section D.3. of Section 9-2-4-2 of the Breckenridge Town Code is amended to read as follows:

3. In addition to the landscaping required above, the subdivider of land shall provide one tree having a minimum trunk diameter (measured six inches above ground level) of not less than two inches (2") for deciduous trees or having a minimum height of six (6) feet for evergreen trees suitable for the Breckenridge climate for every fifteen (15) 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 revegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion. (Ord. 40, Series 2006)

Section 72. Section B of Section 9-3-8 of the Breckenridge Town Code are amended to read as follows:

B. Outside The Service Area: In connection with the development of all property outside the service area there shall be provided the following amount of off street parking:

Residential:	
Single-family	2.0 per dwelling unit*
Duplex	1.5 per dwelling unit
<u>Accessory apartment</u>	<u>1.0 per dwelling unit</u>
Multi- Unit Residential and Condominiums:	
Efficiency - studio	1.0 per dwelling unit
1 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
Lodging, hotel, motel	1.0 per guestroom
Dormitory	0.5 per bed
Schools:	
Elementary and junior high	2 per classroom
High school	1 per 4 students and faculty
College	1 per 4 students and faculty
Commercial:	
Retail sale, commercial and office	1 per 400 square feet GFA (minimum 2 per building)
Construction - contracting	1 per 200 square feet
Manufacturing	1 per 400 square feet
Warehouse	1 per 1,000 square feet
Gas Station/Convenience Market	1 per pump plus 1 per 250 square feet GFA

Restaurants - sit down, breweries, and distilleries	1 per 125 square feet
Restaurants - drive-in	1 per 100 square feet GFA
<u>Supermarket/grocery store</u>	<u>1 per 250 square feet GFA</u>
Auditoriums - theaters	1 per 4 seats
Churches	1 per 6 seats
Convention center facility	By special review of the director and planning commission
Library and museum	1 per 500 square feet GFA
Medical and dental clinics	1 per 300 square feet GFA
Hospital	1 per 3 beds
Commercial recreation indoor and outdoor	By special review of the director and planning commission

\*Two parking spaces are required for the first three bedrooms of a single family residence. For each additional bedroom beyond the first three bedrooms, one additional parking space shall be required.

Note: The required number of parking spaces shall be rounded up to the nearest whole number. Required residential spaces shall be rounded up based on the unit count if parking spaces are assigned.

Section 73. Sections E – K, inclusive, of Section 9-3-9 of the Breckenridge Town Code are amended to read as follows:

E. Lighting: All parking facilities containing ten (10) or more parking spaces shall submit a photometric plan.

1. The parking lot lighting shall not exceed IESNA recommended foot-candle levels and applications are encouraged to use the lower end of the range. This information shall be provided by a registered Colorado engineer.
2. All fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property's designated lighting zone per Section 9-2-11.
3. All lights shall be level mounted and eighty five (85) degrees full cut off fixtures.
4. All fixtures shall be a minimum of half the distance of the length of the pole (e.g. An eighteen foot (18') pole shall be a minimum of nine feet (9') from the property line).
5. Lighting fixtures shall not exceed 3000 kelvin. LEDs shall use filtered LEDs for a warm white color to minimize blue light emission.
6. Foot-candle levels shall not exceed two tenths foot-candles (0.2) at a property line, unless for safety ingress/egress as determined by the Director.
7. Parking lots are encouraged to be greater in number and lower to grade than have a reduced number and increased height.

F. Grades: The sustained surface grades for parking areas shall not exceed a minimum of one-half percent (0.5%) or a maximum of four percent (4%). Driveway grades shall not exceed a maximum grade of eight percent (8%). The first five feet (5') of a driveway shall be graded to match the cross slope of the connecting street. For downhill sites, a twenty foot (20') staging area with a maximum grade of negative four percent (-4%) is required (section 9-3-19, attachment B of this chapter). For uphill sites, a twenty foot (20') staging area with the first five feet (5') matching the cross slope of the connecting road and the next fifteen feet (15') at a maximum grade of four percent (4%) is required (section 9-3-19, attachment C of this chapter).

G. Heated Driveways: Driveway heat systems shall terminate at the property line. If the system extends into the public right of way, a separate zone must be created for that portion of the system and accommodations must be made to reduce the impacts of the melted drainage at the snow/melted interface. A

revocable license agreement acceptable in form and substance to the town attorney must be approved by the town and executed prior to the issuance of a certificate of occupancy.

H. Drainage: All off street parking facilities shall be graded for proper drainage so that all surface discharge is channeled to a natural or improved drainageway without causing nuisance or damage to other properties or the improvements thereon.

I. Location: The location of all required off street parking facilities shall be as follows:

1. Residential Uses: For residential uses, except residences located in buildings adjacent to the "Riverwalk" as defined in section 9-1-19-37A, "Policy 37 (Absolute) Special Areas", of this title, all required off street parking spaces shall be provided on the same property as the residential units they are intended to serve.

2. Nonresidential Uses: Off street parking for nonresidential uses shall be placed totally on the same parcel of land as the use, unless a fee in lieu is paid to the town as provided in section 9-3-12 of this chapter.

3. Parking Space Location: No parking space shall be located closer than five feet (5') from any public street, public alley, public pedestrian way or public right of way or three feet (3') from any property line.

J. Landscaping: A minimum of twenty five (25) square feet per parking stall shall be utilized for landscaping purposes. Any parking facility containing more than two (2) side by side loading spaces shall contain at least two hundred (200) square feet of landscaped area raised a minimum of six inches (6") above the parking surface for each two (2) side by side loading spaces. Landscaping shall be maintained according to the standards contained in the development code.

Section 74. The introductory paragraph of Section 9-9-9 of the Breckenridge Town Code is amended to read as follows:

9-9-9: SUBMITTAL REQUIREMENTS: A completed application for approval of a development agreement shall be submitted a minimum of 28 days prior to the requested work session with the Town Council. The development agreement application, whether included as part of a development permit application or submitted as a separate application, shall include the following information and documentation:

Section 75. Section A of Section 9-9-10 of the Breckenridge Town Code is amended to read as follows:

A. Following receipt of a completed application the director shall cause the application to be scheduled for preliminary discussion at a town council work session held as part of a regular or special town council meeting. The work session discussion may be continued if necessary to complete the council's preliminary discussion of the proposed development agreement. The director shall provide an analysis of the anticipated planning impacts of the proposed development agreement, and such other information and analysis as the town council shall require. Upon the conclusion of the town council's preliminary discussion of the proposed development agreement, the council shall determine whether to: 1) terminate further discussions concerning the proposed development agreement, in which case all proceedings concerning the proposed development agreement shall terminate, or 2) commence proceedings for the approval of the requested development agreement. At any point prior to final action on an ordinance to approve a proposed development agreement the town council may, in its discretion, refer the matter to the planning commission for its review and comment. If so referred, the proposed development agreement shall be reviewed by the planning commission as provided in subsection B of this section. If a proposed development agreement is referred to the planning commission, the town council shall not take final action on an ordinance to approve a proposed development agreement until it has received and considered the recommendation of the planning commission.

Section 76. Section 9-12-7 of the Breckenridge Town Code is amended by the addition of the following definitions:

EAVE OVERHANG:	The section of roof overhanging the building wall, often called a soffit.
LED:	A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light). Warm white or filtered LEDs meet CCT < 3,000 K; S/P ratio < 1.2.
PARKING LOT LIGHTING:	Off street parking lots consisting of ten (10) or more parking spaces shall meet Section 9-3-9 of the Development Code.

Section 77. The following definitions in Section 9-12-7 of the Breckenridge Town Code are amended to read as follows:

FOOT-CANDLE:	A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. One foot-candle equals approximately 0.1 (0.093) lux.
LUMENS:	A unit of Measurement for the actual amount of visible light which is produced by a lamp as specified by the manufacturer. A foot-candle is one lumen per square foot.
OPAQUE:	An outdoor light fixture in which the walls of a fixture which house the light source are comprised of a solid material, unable to be permeated by light, should a light source be held behind it. Glass is not considered opaque however, glass on a fixture may be acceptable if the glass is below the opaque aspect of the fixture which houses the light source.

Section 78. Section 9-12-8G of the Breckenridge Town Code is amended to read as follows:

G. Architectural Accent Lighting: Lighting to accent an architectural element that is aimed or shielded to prevent lighting of the night sky with a maximum of one fixture of not more than fifty (50) watts per property.

Section 79. Section 9-12-11 of the Breckenridge Town Code is amended to read as follows:

9-12-11: LIGHTING STANDARDS:

A. Lighting standards for LZ-1 (downtown overlay district lighting zone):

1. Fully Shielded: Only fully shielded, downcast, semiopaque or opaque fixtures with no portion of bulb visible are permitted for commercial, mixed use, triplex, duplex and single-family residential structures, and garages associated with such uses. Such fixtures are prohibited for all other types of structures.

2. Pole Lights Generally: Pole lights may have a maximum of two (2) light sources per pole.

3. Bistro Lighting: Bistro lighting is permitted at an outdoor dining/bar area designated by the site plan to provide light and ambiance. Bistro lighting includes a temporary arrangement of lighting bulbs or tubing from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful. (Ord. 30, Series 2010)

4. Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than one foot-candle at the property line, except at site entry points if determined by the director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

5. Maximum Fixture Height: Maximum fixture height as measured from finished grade:

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck
Eave overhangs (e.g. soffit)	10	feet
Eave overhangs (e.g. high soffits)	+1	foot for every 5 feet from edge of eave*

\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet +2 feet).

6. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts or warm white or filtered LEDs at 12 watts maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.

B. Lighting standards for LZ-2 (commercial area lighting zone):

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.

2. Pole Lights: Pole lights may have a maximum of two (2) light sources per pole.

3. Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than half (0.5) foot-candle at the property line, except at site entry points if determined by the director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck
Eave overhangs (e.g. soffit)	10	feet
Eave overhang above 10 feet (e.g. high soffits)	+1	foot for every 5 feet from edge of eave

\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet +2 feet).

5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate

cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts or warm white or filtered LEDs at 12 watts maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.

6. Location: The setbacks from the property line shall be at least equal to the total height of the luminaries.

C. Lighting standards for LZ-3 (residential lighting zone):

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.

2. Pole Lights: Pole lights may have a maximum of one light source per pole.

3. Photometric Plan: Commercial, mixed use or multi-family residential properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than two-tenths ( $2/10$ ) foot-candle at the property line, except at site entry points if determined by the director to be necessary for safety. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck
Eave overhangs (e.g. soffit)	10	feet
Eave overhang above 10 feet (e.g. high soffits)	+1	foot for every 5 feet from edge of eave

\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet +2 feet).

5. The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts or warm white or filtered LEDs at 12 watts maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.

6. Location: The setbacks from the property line shall be at least equal to the total height of the luminaries. (Ord. 35, Series 2007)

Section 80. Section 9-12-12 of the Breckenridge Town Code is amended by the addition of the following provision:

9. Parking Lots: Parking lots shall meet the requirements of Section 9-3-8 of this Code.

Section 81. 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 82. 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 83. 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 84. 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 11th day of December, 2018.

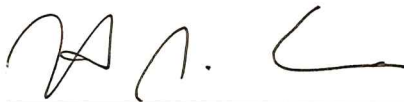
This ordinance was published in full on the Town of Breckenridge website on December 14, December 15, December 16, December 17 and December 18, 2018.

A public hearing on this ordinance was held on January 8, 2019.

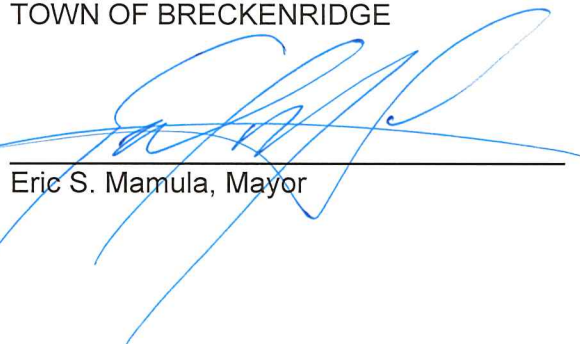
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 8th day of January, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

4/8/19  
Date

This Ordinance was published on the Town of Breckenridge website on January 9, January 10, January 11, January 12 and January 13, 2019. This ordinance shall become effective on February 12, 2019.