



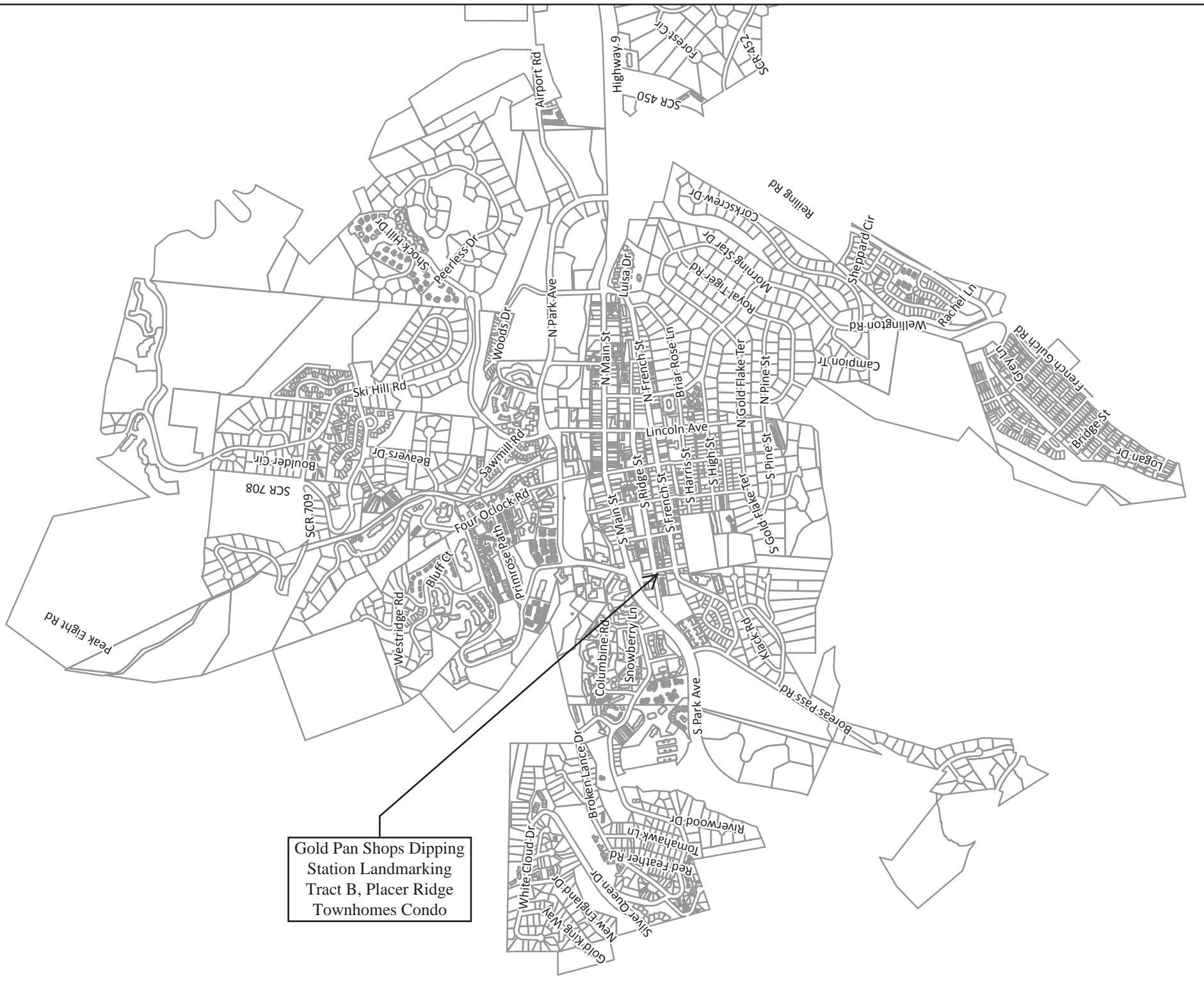
PLANNING COMMISSION AGENDA

Tuesday, December 06, 2016
Breckenridge Council Chambers
150 Ski Hill Road

6:00pm	<i>Call To Order Of The December 6 Planning Commission Meeting; 6:00 P.M. Roll Call</i>	
	<i>Location Map</i>	2
	<i>Approval Of Minutes</i>	3
	<i>Approval Of Agenda</i>	
6:05pm	<i>Worksessions</i>	8
	1. Commercial Sign Code (JP)	
7:15pm	<i>Town Council Report</i>	
7:30pm	<i>Other Matters</i>	49
	1. Gold Pan Shops Dipping Station Landmarking (MM) PL-2016-0579; Tract B, Placer Ridge Townhomes Condo	
8:00pm	<i>Adjournment</i>	

For further information, please contact the Planning Department at 970/453-3160.

***The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.**



Gold Pan Shops Dipping
 Station Landmarking
 Tract B, Placer Ridge
 Townhomes Condo



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Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schroder.

ROLL CALL

Mike Giller	Christie Leidal	Ron Schuman
Gretchen Dudney	Jim Lamb	Steve Gerard
Dan Schroder		

APPROVAL OF MINUTES

With no changes, the November 1, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

To accommodate audience members here for the Beaver Run Corridor Hearing, we will be switching the Combined Hearing with the Worksession. Otherwise, the November 15, 2016, Planning Commission Agenda was approved as presented.

COMBINED HEARINGS:

1) Beaver Run Corridor Addition (CK) PL-2016-0526, 611 Village Road

Mr. Kulick presented a proposal to add 1,569 square feet of density to create a new enclosed corridor to connect the Bridge / Hub Area of Building 2 to Building 1. The new square footage will also serve as a wedding venue with the existing roof deck. There is not enough density remaining in the approved Master Plan for this proposal; therefore, the project requires a major master plan amendment and density transfer (TDR).

Staff conducted a point analysis attached and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project under any Relative policies.

The Planning Department recommended approval of the Beaver Run Corridor Addition Master Plan Amendment and TDR transfer located at 611 Village Road, Beaver Run Condominiums (PL-2016-0526) with a passing point analysis of zero (0) points with the presented Findings and Conditions.

Mr. Todd Harris, Chief Engineer for Beaver Run Resort, is present on behalf of Beaver Run.

Commissioner Questions / Comments:

Mr. Schroder: I was wondering about the waiver negative points for density increases under 5%. Do we get to a certain point for the total original project when first developed or is it per small project addition? (Mr. Kulick: It is 5% from the original approved master plan and that density. They cannot keep increasing incrementally to stay under 5%.)

Chair Schroder opened the hearing for public comment.

Ms. Elaine Gort, Building 1-Unit 1080 Owner: We live in building one, and anytime we want to go to the other side of the resort, we have to go up and around somewhere icy and unsafe during the winter. I have also noticed that there is no way for anyone who is handicapped to get from building one to the ski slopes. (Mr. Harris: This addition will alleviate those problems.) It was a nightmare to get home when our kids were young and we had to bring them in with strollers and such as well.

There was no further public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Giller: Are you concerned with the materials being used for the roof? (Mr. Kulick: The materials

being used will be the same as those that have been approved for other additions. There is a lot of cement on the building, so I believe they are trying to tweak that a little bit to modernize, but it will be in the same vein as the current aesthetic.) (Mr. Harris: The roof will be a flat roof, so no additional reflective materials or anything like that.) (Mr. Kulick: In terms of visibility from the street level, it's not particularly visible, only from a few locations.)

Mr. Gerard: I also lived in building one in the past, and Ms. Gort explains the situation well. It is unsafe and a bit hectic around there. Another question is concerning snowfall from balconies above, I assume that's being taken care of in the plans? (Mr. Harris: It is.)

Ms. Leidal made a motion to approve the Beaver Run Corridor Addition, PL-2016-0526, 611 Village Road, with the presented point analysis and findings and conditions. Mr. Gerard seconded, and the motion was carried unanimously (7-0).

WORKSESSIONS:

1) Development Code Amendments (MT)

Mr. Truckey presented. At the May Town Council retreat, the Council requested that Planning staff initiate a process to undertake a comprehensive review of the Development Code. Subsequently, staff formed a Comprehensive Code Amendments Steering Group to help provide guidance on potential code changes. The Steering Group is comprised of three architects (Sonny Neely, Mark Provino, and Matt Stais) along with two Planning Commission members (Christie Matthews-Leidal and Gretchen Dudney) and staff (Peter, Mark and Julia). The Steering Group has met four times in the last few months to make recommendations on Code changes. Staff has been providing regular updates on these meetings to the Planning Commission. The Steering Group has now concluded moving through the first eight policies of the Code.

Staff has prepared a list of proposed Code amendments for these first eight Code policies. The intent of this work session is to discuss these amendments and get any input the Planning Commission has on them. Once we have received that feedback, staff's next step will be to take this first installment of Code amendments to the Town Council for input. Our plan at this time, rather than taking all the amendments at once to Planning Commission and Council, is to take the amendments in several installments so that the amount of information and associated amendment language is more manageable.

Mr. Truckey took the Planning Commission through a series of issues identified in the staff report, along with a review of the proposed Code amendments.

Commissioner Questions / Comments:

On policy 5R Architectural Compatibility:

Ms. Leidal: The Steering Committee did not want to put a percentage on amount of natural material required on each building elevation because even if we don't like it, if it meets the percentage, it won't incur negative points.

Mr. Schuman: It also allows for more freedom for the architect and provides the planning commission discretion.

Mr. Schroder: I agree, with the analysis.

Mr. Lamb: As for wear, fiber cement should last longer than cedar siding.

On policy 4R Mass:

Ms. Dudney: The proposed language gives an additional bonus for adding amenities; the architects on the steering committee said just the common areas take 15-20 percent, which does not leave any room for amenities. This is not trying to make bigger buildings, but to provide room for amenities.

Mr. Schroder: So once they go over 30% it will go to Town Council? (Mr. Truckey: Correct, it would need to go as a Development Agreement.) (Ms. Puester: Currently for condos, hotels, inns, and

lodges, the percentage is 25%; the Committee proposes they both are increased to 30%.)

On policy 6R Building Height:

Ms Leidal: So the question is should this (the five foot lobby height exemption) be defined for lobbies?
(Mr. Truckey: The question is if you are comfortable with the part in bold that allows an additional 5 feet height in the lobby of multifamily entrances.)

Mr. Schroder: My concern would be the kind of weird stuff that architects might come up with.

Ms. Dudney: The structure (clearstory) in the distillery would still be allowed even if we take this part out.
(Mr. Truckey: Yes.)

Mr. Schroder: So this would allow 5 more feet in the first floor? Does it really change anything, because that would be allowed anyway?

Ms. Dudney: I don't have a problem with it; if there aren't abuses, then it's fine.

Mr. Giller: I can't think of any examples. Entrance identity elements are nice in architecture, they can get overdone, but I don't see any issue.

(Mr. Kulick: I can think of places that have used this have been in the lodges in the ski area, to allow for more open areas in the entries.)

Mr. Schuman: I think we can leave it in.

On Policy 2 Land Use Guidelines:

Mr. Schroder: I was wondering about C, and if the strike-out about glare is to address the new restaurant on Peak 7? (Mr. Truckey: Subsequent to this being written, we have a lighting ordinance that deals with these types of issues so it's not needed here.)

Mr. Giller: Is this interior lighting too? (Ms. Puester: We can't regulate interior lighting, but we can regulate that the glass on the windows is non-reflective so you reduce the amount of glare when the sun hits just right. This is in the ridgeline and hillside policy.) (Mr. Grosshuesch: In the past there have been concerns about lighting on the insides of buildings on the hillsides and these were addressed with trees on the hillsides as required in the ridgeline policy that passed a few years ago.)

On Policy 3 Density:

Mr. Schroder: I think that paragraph at the bottom of page nine really helps clarify the density calculations.

Ms. Dudney: Is employee [in Employee Housing] defined? (Mr. Truckey: Yes.)

On Policy 6:

Mr. Giller: Massing is not just the roof, it can be the floors. Also, we have some inconsistencies in language in the step down section. Remove "from" in 2.a.2. (Mr. Truckey: I will adjust that.)

Ms. Leidal: I can't visualize this. Do you get the positive point if you step down little by little or also if you step down a very large amount and then a smaller amount? How many sides of the building? How about in a multi-family structure, how many of them should step down? (Mr. Kulick: It may be helpful to have a diagram in there to illustrate.) (Mr. Truckey: Yes; we could have more illustrations in our code in general.)

Mr. Schroder: Doesn't the word step mean specifically smaller amounts?

Ms. Leidal: Do we want to include balconies in this or outdoor decks? I think we had a project come through with this question. (Mr. Kulick: I'm not sure those would fall under height, but instead under breaking up the façade.)

Mr. Giller: You could have a three-story mass where the floors are not stepped down, but the roof is stepped down, and this should not be awarded a point.

Ms. Dudney: I don't see why this has to be an entire floor though? Could it be half a floor?

Mr. Giller: What we're after is massing, and I don't think we should give points for modest roof tricks, when what we are looking for is cascading of mass which I think includes the actual floor. The book *Pattern Language* has some good information on cascading effects.

Mr. Schuman: It is still up to the architects, we can tell them that we don't like what we see.

Ms. Dudney: I think we need to be more specific with the rules.

Mr. Lamb: The words "may be" are in the language to give us discretion.

Mr. Schuman: Maybe cascading of mass is the right terminology, but I don't think we should be dictating

what exactly the architect is doing.

Mr. Schroder: They can choose not to chase the points.

Ms. Dudney: Mr. Schroder, your point is that we should not be too specific, or we may limit creativity?

Mr. Schroder: Yes.

Mr. Giller: The point is to have human scale, so we don't want the cascading in the back; we want it more in the front.

Ms. Dudney: But what do you think about what Mr. Schuman said, about us having discretion with the words "may be"?

Mr. Giller: It doesn't give us as much guidance down the road or as much as it could. I think of the multi-building developments.

Ms. Leidal: I am still concerned about the multi-building developments. How many of the buildings would need to step down to get the points? (Mr. Truckey: I think the determination on multi-building projects will be up to you as Commissioners when you review the project.)

Ms. Dudney: As long as the "may be" is in the language, future Commissioners will be able to discuss and make decisions as they see fit.

On Policy 6 Building Height:

Ms. Dudney: So we are going to leave the language on the first floor issue?

Ms. Leidal: Since you can still have more than one story over the first floor, I don't think section changes anything, because they could technically already add more on top of that first floor. This is just kind of a weird policy. (Mr. Grosshuesch: The cumulative height is counted that way, but for just a first floor, you are allowed five more feet, which you do not get on the next floor.) So your first floor could be higher than the rest of your building? (Mr. Grosshuesch: It will allow for a taller height on your atrium, I'm not sure how floors line up.)

Mr. Schroder: Does staff like this idea? (Mr. Grosshuesch: It's been in here for years. It is kind of a "wow-factor" thing, I'm not sure that we've ever had problems with this, however.)

Ms. Dudney: I don't see any reason to be changing things unless they're broken. We can always come back and modify if we need to.

Mr. Schroder: I support that.

On Policy 7 Site and Environmental Design:

Mr. Schroder: [On page 15] So is there anything new with retaining walls? (Mr. Truckey: No. We largely left the retaining wall provisions as they are, with the exception that we wanted to make clear that negative points will not be assessed because of height. We also took out the four feet specification; there is nothing magical about four feet except that it requires engineering, which is addressed elsewhere.)

Mr. Giller: [On page 16] Is the word "highly" in highly visible too high a bar?

Ms. Dudney: We felt that should be up to the Planning Commission's discretion. How are we going to define that term?

Mr. Giller: We don't have the discretion unless it is really *highly* visible, maybe we should lower that bar. (Mr. Truckey: We could work on that language, perhaps say visible from public streets.)

Mr. Schroder: I think they're always visible, so it's okay; we need retaining walls in the mountains. (Mr. Truckey: It is up to your discretion when applying the code.)

Ms. Leidal: Regarding excessive site disturbance related to long driveways, some homeowners put the garage all the way around back just because they don't want a tuck under garage and want to park on the same level. Some of these driveways really do deserve the negative points, but staff does have to spend a lot of time on this because of the amounts of points. (Mr. Truckey: The proposal is to change the multiplier so the commission has more point increments to work with: -2, -4, -6, -8, instead of just -4 and -8.)

(Mr. Truckey passed out additional clarifications for the policies.)

Ms. Dudney: So this specification regarding 1,000 square foot equivalent units for commercial is the way it has always been done? (Mr. Truckey: Yes, we are just adding it in more formally.) (Ms.

Puester: It was there as an asterisk before, buried in the code section.) (Mr. Grosshuesch: Maybe we should add an example on how we calculate mass, like we have an example on how we calculate density.) (Ms. Puester: Single family and duplex outside the historic district don't go by these stories, they are just 35 feet, and that is why they are exempted so we should remove the proposed strike out in this one spot. The other strike outs on that in the policy look good.)

Mr. Truckey: Our next Steering Group meeting is December 8th. We will keep you updated as we work, and will bring the next section to you probably around February.

TOWN COUNCIL REPORT:

Ms. Puester: We had a great turn-out for Dave Pringle's proclamation. At the work session, Town Council discussed ebikes on the Rec Path. (Mr. Truckey: The County has a policy against them, but the Town does not see them as an issue, so for now they will be allowed in the Town, though not in the rest of the County. I think there will more discussion with the bike operators in Town on this. Right now people can take ebikes up to Four Mile Bridge but then they should be turning around as it stops being Town jurisdiction. As of now, the parts of the Rec Path on the National Forest fall under motorized vehicle restrictions.) We had an update on Denison Placer 1. Since we did not receive the grant, the Town is looking at other options and is looking at having primarily a for-sale concept for townhomes and rentals for the apartments. There were previously three apartment buildings, now there are two. The floor plans will be changed to hit a different market in the townhomes, though the unit number remains close to the same. Parking will change from all surface parking to include carports and garages. Last time Planning Commission saw this was in April. It was a Class A Development as it was a different ownership to be LITEC. It would now be a Town Project, the changes are not particularly big, the layout will remain the same, but Planning Commission will see it again. As a Town Project, we will build it and then sell it, similar to the Valley Brook Townhomes. We will probably be seeing this project here again around February. We talked about the McCain Property/Block 11. (Mr. Truckey: Council is talking about not developing all of Block 11 as employee housing, and there is talk over what to do with the parking out there. If some parking remains on Block 11, we probably will not get the housing numbers we want and therefore want to put more on the McCain Property.) (Mr. Grosshuesch: We will be looking at the cost tradeoffs associate with these moves as well. Generally for-sale projects put the town in a better financial position than rental projects.)

OTHER MATTERS:

1) Planning Commission Meeting Start Time Resolution (JP)

Ms. Puester presented the resolution to stat the Planning Commission meetings at 6 p.m. starting December 2016 until June 2017 when the meeting will start at 5:30 p.m. thereafter.

Mr. Schuman made a motion to approve Resolution No. 1, Series 2016, amending Rule 5.1 of the "Town of Breckenridge Planning Commission Rules of Procedure (Jan. 2011 Edition)" concerning the starting time of regular meetings of the Planning Commission. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

ADJOURNMENT:

The meeting was adjourned at 8:47 pm.

Dan Schroder, Chair



MEMORANDUM

TO: Planning Commission

FROM: Julia Puester, AICP, Planning Manager

SUBJECT: Sign Code Work Session: Private Property

DATE: November 29 for meeting of December 6, 2016

Staff has been working with the Town Attorney on a Sign Code rewrite in response to a recent U.S. Supreme Court decision. This decision, *Reed v. Town of Gilbert*, is requiring most municipalities across the country to rewrite their sign codes to eliminate content related references. The first section of the Sign Code modifications regarding Signage on Town Owned property was reviewed by the Planning Commission as a work session item on November 15. Due to different circumstances for signs on municipal owned properties (eg. public safety), the Town Attorney recommended separating the Town's new sign regulations into two separate Chapters: 1) Signs on Town Owned Property and 2) Signs on Private Property. This evening we will be discussing the Signs on Private Property.

The Town of Gilbert and most municipalities nationwide had sign codes which called out a type of sign, such as 'political' signs, 'open' signs, 'real estate' signs, etc., and then required a sign code enforcement officer to read the sign content to determine the applicable regulation regarding placement, size and so on. The new court decision allows municipalities to continue to regulate signage size, materials, location, etc., but removed the ability to enforce signage regulations which require the content of a sign to be read in order to know which rules to apply to that particular sign.

In response to this decision, the Town Attorney and Staff have provided a draft Sign Code which is *not intended to change any of the currently allowed signage on private property*; however, the new ordinance seeks to eliminate from the Sign Code content-based references. This code modification is intended to clean up the current regulations to conform to the court decision, not to introduce new regulations to what Staff believes are currently working.

However, as the Sign Code has been primarily untouched since 1989 (with the exception of a few recent changes to allow for signage such as window wraps and fines rather than court summons), staff has included some additional clean up items in the ordinance in addition to tackling the contest-based regulation problem.

One primary clean up item is the sign permit review process which had Planning Commission reviewing individual sign applications. This process has not been followed for at least 15+ years and applications for individual sign permits are now processed at staff level. This process has been codified in the draft ordinance that is attached. Master sign plans will still go through the Planning Commission as is current practice.

We would like to hear any issues that the Planning Commission may have on the private property signage chapter attached. The Town Attorney and Staff will be available at the meeting for questions.

1 ***DRAFT December 1, 2016 DRAFT***

2
3 COUNCIL BILL NO. ____

4
5 Series 2017

6
7 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF
8 TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING SIGNS ON PRIVATE
9 PROPERTY; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE
10 TOWN CODE

11
12 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
13 COLORADO:

14
15 Section 1. Chapter 2 of Title 8 of the Breckenridge Town Code is repealed and readopted
16 with changes so as to read as follows:

17
18 **CHAPTER 2**

19
20 **SIGNS ON PRIVATE PROPERTY**

21
22 **SECTION:**

23
24 **Part A – Introduction**

- 25
26 8-2-1: Short Title
27 8-2-2: Authority
28 8-2-3: Legislative Findings and Purpose
29 8-2-4: Regulatory Scope

30
31 **Part B – Definitions and Interpretation**

- 32
33 8-2-5: Definitions
34 8-2-6: Interpretation

35
36 **Part C – General Policies**

- 37
38 8-2-7: General Policies for Sign Regulation
39 8-2-8: Sign Permit Required - Generally
40 8-2-9: Exempt Signs
41 8-2-10: Actions That Do Not Require A Permit
42 8-2-11: Prohibited Signs

43
44 **Part D – Sign Permit Process**

45

- 1 8-2-12: Permit Process
- 2 8-2-13: Variances
- 3 8-2-14: Master Sign Plan
- 4
- 5 **Part E – Sign Size and Location Rules**
- 6
- 7 8-2-15: Signs on Residential Properties
- 8 8-2-16: Signs on Commercial Properties
- 9 8-2-17: Signs on Industrial Properties
- 10 8-2-18: Additional Signage Allowed; When
- 11 8-2-19: Signs on Pedicabs and Pedal Busses
- 12

13 **Part F – Sign Design Standards**

- 14
- 15 8-2-20: Sign Design Standards – Generally
- 16 8-2-21: Sign Maintenance
- 17 8-2-22: Standards for Specific Types of Signs
- 18 8-2-23: Nonconforming Signs
- 19 8-2-24: Abandoned Signs
- 20

21 **Part F – Enforcement**

- 22
- 23 8-2-25: Enforcement; Lien
- 24 8-2-26: Penalties and Remedies
- 25

26 **Part G – Miscellaneous**

- 27
- 28 8-2-27: Disclaimer of Liability
- 29 8-2-28: Rules and Regulations
- 30

31 **Part A – Introduction**

32

33 **8-2-1: SHORT TITLE:** This Chapter is to be known and may be cited as the “Town Of
 34 Breckenridge 2017 Sign Code.”

35 **8-2-2: AUTHORITY:** This Chapter is adopted by the Town Council pursuant to the following
 36 authority:

- 37 A. Section 31-15-103, C.R.S. (concerning municipal police powers);
- 38 B. Section 31-15-401, C.R.S. (concerning general municipal police powers);
- 39 C. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);

- 1 D. The Local Government Land Use Control Enabling Act of 1974, Part 1 of Article 20 of
2 Title 29, C.R.S.;
- 3 E. The authority granted to home rule municipalities by Article XX of the Colorado
4 Constitution; and
- 5 F. The powers contained in the Breckenridge Town Charter.

6 **8-2-3: LEGISLATIVE FINDINGS AND PURPOSE:**

- 7 A. The Town Council finds and determines as follows:
 - 8 1. The Town is widely known for its high mountain setting, its natural beauty, and its
9 aesthetic charm.
 - 10 2. The Town’s economy is tourist-based, and it is essential to the continued economic
11 vitality of the Town that the aesthetic appeal of the Town be preserved and enhanced.
 - 12 3. If not properly regulated, signs can create a distraction for motorists and pedestrians,
13 impede traffic circulation, and contribute to accidents.
- 14 B. The primary purpose of this Chapter is to create a legal framework for a comprehensive
15 and balanced system of signage in the Town. These regulations are intended to provide
16 an easy and pleasant communication between people and their environment, and to
17 avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property
18 values, business opportunities, and community appearance.
- 19 C. This Chapter is adopted specifically to serve the public interest by:
 - 20 1. Encouraging signs that maintain and enhance the unique aesthetics, beauty, and
21 charm of the Town.
 - 22 2. Protecting and enhancing the economic viability of the Town’s commercial areas by
23 attempting to assure the Town’s continued aesthetic appeal to the residents and the
24 many tourists who annually visit the Town.
 - 25 3. Promoting the use of aesthetically pleasing sign materials, colors, designs, and types.
 - 26 4. Encouraging signs that are architecturally and cosmetically compatible with the
27 surrounding area, and that are of a quality design and character that do not detract
28 from the overall appearance of the Town.
 - 29 5. Enhancing traffic and pedestrian safety by attempting to ensure that signage does not
30 distract motorists or pedestrians, or obstruct or otherwise impede traffic circulation.

- 1 6. Protecting the Town’s Historic District, including that portion of the Town designated
- 2 by the Secretary of the Interior as a National Historic District, by avoiding damage to
- 3 the Town’s sense of history, and by reinforcing the character of the Town’s Historic
- 4 District and its visual elements.

- 5 7. Assisting in wayfinding, and promoting the efficient communication of messages.

- 6 8. Enhancing the overall property values in the Town by discouraging signs that
- 7 contribute to the visual clutter of the streetscape.

- 8 9. Implementing the Town of Breckenridge Comprehensive Plan, one goal of which is
- 9 to protect the unique and highly valuable aesthetic character of the Town, as well as
- 10 protecting the public by encouraging traffic safety.

- 11 10. Providing fair and consistent enforcement of this Chapter.

- 12 D. In adopting this Chapter it is the intent of the Town to address problems caused by
- 13 signs wholly apart from any message conveyed by signs, and to protect and promote the
- 14 Town’s compelling governmental interests in a way that is unrelated to the topic
- 15 discussed, the idea or message conveyed, the speaker’s viewpoint, or any other content
- 16 of the message displayed on a sign. It is neither the purpose nor the intent of this
- 17 Chapter to stymie any sign because of the Town’s disagreement with the message or
- 18 idea it conveys.

19 **8-2-4: REGULATORY SCOPE:**

- 20 A. This Chapter applies to all signs and sign structures that are located on private property
- 21 within the Town, except as provided in Subsection B of this Section.

- 22 B. Signs and sign structures located on private property within the Town that cannot be
- 23 seen from a public right of way or public area are not subject to the requirements of this
- 24 Chapter, but are subject to any safety and construction requirements of the Town’s
- 25 building and technical codes.

- 26 C. Signs located on Town-owned property are regulated by Title 11, Chapter 8 of this
- 27 Code.

28 **Part B – Definitions and Interpretation**

29
30 **8-2-5: DEFINITIONS:**

- 31 A. Words or phrases defined in the Town’s Development Code (Title 9, Chapter 1 of this
- 32 Code) apply to this Chapter unless such definition conflicts with a definition in this
- 33 Chapter.

1 B. Where terms are not defined, they shall have their ordinary accepted meanings within
2 the context that they are used.

3 C. As used in this Chapter, the following words have the following meanings:

- ACCENT:** Twenty five percent or less of the area of a sign.
- ADVERTISE:** The nonpersonal communication of information usually paid for and usually persuasive in nature about products, services, or ideas by identified persons.
- ATTENTION GETTING DEVICE:** Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention to a commercial use if visible by the general public from any public right of way or public area. "Bistro lights" as defined in Section 9-12-7 of this Code are not an attention getting device.
- BUILDING FRONTAGE:** The width of a building facing a street or alley or, where a mall exists, building frontage means that portion of the mall that is parallel to the street. In the case of a corner lot, the building frontage may be either of the street frontages, but not both, at the option of the property owner. Where a property is tandem with another lot and has no frontage on a public street, the adjacent tandem property shall be disregarded, and the building frontage means the facade of the building nearest the public street.
- BUILDING OFFICIAL:** The Building Official of the Town, or such person's designee acting pursuant to Section 1-7-2 of this Code.
- BUILDING AND TECHNICAL CODES:** The Town's building and technical codes adopted by Title 8, Chapter 1 of this Code.
- BUSINESS:** A commercial use of real property for which a valid business and occupational (BOLT) license has been issued under Title 4, Chapter 1 of this Code.
- COMMERCIAL MESSAGE SIGN:** A sign that contains primarily a commercial message.
- COMMERCIAL MESSAGE:** A display that names or advertises a business, product,

	service, or other commercial activity.
COMMERCIAL USE:	Has the meaning provided in Section 9-1-5 of this Code.
CONSERVATION DISTRICT:	Has the meaning provided in Section 9-1-5 of this Code.
COPY (MESSAGE OR CONTENT):	Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof located on a sign.
CORNER LOT:	A lot bounded on two sides by streets that intersect with each other.
DAY:	A calendar day, unless a business day is specified. A “business day” is a day that the offices of the Town of Breckenridge are open for business.
DEPARTMENT:	The Town’s Department of Community Development.
DIRECTOR:	The Town’s Director of Department of Community Development, or such person’s designee acting pursuant to Section 1-7-2 of this Code.
DISPLAY BOX:	A freestanding or wall sign located immediately outside of or near the entrance to a restaurant, bar, or lounge.
ELECTRONIC MESSAGE SIGN:	A sign that uses LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers,” “message centers,” and “electronic signs.”
FLAG:	A sign containing a noncommercial message that is typically made of cloth and is displayed outdoor by being hung on a pole or hung from a building.
FLASHING SIGN:	A sign that has lights or illumination that flashes, has a reflective surface, rotates, revolves, oscillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. An electronic message sign is not

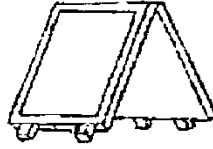
a flashing sign.

- FREESTANDING SIGN:** A permanent sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or which is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. The term includes a “pole sign,” “pedestal sign,” and “ground sign.”
- GARDEN LEVEL:** The floor of a building located more than fifty percent below average grade with an exterior entry accessing such level.
- GOVERNMENT SIGN:** A sign that is the expression of the federal or any state or local governmental entity when erected and maintained according to law and include, but are not limited to, traffic control devices that are erected and maintained to comply with the Manual of Uniform Traffic Control Devices adopted by the State of Colorado.
- HISTORIC DISTRICT:** Has the meaning provided in Section 9-1-5 of this Code.
- HISTORIC PLAQUE:** A sign placed on the outside of a building or structure that has received designation as a landmark under the Town’s Historic Preservation Ordinance (Title 9, Chapter 11 of this Code), or applicable federal law.
- INDUSTRIAL USE:** Has the meaning provided in Section 9-1-5 of this Code.
- INTERNALLY LIT SIGN:** An indirect source of light which illuminates a sign by shining through a translucent surface or a sign, including plastic signs, lit from an internal light source.
- LOT:** A parcel of real property designated with a separate and distinct number or letter on a recorded plat filed with the Summit County Clerk and Recorder, or when not so platted, a parcel of real property occupied or intended to be occupied by a building and all allowed accessory structures, held in unified ownership in fee or co-tenancy, or under legal control tantamount to

such ownership.

MARQUEE SIGN:	A tall roof like projection above a theater entrance, usually containing the name of a currently featured play or film and its stars.
MASTER SIGN PLAN:	A sign plan of any multiple use office or commercial building that includes the number, size, description, and location (but not the content) of all signs located, or to be located, in or upon such property.
MONUMENT SIGN:	A freestanding sign with a base, including any portion of the sign or supporting structure, that exceeds two square feet in ground area.
MOVING SIGN:	A sign that moves or simulates motion.
NEON SIGN:	Any sign that is illuminated by the tubes filled with neon, argon, krypton and related inert gases, including any display of neon lighting tubes, regardless of the shape, size, design or configuration.
NONCOMMERCIAL MESSAGE SIGN:	A sign that contains primarily a noncommercial message.
NONCOMMERCIAL MESSAGE:	Any message that is not a commercial message.
ON-PREMISES SIGN:	A commercial message sign that advertises a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished or that is available on the property where the sign is located.
OFF-PREMISES SIGN:	A commercial message sign that does not advertise a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished or that is available on the property where the sign is located.
PERMANENT SIGN:	A sign that is to be placed or erected for an indefinite period of time. Permanent signs are typically made of durable material such as wood, glass, or metal.
PEDAL BUS:	Has the meaning provided in the Town's Traffic Code adopted by reference in Title 7, Chapter 1 of this Code.

PEDICAB:	Has the meaning provided in the Town’s Traffic Code adopted by reference in Title 7, Chapter 1 of this Code.
POLE SIGN:	A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.
PUBLIC AREA:	Any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, transportation facilities, schools, places of amusement, parks, playgrounds, and the outdoor common areas of public and private buildings and facilities.
PUBLIC ENTRANCE:	An entrance into a business that is unlocked and available for use by the general public for access to and egress from the business during regular business hours. A “deliveries only” entrance is not a public entrance.
PUBLIC RIGHT OF WAY:	A public street or alley.
REFLECTIVE SURFACE:	Any material or device that has the effect of intensifying reflected light, including, but not limited to, Scotchlite, Day-Glo, glass beads, mirrors, highly reflective metals and luminous paint.
RESIDENTIAL USE:	Has the meaning provided in Section 9-1-5 of this Code.
ROOF SIGN:	A sign painted on the roof of a building, or supported by poles, uprights, or braces extending from the roof of a building, or projecting above the roof of a building, but not including a sign projecting from or attached to a wall.
SANDWICH BOARD SIGN:	A sign that is constructed with two pieces of nonreflective metal, blackboard, whiteboard, or wood, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an “A-frame” sign. A sandwich board sign may be depicted as follows:



- SEASONAL DECORATION:** Temporary, noncommercial decorations or displays erected or displayed only on a seasonal basis, when such are clearly incidental to the primary use of the building.
- SEPARATE FRONTAGE:** A second building frontage, parallel and adjacent to a public right of way and on the opposite side of a building's primary frontage, that includes a public entrance.
- SIGN:** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform, and includes the sign structure. Signs are either permanent or temporary, and may contain a noncommercial message or a commercial message. A mural painted on a structure is not a sign subject to this Chapter, but is regulated by the Development Code.
- SIGN AREA OR SURFACE AREA:** The surface area of a sign, as determined by the Director, including its facing, copy, insignia, background, and borders, that is described by a combination of plane geometric figures.
- SIGN ON PROPERTY UNDER DEVELOPMENT:** A sign erected in connection with the development of real property.
- SIGN OWNER:** The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required, or for which no sign permit has been obtained, "sign owner" means the person entitled to possession of such sign, the owner, occupant, or agent of the property where the sign is located, and any person deriving a pecuniary benefit from the sign.
- SIGN STRUCTURE:** All supports, uprights, braces, housings, mounting devices, and framework of a sign.

STATUARY SIGN:	Any three-dimensional sign which is a modeled or sculptured likeness of a living creature or inanimate object.
STREET:	The entire width of every dedicated public way owned or controlled by the Town, including the traveled portion thereof known as the roadway, the portion used for sidewalks, and the portion between the property line and roadway, known as the parkway.
STRUCTURE:	Anything that is built or constructed with a fixed location, but does not include utility poles, lines, cable or other transmission or distribution facilities of public utilities, or structures associated with a wireless communications facility as defined in the Town's Development Code.
SUBDIVISION SIGN:	A sign erected at or near the entrance to a platted subdivision located outside of the Historic District that contains five or more platted lots.
TANDEM:	One in front of or behind another.
TEMPORARY SIGN:	A sign that is not a permanent sign. Temporary signs are typically constructed of flimsy material, are not sturdy, and may blow away.
TOWN:	The Town of Breckenridge, Colorado.
TOWN-OWNED PROPERTY:	Has the meaning provided in Title 11, Chapter 8 of this Code.
TRAFFIC CONTROL DEVICE:	A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.
WALKING SIGN:	Any sign that is carried or worn by any person while walking on a public street or sidewalk that is visible from a public right of way, adjacent property, or a public area.

WALL SIGN: Any sign attached to, painted on, or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

WINDOW: Any single window pane, or a series of adjacent window panes separated by a mullion(s) of twelve inches or less. Adjacent window panes set at different angles are separate windows regardless of the width of their mullion separation.

WINDOW SIGN: A sign that is painted on, applied, or attached to a window. Merchandise that is a part of a window display is not a window sign. A sign inside of a business that is located so that it may be read from outside of the business is a window sign.

WINDOW SIGN WRAP: A sign that extends horizontally across a business window or series of business windows that is placed towards the top or bottom of the window so as not to detract from the inside display of merchandise. An example of an allowed window wrap sign is as follows:



WOOD RELIEF SIGN: A carved sign constructed of wood with a three-dimensional (3-D) textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs. A wood sign with a simple raised or routed border, or simple raised or routed letters, shall not constitute a wood sign with relief.

- 1
- 2 **8-2-6: INTERPRETATION:**

- 1 A. If there is a conflict between the general provisions of this Chapter and a specific sign
2 regulation contained in this Chapter, the specific sign regulation shall control.
- 3 B. If there is a conflict between the sign regulations of this Chapter and any other
4 provision of this Code, the provisions of this Chapter shall control.

5 **Part C – General Policies**

6
7 **8-2-7: GENERAL POLICIES FOR SIGN REGULATION:**

- 8 A. **Enforcement.** The Director is authorized and directed to enforce this Chapter.
- 9 B. **Review and Approval.** All decisions, approvals, orders, and appeals regarding signs
10 within the regulatory scope of this Chapter, including, but, not limited to, decisions on
11 sign permits, shall be made pursuant to the procedures stated in this Chapter.
- 12 C. **Regulatory Interpretations.** All regulatory and administrative interpretations of this
13 Chapter are to be exercised in light of the Town’s message neutrality and message
14 substitution policies. Where a particular type of sign is proposed in a permit
15 application, and the type is neither expressly allowed nor prohibited by this Chapter,
16 then the Director shall approve, conditionally approve, or disapprove the application
17 based on the most similar sign type that is expressly regulated by this Chapter.
- 18 D. **Message Neutrality.** It is the Town’s policy and intent to regulate signs in a manner
19 that is not affected by the topic, idea, or message expressed on the sign; the subject
20 matter of the sign; or the specific motivating ideology, viewpoint, opinion, or
21 perspective of the speaker. This Chapter shall be administered and enforced in
22 accordance with such policy and intent. The sign permitting and enforcement process
23 requirements of this Chapter shall be limited to the non-communicative aspects of the
24 sign, such as size, height, orientation, location, setback, illumination, spacing, scale,
25 and mass of the sign structure.
- 26 E. **Message Substitution.** Subject to the landowner’s consent, a noncommercial message
27 of any type may be substituted for any duly permitted or allowed commercial message
28 or any duly permitted or allowed noncommercial message; provided, that the sign
29 structure or mounting device is legal without consideration of message content. Such
30 substitution of message may be made without any additional approval or permitting, but
31 is subject to any applicable size limitation applicable to a message containing a
32 noncommercial message. This provision prevails over any more specific provision to
33 the contrary within this Chapter. The purpose of this provision is to prevent any
34 inadvertent favoring of commercial speech over noncommercial speech, or the favoring
35 of any particular noncommercial message over any other noncommercial message. This
36 provision does not create a right to increase the total amount of signage on a parcel, nor
37 does it affect the requirement that a sign structure or mounting device be properly
38 permitted.

- 1 F. **On-Site/Off-premises Distinction.** Within this Chapter, the distinction between an on-
 2 premises sign and an off-premises sign applies only to commercial messages.
- 3 G. **Legal Nature of Sign Rights.** As to all signs attached to real property, the signage
 4 rights, duties, and obligations arising from this Chapter attach to and run with the land
 5 or other property on which a sign is mounted or displayed. This provision does not
 6 modify or affect the law of fixtures, sign-related provisions in private leases regarding
 7 signs (so long as they are not in conflict with this Chapter or other law), or the
 8 ownership of sign structures. This provision does not apply to handheld signs or other
 9 images that are aspects of personal appearance.
- 10 H. **Owner’s Consent.** No sign may be placed on private property without the consent of
 11 the property owner or other person holding the present right of possession and control.
- 12 I. **No Fee May Be Accepted.** A property owner shall not accept a fee for posting or
 13 maintaining a sign allowed under this Chapter. Any sign that is posted or maintained in
 14 violation of this provision is not authorized and is in violation of this Chapter.
- 15 J. **No Interference With Federally-Registered Trademark.** The Director shall not
 16 refuse to issue a permit under this Chapter for the reason that the colors of the proposed
 17 sign do not comply with the requirements of this Chapter if the colors reflect a
 18 federally-registered trademark.
- 19 K. **Prospective Regulation.** This Chapter applies only to signs whose structure has not
 20 been permanently affixed to its intended premises on the date that the ordinance
 21 adopting this Chapter became effective.¹ Except as provided in Section 8-2-23:, this
 22 Chapter does not affect signs that were legally installed and that existed as of the date
 23 this Chapter first takes effect.
- 24 L. **Severability.** If any section, sentence, clause, phrase, word, portion, or provision of this
 25 Chapter is held invalid, unconstitutional, or unenforceable by any court of competent
 26 jurisdiction such holding shall not affect, impair, or invalidate any other section,
 27 sentence, clause, phrase, word, portion, or provision of this Chapter that can be given
 28 effect without the invalid portion. In adopting this Chapter, the Town Council
 29 affirmatively declares that it would have approved and adopted this Chapter even
 30 without any portion that may be held invalid or unenforceable.

31 **8-2-8: SIGN PERMIT REQUIRED - GENERALLY:**

- 32 A. Except as provided in Section 8-2-9:, a sign permit shall be required for all permanent
 33 signs prior to the erection, relocation, alteration, or replacement of the sign.

¹ The ordinance that adopted this Chapter became effective on [REDACTED], 2017.

1 B. A sign permit shall not be required for those temporary signs that are allowed under this
2 Chapter.

3 **8-2-9: EXEMPT SIGNS:** The following signs do not require a sign permit and are exempt from
4 the requirements of this Chapter:

5 A. Government signs;

6 B. Signs required by federal, state, or local law;

7 C. Historic plaques on designated landmark properties;

8 D. Cornerstones when carved into stone, concrete, bronze or other permanent material and
9 made an integral part of a building or structure;

10 E. Building street numbering signs required by the Town's building and technical codes;

11 F. Warning signs marking hazards on private property;

12 G. Merchandise. These displays may be subject to the rules on outdoor display of
13 merchandise set forth in Title 9, Chapter 7 of this Code;

14 H. Bumper stickers or similar expressions that are affixed to a motor vehicle;

15 I. Seasonal decorations; provided that such decorations are maintained so as to not
16 constitute a fire hazard and are removed after the season associated with the decoration
17 has ended. Temporary winter holiday decorations and lighting must be removed by the
18 day after the third Monday in February (when President's Day is celebrated);

19 J. Flags;

20 K. Signs on commercial vehicles, including trailers; provided that the vehicles/trailers are
21 not in violation of Section 8-2-20:F; and

22 L. Any other sign for which a permit is specifically not required by this Chapter.

23 **8-2-10: ACTIONS THAT DO NOT REQUIRE A PERMIT:** A sign permit is not required
24 for:

25 A. A change of copy, text, or message that does not alter the material, size, location, or
26 illumination of a sign (see Section 8-2-7:E [Message Substitution]).

27 B. The general maintenance of an existing and approved sign.

28 C. The replacement of the sign face (including message, copy, or content) when the area
29 of the sign is not being changed and a building permit is not required.

1 **8-2-11:PROHIBITED SIGNS:** The following signs are inconsistent with the purposes and
2 standards of this Chapter and, as such, are prohibited within the Town without reference to their
3 content:

- 4 A. Any sign for which a permit is required under this Chapter, but for which no valid
5 permit has been issued or exists, or which violates the terms, conditions, and
6 restrictions of this Chapter or the sign permit that approved the sign;
- 7 B. Any sign that is specifically prohibited by the provisions of this Chapter;
- 8 C. Temporary signs, except as specifically authorized by this Chapter;
- 9 D. Attention-getting devices;
- 10 E. Flashing signs; moving signs; signs emitting audible sounds, smoke, fumes, odors, or
11 visible matter; and signs that change copy electronically;
- 12 F. Beacons, lasers, or searchlights used for a commercial purpose;
- 13 G. Inflated signs, balloons, or inflatable party devices intended for short-term use;
- 14 H. Electronic message signs;
- 15 I. Neon signs placed on the exterior of a building, or within five feet of a window of a
16 building;
- 17 J. Walking signs containing commercial messages;
- 18 K. Off-premises commercial message signs, except as provided in Section 8-2-18:C;
- 19 L. Signs affixed to trees or utility poles;
- 20 M. Abandoned signs (see Section 8-2-24:);
- 21 N. Signs erected or displayed by a person involved in the business of general advertising
22 for hire; and
- 23 O. Sandwich board signs.

24 **Part D – Sign Permit Process**

25
26 **8-2-12: SIGN PERMIT PROCESS:**

- 27 A. **Application Form:** An application for a sign permit shall be made in writing on forms
28 furnished by the Department. The application shall contain:

- 1 1. Two drawings showing details of construction and foundation, if applicable, of the
2 proposed sign.
- 3 2. A scaled drawing showing the size, shape, design, colors, materials, and lighting, of
4 the proposed sign.
- 5 3. A site plan of the proposed site and sign location of any freestanding sign.
- 6 4. An elevation or photo depicting the proposed location of the sign on a building or a
7 wall or window sign.
- 8 5. A colored rendering of the sign (excluding sign content).

9 The Director may require such other information as the Director shall deem necessary
10 to properly evaluate the application; provided the Director shall not require any
11 information concerning the content of the sign. Any content information voluntarily
12 provided by the applicant shall not be considered by the Director in deciding the
13 application. Once filed with the Town, an application and any exhibits become the
14 property of the Town.

15 **B. Pre-application Conference:** An applicant for a sign permit shall attend a pre-
16 application conference with a member of the Department’s staff prior to the actual
17 submission of the application.

18 **C. Permit Fee:** At the time of submission of an application for a sign permit the applicant
19 shall pay an application fee of \$. Commencing in 2017, the
20 application fee shall be fixed by the Town Council as part of its annual budget process
21 for the next fiscal year. If, for any reason, the sign permit application fee is not fixed by
22 the Town Council as part of its annual budget process, the application fee for the
23 preceding year shall continue in full force and effect until changed by the Town
24 Council.

25 **D. Application Fee Not Refundable:** The application fee is nonrefundable.

26 **E. Sign Permit Review Procedures:** The processing of an application for a sign permit
27 shall be the responsibility of the Director, but the Director may delegate such
28 responsibility to the Assistant Director, or other qualified person. Applications shall be
29 processed administratively in accordance with the procedures established in this
30 Chapter.

31 **F. Decision on Application:**

- 32 1. The Director shall grant or conditionally grant an application if the application
33 satisfies all of the requirements of this Chapter. The Director may impose such
34 conditions on a permit as are required to protect the public health, safety, and welfare,

- 1 and to obtain compliance with the requirements of this Chapter and other applicable
2 law.
- 3 2. The Director shall approve, deny, or conditionally approve an application within
4 thirty days of the receipt of the completed application unless, by written notice to the
5 applicant, the decision period is extended for an additional ten days if necessary for
6 the Director to complete the review of the application. The Director's failure to
7 approve, deny, or conditionally approve an application within the time periods
8 described in this subsection shall result in the application being approved with only
9 those conditions required by this Chapter.
- 10 3. If an application is denied the Director shall clearly set forth in writing the grounds
11 for denial. The Director's written decision shall contain findings that explain the
12 criteria and standards considered relevant to the decision; shall state the facts relied
13 upon in rendering the decision; and shall explain the justification for the decision
14 based on the criteria, standards, and facts set forth.
- 15 4. If an application is conditionally approved the Director shall clearly set forth in
16 writing the conditions of approval.
- 17 **G. Provisions Deemed Inapplicable Or Irrelevant:** The Director may refuse to apply or
18 require compliance with any provision of this Chapter that the Director determines to
19 be inapplicable or irrelevant to an application for a sign permit.
- 20 **H. When Permitted Sign Must Be Erected:** Signs for which permits have been issued
21 shall be erected within one hundred eighty days of the issuance of the permit. Failure to
22 complete placement of the sign within such period shall require the sign owner to
23 obtain a new permit before the sign can be erected. For good cause the Director may
24 extend the deadline for erection of a permitted sign for up to an additional one hundred
25 eighty days.
- 26 **I. Inspections For Permits:**
- 27 1. All signs for which a building permit is required shall be subject to inspection by and
28 approval of the Building Official. Inspections shall be conducted within seven
29 business days of the request for an inspection.
- 30 2. Footing inspections may be required for all signs having footings.
- 31 3. All signs shall comply with the applicable provisions of the Town's building and
32 technical codes. If a permit is required under a building or technical code, such permit
33 must be obtained in addition to a sign permit.
- 34 **J. Appeal of Denial of Application or Conditional Approval of Permit:**

- 1 1. An applicant has the right to appeal the Director’s denial or conditional approval of
2 an application to the Planning Commission. If the applicant is not satisfied with the
3 decision of the Planning Commission, the applicant may then appeal the Planning
4 Commission’s decision to the Town Council.

- 5 2. An applicant’s appeal of the Director’s denial or conditional approval of an
6 application shall be processed in the same manner as is provided in for an appeal
7 hearing involving a Class D - minor development permit application in Section 9-1-
8 18-4C of this Code.

- 9 3. The burden of proof in an appeal filed under this Section shall be on the applicant.

- 10 4. In deciding an appeal, the standards of this Chapter and the powers and authority
11 provided to the Director shall apply to the Planning Commission and Town Council.

- 12 5. If the Planning Commission or Town Council (whichever is applicable) finds by a
13 preponderance of the evidence that the decision of the Director was correct, the
14 Planning Commission or Town Council shall uphold the decision of the Director. If
15 the Planning Commission or Town Council finds by a preponderance of the evidence
16 that the decision of the Director was incorrect, the Director’s decision shall be set
17 aside and the permit issued (if it was previously denied) or the conditions of approval
18 stricken or modified.

- 19 6. Any decision made by the Planning Commission, if such decision is not called up by
20 the Town Council, or any decision made by the Town Council if the Planning
21 Commission decision is called up, shall be a final decision and may be appealed to
22 the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
23 The applicant’s failure to timely appeal the decision shall be a waiver the applicant’s
24 right to contest the denial or conditional approval of the application.

- 25 7. In any appeal taken by an applicant pursuant to this Section the status quo shall be
26 maintained during the entire appeal process.

27 **8-2-13: VARIANCES:**

- 28 A. **Variations Authorized; Standards:** The Director may grant a variance from the
29 regulations contained in this Chapter if the Director finds the variance request is
30 required by special or unique hardship because of:
 - 31 1. Exceptional narrowness, shallowness, topography, or shape of the premise on which a
32 sign is to be located; or

 - 33 2. Exceptional topographic conditions or physical features uniquely affecting the
34 premise on which the sign is to be located.

1 B. **Additional Variance Standards:** The Director may grant a variance only if the
2 Director determines that there are no other reasonable alternatives for displaying a sign
3 permitted by this Chapter. The Director may not grant a variance solely because the
4 display of a sign would be more profitable if the variance were granted.

5 C. **Factors Not To Be Considered:** In considering a request for a variance the Director
6 shall not consider the topic, idea, or message expressed on the sign; the subject matter
7 of the sign; or the specific motivating ideology, viewpoint, opinion, or perspective of
8 the speaker.

9 **8-2-14: MASTER SIGN PLAN:**

10 A. **Master Sign Plans Required; When:** All buildings containing three or more separate
11 businesses must obtain approval of a master sign plan from the Director prior to any
12 signs being erected in or upon any structure. All signs erected or maintained within the
13 structure must conform at all times to the approved master sign plan. Any deviations
14 from an approved master sign plan is unlawful unless and until a revised master sign
15 plan is approved by the Director.

16 B. **Application For Master Sign Plan:** An application for a master sign plan must include
17 at least the following information:

- 18 1. The total amount of allowable sign area for the structure; and
19 2. The location, materials, and maximum area of each sign that an individual business
20 will be allowed to display including freestanding or directional signage.

21 The Director may require such other information as the Director shall deem necessary
22 to properly evaluate the application; provided, however, the Director shall not require
23 any information concerning the topic discussed, idea or message conveyance, or any
24 other content of the message displayed on a sign.

25 C. **Master Sign Plan Permit:** A permit for a new master sign plan shall be obtained
26 within ninety days of receipt of notice from the Director that an existing master sign
27 plan for any structure does not contain all the information required by this Chapter, or if
28 signs displayed in or upon the structure do not comply with the provisions of this
29 Chapter.

30 D. **Individual Sign Permits Still Required:** Individual sign permits are required for signs
31 contained within an approved master sign plan.

32 **Part E – Sign Size and Location Rules**

33
34 **8-2-15: SIGNS ON RESIDENTIAL PROPERTIES.** The following signage rules apply to

1 properties with a residential use²:

2

Residential Use	Maximum Sign Area (square feet)	Maximum Number of Signs
Single family; Townhouse, Duplex, Accessory Apartment	4	none (limit per square footage)
Apartment Building; Dormitory; Condominium; Multi-Use	see commercial individual signs	1
Hotel; Lodge; Inn	see commercial individual signs	none (limit per square footage)
Bed and Breakfast; Boarding House	see commercial individual signs	none (limit per square footage)
Chalet House	1.5	1
Home Occupation	1.5	1
Home Childcare Business	None	

3

4 **8-2-16: SIGNS ON COMMERCIAL PROPERTIES:** The following signage rules apply to
5 properties with a commercial use³:

6 A. **General:** The aggregate area of all signs containing a commercial message displayed
7 on a site shall not exceed the total allowable sign area established by this Section.

8 B. **Maximum Sign Area:** The total square footage of allowable sign area for any building
9 with a commercial use shall be as follows:

Commercial and Industrial Use Property Signage	Maximum Sign Area (square feet)	Maximum number of signs	Sign Calculation
Freestanding Signs	20	1	
Subdivision Signs	20	1 per entrance	
Individual Signs	see sign calculation	none (limit per square footage)	Single Sided: Lineal Front Footage x 0.66 Double sided: Lineal Front footage x 0.85
Multi Level/Multi Unit Buildings	see sign calculation	none (limit per square footage)	Garden Level: 25%; First Level 25%; Second level: 50%
Master Plan Signs	see sign calculation	none (limit per square footage)	Single Sided: Lineal Front Footage x 0.66 Double sided: Lineal Front footage x 0.85
Window Wrap Signs	see sign calculation	per number of windows	6 inch (height) x lineal front footage of windows (width)
Gas Station	see individual sign calculation; plus 20 square feet additional at gas pumps	none (limit per square footage)	Single Sided: Lineal Front Footage x 0.66 Double sided: Lineal Front footage x 0.85
Display box (restaurant, bar, lounge only)	2 (exempt)	1	additional square footage counted against total allowed signage

10
11

² Accessory apartments; apartment buildings; bed and breakfasts; boarding houses; chalet houses; condominiums; divisible units; dormitories; duplex residential; hotels/lodges/inns; multi-use residential; single-family residential; timeshared units; and townhouses.

³ Retail trade and service activities; offices; restaurants; and bars. See definition of “commercial use” in Section 9-1-5 of this Code.

1 Unless specifically excluded by this Chapter, all signs displayed shall be included in
2 determining the total sign area for a building.

3 **C. Window Signs:** In addition to the signage allowed by Section B, each business in a
4 commercial use property may display a maximum of four window signs, whether such
5 signs are temporary (not paper) or permanent. The total area of all allowed window
6 signs, both temporary and permanent, shall not exceed five square feet in area.

7 **D. Allowed Window Wrap:** In addition to the window signage square foot allowance
8 provided in Section C, each business is entitled to one window sign wrap that may
9 extend across the width of the storefront windows. The window sign wrap may be a
10 maximum of twelve inches in height and must be composed of materials that are
11 affixed to the window in a semi-permanent manner that is not easily changed (e.g.,
12 paper cannot be used). The window sign wrap must be placed within six inches of
13 either the top or bottom of the window, so as not to detract from the inside display of
14 merchandise.

15 **E. Separate Frontages:** In those instances where a building with a commercial use has
16 two separate frontages and all of the allowable sign area can legally be displayed on the
17 primary frontage, the Director may increase the total allowable sign area by up to two
18 hundred percent as may be reasonably necessary.

19 **F. Limitations:**

- 20 1. No more than twenty square feet of signage per business on a commercial use
21 property may be visible from any one location.
- 22 2. Except as specifically provided in this Chapter, the area of any one sign on a building
23 with a commercial use shall not exceed twenty square feet.

24 **G. Sign Area Adjustments; Multiple Use Buildings:** Each building with multiple
25 commercial use tenants shall be permitted one hundred percent of the allowable sign
26 area set forth above. In addition, the second floor, if any, shall be allowed an additional
27 fifty percent of the allowable sign area and the garden level, if any, shall be allowed an
28 additional twenty five percent of the allowable sign area. Additional signage will be
29 allowed for the garden level and the second floor only if a separate business in the
30 building with a commercial use is operating from each of these floors. Buildings that
31 have no street level entrances and two levels of commercial use are eligible for the
32 garden level bonus only. These additional amounts of allowable sign area shall apply
33 only to that portion of second floors and garden levels that are used as commercial
34 space accessible to the public.

35 **H. Other Adjustments To Allowed Sign Area:**

- 1 1. Only sixty six percent of the surface area of each face of a double faced sign is
2 counted against allowed sign area.
- 3 2. Only eighty five percent of the surface area of a wood relief sign is counted against
4 the allowable sign area.
- 5 I. **Display Boxes:** Each restaurant, bar, or lounge may have one display box sign. If a
6 menu is displayed in a display box it shall be displayed flat against the interior of a
7 window. If the size of the display box is two square feet or less the display box shall not
8 count against the allowable sign area. If the size of the display box exceeds two feet,
9 the area of the display box in excess of two square feet counts against the allowable
10 sign area.
- 11 J. **Gas Stations:** In addition to the signage otherwise allowed by this Chapter, a parcel
12 used as gas station shall be allowed an extra twenty square feet of signage. Such
13 additional signage must be located near the gas pumps.
- 14 **8-2-17: SIGNS ON INDUSTRIAL PROPERTIES:** The signage rules for properties with an
15 industrial use⁴ are the same as the rules for properties with a commercial use.
- 16 **8-2-18: ADDITIONAL SIGNAGE ALLOWED; WHEN:** In addition to the signage allowed
17 by this Chapter, the owner or lawful occupant of any property may place the following
18 temporary signs on the owner’s property subject to the limitations of this Section:
- 19 A. One sign not larger than two square feet in size for a period of up to forty five days
20 prior to an election involving candidates for a federal, state, or local office, or ballot
21 question. The sign shall be removed within five days following the election. The sign
22 must not be placed in the public right of way.
- 23 B. One sign on the property not larger than four square feet in size when the property is
24 being offered for sale through a licensed real estate agent or by the property owner;
25 through the internet; or through advertising in a local newspaper of general circulation.
26 The sign authorized pursuant to this Section B must be removed once the sale of the
27 property has been concluded.
- 28 C. At the time a sign is allowed to be displayed by a property owner pursuant to Section B,
29 a real estate agent representing the owner may temporarily place off-premises signs
30 without a permit, subject to the following limitations:
- 31 1. Location of Signs:

⁴ Storage, processing and shipping of agricultural or timber products; mineral extraction and production; storage, processing or shipping; fabrication; assembly, services, manufacturing; auto body repair shops; or storage of products. See definition of “industrial use” in Section 9-1-5 of this Code.

- 1 a. No off-premises sign authorized by this Section C is allowed anywhere within the
2 conservation and historic districts;
- 3 b. No sign authorized by this Section C is allowed within the rights of way of Park
4 Avenue and Main Street within the Town;
- 5 c. No sign authorized by this Section C may be placed on the paved driving surface of
6 any public right of way, or on any public sidewalk;
- 7 d. No sign authorized by this Section C may obstruct any public street, alley,
8 sidewalk, recreational path, or any public snow removal operations;
- 9 e. No sign authorized by this Section C is allowed within any designated public
10 pedestrian area;
- 11 f. No sign authorized by this Section C may be located on private property without
12 the consent of the property owner; and
- 13 g. No sign authorized by this Section C may be placed so as to cause confusion by
14 motorists observing the sign.
- 15 2. Number of Signs: Not more than three signs authorized by this Section C may be
16 placed within any Town right of way or located at an off-premises private property;
- 17 3. Maximum Sign Area: The maximum sign area of a sign authorized by this Section C
18 is four square feet;
- 19 4. Height: The height of a sign authorized by this Section C may not exceed five feet as
20 measured from the top of the sign to the grade at the base of the sign;
- 21 5. Display Duration:
 - 22 a. A sign authorized by this Section C may only be displayed beginning up to one
23 hour before time when the owner's real property is open for viewing by potential
24 buyers or renters with the realtor, broker, owner, or other similar agent present on
25 the real property, and must be removed no later than one hour after the conclusion
26 of the viewing;
 - 27 b. A sign authorized by this Section C may only be displayed between 8:00 A.M. and
28 8:00 P.M. of the same day; and
 - 29 c. A sign authorized by this Section C may not be displayed for more than three
30 consecutive days.
- 31 6. Lighting: A sign authorized by this Section C may not be lit;

1 **C. Lighting Standards:**

- 2 1. **Shielded Lighting:** Light bulbs or lighting tubes used for illuminating a sign shall not
3 be visible from the vehicular travel lanes of adjacent public rights of way. The use of
4 adequate shielding, designed so that light from sign illuminating devices does not
5 shine directly into the eyes of passing motorists without first being reflected off the
6 sign or its background, is required whenever sign lighting is used.
- 7 2. **Subdued Lighting:** The intensity of sign lighting shall not exceed that necessary to
8 illuminate and make legible a sign from the adjacent travel way or closest municipal
9 street; and the illumination of a sign shall not be noticeably brighter than other
10 lighting in the vicinity.
- 11 3. **Direction Of Lighting:** All lighting fixtures shall be placed above the sign and shall
12 shine downward. Illumination of signs shall not be directed toward adjacent
13 properties.
- 14 4. **Internally Lit Signs:** No sign that is placed on the exterior of a building or on the
15 interior of the building within five feet of a window shall be internally lit.

16 **D. Component Painting:** All light fixtures, conduit, and shielding shall be painted a flat,
17 dark color, or shall be painted to match either the building or the supporting structure
18 that serves as the background of the sign.

19 **E. Confusing Or Dangerous Signs:** No sign or sign structure shall:

- 20 1. Obstruct the view of, resemble, or purport to be, a traffic control device, or any other
21 official sign.
- 22 2. Create an unsafe distraction for motor vehicle operators.
- 23 3. Obstruct the view of motor vehicle operators entering a public roadway from any
24 parking area, service drive, private driveway, alley, or other thoroughfare.
- 25 4. Obstruct free ingress to or egress from required door, window, fire escape, or other
26 required exit or standpipe.

27 **F. Parked Vehicles Not To Be Use As Signs:** Notwithstanding Section 8-2-9:K, no
28 parked vehicle, including, but not limited to, an automobile, truck, bus, semi-truck
29 (attached or detached), trailer, mobile home, motor home, boat, van, or other motor
30 vehicle, shall be used as a sign or sign structure.

31 **G. Clearance:** Signs shall not be located with less than three feet horizontal or eight feet
32 vertical clearance from overhead electric conductors that are energized in excess of
33 seven hundred fifty volts. No sign shall obstruct any window to such an extent that any
34 light or ventilation is reduced to a point below that required by any law or ordinance.

1 **8-2-21: SIGN MAINTENANCE:** All signs must be structurally sound, maintained in good
2 repair and may not constitute a hazard to safety, health or public welfare by reason of inadequate
3 maintenance, dilapidation or electrical shock. The display surfaces of all signs shall be kept
4 neatly painted or posted at all times. In addition to other remedies provided for in this Chapter,
5 the Director shall have the authority to order the painting, repainting, repair, maintenance, or
6 removal of any sign that has become dilapidated or a hazard to safety, health or public welfare. If
7 such a condition is determined by the Director to exist, the Director shall give notice to the sign
8 owner at the address shown on the sign permit by certified mail, return receipt requested. If,
9 within fifteen days from service of the notice, the Director's order is not complied with, the
10 Director may remove the sign, or cause it to be removed, and the cost of removal shall be
11 charged against the sign owner and the sign owner's property as provided in Section 8-2-25:.

12 **8-2-22: STANDARDS FOR SPECIFIC TYPES OF SIGNS:** The following regulations shall
13 apply to the specific types of signs as indicated.

14 **A. Awnings:**

- 15 1. No awning shall block the view of other signs or extend over the public right of way
16 without Town approval.
- 17 2. There shall be a minimum clearance of at least eight feet between the bottom of the
18 awning and the ground at grade.
- 19 3. All awning supports must be set back a minimum of one foot from the Town right of
20 way.

21 **B. Cutout Letters/Painted Letters:** Cutout letters mounted on a building surface, and
22 letters painted on a building, are wall signs and the aggregate area of such signs shall be
23 counted against the allowable sign area established by this Chapter. Measurements for
24 cutout letters shall begin at the top of the first letter or logo, and end at the end and
25 bottom of the last letter or logo. Spacing between letters and words shall count toward
26 the sign area.

27 **C. Double Faced Signs:** The two sides of a double faced sign must be parallel back to
28 back, and no thicker than twelve inches.

29 **D. Freestanding Signs:**

- 30 1. There shall be no more than one freestanding sign for each lot or building, except as
31 otherwise provided in this Chapter.
- 32 2. A landscaped area equal to two square feet for each one square foot of each side of a
33 freestanding sign shall be maintained by the permit holder. Such area shall be kept in
34 a neat and clean condition, free of trash, weeds, and rubbish.

- 1 3. No freestanding sign outside the Conservation District shall exceed ten feet in height.
2 No freestanding sign within the Conservation District shall exceed eight feet in
3 height.
- 4 4. No freestanding sign shall extend over or into a public right of way.
- 5 5. A freestanding sign located in a master planned project containing three or more
6 buildings or development sites may exceed the twenty square foot limit established by
7 Section 8-2-16:F.2. The maximum allowable size of any such sign shall be
8 determined by the Director based upon the following criteria:
 - 9 a. the number of buildings or development sites within the master planned project;
 - 10 b. the distance of such sign from any major arterial providing primary access to the
11 project; and
 - 12 c. the necessity of facilitating traffic circulation.

13 **E. Projecting or Hanging Signs:**

- 14 1. Projecting or hanging signs may not extend above the ceiling of the second floor of
15 any building.
- 16 2. Projecting signs shall not be located above the eave line or parapet wall of any
17 building and shall be a minimum of eight feet above grade when located adjacent to
18 or projecting over a public right of way.
- 19 3. No projecting sign shall extend more than four feet from a building wall.
- 20 4. The two sides of a projecting or hanging sign must be parallel back to back and shall
21 not exceed twelve inches in thickness.
- 22 5. The allowable size of any projecting or hanging sign shall not include the sign
23 structure.

24 **F. Wall Signs:** Wall signs shall not be mounted higher than the eave line or parapet wall
25 of the principal building and no portions of such wall sign, including cutout letters,
26 shall project more than six inches from the building.

27 **G. Monument Signs:** Monument signs within the Conservation District are prohibited.
28 Monument signs are permitted outside the Conservation District.

29 **H. Statuary Signs:**

- 30 1. Statuary elements of any sign shall not exceed thirty five percent of the area of the
31 proposed sign. In no case shall the statuary element of any sign exceed five square

- 1 feet. Two-dimensional silhouettes shall not be considered statutory signs for the
2 purpose of this Chapter.
- 3 2. The area of the statutory sign shall be calculated using the two greatest dimensions
4 (width, depth or height) of a three-dimensional element (rather than calculating the
5 volume in cubic feet). For example, if a statutory element of a sign is thirty five inches
6 tall, thirty inches wide, and ten inches deep, the area of the sign shall be calculated
7 using only the height and width of the statutory element.
- 8 I. **Pole Signs:** The pole of a pole sign (not including ground-mounted freestanding signs,
9 commonly called “monuments” or signs constructed with poles as the substructure)
10 must be covered with architectural cladding or covering.
- 11 J. **Roof Signs:** Roof signs that would be erected and constructed on and/or over the
12 roofline of a building and supported by the roof structure are prohibited.
- 13 K. **Subdivision Signs:**
- 14 1. One subdivision sign shall be permitted for each primary entrance to a subdivision. In
15 those instances where there are multiple subdivision entrances, or secondary
16 entrances are located in close proximity to the primary entrance, additional
17 subdivision entry signs shall be permitted.
- 18 2. No portion of a subdivision sign shall extend more than ten feet above average grade.
- 19 3. For each subdivision sign there shall be a landscaped and maintained area at the base
20 of such sign at least two square feet in area for each square foot of each side of the
21 sign and supporting structure, with a minimum landscaped area of twenty four square
22 feet. Such area shall be kept in a neat and clean condition and shall be kept free of
23 rubbish, weeds and trash.
- 24 4. A subdivision sign shall be placed on non-Town owed real property; provided that a
25 subdivision sign may lawfully be placed on public property owned by the Town, or
26 within a public right of way, under the following conditions:
- 27 a. The sign owner shall demonstrate that it is not feasible to place the sign on private
28 property due to site constraints, poor topography or other similar conditions;
- 29 b. The sign owner shall enter into an encroachment license agreement, or similar
30 contractual agreement, with the Town, which agreement shall contain provisions
31 concerning insurance and indemnification so as to adequately protect the town
32 from liability in the event of a claim or loss arising from the placement of the sign
33 on such town property, or within such town right of way;
- 34 c. The sign shall be maintained as required by the terms of the sign permit and this
35 Chapter. If the sign is not so maintained the Town may order the sign removed

1 from the town's property or right of way, and if the sign owner refuses to remove
2 the sign, the town may remove the sign and may recover the costs thereof from
3 the sign owner;

4 d. The sign shall not be placed so as to substantially interfere with the Town's use of
5 its property or right of way or create an unsafe or hazardous condition. Without
6 limiting the generality of the foregoing, the sign shall not obstruct the sight
7 triangle, impede drainage or interfere with utilities, pedestrian ways, snow stack
8 areas or snowplowing.

9 **L. Hotel and Condominium Signs:**

10 1. One sign shall not to exceed twenty square feet shall be permitted for each hotel or
11 condominium project. Such sign may exceed twenty square feet only if the Director
12 determines that all of the following exist:

- 13 a. the proposed sign is a single wall sign;
- 14 b. a sign larger than twenty square feet is necessary to fit proportionately within a
15 large expanse of wall area not interrupted by windows or other architectural
16 features, and to serve as an architecturally compatible building feature breaking
17 up a large wall area that would otherwise be unbroken;
- 18 c. the proposed sign is set back at least thirty feet from the property line;
- 19 d. the proposed sign is no larger than is reasonably necessary;
- 20 e. the colors and design of the sign are compatible with those of the building; and
- 21 f. the proposed wall sign is used in lieu of any other signage for the project.

22 2. Where a hotel or condominium project has linear frontage of one hundred feet or
23 more and multiple vehicular accesses all of which accesses are not visible from a
24 single location, one sign may be permitted at each point of vehicular access to the
25 project.

26 **M. Sign On Property Under Development:** One sign not to exceed sixteen square feet in
27 sign area may be erected when a valid development permit for the development of real
28 property has been issued by the Director. Such sign must be removed at or prior to the
29 issuance of the last certificate of occupancy, or when construction of the project is
30 abandoned, whichever shall first occur.

31 **8-2-23: NONCONFORMING SIGNS:** Signs that were legally installed prior to the effective
32 date of the ordinance adopting this Chapter, but are inconsistent with the requirements of this
33 Chapter, are considered legal nonconforming uses, and are "grandfathered" by this Chapter. As
34 such, they may continue to exist; provided, that they shall not be altered, modified, or changed in

1 any way that would increase their nonconformity. When such modification, alteration, or change
2 occurs or is proposed the sign shall be brought into compliance with this Chapter.

3 **8-2-24: ABANDONED SIGNS:**

4 A. **Signs Must Be Removed; When:** A commercial message sign shall be removed within
5 fourteen days after the activity, product, business, service or other use that is being
6 advertised has ceased or vacated the premises.

7 Exceptions: The requirements of Section A shall not apply to: (i) permanent signs for
8 businesses that are open only on a seasonal basis if there is clear intent to continue
9 operation of the business, or (ii) noncommercial message signs .

10 B. **Signs May Be Removed By Director; When:** After fourteen days and notice to the
11 permit holder, a sign that has not been removed as required by this Section may be
12 removed by the Director and the costs of such action may be collected as provided in
13 Section 8-2-25:.

14 C. **Date of Accrual of Abandonment:** As of the effective date of the ordinance adopting
15 this Chapter, no legally established signs shall be considered abandoned. For regulatory
16 purposes, any factors indicating abandonment shall not begin accruing until ninety days
17 after the effective date of the ordinance adopting this Chapter.

18 **Part F – Enforcement**

19
20 **8-2-25: ENFORCEMENT; LIEN:**

21 A. **Right Of Entry:** Whenever necessary to make an inspection to enforce any of the
22 provisions of this Chapter, or whenever the Director has reasonable cause to believe
23 that there exists in any building or upon any premises any condition or violation which
24 makes such building or premises unsafe, dangerous or hazardous, the Director may
25 enter such building or premises at all reasonable times to inspect the same or to perform
26 any duty imposed upon the Director by this Chapter; provided, that if such building or
27 premises is occupied, the Director shall first present proper credentials and request
28 entry; and if such building or premises is unoccupied, the Director shall first make a
29 reasonable effort to locate the owner or other persons having charge or control of the
30 building or premises and request entry. If such entry is refused, the Director shall have
31 recourse to every remedy provided by law to secure entry, including, but not limited to,
32 requesting that an inspection warrant be issued by the municipal court judge pursuant to
33 Rule 241 of the Colorado Municipal Court Rules of Procedure. The municipal court
34 judge may issue an inspection warrant authorizing the inspection of a structure in
35 accordance with Rule 241(b) of the Colorado Municipal Court Rules of Procedure. Any
36 inspection warrant issued pursuant to this section shall fully comply with the applicable
37 provisions of Rule 241 of the Colorado Municipal Court Rules of Procedure. The
38 municipal judge may impose such conditions on an inspection warrant as may be

1 necessary in the judge’s opinion to protect the private property rights of the landowner
2 of the property to be inspected, or to otherwise make the warrant comply with
3 applicable law. When the Director shall have first obtained a proper inspection warrant
4 or other remedy provided by law to secure entry, no owner or occupant or any other
5 persons having charge, care, or control of any building or premises shall fail or neglect,
6 after proper request is made as herein provided, to promptly permit entry therein by the
7 Director for the purpose of inspection and examination pursuant to this Chapter.

8 **B. Authority to Issue Penalty Assessment Notices:** If permitted to do so by the Director,
9 any employee of the Department is authorized, as part of his or her duties, to act as a
10 Code enforcement officer of the Town for the limited purpose of issuing a penalty
11 assessment notice for any alleged violation of this Chapter if the alleged offense is
12 listed on the Municipal Judge’s list of designated violations the penalties for which may
13 be paid at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the
14 Colorado Rules of Municipal Court Procedure. Any penalty assessment notice issued
15 pursuant to the authority granted by this Section B shall comply with the requirements
16 of Section 1-8-12K of the Code.

17 **C. Lien; Collection:** The Town Clerk shall notify the sign owner of the total expenses
18 incurred in the alteration or removal of the sign, and if such person fails within thirty
19 days after the date of notification to pay the entire costs and expenses of such repair,
20 alteration, or removal, then such expenses shall become a lien against and run with the
21 property where the sign is located. The Town Clerk shall certify the total amount of
22 such expenses to the Summit County treasurer for collection in the same matter as
23 delinquent charges, assessments or taxes are collected pursuant to Section 31-20-105,
24 C.R.S.

25 **D. Amount Of Lien:** The amount certified by the Town Clerk to the Summit County
26 treasurer for collection shall include the actual cost of repair, alteration, or removal of
27 the sign, plus twenty five percent to cover administrative costs, penalties, collection
28 costs, and interest.

29 **E. Additional Remedies:** The enforcement procedures established in this Section are not
30 the exclusive method of enforcement of the provisions of this Chapter, but may be
31 exercised concurrently with, or in addition to, the imposition of the penalties pursuant
32 to Section 8-2-26:, or other civil remedies available to the Town pursuant to law.

33 **F. Authority To Remove Signs From Right Of Way or Other Town Property:** Any
34 employee of the Department, the Police Department, or the Department or the Public
35 Works may remove and destroy any sign that is illegally placed within a Town right of
36 way or other Town-owned property in violation of the provisions of this Chapter.

37 **8-2-26: PENALTIES AND REMEDIES:**

- 1 A. **General:** It is an infraction as defined in Section 1-3-2 of this Code for any person to
 2 violate any of the provisions of this Chapter. Each such person shall be liable for a
 3 separate offense for each and every day during any portion of which any violation of
 4 any of the provisions of this Chapter is committed, continued, or permitted, and shall be
 5 punished accordingly.
- 6 B. **Fine Schedule:** Any person found to have violated any provision of this Chapter, or
 7 against whom a default judgment has been entered for any violation of this Chapter
 8 shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250
Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge subject to the limits in Section 1-4-1-1

- 9
- 10 C. **When Penalty Assessment Procedure May Be Used:** A defendant’s first two alleged
 11 violations of this Chapter may be written as penalty assessments. A defendant’s third
 12 and each subsequent alleged violation of this Chapter shall require a mandatory court
 13 appearance.
- 14 D. **Injunctive Relief:** In addition to other remedies available to the Town, the Town may
 15 commence an action pursuant to Section 1-8-10 of this Code to enjoin the alleged
 16 violation of any provision of this Chapter, or to authorize and compel the removal,
 17 termination, or abatement of such violation.
- 18 E. **Additional Remedies:** Any remedies provided for in this Chapter shall be cumulative
 19 and not exclusive, and shall be in addition to any other remedies provided by law.

20 **Part G – Miscellaneous**

21

22 **8-2-27: DISCLAIMER OF LIABILITY:**

- 23 A. **Sign Owner Liability:** The provisions of this Chapter do not relieve, diminish, or
 24 modify the liability of any person for any damages arising from the ownership,
 25 maintenance, use, construction, or placement of a sign.
- 26 B. **Town Liability:** The adoption of this Chapter does not create any duty to any person
 27 with regard to the enforcement or nonenforcement of this Chapter. No person shall
 28 have any civil remedy against the Town, or its officers, employees, or agents, for any
 29 damage arising out of or in any way connected with the adoption, enforcement, or
 30 nonenforcement of this Chapter. Nothing in this Chapter creates any liability on the part
 31 of the Town, or its officers, employees, or agents. Nothing in this Chapter waives any
 32 of the immunities, limitations on liability, or other provisions of the Colorado

1 Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or any other immunity
2 or limitation on liability otherwise available to the Town, or its officers, employees, or
3 agents.

4 **8-2-28: RULES AND REGULATIONS:** The Director may from time to time adopt, amend,
5 alter, and repeal administrative rules and regulations as may be necessary for the proper
6 administration of this Chapter. Such regulations shall be adopted in accordance with the
7 procedures established by Title 1, Chapter 18 of this Code.

8 Section 2. Section 5-12-10 of the Breckenridge Town Code is amended to read as
9 follows:

10
11 5-12-10: REQUIRED SIGNAGE:

12
13 Every retail store required to collect the disposable bag fee shall display a sign in
14 a location outside or inside of the store, viewable by customers, alerting
15 customers to the town of Breckenridge's disposable bag fee. **The signage**
16 **required by this section shall be deemed to be the speech of the Town.**

17
18 Section 3. The sixth unnumbered paragraph of the “Introduction” to Title 9, Chapter 1 of
19 the Breckenridge Town Code is amended so as to read in its entirety as follows:

20
21 In processing development proposals, Breckenridge separates land use actions
22 into four (4) categories: class D includes minor projects ~~like sign permits and~~
23 ~~limited remodeling~~; class C items are more substantial projects such as single-
24 family houses; class B refers to some major projects; and class A refers to the
25 most major projects, that may range from small commercial structures in the
26 historic district to a four hundred (400) room hotel and convention center near the
27 mountain.

28
29 Section 4. Item B (Master Sign Plans) in the definition of “Class C-Minor Development”
30 in Section 9-1-5 of the Breckenridge Town Code is deleted.

31
32 Section 5. Item B (“Individual Signs [all]”) in the definition of “Class D – Minor
33 Development” in Section 9-1-5 of the Breckenridge Town Code are deleted.

34
35 Section 6. The second unnumbered paragraph of Section 9-1-18-1(C)(2)(b)(1) of the
36 Breckenridge Town Code is amended so as to read in its entirety as follows:

37
38 The site plan shall be drawn at a scale of one inch equals twenty feet (1” = 20’), or one
39 inch equals ten feet (1” = 10’) for sites of ten thousand (10,000) square feet or less; shall
40 be drawn on twenty four inch by thirty six inch (24” x 36”) size paper; and shall depict
41 the property corners and all permanent survey monuments. The site plan shall further
42 include the Title under which the proposed plan is to be filed; the date of drawing

1 preparation and any revisions; a north arrow; the scale of drawing; the legal description
2 for the property; signature blocks; phasing lines; a data block (to include tabulation in
3 square feet of building mass and density, broken down by uses if more than 1 use is
4 proposed, and accompanied by a statement of density used by this plan and any density
5 remaining for this site); a tabulation in square feet of the total sign area allowed on the
6 site, the sign area previously used, the sign area used by this application and the sign area
7 remaining following the approval of this permit; the land area of site; dwelling area;
8 common area; open space area, lot coverage and impervious surface area to be expressed
9 in square feet and percent of the site; parking, both required and provided; the land use
10 district; name of master plan, if applicable; the number and type of fireplaces; and the
11 number of dwelling units and bedrooms. **The site plan shall not contain any**
12 **information concerning the content of any signage.**
13

14 Section 7. Section 9-1-18-1(D)(1)(c)(1) of the Breckenridge Town Code is amended so
15 as to read in its entirety as follows:
16

17 (1) Five (5) copies of a site plan map shall depict the following details of the site
18 information required for preliminary applications, revised in accordance with the input
19 received from the Town's review of the preliminary application: all existing and
20 proposed improvements; on and off-premises circulation; parking; snow stacking;
21 location of all buildings and their entrances, uses and height; walls; fences; loading
22 points; location of all public rights of way; all existing and proposed easements; drainage
23 facilities; finished grade elevations; dimension lines where appropriate; and direction of
24 storm water runoff flows. In addition, the final site plan shall include the following:
25 dimensions of building setbacks; dimensions of all public rights of way; types of
26 surfacing; finished floor elevations for all proposed structures; lighting plan; sign
27 locations and design (including lighting, materials and color); location of existing and
28 proposed utilities (including sewer, water, drainage, telephone, power, gas, cable
29 television and refuse container location); and names of adjacent subdivisions depicting
30 their departing lot lines from the boundary of the subject property. **The site plan map**
31 **shall not contain any information concerning the content of any signage.**
32

33 Section 8. The second unnumbered paragraph of Section 9-1-18-1(D)(1)(c)(1) of the
34 Breckenridge Town Code is amended so as to read in its entirety as follows:
35

36 The site plan shall be drawn at a scale of one inch equals twenty feet (1'' = 20') or one
37 inch equals ten feet (1'' = 10'') for sites of ten thousand (10,000) square feet or less; shall
38 be drawn on twenty four inch by thirty six inch (24'' x 36'') size paper; and shall depict
39 the property corners and all permanent survey monuments. The site plan shall further
40 include the title under which the proposed plan is to be filed; the date of drawing
41 preparation and any revisions; a north arrow; the scale of drawing; the legal description
42 for the property; signature blocks; phasing lines; a data block (to include tabulation in
43 square feet of building mass and density, broken down by uses if more than 1 use is
44 proposed, and accompanied by a statement of density used by this plan and any density

1 remaining for this site); a tabulation in square feet of the total sign area allowed on the
2 site, the sign area previously used, the sign area used by this application and the sign area
3 remaining following the approval of this permit; the land area of site; dwelling area;
4 common area; open space area, lot coverage, total site disturbance area and impervious
5 surface area to be expressed in square feet and percent of site; snow stack area; parking,
6 both required and provided; the land use district; name of master plan, if applicable; the
7 number and type of fireplaces, and the number of dwelling units and bedrooms. **The site**
8 **plan shall not contain any information concerning the content of any signage.**
9

10 **Section 9.** Section 9-1-18-2(C)(3)(a)(1) of the **Breckenridge Town Code** is amended so
11 as to read in its entirety as follows:
12

13 (1) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20') or one
14 inch equals ten feet (1"= 10') for sites of ten thousand (10,000) square feet or less; shall
15 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict
16 the property corners and all permanent survey monuments. It shall further include the title
17 under which the proposed plan is to be filed; the date of drawing preparation and any
18 revisions; a north arrow; the scale of drawing; the legal description for the property;
19 signature blocks; phasing lines; a data block to include: tabulation in square feet of
20 building mass and density (broken down by uses if more than 1 use is proposed, and
21 accompanied by a statement of density used by this plan, and any density remaining for
22 this site); a tabulation in square feet of the total sign area allowed on the site, the sign
23 area previously used, the sign area used by this application and the sign area remaining
24 following the approval of this permit; the land area of site; dwelling area; common area;
25 open space area, lot coverage, total site disturbance area, and impervious surface area to
26 be expressed in square feet and percent of site; snow stack area; parking, both required
27 and provided; the land use district; name of master plan, if applicable; the number of
28 dwelling units and bedrooms; and the number and type of fireplaces. **The site plan shall**
29 **not contain any information concerning the content of any signage.**
30

31 **Section 10.** Section 9-1-18-2(D)(1)(d)(2) of the **Breckenridge Town Code** is amended so
32 as to read in its entirety as follows:
33

34 (2) Five (5) copies of a site plan map shall depict the following details of the site
35 information required for preliminary applications, revised in accordance with the input
36 received from the Town's review of the preliminary application: all existing and
37 proposed improvements; on and off-premises circulation; parking; snow stacking;
38 location of all buildings and their entrances, uses and height; walls; fences; loading
39 points; location of all public rights of way; all existing and proposed easements; drainage
40 facilities; finished grade elevations; dimension lines where appropriate; and direction of
41 storm water runoff flows. In addition, the final site plan shall include the following:
42 dimensions of building setbacks; dimensions of all public rights of way; names of all
43 adjacent subdivisions depicting their departing lot lines from the boundary of the subject
44 property; types of surfacing; finished floor elevations for all proposed structures; lighting

1 plan; ~~sign locations and design (including lighting, materials and color);~~ location of
2 existing and proposed utilities (including sewer, water, drainage, telephone, power, gas,
3 cable television and refuse container location). **The site plan map shall not contain any**
4 **information concerning the content of any signage.**
5

6 Section 11. Section 9-1-18-2(D)(1)(d)(3) of the Breckenridge Town Code is amended so
7 as to read in its entirety as follows:
8

9 (3) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20'), or
10 one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less;
11 shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall
12 depict the property corners and all permanent survey monuments. The site plan shall
13 further include the title under which the proposed plan is to be filed; the date of drawing
14 preparation and any revisions; a north arrow; the scale of drawing; the legal description
15 for the property; signature blocks; phasing lines; a data block to include: tabulation in
16 square feet of building mass and density (broken down by uses if more than one use is
17 proposed, and accompanied by a statement of density used by this plan and any density
18 remaining for this site); a tabulation in square feet of the total sign area allowed on the
19 site, the sign area previously used, the sign area used by this application and the sign area
20 remaining following the approval of this permit; the land area of site; dwelling area;
21 common area; open space area, lot coverage, total site disturbance area, and impervious
22 surface area to be expressed in square feet and percent of site; parking, both required and
23 provided; snow stack area; the land use district; name of master plan, if applicable; the
24 number and type of fireplaces, the number of dwelling units and bedrooms. **The site plan**
25 **shall not contain any information concerning the content of any signage.**
26

27 Section 12. Section 9-1-19-12A "Policy 12 (Absolute)(Signs)" of the Breckenridge
28 Town Code is amended to read as follows:
29

30 9-1-19-12A: POLICY 12 (ABSOLUTE) SIGNS:

31 All signs shall be in compliance with ~~the provisions of the Breckenridge sign~~
32 ~~ordinance~~ **Title 8, Chapter 2 of this Code.**
33
34

35 Section 13. Section (A)(9) of Section 9-1-19-38A "Policy 38 (Absolute) (Home
36 Occupations," of the Breckenridge Town Code is deleted, and the subsequent subsections of
37 Section A are renumbered accordingly.
38

39 Section 14. Section (E)(4) of Section 9-1-19-40A "Policy 40 (Absolute) (Chalet
40 Houses)" of the Breckenridge Town Code is deleted, and the subsequent subsections of Section
41 E are renumbered accordingly.
42

43 Section 15. Section (J)(1) of Section 9-1-19-47A "Policy 47 (Absolute) (Fences, Gates
44 and Gateway Entrance Monuments)" of the Breckenridge Town Code is amended to read as

1 follows:

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

15
16 Section 16. Section (B)(3)(a)(11) of Section 9-1-19-49A “Policy 47 (Absolute) (Vendor
17 Carts)” of the Breckenridge Town Code is amended to read as follows:

18
19 11. All signs for a large vendor cart shall be subject to Title 8, Chapter 2 of this
20 Code ~~the Breckenridge sign code. One permanent freestanding sign is allowed for~~
21 ~~a large vendor cart, unless otherwise prohibited by the Breckenridge sign code.~~

22
23 Section 17. Section (B)(3)(b)(14) of Section 9-1-19-49A “Policy 47 (Absolute) (Vendor
24 Carts)” of the Breckenridge Town Code is amended to read as follows:

25
26 14. All signs for a small vendor cart shall be subject to Title 8, Chapter 2 of this
27 Code ~~the Breckenridge sign code. The maximum allowed sign area for a small~~
28 ~~vendor cart is sixty six percent (66%) of the linear frontage of the cart.~~

29
30 Section 18. Section 9-2-3-5(C)(11) of the Breckenridge Town Code is amended to read
31 as follows:

32
33 11. Final lighting and signage plans without reference to the content of the
34 signs.

35
36 Section 19. Section 9-3-9(L) of the Breckenridge Town Code is amended to read as
37 follows:

38
39 L. Signs: ~~The placement of appropriate signs is encouraged according to the~~
40 ~~provisions of the Breckenridge sign ordinance. Parking lot and circulation~~
41 ~~directional signs must be approved pursuant to the town's sign ordinance. All~~
42 ~~signs relating to off street parking facilities shall be reviewed according to the~~
43 ~~development code. Appropriate signage directing traffic shall be placed in any~~
44 ~~off street parking facility pursuant to Title 8, Chapter 2 of this Code~~

Planning Commission Staff Report

- Subject:** Gold Pan Shops Dipping Station Landmarking
(Class B Minor; PL-2016-0579)
- Proposal:** To locally landmark the Gold Pan Shops Dipping Station per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code.
- Date:** November 22, 2016 (For meeting of December 6, 2016)
- Project Manager:** Michael Mosher, Planner III
- Applicant/Owner:** Town of Breckenridge
- Address:** Tract B, South Ridge Street
- Legal Description:** Tract B, Placer Ridge Townhomes Subdivision
- Site Area:** 0.038 acres (1,648 sq. ft.)
- Land Use District:** LUD 18.2, Core Commercial Character Area
- Property Conditions:** The site has the remains of one, partially restored dipping station with a new plaque and guardrails.
- Adjacent Uses:** North: Multifamily Residential
East: Multifamily Residential
South: Multifamily Residential
West: Parking for La Cima Mall

Item History

The walls of rock on south Ridge Street are all that remain of the dipping station in the Gold Pan Mining Company's world-class machine shops. Built in 1900, the Gold Pan shops sprawled across three large buildings on Ridge Street, supporting nearby mining operations.

Staff Comments

This report is intended to only discuss the local landmarking criteria associated with this property. There are no proposed changes to the property and therefore there is no discussion related to policies in the Development Code.

Hydraulic mining, or hydraulicking, is a form of mining that uses high-pressure jets of water to dislodge rock material or move sediment. In the placer mining of gold, the resulting water-sediment slurry is directed through sluice boxes to remove the gold.

Hydraulic mining originated out of ancient Roman techniques that used water to excavate soft underground deposits. Its modern form, using pressurized water jets produced by a nozzle called a

"monitor", came about in the 1850s during the California Gold Rush in the United States. Though successful in extracting gold-rich minerals, the widespread use of the process resulted in extensive environmental damage, such as increased flooding and erosion, and sediment blocking waterways and covering over farm fields.

Historically, the dipping tank was used to coat pipes that carried water to place or hydraulick operations throughout Summit County. A derrick (crane) lifted these giant pipes, many with a diameter of five feet and weighing six to seven tons, and dipped them in an asphaltum solution that prevented rust and corrosion. Below the vat, coal-fired ovens heated the asphaltum to 300 degrees F.

Most recently, the Breckenridge Heritage Alliance led a multi-year effort to stabilize the dipping station from 2008-2014, removing debris and plant material, re-mortaring loose stones and installing a public walkway, fencing and interpretive sign which was completed in the Fall 2016.



A view of the Gold Pan Mine machine shops near Breckenridge (Summit County), Colorado. Date: between 1880 and 1900 (above).

Below: Photos of the dipping station remains, 2016



Chapter 11, Historic Preservation, 9-11-3: Designation Of Landmarks, Landmark Sites, Historic Districts And Cultural Landscape Districts: The Town is seeking to locally landmark the historic site.

A “landmark” is defined by the ordinance as follows:

A designated individual building, structure, object or an integrated group of buildings, structures or objects having a special historical or architectural value. Unless otherwise indicated in this chapter, the term "landmark" shall include both federally designated landmarks and town designated landmarks.

The ordinance contains specific criteria that are to be used to determine whether a proposed landmark has the required special historical or architectural value. To be designated as a landmark, the property must: (1) meet a minimum age requirement; (2) have something special about either its architecture, social significance, or its geographical/environmental importance as defined in the ordinance; and (3) be evaluated for its “physical integrity” against specific standards described in the ordinance.

Staff has included a chart below as a tool. To be designated as a landmark the property must: (1) satisfy the **sole** requirement of Column A; (2) satisfy **at least one** of the requirements of Column B; and (3) also satisfy **at least one** of the requirements of Column C. Suggested selections are in **bold** and Staff Comments on how the property meets the criteria are in *italics*.

COLUMN “A”	COLUMN “B”	COLUMN “C”
<p>The property must be at least 50 years old. <i>(The Gold Pan Shops Dipping Station was constructed in 1900.)</i></p>	<p>The proposed landmark must meet at least ONE of the following 13 criteria:</p> <p style="text-align: center;">ARCHITECTURAL IMPORTANCE</p> <ol style="list-style-type: none"> 1. The property exemplifies specific elements of architectural style or period. <i>(Placer mining period in the 1900’s was an important part of Breckenridge’s history.)</i> 2. The property is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally. 3. The property demonstrates superior craftsmanship or high artistic value. 4. The property represents an innovation in construction, materials or design. 5. The property is of a style particularly associated with the Breckenridge area. <i>(Placer mining entered the Breckenridge area in the 1900’s.)</i> 6. The property represents a built environment of a group of people in an era of history. 7. The property includes a pattern or grouping of elements representing at least one of the above criteria. 8. The property is a significant historic remodel. <p style="text-align: center;">SOCIAL IMPORTANCE</p> <ol style="list-style-type: none"> 9. The property is a site of an historic event that had an effect upon society. 10. The property exemplifies cultural, political, economic or social heritage of the community. <i>(Placer mining period in the 1900’s was an important part of Breckenridge’s history.)</i> <p style="text-align: center;">GEOGRAPHIC/ENVIRONMENTAL IMPORTANCE</p> <ol style="list-style-type: none"> 12. The property enhances sense of identity of the community. 13. The property is an established and familiar natural setting or visual feature of the community. <i>(The dipping station is the last remaining structure of the Gold Pan Shops.)</i> 	<p>The proposed landmark must meet at least ONE of the following 4 criteria:</p> <ol style="list-style-type: none"> 1. The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation. <i>(The dipping station ovens have been restored and are still visible. They tell a vital part of Breckenridge’s history.)</i> 2. The property retains original design features, materials and/or character. <i>(The dipping station retains its original stone construction.)</i> 3. The structure is on its original location or is in the same historic context after having been moved. 4. The structure has been accurately reconstructed or restored based on documentation.

Staff believes that the above required criteria have been met with this application in Column A, Column B; items 1, 5, 10 and 13 and Column C; items 1 and 2, and therefore the Gold Pan Shops Dipping Station can be recommended to the Town Council for local landmarking.

Staff Recommendation

The Planning Department suggests the Planning Commission recommend that the Town Council adopt an ordinance to locally landmark the Gold Pan Shops Dipping Station located at Tract B, South Ridge Street, PL-2016-0579, based on the fulfillment of criteria for Architectural, Social and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.