



TOWN OF
BRECKENRIDGE

Planning Commission Meeting Agenda

Tuesday, November 20, 2018, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

5:30pm - Call to Order of the November 20, 2018 Planning Commission Meeting; 5:30pm Roll Call

Location Map 2

Approval of Minutes 3

Approval of Agenda

5:35pm - Public Comment On Historic Preservation Issues (Non-Agenda Items ONLY; 3-Minute Limit Please)

5:40pm - Work Sessions

1. Comprehensive Code Amendments 8

2. Hoopes Cottage (CK) 204 N. Ridge St. PL-2018-0521 98

6:40pm - Consent Calendar

1. Tyra Riverbend Lodge Condominium/Hotel Meeting Room Conversion (CL) PL-2018-0540; 655 Four O'clock Road 101

6:45pm - Combined Hearings

1. Village at Breckenridge Plaza Large Vendor Cart (CL) 655 S. Park Avenue, PL-2018-0532 110

2. Eighth Amendment to the Amended Peaks 7 & 8 Master Plan (CK) 1599 and 1891 Ski Hill Road; PL-2018-0546 *Continued to December 4, 2018 Meeting at Request of the Applicant*

7:15pm - Other Matters

1. Town Council Summary

7:30pm - Adjournment

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 the 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.



NOT TO SCALE

Breckenridge South



Eighth Amendment to the Amended Peaks 7 & 8 Master Plan, 1599 and 1891 Ski Hill Rd.

Tyra Riverbend Lodge Meeting Room Conversions, 655 Four O'Clock Road

Hoopes Cottage, 204 N. Ridge Street

VAB Large Vendor Cart, 655 S. Park Avenue

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb (absent)	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder	Lowell Moore	

APPROVAL OF MINUTES

With the below changes, the October 16, 2018 Planning Commission Minutes were approved.

Mr. Giller – change to read, house should be moved if to save out of necessity. Top of page 4

APPROVAL OF AGENDA

With no changes, the November 6, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

Lee Edwards Commented:

Parking is a detriment in the front yards within the Historic District. I would like it to be part of the code amendments we are making. Forcing a vehicle into the front yard is an eye sore within the Historic District and puts the structures out of context.

CONSENT CALENDAR:

1. Climax Jerky Permit Modification (CK), 100 S. Main Street, PL-2018-0520
2. Gravity House Renovation/Conversion (CK), 605 S. Park Ave, PL-2018-0482

With no call ups, the Consent Calendar was approved as presented.

FINAL HEARINGS:

1. Casey Residence (CK), 112 N. French Street, PL-2018-0262

Mr. Kulick presented a proposal to rehabilitate, locally landmark, and add a connector and addition to existing historic residence on North French Street.

Commissioner Questions / Comments:

Mr. Giller: There are small elevation numbers that I can't quite make out on the plan. Can you verify that it is two feet? (Mr. Kulick verified the numbers.) You call it a shed roof but it really looks like an unequal gable? (Mr. Kulick: From a staff level we do consider it a shed. But I do see your point.) It's not a shed roof so we shouldn't be calling it that. It could cause confusion. (Mr. Kulick: We will call it an unequal gable instead of shed and modify the staff report.)

Ms. Leidal: Can we wrap in a finding about portions of the out buildings being off-site? (Mr. Kulick: I have included why they got positive three points under Policy 24/A for historic preservation. They received positive points because the historic structures are in their historic locations, have a valid easement from the neighboring property and there is past precedent for awarding positive points to rehabilitated outbuildings that straddle property lines.) (Ms. Puester: We can include a finding so we don't lose track of it over time since it was processed separately with a Class D.) (Mr. Kulick: Would the applicant be opposed to a finding?) (Mr. Edwards: I have no opposition.)

Mr. Schuman: Did you decide if the points stay with the project? (Mr. Kulick: The points will stay with the

property as long as the development permits are vested.)

Lee Edwards, Architect, Presented:

The connector was reduced in height and the building became narrower. We brought the height down and the accessory apartment was a great suggestion.

- Mr. Kulick: I did receive an email from Lynn Hoffman President of the Longbranch HOA. Mr. Kulick distributed the email to the Commission. (Commission took a few minutes to read said email.)
- Ms. Leidal: Opened the hearing to public comment. With no public comments the hearing was closed.
- Ms. Puester: Ms. Puester read a proposed finding for the out buildings Ms. Matthews-Leidal requested, *The historic sheds located partially off of the property have been documented by a recorded easement to allow for the sheds to remain in their historic locations rather than relocated per Policy 24.* Also, when we do the handbook update we can clarify the roof forms accepted with connectors.
- Mr. Gerard: As I look at the plans with the change to add an apartment, this will have three potential separate living areas locked off. The historic house can be locked off, the new apartment could be locked off on the east, and then the connector could be locked off as well. I think this now could be set up as a triplex. I think it meets standards and point analysis but it could now be used as a high density property.
- Mr. Giller: Does it meet parking now with the apartment? (Mr. Kulick: It does. It hasn't changed despite the apartment. There are three spaces on site.)
- Mr. Schroder: We had asked for a number of corrections and you have responded well and met the code. I see no code reasons to not support the project. It has definitely come a long way.
- Mr. Giller: The project has come a long way from the first meeting and I support staff analysis.
- Mr. Schuman: I too support staff and thanks for the cooperation between staff and applicant.
- Mr. Moore: I didn't see any of the preliminary plans but the final looks really good. I support the project.
- Ms. Leidal: I support staff analysis and appreciate all the work by staff and applicant.

Mr. Giller motioned to approve with a passing point analysis of positive nine points and the new finding number 6. which was read into the record, seconded by Mr. Schuman. The motion passed unanimously (6-0).

PRELIMINARY HEARINGS:

1. Levy House Restoration and Landmarking (JL), 112 S. French Street, PL-2018-0496

Mr. Lott presented a proposal to relocate the house two feet to the north, restore the facades, add a new 900 sq. ft. basement, install a full foundation under the historic house, locally landmark the historic structure, and renovate the interior.

Commissioner Questions / Comments:

- Mr. Giller: Do you have any historic photos of the house? (Mr. Lott: We have one. The picture was shown to the Commission.)
- Mr. Schroder: Does the easement shift with the house? (Mr. Lott: I assume no. I don't think they need to modify it, except maybe for the patio and landscaping.) The entrance through the property is through the Library parking lot? (Ms. Puester: That is a revocable easement and could be taken away at any time.) And we just won't worry about that?
- Ms. Leidal: Have we ever counted the density over a property line? Would staff be amendable to a lot line adjustment? (Ms. Puester: A lot line vacation would be the cleanest but resubdivision hasn't

been proposed. If subdivided east and west, there would be no street access for the rear lot. They wouldn't be able to do that legally.) (Mr. Lott: We will be looking into different options with the Town Attorney.) Did we allocate density with the BBC? (Ms. Puester: We did as part of the master plan. We would like to figure out the lot line/density allocation options with the Town Attorney.) Have we ever allocated points for landscaping off site? (Ms. Puester: We have seen some crossover, not sure if it was ever for points. We are presenting that to the Commission today as a question to get your feedback. The easement would have to be modified if the answer is yes to incorporate the landscaping on to the lot.)

Mr. Giller: There is new plant material shown outside of the existing easement? (Mr. Lott: Correct.)

Mr. Schroder: I am concerned about the crossover in landscaping. Legally if the tree falls and causes damage who is responsible? (Ms. Puester: We would have to have new easement language for the landscaping so that will be clarified and expanded to include the entirety of the area.)

Mr. Giller: I think the patio is fine it could be softened at the east side with landscaping there instead of the adjacent lot to buffer it.

Janet Sutterley, Architect, Presented:

Both lots are owned by the same family. They are currently in the same family. We explored splitting the lot front to back but the problem is the access. We would like to continue to pursue the access ideas and make the revocable easement to the Town parking lot permanent. The house as it stands is over density and mass so you could never add to the house. It is not possible. The lot split is very complicated. When they put the driveway in they also put in trees on the adjacent property. The foundation is sitting on a historic foundation on parts of the house. Some of the foundation is newer. We are doing more research to date the foundation. The original window is shown in the photo and there is a spot for a double hung. Now it is mullied together. The original three windows will be restored. In the rear we are changing the upper window to a door. The front window is assumed to have been the same as the side windows. We won't know for certain about all windows until we open up the walls. We haven't worked out details on the patio yet. We are not raising the floor elevation. The old wood shingles are under the metal roof but there is no telling what condition they are in until we pull the metal roof off. The biggest improvement is taking off the siding and going back to 4 1/2 inch beveled reveal. We are one point short of passing and will plan to make that up with the HERS rating.

Mr. Giller: Are you changing the size of the doors? (Ms. Sutterley: No, but changing a window to a door for an upper deck.)

Ms. Leidal: Why are you moving the house? (Ms. Sutterley: Since we are putting it on a foundation it makes sense to move it to the north set back line and increase the size of the yard to the south. It will barely be noticeable.)

Mr. Schuman: What are you not upgrading? (Ms. Sutterley: We are gutting the house and redoing everything.)

Public Comments:

Lee Edwards:

I encourage the rehab of the structure. I think the movement of the house should be encouraged to make the property more functional.

Commissioner Questions / Comments:

Mr. Schuman: I do not support the proposed landscaping. The talk about offsite points concerns me. The front yard and patio should be reduced. We should be able to get to local landmarking. I do agree with the point analysis. It seems like there is an ulterior motive for the move. I don't think I am supportive of it if there is no real need.

Mr. Moore: I questioned tying the landscape to the easement. I think Ms. Puester answered that by changing the wording of the easement. I am supportive of the points. The front yard and patio is a work in progress so I don't have an assessment at this time. I still need more

- education about local landmarking to weigh in on the issue. My only big concern at this point is to understand who is responsible for the landscaping.
- Mr. Gerard: I think this property is a giant mess right now. The first thing they need to do is clean up the lot line and give them access through the back parking lot. I do not support the landscaping. It will cause problems in the future. I don't see any reason to move the house two feet. I am very opposed to the move. I will vote against the project if it is moved. Yes on landmarking. A great project but we are not there yet. (Ms. Puester: Moving the house is not an absolute fail per the code, it would receive negative points as has been assessed. We cannot fail a project under that policy.)
- Mr. Schroder: I am concerned about the landscaping being off-site. We understand we give points for off-site employee housing and I don't think it should go any further. There is not enough info on the yard and patio to make any decisions. Yes on the landmarking. I can't say at this time if the point analysis is supportable.
- Mr. Giller: I have real doubts about the landscaping. It is too early to assess the patio. Yes to landmarking. Point analysis yes with the change in landscaping to be on site in the front yard. Very happy to see this house restored.
- Ms. Leidal: I do not support the landscaping in the easement. Precedent could set unintentional consequences regardless of the family owning both lots. Need more information about the patio. I would like to see the fence moved on site. Yes on landmarking. I do not support the point analysis because of the landscaping points. I think the lot line adjustment should be modified east to west.

TOWN PROJECTS:

1. McCain Master Plan Modification (JL), TBD State Hwy 9, PL-2018-0457

Mr. Lott presented a proposal to modify the Master Plan for the McCain property to accommodate a future school parcel as well as make other modifications, including the new water treatment plant, service commercial, workforce housing, solar field, open space, snow storage, public school, and a Public Works storage area.

Commissioner Questions / Comments:

- Mr. Schroder: The Mountain Top Children's Museum has an interest and the Peaks School has showed interest in the land and I wonder if there is a misunderstanding about the use of the land. (Mr. Truckey: I sent a letter to Mountain Top and explained the details of the land trade. Not sure if we have talked to the Peaks School.) (A man in the audience identified himself as a representative of the Peaks School and noted that he has been informed.) It was previously proposed to have green level mountain bike trails on it and I am also wondering if while it is sitting idle will it be available to the public? (Mr. Truckey: If we get it graded it may be possible but we won't put a significant amount of resources into it since it may eventually be developed.) 33% of the land is intended for Open Space. What if we chew away into the land mass and absorb that 33%. Will it be paid back? (Ms. Puester: We won't touch that river corridor and will maintain the 33% at a minimum always. You have that one-third plus the 150 feet buffer along the highway for 44% open space and then whatever happens on Tract 8 will be additional.)
- Ms. Leidal: Have you looked into the reports on wildlife crossing by the US Forest Service? (Mr. LaChance: The only area identified as a wildlife crossing by the Forest Service was farther north towards the river crossing under the Highway by Gold Hill/DNR.)

Public Comments:

Lee Edwards:

Great staff report. Got a lot of information in there and the 1/3 is set in stone. What is the mixed use in the Stan Miller project? (Mr. Kulick: Residential but some commercial. Over 80% residential I believe; the

mixed use is along Stan Miller Drive). The parking is gone because it is going to Block 11. Does CMC own up to Coyne Valley road? (Ms. Puester: Yes.) Why has the solar garden been downsized on McCain? Is that a new direction by Council? Why downsize after such a big push for solar. Why is the school site in the center when we have an education center already near the southern portion of the site. There will be a need to have a new river crossing. Can we look at using this road as a link to Peak 7 and close off the intersection of Coyne Valley and Hwy 9? Can we make the road more direct? We like to see functional open space. A strip here and there doesn't make a difference. The view up Coyne Valley is wonderful. Tract 8 housing rubs the wrong way. The river corridor is great. I still hold to the lake Breckenridge idea. Maybe this is the time the town could give the Boy and Girl Scouts some space here so they don't have to meet at Upper Blue Elementary? Does it go to Council after this meeting? (Ms. Puester: Yes, next week.) (Mr. Truckey: There are plans for a new river crossing on Coyne Valley Road.)

Commissioner Questions / Comments:

Mr. Schroder: Good plan. Meeting the 1/3 requirements for open space is good. Look forward to seeing it come to fruition.

Mr. Moore: I think it is a functional plan. There are things that still need to be addressed but a good plan.

Mr. Gerard: I think this design is the best use of what is out there. It is quality open space. I don't think the school district has any plan to build a school. Keeping it open to Coyne Valley is a good idea. I like that the southern part of McCain remaining as open space. I like the lake idea. It is a good plan but we know it will be modified and amended.

Mr. Schroder: I appreciate the public open house. I think it is good plan and support it as is and I think the lake will dry up on its own now although that is not popular.

Mr. Giller: I support the plan. It provides good space for growth and solving problems. The real open space is the river corridor which is very high quality open space and it is a good plan.

Ms. Leidal: I think the plan reflects many needs of the community and I support it.

Mr. Schuman motioned to recommend approval with a passing point analysis of zero, seconded by Mr. Gerard. The motion passed unanimously (6-0).

OTHER MATTERS:

1. New Planning Commission Chair Election

Mr. Gerard made a motion to appoint Mr. Giller to Chair, seconded by Mr. Schroder. The motion passed unanimously (6-0).

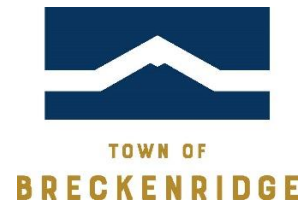
Mr. Schuman made a motion to appoint Mr. Gerard to Vice Chair, seconded by Ms. Leidal. The motion passed unanimously (6-0).

2. Town Council Summary (Memo Only)

ADJOURNMENT:

The meeting was adjourned at 7:35 pm.

Christie Mathews-Leidal, Chair



Memo

To: Breckenridge Planning Commission
From: Mark Truckey, Assistant Director of Community Development
Date: November 16, 2018 (For November 20 Meeting)
Subject: Comprehensive Code Amendments

Background

The Planning Commission has previously reviewed three installments of the Comprehensive Code Amendments as work session items. The Town Council also has reviewed these installments. Staff has now compiled all of the code changes into one document which we are taking through a final review and adoption process with the Planning Commission and Town Council. The full list of code amendments is attached, along with a summary table.

The purpose of this work session is to receive a final recommendation on the proposed Code Amendments to forward to the Town Council. Prior to the November 6 Planning Commission meeting, an open house was held on the proposed Comprehensive Code amendments. A few comments and suggestions were received. They are included later in this report.

Recent Updates to Code Provisions

Since staff has previously reviewed these amendments with the Commission, there are a few areas we would like to focus the Commission on for their feedback, in particular regarding some areas that were not previously discussed at length with the Commission.

Policy 24R-(A) Employee Housing Table

Based on input from the Town Council, staff has made a couple modifications to the Employee Housing table. The potential for earning positive points has been reduced from +10 points to +5 points (with an exception for projects that are 100% deed restricted). This change has been made to respond to a concern that +10 points allows projects to overcome too many negative points for other problems on a development site. A second change to this table eliminates the current exemption for small projects under 5,000 square feet in size. As proposed, the exemption would now only apply to single family residential projects.

Policy 24R-(F-) Moving Historic Structures

This policy is proposed to be modified to increase the amount of negative points associated with moving historic structures. This change is in response to recent input from the State Office of Historic Preservation regarding needing to respect the historic context of sites and placement of structures to

avoid a downgrading of the status of historic properties. Thus, the negative points associated with moving historic structures has been substantially increased as it increases public detriment.

In addition, staff has provided clarification regarding positive points that can be earned for historic preservation efforts when a historic structure is moved. The current wording requires that “No structure shall be moved unless the structure is also fully restored in its new location with structural stabilization, a full foundation, repairs to siding, windows, doors and architectural details, and roof repairs to provide water protection”. Recently the Planning Commission has grappled with this issue because although the above repairs are required they are also potentially eligible for positive points for historic restoration efforts. As worded, the new language clarifies that where a historic structure is moved, it is only eligible for positive points for historic preservation for efforts that go beyond what is required, as listed above. Staff seeks Planning Commission input on the above-discussed change.

Public Comments Received at Open House

- *Changing historic renovation projects to a Class A major status seems like a big jump.*

The change from a Class B minor to Class A application is meant to relate more directly to the time and effort that staff must put into these complex projects, where we must review each proposal not only against the Development Code but also against the Handbook of Design Standards. We acknowledge that many of the time-consuming issues related to additions where connectors are used and the massing of the addition is analyzed. As a compromise on this issue, we could create a new classification for historic restoration/renovation projects that do not involve additions (or perhaps allow a maximum of 10 percent in addition), and set this as a lower classification with lower fees required. Planning Commission input is requested.

- *It seems very difficult or impossible to get to +9 or +12 points, even if a full restoration is accomplished.*

The Code currently limits these point assignments to projects that only involve restorations and where no above ground additions are proposed. Staff agrees with this philosophy and suggests retaining the current wording, as projects with additions tend to compromise the historic context of a site and thus should not be rewarded the highest point assignments.

- *9-1-19-47A Relating to Landscape Walls: Would recommend having flexibility for other wall types other than natural materials, i.e. Board form concrete, corten steel, gabion baskets, etc. (even if it would require an approval process). Also concerned with the 20’ wall length limit. Could this be scalable depending on project type or size?*

The Development Code has a strong orientation regarding the use of natural materials. It is one of our defining architectural statements. In the past, staff and the Commission have been very reluctant to allow large areas of non-natural materials. Regarding landscape wall length, these are currently not allowed and staff’s thought was to start with a relatively small allowance in terms of length. What are the Commission’s thoughts on materials and wall lengths?

- *9-1-19-22R Landscape:*
 - *Require drip irrigation – Is this proposed as the only type allowed? Spray irrigation is needed to establish native seed, maintain sod and perennials. Drip irrigation will not be a*

sufficient source of irrigation for all types of landscape. The water conservation checklist makes sense to promote responsible water use.

- *Square footage maximum for turf – could this be scalable based on proposed project? 500 sf is adequate for single family, but could be small for a new neighborhood, park, etc.*

Regarding landscaping, the new provisions are intended to address the Town Council's strong desire to see us increase our efforts regarding water conservation. The new Code language does provide an exception for the sprinkling of lawn and sodded areas, but assigns negative points for exceeding 500 square feet of area. Thus, we feel there is already an allowance provided for spray irrigation. Staff does not have an issue adding "areas of perennials" in addition the lawn and sodded areas. Also, we agree with the commenter that the 500 square feet limitation may work for single family residential but should be scalable for larger projects. However, this is a relative policy 22R and thus the penalty for exceeding the standards is -2 points. Given this, we are inclined to retain the proposed 500 square feet limitation. Planning Commission input is requested on this.

Subdivision-Lot Line Vacations

Staff is proposing to add a provision in the subdivision chapter to require a lot line be vacated should a development application come forward in which the properties are under the same ownership and have improvements over both lots. Staff believes that this provision would clean up encroachment issues over lots under the same ownership prior to lots being sold off separately. This is not included in the code change provisions attached, however, staff will draft code language prior to the Town Council review should Planning Commission support this concept.

Planning Commission Questions

This is the Commission's last opportunity to weigh in on the proposed Comprehensive Code Amendments. The amendments will be going through formal adoption process with the Town Council in the next couple months. As such, we request Commission input on the issues outlined earlier in this report, but also on any other portion of the Code Amendments that the Commission wishes to address. In particular, staff requests input on the following:

- Is the Commission comfortable with the proposed changes to the 24R Employee Housing Table?
- Does the Commission agree with the changes proposed to 24R F. regarding point assignments for moving historic structures?
- Does the Commission agree with the reclassification of historic restorations and additions to a Class A application? Should a separate classification be created for restoration projects with minor or no additions?
- Does the Commission agree with the current Code philosophy of only providing +9 or +12 points for historic preservation efforts that do not involve above ground additions?
- Should landscape walls be constructed of natural materials and is a 20 foot maximum length appropriate?
- Does the Commission agree with the 500 square foot maximum sodded area provision to avoid negative points and do they have other comments on the landscaping provisions?
- Does the Commission have comments or suggestions on any of the other proposed Comprehensive Code Amendments?

Planning Commission Recommendation

Once the Commission has finished their discussion and made suggestions on the Code Amendments, staff suggests that the Planning Commission recommend that the Town Council adopt the attached Comprehensive Code Amendments, with revisions as suggested by the Planning Commission.

Code Amendments Summary 11/6/18

Topic	Code Section	Proposed Code Changes
Definitions	9-1-5	<ul style="list-style-type: none"> • Align the definition of Building Height Measurement with the proposed building height changes under Policy 6A, which clarify that height measurements for shed roofs should be measured from the highest roof element (not the average, which is allowed to encourage gable roofs). • Reclassify remodels and additions of historic structures in the Conservation District as Class A Developments. This proposal is made to align the costs of review more closely with actual staff time required for review. These development proposals are some of the most complex that the Town deals with. The current fee structure is based on the classification of applications and Class B minor applications for historic remodels are significantly discounted compared to the staff time associated with their review. • Clarify the criteria for Employee Housing. • Revise the definition of Accessory Apartments to require a deed restriction to be recorded to ensure they are utilized for local workforce.
Preliminary Evaluation	9-1-8	Eliminate Section 9-1-8 Preliminary Evaluation, as this has not been staff's practice to undertake this. However, staff routinely conducts pre-application conferences and work sessions (as specified in the Code), which are similar in scope.
Duration of Point Assignments	9-1-17-3.5	Create a new Section 9-1-17-3.5 that clarifies the length of time points are available for a project. For example, a project may have an initial passing score of +3 points, and at a later date (still within the valid permit length) the owner may decide that they wish to heat a driveway, which could incur -3 points. The positive points earned initially could be carried over to offset the negative points incurred with the development modification.
Class A Development Permit Process	9-1-18-1	Amend Section 9-1-18-1 as an evidentiary packet is not something that staff has required and is thus proposed to be eliminated from the submittal requirements for Class A development permits.
9-1-18-4: Class D Development Permit Process	9-1-18-4	Amend Section 9-1-18-4 C. to remove the requirement for the director to approve or deny a Class D minor development application within seven days. The Department generally approves these within seven days. However, there are sometimes extenuating circumstances (sometimes involving additional information needed from applicants) that preclude our ability to always approve these within the timeframe. Section E. is proposed to be deleted because Policy 40A Chalet Houses is proposed to be eliminated.
Positive Points for meeting Land Use Guidelines	9-1-19-2R	Amend Policy 2R to eliminate positive points for land uses consistent with the LUGs—that should be a minimum requirement. Negative points for incompatible uses are retained.

Topic	Code Section	Proposed Code Changes
Calculation of Density	9-1-19-3A	Add a provision clarifying the 1,000 square foot density rule for commercial equivalent units and other uses related to TDRs. Provide an explanation of how density is calculated using the conversion table.
Employee housing	9-1-19-3A	Amend Policy 3A.E. to use the term Employee Housing consistently throughout the Code.
Community facilities and institutional uses	9-1-19-3A	Add new sections under Policy 3A, one that clarifies community facilities and institutional uses are exempt from the requirement to transfer in density, per the policies of the Joint Upper Blue Master Plan. New definitions will be added to the Definitions section for community facilities and institutional uses. Another section is added clarifying that TDRs are required for any project that exceeds the zoned density of a property outside the conservation district.
Above ground density calculations	9-1-19-3A	Add a new section H., which moves a section that was previously listed under Policy 5A Architectural Compatibility, as this section relates to density and more appropriately belongs under Policy 3A.
Density Calculations	9-1-19-3R	<ul style="list-style-type: none"> • Clarify that bonus density for Employee Housing, as allowed in 3A of the Code, does not incur negative points and note that density transferred into LUD 1 is not exempted from the table. • Create a new section A. that outlines point assignments for exceeding aboveground densities in the Conservation District. This section has been moved from Policy 24A because it more appropriately belongs under the 3R density heading.
Mass Bonus for Apartments/Condominiums and LUD 18	9-1-19-4R	<ul style="list-style-type: none"> • Increase the mass bonus to 30 percent for apartments and condos. Common areas alone can get some projects to 25 percent of mass and it was recommended a small bump be provided to allow some amenities in addition to common areas. It is recognized that projects with even higher percentages of amenities, etc. would need to go to the Town Council for development agreement approval. • Include the exemption from negative points in the mass table for Employee Housing. • Clarify that the mass bonus is calculated based on the allowed aboveground floor area. • Provide a mass bonus for renovations/restorations to primary historic structures in Land Use District 18, which encompasses North French Street and North Ridge Street (north of Wellington).
Architectural Compatibility Minor Revisions	9-1-19-5A	<ul style="list-style-type: none"> • Amend Section A. to provide further exemptions to the three-color rule limit to account for some minor items. • Delete Section C. regarding Aboveground Density in the Historic District and instead include it under Policy 3A. • Revise Section E. so that preference numbers for solar placement correlate to each other.

Topic	Code Section	Proposed Code Changes
Building Height Clarifications	9-1-19-6A	Amend Policy 9-1-19-6 A to clarify that height measurements for shed roofs should be measured from the highest roof element (not the average, which is allowed to encourage gable roofs).
Point Assignments for Building Heights	9-1-19-6R	Amend Policy 6R to allow a project that incorporates mass into its roof to qualify for a positive point. Increase the potential for positive points for commercial/multi-family projects providing substantial stepping-down at the building's edge. Do not exempt single family and duplex units.
Modifications to Policy 7R Site and Environmental Design	9-1-19-7R	<ul style="list-style-type: none"> • Eliminate Section E. Site Privacy and instead incorporate privacy considerations into Section B. Site Buffering. • Revise Section C. Retaining Walls to eliminate the specific reference to four foot walls (this height is what triggers that the wall be engineered and is a separate code requirement). Provide clarification that taller retaining walls, when they reduce overall site disturbance, are allowed without the assessment of negative points. In past applications, taller walls have been allowed but have been assessed negative points. This would represent a reset of this policy for future development applications. • Revise the point assignments under Section B. Site Buffering to provide a 2 multiplier instead of 4, but then also increase the points to -4 and +4. This allows the same maximum positive and negative points that currently exists, but allows the points to be assigned in increments of 2 as opposed to 4. This would allow more flexibility in point assignments. • Revise Section B. Site Buffering to make it clear that positive points are focused on tree preservation, distance separation, and berming and that new landscaping does not accrue positive points here but must be assigned under Policy 22R. • Revise the point assignments under Section D. to provide a 2 multiplier instead of 4, but then also increase the points to -4 and +4. This allows the same maximum positive and negative points that currently exists, but allows the points to be assigned in increments of 2 as opposed to 4. This would allow more flexibility in, for example, assessing negative points for excessively long driveways. • Eliminate the last sentence under Section D. because it is confusing and does nothing to improve the focus of the section. • Eliminate the references to Significant Tree Stands or Specimen Trees and Treed Backdrop under Section G. Significant Natural Features because tree preservation is already addressed under Section B. Site Buffering.

Topic	Code Section	Proposed Code Changes
Ridgeline and Hillside Development Policy Minor Clarifications	9-1-19-8A	Amend Policy 8A to clarify that positive points cannot be earned in other portions of the Code when the Absolute Policy 8 already contains specific requirements.
Building Setbacks Minor Clarification	9-1-19-9A	Amend Policy 9A to revise the “Zero Setback” heading to identify it is intended to apply to commercial and related uses
Snow Storage Clarifications	9-1-19-13R	Amend Policy 13R to clarify that 25% snow storage is the minimum amount desired and no positive points should be awarded for providing adequate snow storage. Negative points are retained. Also clarify that negative points are not warranted in a situation where a snowmelt system is employed.
Storage for Multi-Family Residential	9-1-19-14R	Amend Policy 14R to focus it on multi-family residential projects. The current policy “encourages” storage to be provided but then only assigns negative points. Negative points have never been assigned for lack of storage. Because the policy “encourages”, negative points are eliminated and the potential for positive points is added. Also clarify that closets and garages should not count towards positive points.
Trash and Recycling	9-1-19-15A and 15B	Amend Policies 15A and 15B to add a focus on recycling, as it is now a Town and community-wide value.
Elimination of Absolute Loading Policy	9-1-19-19A	Amend Policy 19A to eliminate the absolute policy regarding Loading, as this is not typically scrutinized in development review and the existing policy is in conflict with the standard practice in the Historic District of commercial loading on alleyways and on streets.
Positive Points for Recreational Facilities	9-1-19-20R	Amend Policy 20R to clarify that points for recreational facilities should only be awarded for facilities that are available to the general public. Private recreational facilities can earn separate points under 24R Recreation and Leisure Amenities.
Open Space Policy Clarifications	9-1-19-21R	<ul style="list-style-type: none"> • Clarify that the 30% open space requirement is based on the gross square footage of a property. • Clarify the types of hardscape areas and small unusable landscaped areas that would not qualify as open space. • Provide an exception within the Core Commercial Character Area 6, which encompasses the 100 South Main Street block and the 100 East Lincoln Ave block, from incurring negative points for not attaining the 15% threshold for open space. Buildings in this area are allowed to be built up to the property line to mimic the historic development pattern and thus it is difficult to obtain good useable open space in these areas.
Landscape Policy Revisions	9-1-19-22R	<ul style="list-style-type: none"> • Remove the section regarding planting of trees along public right of ways because it conflicts with a similar section in the subdivision code. • Clarify that the rationale for Site Buffering is consistently addressed in the Code and focuses on screening from adjacent properties and public right of ways. • Require drip irrigation systems to promote the Town’s water conservation efforts. • Eliminate the potential for +6 points for landscaping: no project has been awarded +6 points, and the provision

Topic	Code Section	Proposed Code Changes
		<p>encouraging the “most landscaping possible” may actually overwhelm sites at maturity.</p> <ul style="list-style-type: none"> • Insert additional measures that should be taken to receive +4 points for landscaping: incorporating the old provision from +6 points regarding largest possible size trees; and requiring that a water conservation checklist must be established for the property that includes a number of conservation measures. • Eliminate references to plantings in different Zones because the focus is on screening and is not dependent on distance from the structure. • Assign negative points for developments that provide larger areas of irrigated turf (500 square feet or more). • Eliminate provision 13 because it conflicts with the open space policies regarding providing 30 percent open space.
Housing Policy Modifications	9-1-19-24R	<ul style="list-style-type: none"> • Revise the points table for employee housing to limit positive points to +5 points (unless a 100 % deed restricted project) and remove the exemption for commercial and multi-family residential projects under 5,000 square feet in size.
Point Assignments for Moving Historic Structures	9-1-19-24R	<ul style="list-style-type: none"> • Eliminate the reference under E. Conservation District to Main Street, as it placed particular emphasis on Main Street whereas the Town’s policy is to equally treat the entirety of the Historic District. • Increase the negative points associated with moving historic structures. Recent input from the State Office of Historic Preservation has indicated a concern with moving historic structures from their historic location. The policy would still allow movement but additional negative points are intended to further dissuade this practice.
Points for Transit	9-1-19-25R	<p>Amend Policy 25R to change the multiplier under this category to a “2” instead of “4”, but then change the points potential up to -4/+4. This will provide more flexibility in assigning points. For example, shuttle services for lodging are becoming a standard practice of doing business—some reward should still be considered for these but perhaps only +2 instead of +4, which is the minimum awarded now. Higher point assignments should be reserved for systems that serve the general public.</p>
Infrastructure Policy Minor Clarifications	9-1-19-26A	<p>Amend Policy 26A to address some minor housekeeping items.</p>
Drainage Policy Minor Clarifications	9-1-19-27A	<p>Amend Policy 27A to clarify timing of drainage permits.</p>
Points for Aesthetically Attractive Drainage	9-1-19-27R	<p>Amend Policy 9-1-19-27R to encourage aesthetically attractive detention facilities.</p>
Utility Undergrounding	9-1-19-28A	<p>Amend Policy 28A to provide an exception to the utilities undergrounding requirement when it applies to larger regional transmission lines. For example, the transmission line going near Airport Road has been exempted on a case-by-case basis on a number of development applications.</p>

Topic	Code Section	Proposed Code Changes
Construction Activities Policy Minor Clarifications	9-1-19-29A	Amend Policy 29A to specific the file types required to be submitted for as-built construction drawings.
Air Quality Policy Elimination	9-1-19-30R	Eliminate Policy 30R because it is narrowly applied to wood burning cooking appliances while other elements (e.g., grills and smokers) are not addressed. These appliances make up a minute portion of the overall emissions in the Town. Positive points were awarded in the past, 15 years ago, for projects that voluntarily agreed not to use wood burning devices. However, with the advent of Phase 2 certified wood stoves (required by the Code), it is no longer necessary to award positive points.
Water Quality Monitoring	9-1-19-31A	Amend Policy 31A to add a provision allowing the Town to require ongoing water quality monitoring, which is essential in some development situations to ensure water quality is protected.
Elimination of Water Quality Policy	9-1-19-32A	Eliminate Policy 32 A because the provisions are all very outdated and replaced by Building Code or Water Department requirements.
Energy Policy Changes to Point Assignments for Energy Ratings, Solar Ready Buildings, and Water Features	9-1-19-33R	Amend Policy 33 R to set a new standard for residential development regarding energy savings. A HERS rating will now only be incentivized for achieving one positive point. Positive points higher than that will be based on the percentage increased energy efficiency compared to a home built to comply with the existing Residential International Energy Conservation Code. A new table is added to further specify point assignments for outdoor heated spaces, based on past precedent. The table also addresses water features, providing an option to power with renewable sources and increasing the negative point assignments for powering water features with conventional power sources. A new section is also included that awards one positive point for projects that are built solar and electric vehicle ready.
Hazardous Conditions Policy Clarifications	9-1-19-34A	Amend Policy 34A to: clarify intention to keep sediment from transporting to neighboring properties; eliminate a reference to a wildfire plan which has been superceded by defensible space requirements; and to provide an updated reference to the Town's flood prevention ordinance.
Subdivision Policy Clarification	9-1-19-35A	Amend Policy 35 A to clarify that subdivisions must comply with master plans.
Temporary Structures Renewals	9-1-19-36A	Amend Policy 36A to only allow renewal of temporary structure permits if they meet all applicable Code provisions, such as architecture (e.g., to avoid seeing an aesthetically unattractive temporary structure to be in place for longer than three years).
Riverwalk Definition and Riverwalk Compatible Improvements	9-1-19-37A	Amend Policy 37A so that the definition of Riverwalk only extends north to Ski Hill Road. The policy allows for waivers from parking requirements and potential density bonuses in exchange for Riverwalk compatible amenities (e.g., landscaping, outdoor seating). The current definition extends further north to areas that do not directly abut the Riverwalk (alley and parking lots intervene) and these areas are recommended not to receive the same waivers and bonuses.
Permit Requirements for Home Childcare Businesses	9-1-19-38.5A	Amend Policy 38.5 to align Home Childcare permits with Class D minor applications and to only require a permit renewal when ownership or location changes.

Topic	Code Section	Proposed Code Changes
Elimination of Chalet Houses Provisions	9-1-19-40A	Remove Policy 40 as it is antiquated and an early attempt to address short term rentals. The Town's existing short term rental regulations are more comprehensive.
Exterior Loudspeaker Policy Clarifications	9-1-19-42A	Amend Policy 42 A to reference the Town's Noise Ordinance and to eliminate the requirement of a development permit for outdoor speakers.
New Murals Section	9-1-19-43A	Amend Policy 43 to create a new section that outlines how murals will be addressed outside the Conservation District.
Radio Broadcast Policy Clarifications	9-1-19-44A	Amend Policy 44 A to eliminate reference to banners, which are prohibited.
Elimination of Special Commercial Events Policy	9-1-19-45A	Eliminate Policy 45 A because Special Commercial Events are regulated under the Town's Special Event Ordinance, Title 4, Chapter 13 of the Town Code.
Fences Policy Modifications	9-1-19-47A	Amend Policy 47 A to: clarify circumstances where a landscape wall would be allowed; and to change the process where a property owner may construct a fence next to a public trail so that the process is now administrative and does not require a variance hearing with the Planning Commission.
Vendor Carts Length of Permit	9-1-19-49A	Amend Policy 49 A to provide the same three year permit validity for large or small vendor carts. Staff has had no issues with permit renewals for small vendor carts and it is unnecessary to require the renewals annually.
Special Areas Maps Clarifications	9-1-20	Amend 9-1-20 to eliminate references to two old maps that are no longer used.
Parking Requirement Modifications	9-3-8	Amend the Town's Off Street Parking regulations 9-3-8 to alter the parking requirements outside the Conservation District to: include the accessory apartment parking requirement; eliminate the Industrial classification and instead break it into Manufacturing and Warehouse; change the requirement for Gas Station/Convenience Markets; change the parking requirement for restaurants to be based on square footage rather than seating; add a supermarket/grocery store category with a parking requirement, add additional parking space requirements for larger single-family residences.
Parking Lot Requirements Modifications	9-3-9	<ul style="list-style-type: none"> • Update the lighting provisions in Section E. for parking lots to include LEDs and comply with the International Dark Sky Association guidelines and other similar community lighting ordinances (Sedona, Ketchum). • Revise Section I regarding parking lot location to ensure that parking is setback from the property line with the expectation that snow storage may be placed in these areas. • Remove section K. Snowstacking because it conflicts with the snow storage requirements in 9-1-19-13
Development Agreement Clarifications	9-9	Amend Title 9, Chapter 9 of the Town Code to address submittal timelines for development agreements. There currently is no submittal timeline specified.
Exterior Lighting Clarifications	9-12	<ul style="list-style-type: none"> • Update the Exterior Lighting provisions to add definition for LED lighting and to identify acceptable types of lighting • Provide clarification for lighting requirements in soffits • Specify requirements for photometric plans • Other minor clarifications

Proposed Comprehensive Code Amendments

Excerpted text from Development Code included below. Proposed changes are identified in underlined and ~~overstruck~~ format. Explanation of changes in ***bold italics***.

Amend the Definitions sections to:

- *Align the definition of Building Height Measurement with the proposed building height changes under Policy 6A, which clarify that height measurements for shed roofs should be measured from the highest roof element (not the average, which is allowed to encourage gable roofs).*
- *Reclassify remodels and additions of historic structures in the Conservation District as Class A Developments. This proposal is made to align the costs of review more closely with actual staff time required for review. These development proposals are some of the most complex that the Town deals with. The current fee structure is based on the classification of applications and Class B minor applications for historic remodels are significantly discounted compared to the staff time associated with their review.*
- *Clarify the criteria for Employee Housing.*
- *Revise the definition of Accessory Apartments to require a deed restriction to be recorded to ensure they are utilized for local workforce.*

9-1-5: DEFINITIONS:

BUILDING HEIGHT MEASUREMENT: Building height is measured in one of the following three (3) ways (A, B or C); all are measured from a point on the roof to a point on the grade directly below. Measurement is taken from points around the outside edge of the building's perimeter to natural or proposed grade, whichever yields a greater dimension, and from within the building's foundation perimeter to natural grade. In the case of nonnatural or highly irregular topography due to past mining impacts or other manmade impacts within the existing site development area (see illustration below), an average slope may be used.

All buildings with flat or shed roofs are measured per method A. All multi-family buildings, commercial buildings and all buildings ~~within the historic district~~ are measured per method B (unless a flat or shed roof is proposed, then method A would be used). All single-family residences and duplex units outside the historic district are measured per method C (unless a flat or shed roof is proposed, then method A would be used).

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

- B. Measurement to the mean elevation of a ~~sloped~~ gable or hip roof: The greatest dimension, measured vertically, to a point between the ridge and the eave edge of a ~~sloped~~ gable or hip roof, to a point measured directly below as described below:
- C. Measurement to the highest element of a ~~sloped~~ gable or hip roof: The highest point of any roof element to a point measured directly below as described below:

CLASS A DEVELOPMENT: Any development which includes any of the following activities or elements:

- A. Residential uses which include three (3) units or more.
- B. Lodging and hotel uses.
- C. Any site work or landscaping which is in excess of two hundred thousand dollars (\$200,000.00) in value, to include ski lifts and parking lots.
- D. Commercial and industrial uses, additions and remodels thereto which are one thousand (1,000) square feet in size or greater.
- E. Approval of a master plan on a site five (5) acres or more in size.
- F. Major amendment to a master plan pursuant to section [9-1-19-39A](#), "Policy 39 (Absolute) Master Plan", subsection L, of this chapter.
- G. Those wireless communication facilities permit applications described in section [9-1-19-50A](#), subsection D(1), of this chapter.
- H. New or major remodel² of any historic residential structure within the historic district or the conservation district.

CLASS B DEVELOPMENT: Any development which includes any of the following activities or elements:

- Class B - Major: A. New single-family nonhistoric residential within the historic district or the conservation district.
- B. New duplex residential within the historic district or conservation district.
- C. Bed and breakfasts, and boarding houses.
- D. Commercial and industrial uses and additions which are less than one thousand (1,000) square feet in size or ten percent (10%) of the existing square footage (unless classified as a class A development).
- E. Approval of a master plan on a site of less than five (5) acres.
- F. Demolition or moving of a landmark or historic structure (including any portion of the structure).

~~Class B - Minor: A. New or major remodel² of any historic residential structure within the historic district or the conservation district.~~

~~A B. Change of use within a residential district.~~

~~B C. Site work, landscaping, grading, and utility installations on steep slopes (greater than 15 percent) or within environmentally sensitive areas.~~

~~C D. Operation of a home childcare business.~~

~~D E. Vendor carts, large.~~

~~E F. Application for exempt large vendor cart designation.~~

Class B development is divided into major and minor categories for purposes of payment of application fees³ only. The procedures set forth in the development code for the processing of class B development permit applications apply to both major and minor categories.

EMPLOYEE HOUSING: A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working for a business located in and serving Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.

All employee housing units shall be a minimum of two hundred fifty (250) square feet of density in size and shall have a living area containing at a minimum: a kitchen sink; cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches (30") in front; sleeping accommodations; a separate closet with a door; and a separate bathroom with a door, lavatory, and a bathtub or shower.

Accessory Apartment: A residential unit located on the same parcel of land as a single-family unit, which is secondary in size and use to the single-family unit and meets the following criteria:

A. The total dwelling area of the unit is no greater in size than one-third ($\frac{1}{3}$) of the total dwelling area of the single-family unit.

B. The total dwelling area of the unit is no greater in size than one thousand two hundred (1,200) square feet.

C. Legal title to the accessory apartment and single-family unit is held in the same name.

D. With the exception of section D.1. below, accessory apartments may only be occupied by persons employed at least 30 hours per week in Summit County with a lease of not shorter than six months.

1. Accessory apartments may be occupied by persons with disabilities or persons 65 years or older.

2. All permits issued for accessory apartments all include the requirement that the property owner record a covenant restricting the use and occupancy of the property with the requirements set forth above under D and D.1. The covenant shall grant enforcement power to the Town of Breckenridge or an authorized designee.

Units that meet all of the criteria will be classified as a portion of the single-family unit, while those that do not meet all the criteria specified shall be classified as either a duplex (if attached) or a second home (if detached).

Amend Section 9-1-8 to eliminate Preliminary Evaluation, as this has not been staff's practice to undertake this. However, staff routinely conducts pre-application conferences and work sessions (as specified in the Code), which are similar in scope.

~~9-1-8: PRELIMINARY EVALUATION:~~

~~The planning staff may do a preliminary evaluation on a development after the following: an initial preliminary hearing; submittal of any required additional materials; payment of a fee; and a determination by the director of community development that adequate staff time is available. This evaluation is performed strictly as a convenience for the applicant in obtaining guidance with regard to town standards or criteria and shall not be binding upon a final point analysis nor the town. (Ord. 19, Series 1988)~~

Create a new Section 9-1-17-3.5 that clarifies the length of time points are available for a project. For example, a project may have an initial passing score of +3 points, and at a later date (still within the valid permit length) the owner may decide that they wish to heat a driveway, which could incur -3 points. The positive points earned initially could be carried over to offset the negative points incurred with the development modification.

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

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

Amend Section 9-1-18-1 as an evidentiary packet is not something that staff has required and is thus proposed to be eliminated from the submittal requirements for Class A development permits.

9-1-18-1: CLASS A DEVELOPMENT PERMIT PROCESS:

D. Final Application: A final hearing shall be held for each class A project by the planning commission to determine compliance with the policies established within this chapter, and other applicable town ordinances and codes. A final application shall not be requested until the project has been reviewed as a preliminary application before the planning commission, and has been authorized by the commission to proceed to final hearing. In no instance shall a final application be accepted by the town if more than ninety (90) days have elapsed since the preliminary hearing, in which case the applicant shall appear before the planning commission at another preliminary hearing before proceeding. (Ord. 7, Series 1993)

1. A final application shall consist of the following materials and plans, all of which shall be submitted no later than the deadline established in the rules and regulations: (Ord. 17, Series 2003)

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

Amend Section 9-1-18-4 C. to remove the requirement for the director to approve or deny a Class D minor development application within seven days. The Department generally approves these within seven days. However, there are sometimes extenuating circumstances (sometimes involving additional information needed from applicants) that preclude our ability to always approve these within the timeframe. Section E. is proposed to be deleted because Policy 40A Chalet Houses is proposed to be eliminated.

9-1-18-4: CLASS D DEVELOPMENT PERMIT PROCESS:

C. Procedure:

1. Once a completed application and all accompanying material have been submitted, the director shall review the proposal and ~~within seven (7) days~~ approve it with or without conditions, or deny it. In addition, the director shall have the right ~~within the same seven (7) days~~ to reclassify any class D application as a class C and process it accordingly.

~~E. Application To Chalet House Permits: The provisions of this section shall not apply to the processing of applications to operate a chalet house. Such applications shall be processed in accordance with the provisions of section 9-1-19-40A, "Policy 40 (Absolute) Chalet Houses", of this chapter. (Ord. 7, Series 1995)~~

Amend Policy 2R to eliminate positive points for land uses consistent with the LUGs—that should be a minimum requirement. Negative points for incompatible uses are retained.

9-1-19-2R: POLICY 2 (RELATIVE) LAND USE GUIDELINES:

The town strongly encourages all developments to meet the guidelines established within the adopted "land use guidelines" document for the district in which they lie, and, where applicable, the guidelines established by an approved master plan.

4 x (-3/+20)	A.	Uses: Proposed uses which will not conflict with the existing uses, but will conform to the desired character and function of the district in which they lie, and where applicable, with an approved master plan, are encouraged. Uses which are in conflict with existing uses and/or with the desired character and function of the district in which they lie, or, where applicable, with an approved master plan, are discouraged. (Ord. 22, Series 1994)
2 x (-2/0)	B.	Relationship To Other Districts: In those instances where a project lies adjacent to a district boundary where the proposed uses may be incompatible, the applicant is encouraged to modify the proposed use to one that is compatible, or take extra measures to provide adequate buffers in an effort to lessen any negative impacts upon the property lying within the adjacent land use district.
3 x (-2/0)	C.	Nuisances: Uses that create a nuisance or hazard to others in the community, including, but not limited to, significant or continuous noise, vibration, odors, radio or electronic interference, or heat, or glare from lighting emanating from any development shall be discouraged. (Ord. 19, Series 1988)

Add a provision clarifying the 1,000 square foot density rule for commercial equivalent units and other uses related to TDRs. Provide an explanation of how density is calculated using the conversion table.

9-1-19-3A: POLICY 3 (ABSOLUTE) DENSITY/INTENSITY:

It is the intention of the town to limit the total intensity of development by limiting the maximum allowed square footage of each project. To accomplish this policy, the allowed base square footage for any specific project shall be based on the following methods for calculating square footages:

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

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

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

CONVERSION TABLE - ~~RESIDENTIAL USES~~

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

- *Refer to section 9-1-19-4A, "Policy 4 (Absolute) Mass", subsection A, of this chapter for mass limitations in certain subdivisions that may further limit aboveground density. (Ord. 31, Series 2014)

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

When using the above table to calculate density on a site, the following formula shall be used: equivalent units (as determined by above table) x Units Per Acre (as determined by the applicable Land Use District or Master Plan) x size of lot. For example, within the Conservation District, a single-family home (1,600 square foot multiplier in above table) x 11 UPA (in Land Use District 17) x .14 acres (lot size) = 2,464 square feet of allowed density. Please note that densities are further limited in the conservation district based on the Historic District Guidelines and the particular character area the property is located in, so the above noted UPA density may be less than noted.

Amend Policy 3A.E. to use the term Employee Housing consistently throughout the Code.

E. Density For Attainable ~~Workforce~~ Employee Housing Projects:

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

(2) ~~The density provisions for employee housing under subsection D of this section shall also apply to attainable workforce housing projects. (Ord. 12, Series 2012)~~

Add new sections under Policy 3A, one that clarifies community facilities and institutional uses are exempt from the requirement to transfer in density, per the policies of the Joint Upper Blue Master Plan. New definitions will be added to the Definitions section for community facilities and institutional uses. Another section is added clarifying that TDRs are required for any project that exceeds the zoned density of a property outside the conservation district.

F. Exemption for Community Facilities and Institutional Uses

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

G. Transfer of Density Required

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

Add a new section H., which moves a section that was previously listed under Policy 5A Architectural Compatibility, as this section relates to density and more appropriately belongs under Policy 3A.

H. Aboveground Density In Historic District:

(1) Within the Main Street residential/commercial, south end residential, and South Main Street character areas a maximum of 12.0 units per acre for aboveground density for new construction is allowed. Projects within such areas which contain 12.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy. (Ord. 4, Series 1997)

a. Within the Main Street residential/commercial character area only, density and mass will not be assessed against a project for the construction of a "connector" element which complies with priority policy 80C of the "Handbook Of Design Standards For The Historic And Conservation Districts". (Ord. 27, Series 2003)

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

b. In connection with permit applications for projects which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts") anywhere within the eastside residential, north end residential, and the North Main Street residential character areas, a maximum of 10.0 units per acre for aboveground density is allowed. Projects of such types which contain 10.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.

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

Within the historic district a one thousand six hundred (1,600) square foot multiplier is used to calculate the allowed aboveground density for any use. For example, a typical fifty foot by one hundred twenty five foot (50' x 125') lot would be allowed two thousand fifty nine (2,059) square feet of aboveground density for any use (0.143 acre x 1,600 x 9 UPA).

(4) All spaces with vaulted ceilings that have a wall plate height over fourteen feet (14') shall be double counted toward the allowable aboveground density (8 foot first floor plate height, 1 foot floor system, 5 foot plate height for a potential second floor).

(5) In connection with permit applications for projects within the historic district which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), true one-story historic buildings with a first floor plate height of less than ten feet (10') shall not have the density in the attic space counted toward

aboveground density, provided that there are no dormers, windows, or skylights that are added to the attic space of the historic building.

Amend Policy 3R to:

- Clarify that bonus density for Employee Housing, as allowed in 3A of the Code, does not incur negative points and note that density transferred into LUD 1 is not exempted from the table.
- Create a new section A. that outlines point assignments for exceeding aboveground densities in the Conservation District. This section has been moved from Policy 24A because it more appropriately belongs under the 3R density heading.

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

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

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

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

A. Conservation District Densities

(1) Within the Main Street residential/commercial, South End residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with

projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>			<u>Point Deductions</u>	
-	-	-	-	-
<u>9.01 -</u>	<u>9.50</u>	-	<u>-3</u>	-
<u>9.51 -</u>	<u>10.00</u>	-	<u>-6</u>	-
<u>10.01 -</u>	<u>10.50</u>	-	<u>-9</u>	-
<u>10.51 -</u>	<u>11.00</u>	-	<u>-12</u>	-
<u>11.01 -</u>	<u>11.50</u>	-	<u>-15</u>	-
<u>11.51 -</u>	<u>12.00</u>	-	<u>-18</u>	-
<u>12.01 or more</u>			<u>See section 9-1-19-3 A, Section H., of this chapter</u>	

(2) In connection with permit applications for projects within those character areas of the historic district specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), or "historic structure" or "landmark" as defined in this code, and in connection with permit applications for projects within the North Main residential, north end residential, and the east side residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>		<u>Point Deductions</u>
-	-	-
<u>9.01 - 9.50</u>	-	<u>-3</u>
<u>9.51 - 10.00</u>	-	<u>-6</u>

10 .01 or more	-	See section 9-1-19-3A , Section H., of this chapter
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Amend Policy 4R to increase the mass bonus to 30 percent for apartments and condos. Common areas alone can get some projects to 25 percent of mass and it was recommended a small bump be provided to allow some amenities in addition to common areas. It is recognized that projects with even higher percentages of amenities, etc. would need to go to the Town Council for development agreement approval. Also include the exemption from negative points in the mass table for Employee Housing.

9-1-19-4R: POLICY 4 (RELATIVE) MASS:

A. Additional aboveground square footage may be allowed over and above the intensity/density calculation based on the following formulas for accessory uses such as garages, meeting rooms, lobbies, hallways, recreational areas, etc.: (Ord. 4, Series 2006)

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

(2) Single-Family, Duplexes, Bed And Breakfasts, And Townhouses: Single-family, duplex, bed and breakfast, and townhouse developments may be allowed an additional twenty percent (20%) of aboveground floor area for the provision of garages, common amenity areas, and common storage areas. This mass bonus does not apply to single-family or duplex structures listed in section [9-1-19-4A](#), "Policy 4 (Absolute) Mass", subsection A, of this chapter. (Ord. 32, Series 2009)

(3) Apartments And Boarding Houses: Apartment and boarding house developments may be allowed an additional ~~fifteen~~ thirty percent (~~15~~30%) of aboveground floor area for the provision of amenities and/or common areas.

(4) Condominiums, Hotels, Inns, And Lodges: Condominiums, hotels, inns, lodges, and other similar uses may be allowed an additional ~~twenty five~~ thirty percent (~~25~~30%) of aboveground floor area for the provision of amenities and/or common areas. (Ord. 31, Series 2014)

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

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

	<u>% Deviation Up From Guidelines</u>		<u>Point Deductions</u>
5 x (point deduction)	0.1 -	5%	2*

	5.01 -	10%	3
	10.01 -	15%	4
	15.01 -	20%	5
	20.01 -	30%	6
	30.01 -	40%	7
	40.01 -	50%	8
	50.01%	and above	20

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

Amend Policy 5A as follows:

- ***Amend Section A. to provide further exemptions to the three-color rule limit to account for some minor items.***
- ***Delete Section C. regarding Aboveground Density in the Historic District and instead include it under Policy 3A.***
- ***Revise Section E. so that preference numbers for solar placement correlate to each other.***

9-1-19-5A: POLICY 5 (ABSOLUTE) ARCHITECTURAL COMPATIBILITY:

A. Color Choices:

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

~~C. Aboveground Density In Historic District:~~

~~(1) Within the Main Street residential/commercial, south end residential, and South Main Street character areas a maximum of 12.0 units per acre for aboveground density for new construction is allowed. Projects within such areas which contain 12.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy. (Ord. 4, Series 1997)~~

~~a. Within the Main Street residential/commercial character area only, density and mass will not be assessed against a project for the construction of a "connector" element which complies with priority policy 80C of the "Handbook Of Design Standards For The Historic And Conservation Districts". (Ord. 27, Series 2003)~~

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

~~b. In connection with permit applications for projects which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts") anywhere within the eastside residential, north end residential, and the North Main Street residential character areas, a maximum of 10.0 units per acre for aboveground density is allowed. Projects of such types which contain 10.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.~~

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

Within the historic district a one thousand six hundred (1,600) square foot multiplier is used to calculate the allowed aboveground density for any use. For example, a typical fifty foot by one hundred twenty five foot (50' x 125') lot would be allowed two thousand fifty nine (2,059) square feet of aboveground density for any use (0.143 acre x 1,600 x 9 UPA).

~~(4) All spaces with vaulted ceilings that have a wall plate height over fourteen feet (14') shall be double counted toward the allowable aboveground density (8 foot first floor plate height, 1 foot floor system, 5 foot plate height for a potential second floor).~~

~~(5) In connection with permit applications for projects within the historic district which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), true one-story historic buildings with a first floor plate height of less than ten feet (10') shall not have the density in the attic space counted toward aboveground density, provided that there are no dormers, windows, or skylights that are added to the attic space of the historic building. (Ord. 4, Series 1997)~~

E. Solar Devices:

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

photovoltaic device; ~~b~~2) on nonhistoric structures or additions; ~~e~~3) on an accessory structure; ~~d~~4) on the primary structure; and ~~e~~5) highly visible from the public street.

Amend Policy 9-1-19-6 A to clarify that height measurements for shed roofs should be measured from the highest roof element (not the average, which is allowed to encourage gable roofs).

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

A. Within The Historic District:

(1) Building height measurement shall be to the highest point of a flat, shed, or mansard roof or to the mean elevation of a ~~sloped~~ gable or hip roof.

(2) Maximum building height for all nonresidential, multi-family, duplex and single-family structures:

a. In land use districts 11, 17 and 18, and in those portions of land use districts 18₂ and 19 north of Lincoln Avenue or south of Washington Street, building height shall not exceed twenty six feet (26').

b. In those portions of land use districts 18₂ and 19 that lie between Lincoln Avenue and Washington Street, building height shall not exceed thirty feet (30').

B. Outside The Historic District:

(1) For all single-family residences or duplex units: Measurement shall be to the highest point of any roof element and shall not exceed thirty five feet (35').

(2) For all structures except single-family and duplex units outside the historic district: Building height measurement shall be to the highest point of a flat, shed, or mansard roof or to the mean elevation of a gable or hip roof. No building shall exceed the land use guidelines recommendation by more than two (2) full stories. (Ord. 22, Series 2006)

Amend Policy 6R to allow a project that incorporates mass into its roof to qualify for a positive point. Increase the potential for positive points for commercial/multi-family projects providing substantial stepping-down at the building's edge. Do not exempt single family and duplex units.

9-1-19-6R: POLICY 6 (RELATIVE) BUILDING HEIGHT (6/R):

(2) Outside The Historic District:

a. For all structures ~~except single-family and duplex units~~ outside the historic district: Negative points under this subsection shall be assessed based upon a project's relative compliance with the building height recommendations contained in the land use guidelines, as follows:

1 x (-1/+1)	1. It is encouraged that buildings incorporate the uppermost story density <u>and mass</u> into the roof of the structure, where no additional height impacts are created.
1 x (-1/+ 1 3)	<p>2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. <u>Buildings that step down one full story on the edges may be awarded +1 points. Buildings that step down two full stories may be awarded +2 points. Buildings that step down three full stories may be awarded +3 points. Roof forms should step down on at least two building edges that are visible to the public in order to qualify for positive points. Stepping down of building stories should occur in a cascading fashion, with drops of one floor at a time, rather than abrupt drops of two or three stories at once.</u></p> <p>Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.</p>

Amend Policy 7R to address the following:

- *Eliminate Section E. Site Privacy and instead incorporate privacy considerations into Section B. Site Buffering.*
- *Revise Section C. Retaining Walls to eliminate the specific reference to four foot walls (this height is what triggers that the wall be engineered and is a separate code requirement). Provide clarification that taller retaining walls, when they reduce overall site disturbance, are allowed without the assessment of negative points. In past applications, taller walls have been allowed but have been assessed negative points. This would represent a reset of this policy for future development applications.*
- *Revise the point assignments under Section B. Site Buffering to provide a 2 multiplier instead of 4, but then also increase the points to -4 and +4. This allows the same maximum positive and negative points that currently exists, but allows the points to be assigned in increments of 2 as opposed to 4. This would allow more flexibility in point assignments.*
- *Revise Section B. Site Buffering to make it clear that positive points are focused on tree preservation, distance separation, and berming and that new landscaping does not accrue positive points here but must be assigned under Policy 22R.*
- *Revise the point assignments under Section D. to provide a 2 multiplier instead of 4, but then also increase the points to -4 and +4. This allows the same maximum positive and negative points that currently exists, but allows the points to be assigned in increments of 2 as opposed to 4. This would allow more flexibility in, for example, assessing negative points for excessively long driveways.*
- *Eliminate the last sentence under Section D. because it is confusing and does nothing to improve the focus of the section.*
- *Eliminate the references to Significant Tree Stands or Specimen Trees and Treed Backdrop under Section G. Significant Natural Features because tree preservation is already addressed under Section B. Site Buffering.*

9-1-19-7R: POLICY 7 (RELATIVE) SITE AND ENVIRONMENTAL DESIGN:

2 x (- 2/+2)		<p>The town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.</p>
		<p>The existence of constraining physical conditions on some properties may render some portion(s) of these sites unsuitable for development. Constraining physical conditions may consist of, but are not limited to: ravines, the shape or topographical conditions of the specific property involved, adverse soils conditions and existing easements. As a result of these conditions, buildings and other aspects of development should be located elsewhere on the site. The development rights associated with the nondeveloped areas of the sites should either be transferred off site, in accordance with section 9-1-17-12 of this chapter, or incorporated into the remainder of the site. If they can be incorporated into the remainder of the site, it should be done in such a way to allow the development to remain consistent with the development character and function intent of the applicable land use district guideline(s) or approved master plan. Due to site characteristics, the acceptable intensities recommended in the land use guidelines or approved master plan may not be achievable.</p>
		<p>The overall design objectives shall be:</p>
		<p>- To blend development into the natural terrain and character of the site.</p>
		<p>- To minimize the negative impacts of off site views of grading and building massing.</p>
		<p>- To minimize site surface disruption; reduce the potential for erosion and other environmental degradation.</p>

			-	To generally develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well.
				Development plans will incur points based upon the criteria above and their design so as to:
2 x (-2/+2)	A.			Site Design And Grading: In order to reduce the amount of site disturbance, including vegetative removal, developments should be designed in a manner that minimizes the amount of cut and fill on a site, particularly those areas visible from adjacent properties and rights of way. Placement of buildings on the site should be accomplished in a manner that further minimizes new grading and any vegetative removal necessary for site access and drainage. Grading large areas to create a flat "benched" building pad is strongly discouraged unless disruption is planned to be minimized with a mechanical shoring method. The town must approve any such plan.
4 <u>2</u> x (-24/+24)	B.			Site Buffering: Developments should be buffered from adjacent properties and public rights of way <u>and should attempt to provide a maximum degree of privacy for occupants of both the site and surrounding properties.</u> To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (existing or proposed). Buffering between the developments and neighboring properties may include, but are <u>is</u> not limited to:
			-	<u>Preservation of Existing</u> mature tree stands <u>or specimen trees.</u>
			-	The physical distance from property edge to the development.
			-	New landscaping.
			-	Landscaped berms at the property perimeter.
				Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, <u>no</u> positive points <u>may be</u> awarded under this portion of this policy for new landscaping, or landscaped berms shall not be awarded p Positive points <u>for new landscaping shall be awarded</u> under section 9-1-19-22R , "Policy 22 (Relative) Landscaping", of this chapter.

2 x (- 2/+2)	C.	Retaining Walls: Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.
		Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case by case basis, but are not recommended for use in highly visible locations <u>visible from streets or public areas</u> .
		Smaller retaining wall systems, up to four feet (4') tall, that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that <u>incorporates taller retaining walls but</u> causes less site grading and complies with all other relevant development code policies is viable, then it should be strongly considered <u>shall not be assessed negative points because of its height</u> .
42 x (- 24/+24)	D.	Driveways And Site Circulation Systems: Driveways and circulation systems are encouraged to work efficiently with the existing topography rather than requiring excessive site disturbance to accommodate their installation. Design site Vehicular circulation systems, including driveways, parking areas, and delivery areas should be designed in a manner that results in the minimum site disturbance possible to provide safe access to the site.
		Garages should be located in a manner that eliminates the need for long or double switchback drives and reduces overall site disturbance. In some instances, this may require that a garage be placed in the front yard, or near a public right of way, rather than hidden behind a building. The reduction of site disturbance should offset any negative impacts related to the reduction of site buffers.
2 x (- 1/+1)	E.	Site Privacy: It is encouraged that developments, including buildings and site circulation be arranged to provide the maximum degree of privacy for the occupants of both the site and surrounding properties. It is encouraged that the location and design of potentially incompatible uses or structures within a development (including, but not limited to, trash enclosures, site lighting and noise generators) be designed and located in a manner that reduces the potential negative impacts on all neighboring properties. Maintaining extra privacy for drives and development, beyond the minimum setbacks, around the

			entire site perimeter is encouraged. These may include providing greater setbacks, natural or constructed screening.
2 x (0/+2)	F. -E.		Wetlands: Enhance wetlands, if present, beyond the requirements of the town's applicable regulations. Enhancements may include: the reintroduction of natural water flow, flora, fauna, and wildlife habitat.
2 x (- 2/+2)	G. F.		Significant Natural Features: Avoid development within areas of significant natural features, if present on site. Significant natural features may include, but are not limited to:
			- Significant tree stands or specimen trees.
			- Knolls or ridgelines.
			- Treed backdrop.
			- Rock outcroppings.

If development in these or similar areas can be avoided, then every effort should be made to do so. (Ord. 6, Series 2006)

Amend Policy 8A to clarify that positive points cannot be earned in other portions of the Code when the Absolute Policy 8 already contains specific requirements.

9-1-19-8A: POLICY 8 (ABSOLUTE) RIDGELINE AND HILLSIDE DEVELOPMENT:

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

The rooflines of structures shall mimic the contours of the topography, whether gently sloping or steep. Long, unbroken rooflines shall be no greater than fifty feet (50') in length. An applicant shall not be awarded positive points under section 9-1-19-6R for avoiding long, unbroken rooflines when done so to comply with this absolute policy.

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

Amend Policy 9A to revise the “Zero Setback” heading to identify it is intended to apply to commercial and related uses

9-1-19-9A: POLICY 9 (ABSOLUTE) PLACEMENT OF STRUCTURES:  

B. ~~Zero-Commerical, Industrial, and other Non-Residential~~ Setbacks: No portion of any structure including overhangs and projections shall be placed closer than one foot (1') to an adjacent property, except that commercial, office, industrial, or other similar developments may be allowed to be built at the property line in land use districts 11, 18₂, and 19. (Ord. 19, Series 1988)

Amend Policy 13R to clarify that 25% snow storage is the minimum amount desired and no positive points should be awarded for providing adequate snow storage. Negative points are retained. Also clarify that negative points are not warranted in a situation where a snowmelt system is employed.

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

4 x (- 2/+2)	Snow Storage Areas: Adequate space shall be provided within the development for the storage of snow.
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A. Size Of Storage Areas: It is encouraged that a functional snow storage area be provided which is equal to approximately twenty five percent (25%) of the areas to be cleared of snow. Specific areas to be cleared shall include the full dimensions of roadways, walkways, and parking areas. An exception to the above 25% functional snow storage area is allowed where an operating snowmelt system is installed.

B. Aesthetics: It is encouraged that snow storage areas be located away from public view whenever possible. (Ord. 19, Series 1988)

Amend Policy 14R to focus it on multi-family residential projects. The current policy “encourages” storage to be provided but then only assigns negative points. Negative points have never been assigned for lack of storage. Because the policy “encourages”, negative points are eliminated and the potential for positive points is added. Also clarify that closets and garages should not count towards positive points.

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

2 x (2 +2/0)	General: All <u>Multi-family residential</u> developments are encouraged to provide the types and amounts of storage that are appropriate to the development. Storage areas shall include storage space for vehicles, boats, campers, firewood, equipment and goods, and shall be located where they are most convenient to the user, and least offensive to the community. Interior storage of at least five percent (5%) of the
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building is encouraged. Closets and garages shall not count towards this interior storage percentage. (Ord. 19, Series 1988)

Amend Policies 15A and 15B to add a focus on recycling, as it is now a Town and community-wide value.

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

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

The town finds that individual refuse pick up for multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes, is inconvenient, inefficient and potentially hazardous in a community with a high percentage of short term rental units. Multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes shall provide a trash dumpster or compactor with an approved trash dumpster enclosure, which includes adequate space for recycling. (Ord. 27, Series 2000)

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

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

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

1 x (+2)

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

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

(+2) Dumpster and recycling sharing with neighboring property owners; and having the shared dumpster and recycling on the applicant's site. (Ord. 26, Series 2001)

Amend Policy 19A to eliminate the absolute policy regarding Loading, as this is not typically scrutinized in development review and the existing policy is in conflict with the standard practice in the Historic District of commercial loading on alleyways and on streets.

9-1-19-19A: POLICY 19 (ABSOLUTE) LOADING:  

It is required that loading areas be provided for all developments containing other than one and two-family residential uses. These loading areas shall provide adequate space suited to the loading and unloading of persons, materials and goods in relationship to the needs and requirements of the project. In no event shall such spaces infringe upon any public space or in any way decrease the safety and efficiency thereof. (Ord. 19, Series 1988)

Add a new Policy 19R for Loading, where positive points can potentially be awarded for projects that provide separate loading areas that do not interfere with traffic and pedestrian areas. Although underground parking areas are expensive, they could potentially be employed at some larger development sites.

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

<u>2 x</u> <u>(0/+2)</u>	- <u>Loading Areas: It is encouraged that adequate loading areas be provided for all commercial development. Where a development includes an exceptional approach to provision of loading (e.g., underground loading docks) and where loading areas are physically separated from pedestrian and vehicular traffic areas, positive points should be considered. Positive points shall not be awarded under this policy if positive points are earned under Policy 16R subsections (2) and (3).</u>
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Amend Policy 20R to clarify that points for recreational facilities should only be awarded for facilities that are available to the general public. Private recreational facilities can earn separate points under 24R Recreation and Leisure Amenities.

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

3 x (- 2/+2)	The community is based, to a great extent, on tourism and recreation; therefore, the provision of recreational facilities, both <u>available to the general public and private</u> , is strongly encouraged. Each residential project should provide for the basic needs of its own occupants, while at the same time strive to provide additional facilities that will not only be used for their own project, but the community as a whole. Commercial projects are also encouraged to provide recreational facilities whenever possible. The provision of recreational facilities can be on site or off site, public or private . (Ord. 9, Series 2006)
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Amend Policy 21R as follows:

- Clarify that the 30% open space requirement is based on the gross square footage of a property.
- Clarify the types of hardscape areas and small unusable landscaped areas that would not qualify as open space.
- Provide an exception within the Core Commercial Character Area 6, which encompasses the 100 South Main Street block and the 100 East Lincoln Ave block, from incurring negative points for not attaining the 15% threshold for open space. Buildings in this area are allowed to be built up to the property line to mimic the historic development pattern and thus it is difficult to obtain good useable open space in these areas.

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

3 x (-2/+2)	A.	Private Open Space:
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- (1) Residential Areas: It is encouraged that all residential developments or the residential portions of multiuse developments retain at least thirty percent (30%) of their ~~land~~ gross square footage of land area in natural or improved open space, ~~exclusive of Roadways~~ Streets and driveways, parking lots, sidewalks, decks, planter boxes, rooftop gardens, or small landscaping strips shall not count as open space. Where possible, open space shall be placed adjacent to rights of way and other public areas.

Exception for single-family residences outside conservation district: No positive points shall be awarded under this policy in connection with an application to develop a single-family residence located outside the town's conservation district. Negative points may be assessed under this policy if an application to develop a single-family residence outside the conservation district does not provide for the preservation of at least thirty percent (30%) of the site in natural or improved open space. (Ord. 1, Series 2003)

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

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

Amend Policy 22R as follows:

- Remove the section regarding planting of trees along public right of ways because it conflicts with a similar section in the subdivision code.

- Clarify that the rationale for Site Buffering is consistently addressed in the Code and focuses on screening from adjacent properties and public right of ways.
- Require drip irrigation systems to promote the Town's water conservation efforts.
- Eliminate the potential for +6 points for landscaping: no project has been awarded +6 points, and the provision encouraging the "most landscaping possible" may actually overwhelm sites at maturity.
- Insert additional measures that should be taken to receive +4 points for landscaping: incorporating the old provision from +6 points regarding largest possible size trees; and requiring that a water conservation checklist must be established for the property that includes a number of conservation measures.
- Eliminate references to plantings in different Zones because the focus is on screening and is not dependent on distance from the structure.
- Assign negative points for developments that provide larger areas of irrigated turf (500 square feet or more).
- Eliminate provision 13 because it conflicts with the open space policies regarding providing 30 percent open space.

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



2 x (-1/+3)	A.	All developments are strongly encouraged to include landscaping improvements that exceed the requirements of section 9-1-19-22A , "Policy 22 (Absolute) Landscaping", of this chapter. New landscaping installed as part of an approved landscape plan should enhance forest health, preserve the natural landscape and wildlife habitat and support firewise practices. A layered landscape consistent with the town's mountain character, achieved through the use of ground covers, shrubs, and trees that utilize diverse species and larger sizes where structures are screened from viewsheds, adjacent properties and public rights of way and other structures , is strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community.
	B.	To meet the goals described in subsection A of this section, compliance with the following relative landscape standards is encouraged. An application shall be evaluated on how well it implements the following:
		(1) At least one tree a minimum of eight feet (8') in height, or three inch (3) caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.
		(12) All landscaping areas should have a minimum dimension of ten feet (10').

		<p>(23) Development applications should identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings should be placed in locations on the property that result in adequate setbacks to preserve specimen trees and existing vegetation. Appropriate measures should be taken to prevent site work around these areas. Applicants should seek professional advice on these issues from experts in the field.</p>
		<p>(34) Landscaping materials should consist of those species that are native to the town, or are appropriate for use in the town's high altitude environment. The "Landscaping Guidelines" shall be used to evaluate those particular criteria.</p>
		<p>(45) Landscaping materials should consist of those species that need little additional water (over and above natural precipitation) to survive, or the applicant should provide an irrigation system on the property that complies with subsection B(6) of this section. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.</p>
		<p>(56) Installation, use, and maintenance of irrigation systems to ensure survival of landscaping in the long term is strongly encouraged until plant material is established. <u>Irrigation systems must utilize drip irrigation or similar irrigation utilizing low flow systems and the recycling of water are is strongly encouraged. Sprinkler systems may be used for lawn and sodded areas, but may be subject to negative points per this policy.</u> All approved irrigation systems should be maintained on an annual basis.</p>
		<p>(67) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces is encouraged to promote water quality.</p>
		<p>(78) In low traffic areas the use of permeable paving allowing precipitation to percolate through areas that would traditionally be impervious is encouraged.</p>
		<p>(89) Plant materials should be provided in sufficient quantity; be of acceptable species; and be placed in such arrangement so as to create a landscape that is appropriate to the town's setting and that complies with the historic district guidelines, if applicable.</p>

		(910) Not less than fifty percent (50%) of the tree stock installed on a property should include a variety of larger sizes, ranging up to the largest sizes (at maturity) for each species that are possible according to accepted landscaping practices. Such tree stock should recognize the town's high altitude environment, transplant feasibility, and plant material availability. The interrelationships of height, caliper, container size and shape must be in general compliance with the nursery stock standards.
		(1011) Not less than fifty percent (50%) of all deciduous trees described in the landscape plan should be multistem.
		(1112) Landscaping should be provided in a sufficient variety of species to ensure the continued aesthetic appeal of the project if a particular species is killed through disease. Native species are preferred.
		(13) Not less than fifty percent (50%) of that portion of the area of a project that is not being utilized for buildings or other impervious surfaces should be kept in a natural/undisturbed state. Native grasses, wildflowers, and native shrubs are desirable features to maintain.
		(1214) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of section 9-1-19-22A , "Policy 22 (Absolute) Landscaping", of this chapter is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.
	C.	Negative points shall be assessed against an application according to the following point schedule:
		-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties; and public rights of way and viewsheds ; the use of large areas of sod or other nonnative grasses that require excessive irrigation and <u>exceed 500 square feet in area</u> do not fit the character of the neighborhood ; the use of excessive amounts of exotic landscape species; and the removal of specimen trees that could be avoided with an alternative design layout.
	D.	Positive points will be awarded to an application according to the following point schedule. Examples of positive point awards are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this chapter.

		<p>+2: Proposals that provide some public benefit. Examples include: the preservation of specimen trees as a result of a new building footprint configuration to preserve the trees; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes (a minimum of 2.5 inch caliper for deciduous trees and 8 feet for evergreen trees); utilizing a variety of species; and the layering of ground covers, shrubs, and trees that enhances screening <u>from public rights of way and adjacent properties</u> and assists in breaking up use areas and creating privacy. In general, plantings are located within zone one.</p>
		<p>+4: Proposals that provide above average landscaping plans <u>and that include a water conservation checklist</u>. Examples include: all those noted under +2 points, in addition to the planting of trees that are of larger sizes (a minimum of 3 inch caliper for deciduous trees and 10 feet for evergreen trees) <u>and the largest sizes possible for their species</u>; utilizing a variety of species and the layering of ground covers, shrubs, and trees that enhances screening <u>from public rights of way and adjacent properties</u> and assists in breaking up use areas and creating privacy. A minimum of Fifty percent (50%) of all new planting should be native to the town and the remaining fifty percent (50%) should be adapted to a high altitude environment. In general, plantings are located within zone one and zone two. <u>A water conservation checklist must be prepared for the property that indicates a list of water conservation measures (a minimum of three measures) that will be utilized. Examples of these measures include rain sensors, use of water conserving grass species, irrigation timers, drip irrigation, and other conservation measures acceptable to the Town.</u></p>
		<p>+6: Proposals that provide significant public benefit through exceptional landscape plans. Examples include: all those noted under +2 and +4 points, and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under +4 points and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs, and trees to break up use areas, create privacy, and provide a substantial screening of the site. Seventy five percent (75%) of all new plantings should be native to the town and the remaining twenty five percent (25%) should be adapted to a high altitude environment. Plantings are located in zone one, zone two, and zone three. (Ord. 1, Series 2011)</p>

Amend Policy 24A to eliminate the tables regarding negative points for project densities in the Conservation District and to move them under Policy 24R, which is the relative policy where point assignments are more appropriately included.

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

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

B. Historic And Conservation District: Within the conservation district, which area contains the historic district (see special areas map¹⁰) substantial compliance with both the design standards contained in the "handbook of design standards" and all specific individual standards for the transition or character area within which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the district structures, sites and objects significant to its history, architectural and cultural values.

(1) Within the historic or conservation district, no historic structure shall be altered, moved, or demolished without first obtaining a class A or class B development permit from the town. Accompanying such approval to alter, move or demolish any historic structure shall be an application for a class A or class B development permit as required by code to authorize any proposed new development which shall take the place of a moved or demolished historic structure. The issuance of building permits for altering, moving, or demolishing a historic structure and the construction of a replacement structure shall be issued concurrently and shall not be issued separately. Moving a historic structure from its historic lot or parcel to another lot or parcel is prohibited.

(2) In addition to the procedural requirements of this chapter, an application for alteration, demolition, or moving of a historic structure shall be accompanied by a cultural survey prepared by a qualified person when required by the town.

~~(3) Within the Main Street residential/commercial, south end residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:~~

<u>Aboveground Density</u> <u>(UPA)</u>		<u>Point Deductions</u>	
-	-	-	-
9.01	9.50	-	-3
9.51	10.00	-	-6
10.01	10.50	-	-9

10.51	11.00	-	-	12	-
11.01	11.50	-	-	15	-
11.51	12.00	-	-	18	-
12.01 or more		-	-	See section 9-1-19-5A , "Policy 5 (Absolute) Architectural Compatibility", of this chapter	

(4) In connection with permit applications for projects within those character areas of the historic district specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), or "historic structure" or "landmark" as defined in this code, and in connection with permit applications for projects within the North Main residential, north end residential, and the east side residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>	-	<u>Point Deductions</u>
-	-	-
9.01-9.50	-	3
9.51-10.00	-	6
10.01 or more	-	See section 9-1-19-5A , "Policy 5 (Absolute) Architectural Compatibility", of this chapter

Amend Policy 24R to address the following:

- *Revise the points table for employee housing to limit positive points to +5 points (unless a 100 % deed restricted project) and remove the exemption for commercial and multi-family residential projects under 5,000 square feet in size.*
- *Eliminate the reference under E. Conservation District to Main Street, as it placed particular emphasis on Main Street whereas the Town's policy is to equally treat the entirety of the Historic District.*
- *Increase the negative points associated with moving historic structures. Recent input from the State Office of Historic Preservation has indicated a concern with moving historic structures from their historic location. The policy would still allow movement but additional negative points are intended to further dissuade this practice.*

9-1-19-24R: POLICY 24 (RELATIVE) SOCIAL COMMUNITY:  

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

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

Points	Percentage Of Project Density In Employee Housing	Examples Of Square Footage Conversion Of Percentage From Second Column Size Of Project In Square Feet (Density) (Point awards for actual projects shall be calculated using the first 2 columns of this table)				
		**4,000	5,000	10,000	20,000	50,000
-10	0.0	n/a	0	0	0	
-9	0.01 - 0.5	n/a	n/a	n/a	n/a	*250
-8	0.51 - 1.0	n/a	n/a	n/a	n/a	400
-7	1.01 - 1.5	n/a	n/a	n/a	*250	600
-6	1.51 - 2.0	n/a	n/a	n/a	400	900
-5	2.01 - 2.5	n/a	n/a	*250	500	1,100
-4	2.51 - 3.0	n/a	n/a	300	600	1,400
-3	3.01 - 3.5	n/a	n/a	350	700	1,600
-2	3.51 - 4.0	n/a	n/a	400	800	1,900
-1	4.01 - 4.5	n/a	n/a	450	900	2,200
0	4.51 - 5.0	n/a	*250	500	1,000	2,400
1	5.01 - 5.5	n/a	275	550	1,100	2,700
2	5.51 - 6.0	*250	300	600	1,200	2,900
3	6.01 - 6.5	275	325	650	1,300	3,200
4	6.51 - 7.0		350	700	1,400	3,400
5	7.01 - 7.5	300	375	750	1,500	3,600
<u>10***</u>	<u>100</u>	<u>***</u>	<u>***</u>	<u>***</u>	<u>***</u>	<u>***</u>
6	7.51 - 8.0	-	400	800	1,600	3,900
7	8.01 - 8.5	350	425	850	1,700	4,200

8-	8.51-9.0-	-	450-	900-	1,800-	4,400-
9-	9.01-9.5-	375-	475-	950-	1,900-	4,600-
10-	9.51-100-	400-	500-	1,000-	2,000-	4,900-

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

** ~~All single-family residential, and all other projects less than 5,000 square feet in density~~ shall not be assessed negative points for the nonprovision of employee housing, but such projects may be awarded positive points in accordance with the table set forth above.

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

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

3 x (0/+2)	B.	Community Needs: Developments which address specific needs of the community which have been identified in the yearly goals and objectives reports within the three (3) year period preceding the date of the application are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property. (Ord. 1, Series 2014)
4 x (- 2/+2)	C.	Social Services: Developments which provide social services are encouraged. Social services shall include, but not be limited to: daycare centers and nurseries, educational programs and facilities; programs and facilities for the elderly and the young; and other programs and facilities which will enhance the social climate of the community. This shall include theaters, playhouses, and any other developments which will promote the arts within the town. Positive points shall be awarded under this subsection only for the provision of social services which are located on the applicant's property. (Ord. 37, Series 2002)
3 x (0/+2)	D.	Meeting And Conference Rooms Or Recreation And Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of <u>9-1-19 24 A</u> this section is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this section <u>9-1-19 24 A</u> , shall not be assessed against the density

		and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this section <u>9-1-19 24 A.</u>) (Ord. 9, Series 2006)
3 x (-5/+5)	E.	Conservation District: Within the conservation district, which contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of any historic structure or any "town designated landmark" or "federally designated landmark" on the site (as defined in chapter 11 of this title) is the primary goal. Any action which is in conflict with this primary goal or the "handbook of design standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged. <u>Substantial compliance with the "handbook of design standards" is expected. Applications concerning development adjacent to Main Street are the most critical under this policy.</u>

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

Positive points shall be awarded according to the following point schedule for on site historic preservation, or restoration efforts, in direct relation to the scope of the project, subject to approval by the planning commission. Positive points may be awarded to both primary structures and secondary structures. Positive points are further limited where historic structures are proposed to be moved, per section F. below.

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

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

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

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

No structure shall be moved unless the structure is also fully restored in its new location with structural stabilization, a full foundation, repairs to siding, windows, doors and architectural details, and roof repairs to provide water protection. Where a historic structure is moved and negative points are assigned for the move under Section F. (1), then positive points for restoration work under Section E. (1) shall only be awarded to the extent that the restoration/preservation efforts exceed the requirements above (e.g., structural stabilization, a full foundation, repairs to siding, windows, doors and architectural details, and roof repairs).

(1) Moving Primary Structures:

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

~~-3~~ 10 points: Relocating of historic primary structures less than five feet (5') from its current or original location, keeping the structure on its original site, and maintaining the historic orientation and context of the structure and lot.

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

~~-15~~ 20 points: Relocating a historic primary structure more than ten feet (10') from its current or original location.

(2) Secondary Structures:

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

~~-1~~ 3 point: Relocating a historic secondary structure less than five feet (5') from its current or original location, keeping the structure on its original lot, and maintaining the historic orientation and context of the structure and site.

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

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

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

Amend Policy 25R to change the multiplier under this category to a “2” instead of “4”, but then change the points potential up to -4/+4. This will provide more flexibility in assigning points. For example, shuttle services for lodging are becoming a standard practice of doing business—some reward should still be considered for these but perhaps only +2 instead of +4, which is the minimum awarded now. Higher point assignments should be reserved for systems that serve the general public.

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

<p>44 x (24/+24)</p>	<p>Nonauto Transit System: The inclusion of or the contribution to a permanent nonauto transit system, designed to facilitate the movement of persons to and from Breckenridge or within the town, is strongly encouraged. Nonauto transit system elements include buses and bus stops, both public and private, air service, trains, lifts, and lift access that have the primary purpose of providing access from high density residential areas or major parking lots of the town to the mountain, etc. Any development which interferes with the community's ability to provide nonauto oriented transportation elements is discouraged. Positive points shall be awarded under this policy only for the inclusion of or the contribution to nonauto transit system elements which are located on the applicant's property. <u>Higher point assignments will be considered for transit systems available to the general public.</u> (Ord. 37, Series 2002)</p>
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Amend Policy 26A to address some minor housekeeping items.

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

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

- (1) Public Streets And Roadways: Public streets and roadways which lie wholly or substantially within a development and those which are adjacent to the development shall be either constructed or brought into compliance with the street development standards and policies of the town. This shall include the installation of street lighting and street signs ~~to town standards~~, as well as the repair of existing curb cuts that are no longer required, the installation of sidewalks, and all other required improvements.
- (2) Private Streets And Roadways: Private streets, roadways and driveways which intersect or connect with public streets and roadways shall comply with the provisions of the street development standards of the town.
- (3) Right Of Way Rehabilitation: Whenever disturbed, rights of way along public streets shall be rehabilitated and landscaped according to the provisions of the town.

B. Water: All developments must connect to the municipal water system or to another central water system which is approved by the town. The system utilized must have ready reserves in order to meet

the consumptive uses of treated water and the fire flow requirements of the development without reducing the level of service to existing customers.

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

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

D. Costs: All costs associated with the development as required herein shall be the responsibility of the applicant. (Ord. 19, Series 1988)

Amend Policy 27A to clarify timing of drainage permits.

9-1-19-27A: POLICY 27 (ABSOLUTE) DRAINAGE:  

A. Drainage Improvements: It shall be the responsibility of the applicant to provide drainage improvements as required by the town of Breckenridge municipal drainage standards, including downstream improvements necessary to adequately serve the project. The applicant shall provide engineered data, sufficient to indicate that the drainage from the proposed development will not adversely affect any downstream properties or the community as a whole.

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

Amend Policy 9-1-19-27R to encourage aesthetically attractive detention facilities.

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

3 x (0/+2)	Municipal Drainage System: All developments are encouraged to provide drainage systems that exceed the minimum requirement of the town and, if they so choose, to provide drainage improvements that are of general benefit to the community as a whole and not solely required for the proposed development. (Ord. 19, Series 1988)
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<u>1 x</u> <u>(-</u> <u>1/+1)</u>	<u>Stormwater Detention Ponds: Where stormwater detention ponds are included in developments, it shall be the goal to have aesthetically attractive detention ponds. The use of vegetation, including grass-lined ponds and swales is encouraged, provided they do not interfere with detention functions. Detention ponds which include minimal vegetation and large amounts of rocks, boulders, and unvegetated surfaces are discouraged.</u>
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Amend Policy 28A to provide an exception to the utilities undergrounding requirement when it applies to larger regional transmission lines. For example, the transmission line going near Airport Road has been exempted on a case-by-case basis on a number of development applications.

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

A. Underground Utilities: Within the area of the development and for any extensions off site, all utility lines shall be placed underground. For renovations, restorations and remodels that exceed thirty percent (30%) of the structure's estimated value prior to renovation, restoration or remodel, all utility lines on site shall be placed underground. An exception to this undergrounding requirement is provided for transmission lines carrying voltage of 33 kv or greater.

Amend Policy 29A to specific the file types required to be submitted for as-built construction drawings.

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

It is the policy of the town to regulate construction activities and their disruption of rights of way, private property and property survey monuments among other items, and thus require the following:

- A. Excavation And Encroachment Permit: If construction activities to be performed on an applicant's private property shall in any way encroach upon a public right of way or subject said right of way to any subsequent damage, or if an applicant proposes to construct in, on, or beneath any public right of way the applicant shall obtain an "excavation and encroachment permit" prior to beginning the work. Permit application and an accompanying engineered sketch plan shall be submitted to the town engineer for approval of any excavation in the public right of way including the installation of water, sewer, electrical, natural gas, telephone, and cable television mains or service laterals.

- B. Disruptions: Whenever it becomes necessary to physically disrupt the surface or subsurface of any public street, or through the course of construction the surface of the road is significantly deteriorated, the roadway shall be restored to its original condition or an improved condition by the developer in accordance with the provisions of the street development standards of the town and the specific requirements of the town excavation and encroachment permit issued for the project.

- C. Surface Rehabilitation: All surface disruptions associated with the installation of utilities shall be returned to the natural or naturally appearing grade, shall be properly treated for the surface discharge of water, and shall be revegetated with grasses or other suitable ground cover at a minimum. Paved and other similar surfaces shall be returned to their prior condition.

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

Eliminate Policy 30R because is narrowly applied to wood burning cooking appliances while other elements (e.g., grills and smokers) are not addressed. These appliances make up a minute portion of the overall emissions in the Town. Positive points were awarded in the past, 15 years ago, for projects that voluntarily agreed not to use wood burning devices. However, with the advent of Phase 2 certified wood stoves (required by the Code), it is no longer necessary to award positive points.

9-1-19-30R: POLICY 30 (RELATIVE) AIR QUALITY:  

A. Where wood burning appliances are permitted:

It is encouraged that all developments install alternative methods of heating, rather than wood burning appliances. To encourage the use of alternative methods of heating, the following point analysis shall be utilized to evaluate how well a proposal meets this policy:



-	-	0-	The installation of a wood burning appliance; or gas fireplace.
-	-	-2-	The installation of a wood burning cooking appliance in a restaurant or restaurant/bar combined.
2 x (0/+2)		B.	Beyond the provisions of section 9-1-19-30A , "Policy 30 (Absolute) Air Quality", of this chapter, other measures which are likely to reserve or enhance the quality of the air are encouraged. Measures which are effective over the long term are preferred. (Ord. 12, Series 2000)

Amend Policy 31A to add a provision allowing the Town to require ongoing water quality monitoring, which is essential in some development situations to ensure water quality is protected.

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

All drainage systems, grading, or earth disturbances shall be so designed and maintained as not to increase turbidity, sediment yield, or the discharge of any other harmful substances which will degrade the quality of water. All developments shall comply with the requirements of the Breckenridge water quality and sediment transport control ordinance¹¹. The Town may require ongoing water quality monitoring as a condition of development approval. (Ord. 19, Series 1988)

Eliminate Policy 32 A because the provisions are all very outdated and replaced by Building Code or Water Department requirements.

9-1-19-32A: POLICY 32 (ABSOLUTE) WATER CONSERVATION:  



A. All developments shall install the following water conservation devices and shall maintain them for the life of the project:

- (1) Low flush toilets: Three and one half ($3\frac{1}{2}$) gallons maximum per flush.
- (2) Low flow showerheads: Three (3) gallons maximum per minute.
- (3) Faucet aerator: Four (4) gallons maximum per minute.
- (4) Pressure reducing valve: Forty (40) to seventy (70) psi.

B. Water meters and remote readouts approved by and meeting the standards of the town are required.

C. A water check valve approved by and meeting the standards of the town. (Ord. 19, Series 1988)

Amend Policy 33 R to set a new standard for residential development regarding energy savings. A HERS rating will now only be incentivized for achieving one positive point. Positive points higher than that will be based on the percentage increased energy efficiency compared to a home built to comply with the existing Residential International Energy Conservation Code. A new table is added to further specify point assignments for outdoor heated spaces, based on past precedent. The table also addresses water features, providing an option to power with renewable sources and increasing the negative point assignments for powering water features with conventional power sources. A new section is also included that awards one positive point for projects that are built solar and electric vehicle ready.

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

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

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

For new construction, positive points will be awarded for the percentage of energy use reduction of the new residential structure compared to the same building built to the minimum standards of the Town's most recently adopted International Energy Conservation Code Residential Provisions. This shall mean, for an interim period, that the percent energy use reduction shall be compared to a

baseline 70 HERS/ERI score. Upon adoption by the Town of the 2018 International Energy Conservation Code, the percent energy use reduction shall be compared to the baseline ERI score required as established in the Code. As subsequent International Energy Conservation Codes are adopted by the Town, the percent energy use reduction shall be compared to the baseline ERI score required established in that Code.

For existing residential development, including minor additions (10 percent or less), positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) as compared to the energy consumption of the proposed structure remodel.

improvement in the HERS index when comparing the HERS index of the existing structure to the HERS index of the proposed structure with improvements. (Example: The percentage shall be calculated as follows: If the existing structure has a HERS index of 120, and has a HERS index of 70 as a result of the improvements proposed in the development permit application, there is a 41 percent improvement in the HERS index over the existing conditions (120-70=50; 50/120=0.41). Such improvement warrants an award of positive three (+3) points.)

Positive points will be awarded according to the following point schedule for new construction (prior to xx, 2018):

<u>Points</u>	<u>New Residential HERS Index New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard¹</u>
+1	Obtaining a HERS <u>or ERI</u> index
+2	61-80 <u>20% - 39%</u>
+3	41-60 <u>40% - 59%</u>
+4	21-40 <u>60% - 79%</u>
+5	1-20 <u>80% - 99%</u>
+6	0-100 <u>100%+</u>

¹International Energy Conservation Code (IECC) Residential Provisions.

<u>Points</u>	<u>New Residential HERS Index</u>	<u>Existing Residential (Prior To August 14, 2012); Percentage (%) Improvement Beyond Existing HERS Index</u>
-	-	-
+1	Obtaining a HERS index	Obtaining a HERS index
+2	61-80	10-29%
+3	41-60	30-49%
+4	21-40	50-69%
+5	1-20	70-99%
+6	0	110+%

Positive points will be awarded according to the following point schedule for existing structures (prior to xx, 2018) which undergo exterior remodels and/or minor additions (additions of 10 % or less):

<u>Points</u>	<u>Existing Residential (Prior To xxxx, 2018); Percentage (%) Improvement Beyond Existing² HERS/ERI Index</u>
+1	Obtaining a HERS index
+2	10 - 29%
+3	30 - 49%
+4	50 - 69%
+5	70 - 99%
+6	100+%

² Existing HERS/ERI rating shall be for the structure prior to any modifications. Where an existing HERS/ERI score exceeds 150, a maximum score of 150 shall be assigned to the existing structure as a baseline to compare energy improvements to.

- B. Commercial, Lodging And Multi-Family In Excess Of Three Stories In Height: New and existing commercial, lodging, and multi-family developments are strongly encouraged to take advantage of the positive points that are available under this policy by achieving demonstrable and quantifiable energy use reduction within the development. For new construction, positive points will be awarded for the percentage of energy use reduction of the performance building when compared to the same building built to the minimum standards of the adopted IECC¹². The percentage of energy use saved shall be expressed as MBh (thousand BTUs/hour).

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

				Points	New Structures; Percent Energy Saved Beyond The <u>IECC</u> Minimum Standards	Existing Structures (Prior To August 14, 2012); Percent Improvement Beyond Existing <u>Energy Consumption</u>
				+1	10% - 19%	10% - 19%
				+32	20% - 29%	20% - 29%
				+43	30% - 39%	30% - 39%
				+54	40% - 49%	40% - 49%
				+65	50% - 59%	50% - 59%
				+76	60% - 69%	60% - 69%
				+87	70% - 79%	70% - 79%
				+98	80%+	80%+

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

C. Excessive Energy Usage: Developments with excessive energy components are discouraged. ~~However, if the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public, then no negative points shall be assessed.~~ To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

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

D. Other Design Features:

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

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

E. General Provisions:

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

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

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

F. Sliding Scale Examples: ~~Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section [9-1-17-3](#) of this chapter.~~

~~(1) Heated Outdoor Spaces 1x(0/-3):~~

~~a. Zero points: For public safety concerns on public or private property such as high pedestrian traffic areas or small areas on private property which are part of a generally well designed plan that takes advantage of southern exposure and/or specific site features.~~

~~b. Negative points: Assessed based on the specific application of heated area. (For example, a heated driveway of a single family home compared to a driveway apron only; a heated patio). The points warranted are dependent on the specific project layout such as safety concerns, amount of heated area, design issues such as north or south facing outdoor living spaces, etc.~~

~~(2) Water Features 1x(0/-1):~~

~~a. Zero points: No water feature or features powered by an alternative energy source or feature utilizing less than four thousand (4,000) watts or less than five (5) horsepower.~~

~~b. Negative points: Based on the amount of energy (watts) utilized for the feature (large features of 4,000 watts or more, or 5 horsepower motor or greater).~~

Amend Policy 34A to: clarify intention to keep sediment from transporting to neighboring properties; eliminate a reference to a wildfire plan which has been superceded by defensible space requirements; and to provide an updated reference to the Town's flood prevention ordinance.

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

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

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

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

C. ~~Wildfire Hazard Potential: A wildfire plan shall be prepared and implemented for all areas designated with a "severe" wildfire rating and for all vegetated areas designated with a "hazard intensified due to slope" rating on the map of wildfire hazard and for all vegetated areas in excess of thirty percent (30%) slope. Such plans shall address wildfire prevention, mitigation, and control, and shall further incorporate the recommendations contained within "Wildfire Hazards; Guidelines For Their Prevention In Subdivisions And Developments", prepared by Colorado state forest service.~~

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

~~ED.~~ Floodplains: For all areas located within the special flood hazard areas as delineated on the flood boundary floodway map, the flood insurance rate maps and the flood insurance study, a plan of on site flood prevention, control and hazard mitigation shall be prepared and implemented according to the provisions of the Breckenridge flood damage prevention ordinance. (Ord. 3749, Series 20114988)

Amend Policy 35 A to clarify that subdivisions must comply with master plans.

9-1-19-35A: POLICY 35 (ABSOLUTE) SUBDIVISION:  

A. All subdivisions shall comply with the Breckenridge subdivision ordinance and applicable master plans.

Amend Policy 36A to only allow renewal of temporary structure permits if they meet all applicable Code provisions, such as architecture (e.g., to avoid seeing an aesthetically unattractive temporary structure to be in place for longer than three years).

9-1-19-36A: POLICY 36 (ABSOLUTE) TEMPORARY STRUCTURES:  

- A. Prohibited In Conservation District: The placement of temporary structures within the conservation district is prohibited, except when authorized by subsection F of this section or by a special event permit issued pursuant to [title 4, chapter 13](#) of this code.
- B. Discouraged Outside Conservation District: The placement of temporary structures outside of the conservation district is strongly discouraged.
- C. Temporary Structures Or Uses: Temporary structures as defined in section [9-1-5](#) of this chapter are subject to the following conditions:
 - (1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.
 - (2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.
 - (3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure, and shall be removed once a certificate of occupancy for the new structure has been issued.
 - (4) The holder of the development permit for a temporary structure shall provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the structure, site cleanup, and site revegetation, once a certificate of occupancy for the new structure has been issued. In addition, the holder of the development permit shall enter into an agreement with the town authorizing the town to take possession of the temporary structure and to dispose of the structure, without the town being accountable for any damages for the loss or destruction of the structure, if the permit holder fails to remove the structure within a reasonable period of time after a certificate of occupancy for the new structure has been issued.
 - (5) If a permit for a temporary structure is requested to be renewed, it may be approved subject to all other relevant development code policies, such as Policy 5A and 5R. This provision shall not apply to temporary tents and Seasonal Noncommercial Greenhouses.

Amend Policy 37A so that the definition of Riverwalk only extends north to Ski Hill Road. The policy allows for waivers from parking requirements and potential density bonuses in exchange for Riverwalk compatible amenities (e.g., landscaping, outdoor seating). The current definition extends further north to areas that do not directly abut the Riverwalk (alley and parking lots intervene) and these areas are recommended not to receive the same waivers and bonuses.

9-1-19-37A: POLICY 37 (ABSOLUTE) SPECIAL AREAS:  

Blue River: An applicant whose project is adjacent to, or separated by only an alley from, the Blue River shall comply with the following special conditions:

A. Applicant Participation In Riverwalk Area Improvements: An applicant whose project is within the Riverwalk area as defined below shall participate in the construction of those improvements set forth in the "Riverwalk improvement plan", as amended from time to time, or shall participate in any improvement district established by the town to develop the Blue River corridor.

(1) Definitions: As used in this subsection A:

OTHER RIVERWALK IMPROVEMENTS: An improvement constructed on private property within the Riverwalk which is not a Riverwalk compatible improvement.

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

RIVERWALK COMPATIBLE IMPROVEMENT: An improvement constructed on private property which is necessary or useful in order to provide greater visibility of or pedestrian access to the Riverwalk, and which helps a building to achieve a functional and aesthetic compatibility with the Riverwalk. Examples include, without limitation, a rear entry improvement, such as a porch; door; vestibule; window; landscaping; outdoor seating area or public gathering place, such as a deck or patio; or other decorative features consistent with design policies appropriate for the area.

(2) Limitation Concerning On Site Parking: An applicant for a project with an existing commercial use may not locate new or additional parking on site.



(3) Credit For Voluntarily Abandoned Parking Spaces: The parking requirement for any property within this area will be reduced to the extent of the number of functional parking spaces voluntarily abandoned by the property owner.

(4) Parking Requirement For Riverwalk Compatible Improvement: No additional parking shall be required as a result of the construction of a Riverwalk compatible improvement.

(5) Loss Of Parking Space Resulting From Construction Of Riverwalk Compatible Improvement: Where an applicant can demonstrate that one or more functional parking spaces could have been provided on land which has been used for the construction of a Riverwalk compatible improvement, the town shall waive the parking requirement for the number of functional parking spaces which were lost as a result of the construction of such Riverwalk compatible improvement.

(6) Development Agreement For Density Bonus: Notwithstanding anything contained in this chapter, the town council may, by development agreement, authorize the planning commission to review and approve (subject to compliance with all other applicable development policies of the town) a development permit containing a density bonus for qualifying development occurring within the Riverwalk under the following circumstances. The provisions of [chapter 9](#) of this title shall apply to any application for a development agreement submitted under this subsection A(6); provided, however, that no application fee normally required under section [9-9-8](#) of this title shall be required to be submitted in connection with such application.

Amend Policy 38.5 to align Home Childcare permits with Class D minor applications and to only require a permit renewal when ownership or location changes.

9-1-19-38.5A: POLICY 38.5 (ABSOLUTE) HOME CHILDCARE BUSINESSES:  

A home childcare business may be operated within the town only when authorized by a class B minor development permit. The following provisions shall govern the issuance, renewal and revocation of such development permit:

B. Application: An application for a development permit to operate a home childcare business shall be filed and processed pursuant to section [9-1-18-2](#) of this chapter. ~~Notwithstanding any fee schedule adopted pursuant to section [9-10-4](#) of this title, the fee for such application shall be based on the fee for a Class D minor development application, as set in the Department's fee schedule. twenty five dollars (\$25.00).~~

G. Term Of Permit: ~~The initial term of the development permit for the operation of a home childcare business shall be twelve (12) months, and may be renewed for like terms. A permit for the operation of a home childcare business remains valid as long as the same business owner runs the childcare business in the same location, and provided all other sections of this code are complied with. If the childcare business changes ownership or location, than the permit must be renewed and the process for renewal of permit under Section H. below must be adhered to.~~

H. Renewal Of Permit: The renewal of a development permit to operate a home childcare business shall be processed as a class D minor development permit application. Notwithstanding any fee schedule adopted pursuant to section [9-10-4](#) of this title, there shall be no fee for the renewal of a home childcare business development permit. The criteria for the renewal of a development permit for the operation of a home childcare business center shall be the same as for the issuance of a new development permit to operate a home childcare business; provided, however, that an applicant for renewal of an existing development permit to operate a home childcare business shall not be required to demonstrate compatibility of the home childcare business with adjacent properties and land uses.

Remove Policy 40 as it is antiquated and an early attempt to address short term rentals. The Town's existing short term rental regulations are more comprehensive.

9-1-19-40A: POLICY 40 (ABSOLUTE) CHALET HOUSES:  

~~A chalet house may be operated within the town only when authorized by a class D development permit. The following provisions, and not the provisions of section [9-1-18-4](#) of this chapter, shall govern the issuance of such permit: (Ord. 1, Series 2014)~~

~~A. Application Process:~~

~~(1) Preapplication Conference: A preapplication conference with a member of the community development staff shall be held prior to the submittal of an application.~~

~~(2) Application Requirements: The applicant shall file an application as required by subsection B of this section.~~

~~(3) Procedure:~~

~~a. Once a completed application and all accompanying materials have been submitted, the director shall give notice of the filing of the application by regular mail, postage prepaid, to the record owners of those properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated, and notice of the filing of the application shall likewise be posted in a conspicuous place on the premises upon which the chalet house is proposed to be operated. The required notices shall be mailed and the premises posted not less than eleven (11) days prior to the earliest date upon which the application will be determined by the director. Such notices shall advise interested parties of the earliest date upon which the application will be determined by the director, and shall direct such interested parties to file their written comments concerning the application with the director by such date. For purposes of this policy, "properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated" shall include only those properties located on any side of the lot or parcel of real estate upon which the chalet house is proposed to be operated. Adjacency shall not be affected by the existence of a public street, alley, easement (public or private) or a right of way.~~

~~b. The director shall render a decision on the application not earlier than the date set forth in the notices. The director shall approve or deny the application based upon the requirements of this policy. If the director approves the application, such approval shall include as conditions the provisions of subsection E of this section, together with such other conditions as the director may determine to be required to achieve compliance with the intent of this policy. In addition, the director shall have the right within seven (7) days following receipt of the completed application to reclassify the application as a class C application and to process it accordingly.~~

~~c. The director shall notify the applicant and all interested parties who have filed written comments concerning the application of the approval or denial of the application. Such notification shall be made by mail. The time for an appeal of the director's decision as provided in subsection G of this section shall commence with the mailing of the notice of the director's decision.~~

~~d. All of the director's decisions with respect to applications submitted pursuant to this policy shall be forwarded to the planning commission for their information only.~~

~~B. Application Requirements: An application for a development permit to operate a chalet house shall be made by the owner of the property upon which the chalet house will be operated. Such application shall be made on an application form supplied by the director, and shall include the following:~~

~~(1) A fee as required by the town's development fee schedule.~~

~~(2) The location, legal description and proof of ownership of the premises upon which the chalet house is proposed to be operated.~~

~~(3) A floor plan of the property upon which the chalet house is proposed to be operated.~~

~~(4) A site plan of the property upon which the chalet house is proposed to be operated. Such plan shall contain such information as the director may require, but shall at a minimum demonstrate that adequate parking and circulation for the operation of the chalet house is to be provided, and how other identified impacts of the use will be mitigated on site.~~

~~(5) Written statement from the building official that the premises upon which the chalet house is proposed to be operated has been inspected and is in compliance with the town's building and technical codes with respect to the use of the premises as a chalet house, or a statement of any deficiency which must be corrected in order for such premises to be brought into compliance. The applicant shall pay to the building official a fee as provided in the town's building code¹⁵.~~

~~(6) A list of the record owners of properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated as defined in subsection A(3) of this section.~~

~~(7) Such other and further information as the director may require in order to determine if the application satisfies the requirements of this policy.~~

~~C. Parking Requirement: No application for a development permit to operate a chalet house shall be approved unless the director determines that the following parking requirements have been satisfied:~~

~~(1) Parking for a chalet house shall be provided in an amount equal to that which would be required for the premises upon which the chalet house is proposed to be operated classified as a single family residence.~~

~~(2) All parking for a chalet house shall occur on site, unless an adequate off site location is approved by the director. The director shall not approve off site parking for a chalet house located outside the conservation district, or if the use of such off site parking will significantly disrupt the surrounding area. Before approving off site parking for a chalet house, the director shall require proof of the applicant's legal right to use such off site location for parking associated with the operation of the chalet house. If, during the time the development permit is in effect, the permittee loses the legal right to use the off site location for parking, all parking for the chalet house which is subject to such permit shall be provided on site or at such other off site location as shall meet the requirements of this subsection C.~~

~~(3) No vehicle with a passenger capacity of sixteen (16) persons or more shall be used to transport guests to or from a chalet house, or parked upon premises for which a development permit for the operation of a chalet house has been issued.~~

~~D. Compliance With Building And Technical Codes: If the written statement of the building official submitted with the application for the development permit discloses that the premises upon which the chalet house is proposed to be operated is not in compliance with the town's building and other technical codes with respect to the use of such premises as a chalet house, such premises shall be brought into compliance and a certificate of compliance issued therefor prior to the use of the premises as a chalet house. The building official shall have the authority to conduct periodic inspections of the chalet house in order to determine continuing compliance with such codes.~~

~~E. Permit Conditions: In addition to such other conditions as may be imposed by the director, a development permit to operate a chalet house shall include the following conditions, compliance with which is a condition of such permit for so long as such permit exists:~~

~~(1) Operation Of The Chalet House:~~

~~a. A chalet house shall be operated at all times so as to be compatible with adjacent properties and uses.~~

~~b. The operation of a chalet house shall not create disturbances or impacts beyond those normally associated with a single family home.~~

~~c. A chalet house shall be operated at all times in compliance with the parking requirements set forth in subsection C of this section.~~

~~(2) Number Of Bedrooms Allowed; Maximum Occupancy: The number of bedrooms in a chalet house used for guest and management occupancy shall not exceed the number of bedrooms authorized in the most recent development permit which specifies the number of permitted bedrooms for the property, except as otherwise approved under a chalet house permit. Occupancy of a chalet house shall not exceed that allowed under the town's building and other technical codes.~~

~~(3) Water PIFs: The water plant investment fees for a chalet house shall be charged and paid in an amount equal to that which would be required for the premises upon which the chalet house is proposed to be operated classified as a single family residence.~~

~~(4) Signage: No signage shall be permitted for a chalet house, except for a single sign not to exceed one and one half (1^{1/2}) square feet in area as provided in subsection [8-2-12D12](#) of this code. A chalet house sign shall be subject to all of the provisions of the town's sign code ([title 8, chapter 2](#) of this code), including the requirement that a sign permit be obtained prior to the placement of such sign.~~

~~(5) Term: The term of the development permit for the operation of a chalet house shall be twenty four (24) months, and may be renewed for like terms. A renewal of a development permit shall be processed in the same manner as an application for a new permit. A development permit for the operation of a chalet house runs with the land, and the benefits and burdens of such permit run to any subsequent owner of the property for which the permit was granted unless and until such permit is modified, revoked or terminates as provided herein.~~

~~(6) Revocation Of Permit: A development permit for the operation of a chalet house may be revoked by the planning commission following a hearing. Such permit may be revoked for noncompliance with the terms and conditions of the development permit which authorizes the operation of the chalet house, the terms and conditions of this policy, or a violation of other applicable state or local rules, regulations, statutes and ordinances. Notice of the hearing on the proposed revocation shall be given in writing to the holder of the permit at the address for the permit holder shown on the development permit, or such other address as may have been provided to the town by the permit holder. Such notice shall set forth the grounds for the proposed revocation and the time and place of the hearing. Such notice shall be mailed to the permit holder, postage prepaid, at least ten (10) days prior to the date set for the hearing. At the hearing the permit holder may appear with or without counsel and present such evidence as may be relevant. The decision of the planning commission with respect to a proposed revocation of a development permit for the operation of a chalet house shall be subject to the call up process applicable to a class C application as set forth in section [9-1-18-5](#) of this chapter, except that notice of the call up hearing before the town council shall be given to the permit holder in the manner provided above.~~



~~(7) Compliance With BOLT And Sales Tax Requirements: The holder of a permit to operate a chalet house shall: a) obtain a license as required by the town's business and occupational tax ordinance ([title 4, chapter 1](#) of this code), b) maintain such license in full force and effect throughout the duration of the permit to operate the chalet house, and c) pay all taxes lawfully due to the town arising from the operation of the chalet house as required by the town's business and occupational tax and sales tax ordinances. No~~

permit to operate a chalet house shall be issued or renewed if, at the time of such issuance or renewal, the holder or proposed holder of such permit owes past due taxes to the town under the town's business and occupational tax and sales tax ordinances arising from the operation of a chalet house.

F. Relationship To Section 9-1-22: To the extent the provisions of this policy are inconsistent with the provisions of section [9-1-22](#) of this chapter, the provisions of this policy shall control.

G. Appeal Of Decision Of Director: The decision of the director with respect to an application for a development permit to operate a chalet house may be appealed by the applicant or any person who has filed written comments concerning the application within seven (7) days after the director has mailed notice of the director's decision as provided in subsection A(3)c of this section. An appeal shall be taken by filing written notice with the department of community development within such seven (7) day period. A facsimile transmission of a notice of appeal which is received by the department of community development within such seven (7) day period shall be accepted so long as the original notice is mailed by the appealing party to the director by regular mail concurrently with the sending of the facsimile transmission. Such notice shall specify the error allegedly committed by the director with respect to the application of this policy. If no appeal is filed within the seven (7) day period, the decision of the director shall be final. If an appeal is filed, the application shall automatically become a class C development permit application and shall be reviewed by the planning commission and town council under the provisions of section [9-1-18-3](#) of this chapter. Appeals shall be filed on forms provided by the town. In addition, the appealing party shall be responsible for paying any additional fees required for the review of a class C application, over and above those fees already paid for review of a class D application. (Ord. 7, Series 1995)

Amend Policy 42 A to reference the Town's Noise Ordinance and to eliminate the requirement of a development permit for outdoor speakers.

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

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

Amend Policy 43 to create a new section that outlines how murals will be addressed outside the Conservation District.

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

A. An application for a Class C or Class D minor development permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The Public Art Advisory Committee of Breckenridge Creative Arts shall not review such applications,

except for murals described under C.7. below, unless specifically requested to do so by the Planning Commission.

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

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

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

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

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

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

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

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

(7) All applications for murals shall be referred to the Town's Public Art Advisory Committee of Breckenridge Creative Arts for its review and comments. The Public Art Advisory Committee of Breckenridge Creative Arts shall review the mural at a meeting and shall make a recommendation as to whether the application should be approved, approved with modifications, or denied. The artist shall provide a rendering of the proposed mural, including a site plan and building elevations so the location and scale can clearly be understood. In its review of a mural application, the Public Art Advisory Committee of Breckenridge Creative Arts shall consider the Site and Artwork Selection Criteria included in the Breckenridge Public Art Program Master Plan and Policy.

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

Amend Policy 44 A to eliminate reference to banners, which are prohibited.

9-1-19-44A: POLICY 44 (ABSOLUTE) RADIO BROADCASTS:  

A class D development permit shall be obtained to authorize a radio broadcast. Such application may be combined with a ~~class D minor development permit application for a banner and/or~~ a class D minor

development permit application for a temporary structure. An application for a development permit to authorize a radio broadcast shall be subject to the following:

Amend Policy 45 A because Special Commercial Events are regulated under the Town's Special Event Ordinance, Title 4, Chapter 13 of the Town Code.

~~9-1-19-45A: POLICY 45 (ABSOLUTE) SPECIAL COMMERCIAL EVENTS:~~  

~~A class D minor development permit may be issued to authorize a special commercial event. An application for a development permit to authorize a special event shall be subject to the following: (Ord. 40, Series 2002; amd. Ord. 1, Series 2014)~~

~~A. A special commercial event permit issued pursuant to this policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; temporary tents; display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and distribute commercial handbills to promote and advertise the special commercial event and its participants. (Ord. 29, Series 2015)~~

~~B. No permit for a special commercial event shall be issued unless the reasonably anticipated impacts of such event are adequately mitigated. The town shall have the power to impose reasonable conditions on such permit in accordance with section [9-1-17-7](#) of this chapter when necessary to protect the public health, safety and welfare. Such conditions may include, without limitation: 1) restrictions on location, hours of operation, and parking; 2) requirements for trash collection, removal and disposal; 3) restrictions on noise; 4) requirements for sanitation; 5) requirements for traffic control and security; and 6) requirements for the cleanup of the site following the conclusion of the special commercial event.~~

~~C. If a special commercial event is to be held on property which does not belong to the nonprofit sponsor, written approval from the owner of the property where the special commercial event is to be held shall be submitted along with the development permit application. (Ord. 40, Series 2002)~~

~~D. If a special commercial event is to be held on property owned by the town, the nonprofit sponsor shall obtain permission to use the property from the town manager and shall, at its cost, obtain and maintain in effect throughout the special commercial event commercial general liability insurance with limits of liability not less than one million dollars (\$1,000,000.00), or such higher limits of liability as the town manager may require based upon the nature of the special commercial event and other relevant factors. The town shall be named as an additional insured under such insurance policy. (Ord. 28, Series 2013)~~

~~E. The following provisions of this code shall not apply to a special commercial event conducted pursuant to a development permit issued under this policy, unless the application of such provision is made an express condition of the permit:~~

~~(1) Section [9-1-19-36A](#), "Policy 36 (Absolute) Temporary Structures", of this chapter (prohibition against use of temporary structures).~~

~~(2) Section 9-1-19-44A, "Policy 44 (Absolute) Radio Broadcasts", of this chapter (pertaining to live, remote radio broadcasts).~~

~~(3) Section 5-8-9 of this code (prohibition against the use of sound for advertising).~~

~~(4) Section 8-2-15 of this code (prohibition against off premises signs and banners, prohibition against use of attention getting devices, and prohibition against use of sandwich board signs only).~~

~~(5) Section 11-5-3, "Limitation On Manner Of Distributing Commercial Handbills In Public Places", of this code.~~

~~To the extent that any of the provisions set forth above conflict with the provisions of this policy, the provisions of this policy shall control. (Ord. 40, Series 2002)~~

~~F. One class D minor development permit may authorize more than one special commercial event, if all of the special commercial events will occur on the same property. No such permit shall be valid for more than six (6) months from the date of issuance. (Ord. 1, Series 2014)~~

Amend Policy 47 A to: clarify circumstances where a landscape wall would be allowed; and to change the process where a property owner may construct a fence next to a public trail so that the process is now administrative and does not require a variance hearing with the Planning Commission.

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

MONUMENTS:

- A. General Statement: The welfare of the town is based to a great extent on the character of the community, which includes natural terrain, open spaces, wildlife corridors and wooded hillsides. The installation of fences and privacy gates in residential areas can erode this character by impeding views, hindering wildlife movement and creating the image of a closed, unwelcoming community. It is the intent of the town to prohibit fences in most situations in areas outside of the conservation district in order to: maintain the open, natural and wooded alpine character of the community; establish mandatory requirements for the erection of allowed fences in other parts of the town; allow for fences on small lots in master planned communities; regulate the design of gateway entrance monuments; and prohibit privacy gates anywhere within the town.
- B. Within The Conservation District: Fences within the conservation district shall be reviewed under the criteria of the "Handbook Of Design Standards For The Historic And Conservation District". Where fences are required by law and the proposed fence design does not meet the handbook of design standards, the planning commission may approve an alternate design if all of the following required criteria are met: 1) the project as a whole is in substantial compliance with the "Handbook Of Design Standards For The Historic And Conservation Districts"; 2) the alternate fence design does not have a significant negative aesthetic impact on the development and it complies as much as feasible with the handbook of design standards; 3) a fence design that meets the "Handbook Of Design Standards For The Historic And Conservation Districts" could not meet the design required by law.
- C. Outside The Conservation District: Fences and landscape walls are prohibited outside the conservation district, except the following fences and landscape walls are permitted when constructed in accordance with the design standards described in subsection D of this section:

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

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

- (1) Fences in residential areas shall be constructed of natural materials, and may be either a split rail, buck and rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. Fences of other materials or designs are prohibited. (Exception: Where an applicant can demonstrate to the satisfaction of the town that an alternative material would be architecturally compatible with the surrounding neighborhood, the director may authorize such materials.) Fences in residential areas shall have a maximum solid to void ratio of one to three (1:3) (example: 1 inch of solid material for every 3 inches of opening). Solid privacy fences are prohibited, except for short lengths of fencing used to screen hot tubs, if they comply with subsection D(9) of this section.
- (2) PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural logs are preferred.

(3) Pet fences shall be located in a rear or side yard or where the fence is not visible from a public right of way. Pet fences shall be located to minimize their visibility to the greatest extent possible, which in most instances will require the fence to be located behind or to the side of a structure. Pet fences may incorporate a wire mesh material to control pets. The wire mesh may be installed vertically on the fence, or may extend horizontally over the top of the enclosed pet area, or both. The maximum area of a fenced pet enclosure shall be four hundred (400) square feet. Pet fences are limited to fifty four inches (54") in height, and shall have a maximum solid to void ratio of one to three (1:3).

(4) Fences around children's play areas shall be located in a rear or side yard where possible, or where the fence is not visible from a public right of way, which in most instances will require the fence to be located behind or to the side of a structure. The fence may incorporate a wire mesh material to enclose the yard. The maximum area of a fenced children's play area on private property shall be four hundred (400) square feet. Fences around children's play areas are limited to fifty four inches (54") in height, and shall have a maximum solid to void ratio of one to three (1:3). Fencing at state licensed childcare centers may exceed four hundred (400) square feet if required by their state license.

(5) Fences around ball fields, tennis courts, or other outdoor recreation areas shall use black or dark green coated chainlink fencing, steel or aluminum, or wood. Uncoated or galvanized chainlink fencing is prohibited. This standard applies to fencing of both public and private recreation areas. Wind privacy screens may be incorporated into the fence.

(6) Fences at outdoor swimming pools shall be constructed of steel or aluminum tubing or wood, and may include a tempered glass windscreen. Chainlink fencing is prohibited. The use of acrylic glass or plexiglas is prohibited, except at access control points in an amount sufficient to prevent unauthorized users from reaching inward to unlock or open gates.

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

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

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

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

(11) Fences approved by the town to delineate public trails or protect open spaces shall be constructed of natural materials, and shall be either a split rail, buck and rail, or log fence design because such designs

have a natural appearance, blend well into the natural terrain, and have an open character. These fences should be designed to accommodate wildlife, and may be substantially different from fences on residential or commercial properties, due to the unique needs and goals of public trails and open spaces.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~K. Variance: The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that: 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Subsection 9-1-11D of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section. (Ord. 20, Series 2011)~~

Amend Policy 49 A to provide the same three year permit validity for large or small vendor carts. Staff has had no issues with permit renewals for small vendor carts and it is unnecessary to require the renewals annually.

9-1-19-49A: POLICY 49 (ABSOLUTE) VENDOR CARTS:  

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

Amend 9-1-20 to eliminate references to two old maps that are no longer used.

9-1-20: SPECIAL AREAS MAPS IDENTIFIED:  

Blue River walkway.

Breckenridge Historic District.

Community entrance.

~~Geologic hazards.~~

~~Wildfire hazards.~~ (Ord. 19, Series 1988)

Amend the Town’s Off Street Parking regulations 9-3-8 to alter the parking requirements outside the Conservation District to: include the accessory apartment parking requirement; eliminate the Industrial classification and instead break it into Manufacturing and Warehouse; change the requirement for Gas Station/Convenience Markets; change the parking requirement for restaurants to be based on square footage rather than seating; add a supermarket/grocery store category with a parking requirement, add additional parking space requirements for larger single-family residences.

9-3-8: OFF STREET PARKING REQUIREMENT:  

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

Land Use Category	Number Of Required Off Street Parking Spaces (Per TSF-GFA* Unless Otherwise Noted)
Residential:	
Single-family	1.1
Duplex	1.1
Multi-family; efficiency, studio	1.1
Multi-family; 1 bedroom plus	1.1
Condominium; efficiency, studio	1.1
Condominium; 1 bedroom plus	1.1
Divisible unit	1.1

Lodging, hotel, motel	1.1
Dormitory	1.1
Commercial:	
Retail sale, commercial:	
General retail, commercial	1.4
Supermarket	2.5
Financial	1.9
Office:	
General office	1.4
Government office	2.2
Auto service station	3.0 per bay plus 1 per pump
Restaurant, sit down	3.5
Auditorium, theater	0.3 per seat
Church	0.5
Convention center	3.1
Library, museum	1.8
Medical/dental clinic	3.3
Commercial recreation	2.0

*TSF-GFA = 1,000 square feet of gross floor area.

Note: If the required parking is less than 1 space, and for any fractional parking space required, the applicant shall be required to pay the in lieu fee provided in section [9-3-12](#) of this chapter.

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

Residential:	
Single-family	2.0 per dwelling unit*

Duplex	1.5 per dwelling unit
<u>Accessory apartment</u>	<u>1.0 per dwelling unit</u>
Multi-family:	
Efficiency - studio	1.0 per dwelling unit
1 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
Condominium:	
Efficiency, studio, 1 bedroom	1.0 per dwelling unit
2 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
Lodging, hotel, motel	1.0 per guestroom
Dormitory	0.5 per bed
Schools:	
Elementary and junior high	2 per classroom
High school	1 per 4 students and faculty
College	1 per 4 students and faculty
Commercial:	
Retail sale, commercial and office	1 per 400 square feet GFA (minimum 2 per building)
Construction - contracting	1 per 200 square feet plus 1 loading bay per 1,000 square feet
Industrial use	1 per 400 square feet plus 1 loading bay per 1,000 square feet
<u>Manufacturing</u>	<u>1 per 400 square feet</u>
<u>Warehouse</u>	<u>1 per 1,000 square feet</u>
Auto service stations – Gas Station/Convenience Market	3 per service bay plus 1 per pump plus 1 per 250 square feet GFA
Restaurants - sit down, <u>breweries, and distilleries</u>	1 per <u>125 square feet</u> 4 persons capacity
Restaurants - drive-in	1 per 100 square feet GFA
<u>Supermarket/grocery store</u>	<u>1 per 250 square feet GFA</u>

Auditoriums - theaters	1 per 4 seats
Churches	1 per 6 seats
Convention center facility	By special review of the director and planning commission
Library and museum	1 per 500 square feet GFA
Medical and dental clinics	1 per 300 square feet GFA
Hospital	1 per 3 beds
Commercial recreation indoor and outdoor	By special review of the director and planning commission

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

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

(Ord. 31, Series 2014; amd. Ord. 9, Series 2015)

Amend the Town’s Off Street Parking regulations Section 9-3-9 to:

- ***Update the lighting provisions in Section E. for parking lots to include LEDs and comply with the International Dark Sky Association guidelines and other similar community lighting ordinances (Sedona, Ketchum).***
- ***Revise Section I regarding parking lot location to ensure that parking is setback from the property line with the expectation that snow storage may be placed in these areas.***
- ***Remove section K. Snowstacking because it conflicts with the snow storage requirements in 9-1-19-13***

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

1. The parking lot lighting shall not exceed IESNA recommended foot-candle levels and applications are encouraged to use the lower end of the range. This information shall be provided by a registered Colorado engineer. ~~have an average surface illumination of not less than 0.2 foot candle or more than 1.5 foot candles.~~

2. All lights shall be designed, located and arranged so as to reflect the light away from adjacent streets and structures. fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property’s designated lighting zone per Section 9-2-11.

3. All lights shall be level mounted and eighty five (85) degrees full cut off fixtures.

4. All fixtures shall be a minimum of half the distance of the length of the pole (e.g. An eighteen foot (18') pole shall be a minimum of nine feet (9') from the property line).

4. Lighting fixtures shall not exceed 3000 kelvin. LEDs shall use filtered LEDs for a warm white color to minimize blue light emission.

6. Foot-candle levels shall not exceed two tenths foot-candles (0.2) at a property line, unless for safety ingress/egress as determined by the Director.

4. Parking lots are encouraged to be greater in number and lower to grade than have a reduced number and increased height.

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

G. Heated Driveways: Driveway heat systems shall terminate at the property line. If the system extends into the public right of way, a separate zone must be created for that portion of the system and accommodations must be made to reduce the impacts of the melted drainage at the snow/melted interface. A revocable license agreement acceptable in form and substance to the town attorney must be approved by the town and executed prior to the issuance of a certificate of occupancy.

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

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

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

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

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

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

~~K. Snow Stacking: All off street surface parking facilities shall provide a minimum of sixty (60) square feet of snow stacking space for each parking space. Such space shall be so located as to reasonably facilitate the snowplowing process. The snow stacking space shall be landscaped in such a manner as not to interfere with the snow stacking process.~~

Amend Title 9, Chapter 9 of the Town Code to address submittal timelines for development agreements. There currently is not submittal timeline specified.

9-9-9: SUBMITTAL REQUIREMENTS:  

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

9-9-10: PROCEDURE:  

Upon receipt of a completed application for approval of a development agreement, the following procedures shall be followed:

- A. ~~Within sixty (60) days f~~ Following receipt of a completed application the director shall cause the application to be scheduled for preliminary discussion at a town council work session held as part of a regular or special town council meeting. The work session discussion may be continued if necessary to complete the council's preliminary discussion of the proposed development agreement. The director shall provide an analysis of the anticipated planning impacts of the proposed development agreement, and such other information and analysis as the town council shall require. Upon the conclusion of the town council's preliminary discussion of the proposed development agreement, the council shall determine whether to: 1) terminate further discussions concerning the proposed development agreement, in which case all proceedings concerning the proposed development agreement shall terminate, or 2) commence proceedings for the approval of the requested development agreement. At any point prior to final action on an ordinance to approve a proposed development agreement the town council may, in its discretion, refer the matter to the planning commission for its review and comment. If so referred, the proposed development agreement shall be reviewed by the planning commission as provided in subsection B of this section. If a proposed development agreement is referred to the planning commission, the town council shall not take final action on an ordinance to approve a proposed development agreement until it has received and considered the recommendation of the planning commission.

Amend Title 9, Chapter 12 of the Code to:

- ***Update the Exterior Lighting provisions to add definition for LED lighting and to identify acceptable types of lighting***
- ***Provide clarification for lighting requirements in soffits***
- ***Specify requirements for photometric plans***
- ***Other minor clarifications***

Chapter 12
EXTERIOR LIGHTING REGULATIONS

9-12-1: TITLE:

9-12-2: FINDINGS:

9-12-3: PURPOSE:

9-12-4: LEGISLATIVE FINDINGS REGARDING ELIMINATION OF NONCONFORMING LIGHTING FIXTURES:

9-12-5: AUTHORITY:

9-12-6: APPLICABILITY; COMPLIANCE DATE:

9-12-7: DEFINITIONS:

9-12-8: EXEMPTIONS:

9-12-9: PROHIBITED LIGHTING:

9-12-10: LIGHTING ZONES:

9-12-11: LIGHTING STANDARDS:

9-12-12: LIGHTING STANDARDS FOR SPECIFIC USES:

9-12-13: RELIEF PROCEDURES:

9-12-14: VIOLATIONS; PENALTIES; ENFORCEMENT:

9-12-1: TITLE:

This chapter shall be known and may be cited as the *TOWN OF BRECKENRIDGE EXTERIOR LIGHTING ORDINANCE*. (Ord. 21, Series 2007)

9-12-2: FINDINGS:

The town council of the town of Breckenridge hereby finds and determines that:

- A. The welfare and enjoyment of the town is associated with its small town character;

- B. Because of the importance of the view of the stars in the night sky to the town's residents and visitors, it is important that the town adopt responsible lighting standards to preserve that view;

- C. Preserving and protecting the night sky enhances the use and enjoyment of property through the use of appropriate lighting practices;

- D. The town values the practice of energy conservation, and because of the town's devotion to energy conservation, emphasis on responsible lighting practices is desired to decrease the human impact on the environment; and

E. Individual pole and building mounted fixtures and lighting systems should be designed, constructed, and installed to: 1) preserve the town's small town character; 2) minimize impacts on adjacent property owners; 3) control glare and light trespass; 4) conserve energy; 5) maintain safety and security of people and wildlife; and 6) maintain the view of the stars in the night sky. (Ord. 21, Series 2007)

9-12-3: PURPOSE:

The purposes of this chapter are to:

A. Provide adequate light for safety and security;

B. Promote efficient and cost effective lighting and to conserve energy;

C. Reduce light pollution, light trespass, glare, and offensive light sources;

D. Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky;

E. Prevent inappropriate, poorly designed or installed outdoor lighting;

F. Encourage quality lighting design and light fixture shielding; and

G. Establish a program to remove or replace light fixtures that violate the requirements of this chapter. (Ord. 21, Series 2007)

9-12-4: LEGISLATIVE FINDINGS REGARDING ELIMINATION OF NONCONFORMING LIGHTING FIXTURES:

A. On balance, the burdens created to individual property owners by the provisions of this chapter requiring the eventual eliminating of nonconforming lighting fixtures are greatly outweighed by the benefits that will be provided to all of the citizens of and the many visitors to the town and areas that are in close proximity to the town. The value of the fixtures required to be replaced by this chapter are comparatively small and that, on balance, the burden placed on property owners is minimal, given the

value of such fixtures as compared to the substantial benefits gained by such replacement, which is a substantial decrease of unnecessary light trespass and light pollution.

- B. The required period for the eventual elimination of nonconforming lighting fixtures contained in this chapter, which is based upon the formula that is used by the United States internal revenue service to depreciate fixtures attached to real property over a fifteen (15) year period, is reasonable and provides a rational basis for the deadline of July 1, 2022, for the elimination of nonconforming lighting fixtures established by this chapter.

- C. The deadline for the eventual elimination of nonconforming lighting fixtures established by this chapter will allow the property owner to recoup or recover costs or otherwise to reap the benefits of the useful life of such nonconforming fixtures in a manner that is consistent with the generally accepted methods of depreciating fixtures utilized by the United States internal revenue service. (Ord. 21, Series 2007)

9-12-5: AUTHORITY:

The town council hereby finds, determines and declares that it has the power to adopt this chapter pursuant to:

- A. The local government land use control enabling act, article 20 of title 29, Colorado Revised Statutes;

- B. Part 3 of article 23 of title 31, Colorado Revised Statutes (concerning municipal zoning powers);

- C. Section 31-15-103, Colorado Revised Statutes (concerning municipal police powers);

- D. Section 31-15-401, Colorado Revised Statutes (concerning municipal police powers);

- E. The authority granted to home rule municipalities by article XX of the Colorado constitution; and

- F. The powers contained in the Breckenridge town charter. (Ord. 21, Series 2007)

9-12-6: APPLICABILITY; COMPLIANCE DATE:

A. The provisions of this chapter shall apply to all new "development" of real property (as that term is defined in section [9-1-5](#) of this title) which:

1. Involves new construction for which a development permit is required;
2. Involves the remodeling of an existing building or structure for which a development permit is required; provided, however, that compliance with the requirements of this chapter is required for a remodel of an existing building or structure only with respect to the remodeled portion of the existing building or structure; or
3. Involves the installation of new exterior light fixtures.

B. All commercial and residential outdoor lighting fixtures that were lawfully installed prior to July 1, 2007, but that do not comply with the requirements of this chapter are declared to be legal nonconforming fixtures. All legal nonconforming fixtures may continue to be used and maintained after the adoption of this chapter, but shall be brought into compliance with the requirements of this chapter upon the first to occur of:

1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance;
2. The replacement of the legal nonconforming fixture; or
3. July 1, 2022.

Notwithstanding any other provision of this chapter, all legal nonconforming fixtures shall be brought into compliance with the requirements of this chapter not later than July 1, 2022. (Ord. 21, Series 2007)

C. All legal nonconforming decorative and bistro lighting may continue to be used and maintained after the adoption of the ordinance codified in this chapter, but shall be brought into compliance with the requirements of this chapter upon the first to occur of:

1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance; or
2. April 30, 2012. (Ord. 30, Series 2010)

9-12-7: DEFINITIONS:

When used in this chapter, the following words, terms, and phrases, and their derivations shall have the meanings provided in this section, except where the context clearly indicates a different meaning. Words, terms, and phrases, and their derivations used in this chapter which are defined in the Breckenridge development code ([chapter 1](#) of this title) shall have the meaning provided in that chapter, unless there is a conflict with a specific definition set forth in this section, in which case the specific definition in this section shall control.

BISTRO LIGHTS: A display of small white or clear bulbs on a string or tubes used to call attention and provide light and ambiance to an outdoor dining/bar area designated by the site plan. Bistro lights shall consist only of light emitting diode (LED) bulbs. "Warm" or "soft" LED bulbs are preferred.

DECORATIVE LIGHTING: Decorative string lighting that outlines a building or structure; or decorative string lighting in trees; or decorative string lighting between commercial or mixed use buildings or to a post or structure forming a canopy over a walkway. Decorative lighting shall consist only of light emitting diode (LED) bulbs. "Warm" or "soft" LED bulbs are preferred.

EMERGENCY LIGHTING: Lighting used by a police department, fire department, or other governmental entity for the purpose of public safety.

ENERGY STAR: A joint program of the U.S. environmental protection agency and the U.S. department of energy which aims to save money and protect the environment through energy efficient products and practices.

FOOT-CANDLE: A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. One foot-candle equals approximately 0.1 (0.093) lux.

FULLY SHIELDED: An outdoor light fixture constructed so that in its installed position, all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light emitting part of the fixture.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (OR IESNA): The professional society of lighting engineers, including those from manufacturing companies and others professionally involved in lighting.

EAVE OVERHANG: The section of roof overhanging the building wall.

LZ-1: Lighting zone 1 (the downtown overlay district lighting zone) as described in section [9-12-10](#) of this chapter.

LZ-2: Lighting zone 2 (the commercial area lighting zone) as described in section [9-12-10](#) of this chapter.

LZ-3: Lighting zone 3 (the residential lighting zone) as described in section [9-12-10](#) of this chapter.

LIGHT POLLUTION: Any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky; interferes with astronomical observation; or interferes with the natural functioning of nocturnal native wildlife.

LIGHT TRESPASS: Any form of shining light emanating from a fixture that penetrates property other than that for which it is intended and permitted.

LIGHTING ZONE: A geographic area of the town as described in section [9-12-10](#) of this chapter. The lighting zones of the town are depicted on the map maintained in the office of the director. Such map is incorporated herein by reference and made a part of this chapter. The map shall be interpreted so that the boundaries of the lighting zones follow the centerlines of streets, roads, alleys and rights of way, and existing property boundaries. Disputes regarding the boundaries of the lighting zones shall be determined by the town council.

LUMENS: A unit of ~~luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.~~ Measurement for the actual amount of visible light which is produced by a lamp as specified by the manufacturer. A foot-candle is one lumen per square foot.

MOTION SENSOR: A mechanism for controlling illumination by turning lights on when activated by motion and remaining on during activity for a maximum of thirty (30) minutes following the last detection of motion.

OPAQUE: An outdoor light fixture in which the walls of a fixture which house the light source are comprised of a solid material, unable to be permeated by light, should a light source be held behind it. Glass is not considered opaque however, glass on a fixture may be acceptable if the glass is below the opaque aspect of the fixture which houses the light source.

OUTLINE LIGHTING ON A BUILDING OR STRUCTURE: Any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the building's frame, shape, roofline or window dimensions. Outline lighting includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs or tubing is visible to the public from a public right of way or from an outdoor public area.

PARKING LOT LIGHTING: Off street parking lots consisting of ten (10) or more parking spaces shall meet Section 9-3-9 of the Development Code.

PHOTOCELL: A mechanism that is activated by the nonpresence of sunlight (and has the effect of illuminating a property all night). Photocells are permitted only at primary entrances and where the light source is fully shielded.

PUBLIC ART: Artwork created and placed on a site in connection with the town's public art program.

SECURITY LIGHTING: A light used either commercially or residentially for protection of goods or property.

SEMIOPAQUE: An outdoor light fixture with walls of a fixture comprised of a nonopaque material such as frosted, colored glass, or material such as mica which allows for some light trespass to be emitted from the walls of the fixture, referred to as a "glow", but such that the light source is not visible through the walls. Clear glass is not considered to be semiopaque.

UNSHIELDED FIXTURE: A light fixture shielded in such a manner that the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane without limitation.

UPLIGHTING: Lighting that is directed in such a manner as to shine light rays above the horizontal plane. (Ord. 21, Series 2007; and. Ord. 35, Series 2007; Ord. 30, Series 2010)

9-12-8: EXEMPTIONS:

The provisions of this chapter shall not apply to the following:

- A. Emergency Lighting: Temporary lighting required for public safety in the reasonable determination of public safety officials with authority. (Ord. 21, Series 2007)

B. Decorative Lighting: In all lighting zones decorative lighting is permitted only from November 1 through end of ski season at Breckenridge Ski Resort. At all other times decorative lighting is unlawful. (Ord. 30, Series 2010)

C. Street Lighting: Lighting required for public safety installed by a public entity or private utility company along a public right of way.

D. Temporary Lighting: Lighting for festivals, celebrations, or other public activities as approved by the town.

E. Lighting Of Flags: The lighting of national, state or local municipal flags is permitted lit with a maximum of two (2) fixtures of not more than eighty (80) watts each. This exemption shall not apply to any other type of flag.

F. Lighting Of Public Art: The lighting of public art is permitted with a maximum of two (2) fixtures of not more than sixty (60) watts each. (Ord. 21, Series 2007)

G. Architectural Accent Lighting: Lighting to accent an architectural element that is aimed or shielded to prevent lighting of the night sky with a maximum of one fixture of not more than fifty (50) watts per property. (Ord. 35, Series 2007)

H. Sign Lighting: The lighting of a sign when done in accordance with the requirements of [title 8, chapter 2](#) of this code. (Ord. 21, Series 2007)

9-12-9: PROHIBITED LIGHTING:

The following are prohibited within the town:

A. An unshielded fixture or lamp for outdoor lighting;

B. A searchlight;

C. A laser light;

D. A semiopaque or transparent backlit canopy or awning; and

E. Any lighting that does not comply with the requirements of this chapter. (Ord. 30, Series 2010)

9-12-10: LIGHTING ZONES:

A. The purpose of the lighting zones is to separate areas within the town which have different lighting needs, natural conditions, different levels of appropriate light usage, and different sensitivities to the various obtrusive aspects of outdoor lighting. Because of this, the lighting zones are defined within this chapter with lighting standards appropriate to each zone. (Ord. 21, Series 2007; ~~and~~ and Ord. 35, Series 2007)

B. The boundaries of the lighting zones are shown on the map maintained in the office of the director. (Ord. 21, Series 2007)

9-12-11: LIGHTING STANDARDS:

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

1. Fully Shielded: Only fully shielded, downcast, semiopaque or opaque fixtures with no portion of bulb visible are permitted for commercial, mixed use, triplex, duplex and single-family residential structures, and garages associated with such uses. Such fixtures are prohibited for all other types of structures.
2. Pole Lights Generally: Pole lights may have a maximum of two (2) light sources per pole.
3. ~~Pole Lights In Parking Lot: Pole lights within a parking lot of more than ten (10) spaces shall be shielded, downcast opaque fixtures. (Ord. 35, Series 2007)~~
4. Bistro Lighting: Bistro lighting is permitted at an outdoor dining/bar area designated by the site plan to provide light and ambiance. Bistro lighting includes a temporary arrangement of lighting bulbs or tubing from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful. (Ord. 30, Series 2010)
5. ~~Photometric Plan: Photometric plan of estimated foot-candle levels with maximum and average illumination are required for parking lots with ten (10) or more parking spaces. Emitted light shall not be greater than four (4) one (1) foot-candles at the property line, except at site entry points if determined by the director to be necessary for safety. Cut sheets for all exterior light fixtures shall also be submitted with the photometric plan.~~ Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater

than one foot-candle at the property line, except at site entry points if determined by the director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

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

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

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

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

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

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
2. Pole Lights: Pole lights may have a maximum of two (2) light sources per pole.
3. Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than ~~one~~ one half (0.5) foot-candle at the property line, except at site entry points if determined by the director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15	feet
Commercial	18	feet

Pedestrian pathways	10	feet
Upper story decks	7	feet above deck
<u>Eave overhangs (e.g. soffit)</u>	<u>10</u>	<u>feet</u>
<u>Eave overhang above 10 feet (e.g. high soffits)</u>	<u>+1</u>	<u>foot for every 5 feet from edge of eave</u>

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

5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts, or warm white or filtered LEDs (12 watts maximum) or no greater than nine hundred fifty (950) lumens. Other lamp types are not permitted.
6. Location: The setbacks from the property line shall be at least equal to the total height of the luminaries.

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

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
2. Pole Lights: Pole lights may have a maximum of one light source per pole.
3. Photometric Plan: Commercial, mixed use or multi-family residential ~~property parking lots~~ properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than two-tenths ($2/10$) foot-candle at the property line, except at site entry points if determined by the director to be necessary for safety. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck
<u>Eave overhangs (e.g. soffit)</u>	<u>10</u>	<u>feet</u>

Eave overhang above 10 feet (e.g. high soffits)	+1	foot for every 5 feet from edge of eave
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* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet +2 feet).

5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts, or warm white or filtered LEDs at 12 watts maximum, or no greater than nine hundred fifty (950) lumens. Other lamp types are not permitted.
6. Location: The setbacks from the property line shall be at least equal to the total height of the luminaries. (Ord. 35, Series 2007)

9-12-12: LIGHTING STANDARDS FOR SPECIFIC USES:

A. Standards For Specific Uses:

1. Single-Family Residential: Exterior lighting shall be fully shielded, downcast and opaque with no bulb visible. Energy star rated compact fluorescent lamps are encouraged.
2. Parking Lots: Parking lots shall meet Chapter 3, Section 9-3-9 of the Development Code.
3. Gas Stations: Canopy fixtures shall be mounted on the lower surface of canopies and must be fully shielded in and of themselves (canopy edges do not qualify as shielding) by means of a flat lens recessed into the underside of the canopy or a flat lens with opaque sides. Lighting shall not exceed twenty (20) foot-candles. Areas outside service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than ten (10) foot-candles.
4. Security Lighting: Security lighting should use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. The use of motion sensors, timers, photocells or other means to activate lighting during times when it is needed is encouraged to conserve energy and provide safety and promote compatibility between different land uses. However, photocells are permitted only at primary entrances and where the light source is fully shielded. Security light intensity shall be a maximum of ten (10) foot-candles.
5. Architectural Accent Lighting: Fixtures must be fully shielded and downcast. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed downward onto those features. Uplighting is permitted if the illumination is effectively contained within an overhanging architectural element and is no more than forty (40) watts.
6. Recreational Facilities: Lighting for fields, courts or tracks shall not exceed maximum luminance criteria as defined by the Illuminating Engineering Society Of North America (IESNA). Exterior sports arenas with exterior luminaries for the playing area shall be extinguished by ten o'clock (10:00) P.M. or within

one-half (1/2) hour after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, shall be extinguished at ten o'clock (10:00) P.M. or within one hour after the event, whichever is later. (Ord. 21, Series 2007)

7. Signage Illumination: All signage in LZ-1, LZ-2 and LZ-3 shall comply with [title 8, chapter 2](#) of this code. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade and not aimed at the sky, adjacent streets, roads or properties. (Ord. 35, Series 2007)
8. Decorative And Bistro Lighting: Decorative and bistro lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare. Decorative and bistro lighting shall be maintained in good working condition at all times. (Ord. 30, Series 2010)

9-12-13: RELIEF PROCEDURES:

A. The town council may grant a variance from any requirement of this chapter, upon written request by a developer or owner of property following a public hearing, and only upon finding that:

1. A strict application of such requirement would, when regarded as a whole, result in confiscation of the property; or
2. That extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement.

B. No variance shall have the effect of nullifying the intent and purpose of these regulations. The town council shall not approve a variance under this section unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;
2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
4. The relief sought will not in any manner vary the provisions of the development code, town master plan or other town law, except that those documents may be amended in the manner prescribed by law.

C. The variance criteria set forth in this section shall control over the variance criteria set forth in section [9-1-11](#) of this title. (Ord. 21, Series 2007)

9-12-14: VIOLATIONS; PENALTIES; ENFORCEMENT:

- A. It shall be unlawful and a misdemeanor offense for any person to fail to comply with the requirements of this chapter. Every person convicted of a violation of any provision of this chapter shall be punished as provided in [title 1, chapter 4](#) of this code.
- B. In addition to other remedies available to the town, the town may commence an action pursuant to section [1-8-10](#) of this code to enjoin the alleged violation of any provision of this chapter, or to compel compliance with any provision of this chapter. Any remedies provided for in this chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.
(Ord. 21, Series 2007)



Memo

To: Breckenridge Planning Commission
From: Chris Kulick, AICP, Planner III
Date: 11/15/2018
Subject: Hoopes Cottage Worksession (204 North Ridge Street; PL-2018-0521)

The owners are exploring historic renovation options for the Hoopes Cottage property at 204 North Ridge Street with J.L. Sutterley, Architect, P.C. One idea under consideration is to remove the large non-conforming, non-historic addition in the rear, in exchange for the granting of the 20% mass bonus in Land Use District 18 for a garage for this historic property. The applicants believe this request should be considered for several reasons:

- The 2-story addition (1970's) would be removed in its entirety and replaced with a code compliant addition, attached with a connector.
- The existing above ground density of 2,206 sq. ft. is 17.59 UPA. This equates to 952 sq. ft. over the maximum allowed above ground density of 10 UPA. The above ground overage would be removed and replaced with 10 UPA of above ground density, 1,254 sq. ft. (which would warrant negative six (-6) points) and 251 sq. ft. of mass, totaling 1,505 sq. ft. of above ground space.
- A 20% mass bonus equals 251 sq. ft. for the garage. The applicants also propose using at least 100 sq. ft. of the 1,254 sq. ft. of above ground density to create a slightly larger garage. The approximate sizes and footprints are indicated on the site plan.
- The historic Hoopes Cottage would be fully restored in its historic location, aiming to have a sufficient restoration effort to gain positive six (+6) points, and local landmarking.
- The substantial reduction in non-conformity and mass (would be used to offset the 20% mass bonus).

The purpose of the work session is to get input from the Planning Commission on the general direction of the project and determine if the Commission is comfortable with Staff's initial interpretation of policies. Staff has identified key components of the proposal and policies needing direction below.

POLICY DISCUSSION:

Properties in LUD 18 are not currently eligible for mass bonuses and that the amount of mass is equal to the amount of allowed above ground density. Recently, the Commission has stated that if a primary structure within LUD 18 has historic preservation associated with it,

they would be open to a mass bonus with a future code change. A code change to address this has been proposed to the Commission at a work session recently and has received general support at that time. As this code change has not been adopted, this mass bonus would require a variance. Should the applicant submit after an applicable code change were to be adopted, a variance would not be required.

Policy 24 (Relative) Social Community:

Building Scale & Architectural Compatibility (5/A): *Historically, residential structures in the area were one or one-and-a-half stories in height. New buildings should encourage a sense of pedestrian scale for the area as well as reinforce the historic building scale. The scale of the building should also be in proportion to typical lot sizes.*

Historic buildings that survive range between 700 and 2,900 square feet.

The Hoopes Cottage is located in the North End Residential Character Area. Presently, the property has a 510 sq. ft. historic 1.5-story house and a 1,685 sq. ft. non-historic 2-story addition. Altogether the property contains 2,206 sq. ft. of above ground density. Due to extent of the above ground density overage and non-conformity of the addition, staff is supportive of the applicant's proposition to remove the non-conforming addition and building a connector and addition that conforms to all Handbook of Design Standards Policies and does not exceed 10 UPA.

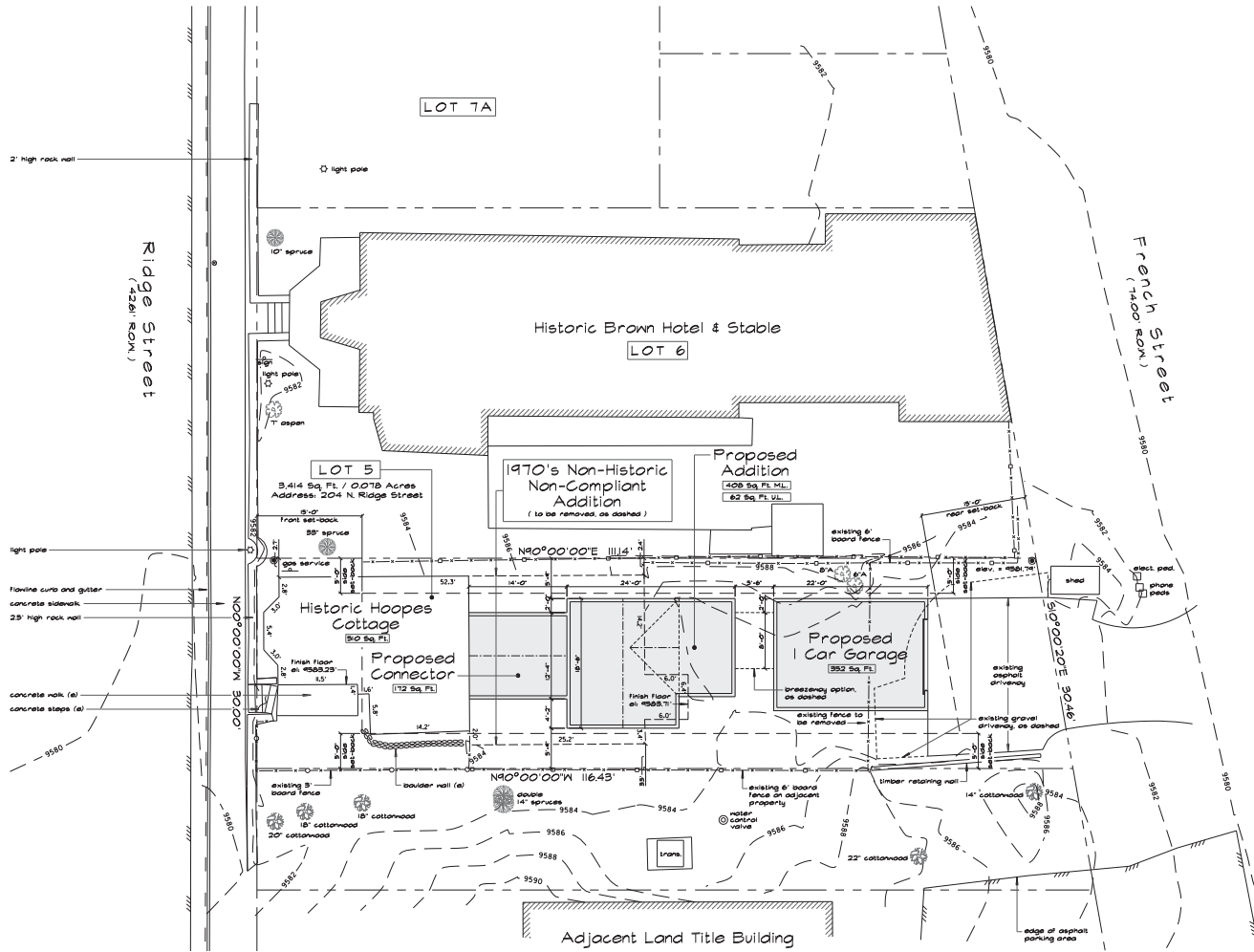
However, the applicant is also requesting an additional 20% of mass beyond the allowed 10 UPA of above ground density and mass. Policy 4/R, Mass states: *"In residential and mixed use developments within land use districts 18, and 19, no additional mass shall be allowed for the project and the total allowed mass shall be equal to the allowed density."*

This request is unique since the existing amount of above ground density and mass is significantly higher than what is being requested, 601 sq. ft. to be exact. Based on the opportunity to both reduce the amount of density and mass substantially and bring the property into substantial compliance with the Handbook of Design Standards, staff is open to the possibility to this concept but seeks input from the Planning Commission.

PLANNING COMMISSION QUESTIONS

Staff would like Planning Commission input on the specific policy question and would also look for any additional code related comments or concerns before this project moves forward to a preliminary hearing.

1. Is the Commission comfortable with a variance to allow a mass bonus of 20% to facilitate an overall density and mass reduction and to achieve substantial conformance with the Handbook of Design Standards?



 **Site Plan**
Scale 1/8" = 1'-0"

HOOPES COTTAGE
RESTORATION / ADDITION
NORTH 30' OF LOT 5, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

Site Plan
Scale: 1/8" = 1'-0"
Date: 10-11-2018



architectural
consultation

 **J.L. SUTTERLY ARCHITECT**
1000 N. 1st Street, Suite 100
Breckenridge, CO 80424
P.O. Box 3818 Breckenridge, CO 80424 (970) 455-5715



Planning Commission Staff Report

Subject: Tyra IV Riverbend Lodge Condominium/Hotel Meeting Room Conversion (Class C; PL-2018-0540)

Date: November 14, 2018 (for the meeting of November 20, 2018)

Proposal: The applicant proposes to convert an approximately 192 sq. ft. (16'x12') meeting room on the second level of the Riverbend Lodge Condo building to dwelling area, to be absorbed into Unit 206. There will not be any changes to the building exterior.

Project Manager: Chapin LaChance, Planner II

Property Owner: Tyra IV Riverbend Lodge Condo Owners Association

Applicant: Trish Holcroft, Blue River Property Management LLC

Address: 655 Four O'Clock Road

Legal Description: Tyra IV Riverbend Lodge Condo Common Area

Land Use District: 21:Residential, 15 UPA, Multi-Family

Area: 2.154 acres (approximately 93,828.24 sq. ft)

Site Conditions: The Tyra IV Riverbend Lodge Condo was built in 2000, and is located on the lot with a former legal description of *Tract D, Tyra Amended, Filing No. 3*. The lot is bordered by Four O'Clock Rd. to the north, and contains multiple platted Drainage Easements, a platted Natural Preservation Area, a platted Drainage Control Structure Easement, and a platted Snowstack Easement along Four O'Clock Rd. The northern and western portions of the property, but not the building, are located within the Sawmill Gulch Special Flood Hazard Area. Ample mature landscaping, including Aspens and Spruce trees, surround the building on all sides.

Adjacent Uses:

North: Tyra Summit Condo #3 Mountaineer Townhomes, Four O'Clock Road

South: Public Open Space, Snowflake ski run

East: Snowflake chairlift, Bluesky Breckenridge Condo

West: Public Open Space

Density:

Allowed: 48,030 sq. ft. (per 1998 Density Agreement and Covenant)

Existing: 47,260 sq. ft., per “New Tyra Tract D Proposal S.F. Breakdown” document in the property’s file, dated 05/27/1998

Proposed: 192 sq. ft. additional (47,260 sq. ft existing residential + 192 sq. ft. additional residential with meeting room conversion = 47,452 sq. ft. residential)

Parking: No change

Site Photograph (existing conditions)



(Above) Looking southwest from Four O'Clock Rd.

Item History

In 1997, the Town approved PC #97-9-1 for 47,030 sq. ft. of density and 77,415 sq. ft. of mass on the property, for the construction of 44 condo-hotel units and 4 employee units. In 1998, a Density Agreement and Covenant (reception #572043) was recorded for the property. The building construction was completed subdivided into condominiums in 2000.

Staff Comments

Staff does not consider this to be a change of use, as the applicant is maintaining the required amount of meeting room, recreational and leisure amenity space to continue classification as Residential Use: Condominium/Hotel (see Policy 24 discussion below). However, as this is the first meeting room conversion proposed and more are anticipated in the future, staff has reclassified this application to a Class C for the Planning Commission’s review.

Land Use Guidelines (Policies 2/A & 2/R): The building was approved in 1997 as a Condominium/Hotel. The use is not changing on site. Staff does not have any concerns.

Density (Policy 3/A): The Riverbend Lodge Condo-Hotel was approved with PC #97-9-1 for 47,030 sq. ft. of density and 77,415 sq. ft. of mass. A Condition of Approval of that Permit was that the owner enter into and record a Density Agreement and Covenant. The 1998 Density Agreement and Covenant states:

“1. ...The total density for the residential Units allowed to be constructed on the site...shall be 48,030 square feet, except as may be allowed pursuant to paragraph 2... ‘density’ shall mean the total square footage of the Units...but not...meeting rooms...”

2. ...[owners] shall have the right, subject to approval by the Town...to a small amount of additional density for limited additions and to make additions to the improvements constructed on the Property in the nature of additional common elements or facilities to serve multiple Units or multiple owners or occupants of the Units, which do not add density to the Property.”

48,030 sq. ft. (allowed per Density Agreement and Covenant) - 47,030 sq. ft. (approved with PC#97-9-1) = 1,000 sq. ft. remaining under the Density Agreement.

The applicant proposes to convert an approximately 192 sq. ft. (approx. 16'x12') meeting room space, which was not originally counted as density (PC#97-9-1), into dwelling area to be used to increase the size of the existing Unit 206. Of 1,000 sq.ft. of available density remaining, approximately 808 sq. ft. of available density would remain after the Town's approval of this application (1,000 sq. ft. – 192 sq. ft. = 808 sq. ft.). Staff does not have any concerns.

Parking (Policy 18/A & 18/R): With the building's original approval in 1997, 1.5 spaces were required per unit larger than one bedroom, and 1 space per unit one bedroom or smaller. Because the meeting room involved with this application did not require parking and is proposed to be absorbed as dwelling area by the two-bedroom Unit 206, no additional parking spaces are required.

Social Community (Policy 24/A): A. Meeting And Conference Rooms: As a “condominium/hotel” use, 1 sq. ft. of meeting room space per 35 sq. ft. of floor area was required when the building was originally approved. Policy 24 today allows indoor “*recreation and leisure amenities*” in addition to meeting rooms to count towards the required 1:35 ratio. If the building contains 47,030 sq. ft. of density, 1,344 sq. ft. of meeting room or amenity space is required on-site (47,030 sq. ft. / 35 = 1,344 sq. ft.). Staff confirmed with a site visit that the building has an approximately 712.5 sq. ft. spa area and an approximately 712.5 sq. ft. exercise area on the first floor, two (2) approximately 192 sq. ft. meeting rooms on the second floor, and two (2) approximately 144 sq. ft. meeting rooms on the third floor, totaling 2,097 sq. ft. in meeting room and amenity space within the building. At the time of staff's site visit, a room on the third floor which is designated as a meeting room on the condominium plat was actually being used and designated as a “housekeeping” room, so staff has not included this room in the calculation above. The applicant proposes to reduce the meeting rooms and amenities within the building to a total of 1,905 sq. ft. with the conversion of one of the 192 sq. ft. meeting rooms on the second

floor (2,097 sq. ft. – 192 sq. ft. = 1,905 sq. ft.) This would still exceed the requirement by approximately 561 sq. ft., so staff does not have any concerns.

Since the HOA has expressed interest in converting additional meeting rooms to dwelling area with future applications, staff notes that the required meeting room space will need to be recalculated at a 1:35 ratio using total density which includes the additional density from the meeting room converted to dwelling area with this application.

A Condition of Approval has been added that prior to issuance of a Building Permit, the applicant shall provide a detailed inventory or survey of all meeting rooms, recreation and leisure amenities on the property in sq. ft., prepared by an architect or surveyor licensed in the State of Colorado, to be accompanied by a letter from that architect or surveyor which confirms the required ratio of 1:35 to satisfy the current Policy 24 (Absolute).

Staff does not have any concerns regarding the 1:35 meeting room, recreation and leisure amenities requirement being met.

Point Analysis

Staff finds that this application has met all Absolute Policies, and staff has not assigned any positive or negative points under any Relative Policies.

Staff Recommendation

Staff recommends the Planning Commission approve the Tyra IV Riverbend Lodge Condominium/Hotel Meeting Room Conversion, PL-2018-0540, Tyra IV Riverbend Lodge Condo Common Area, 655 Four O'Clock Rd., with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Tyra IV Riverbend Lodge Condo Common Area Meeting Room Conversion
Tyra IV Riverbend Lodge Condo Common Area
535 S. Park Ave. 655 Four O'Clock Road
PL-2018-0540

STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **November 14, 2018**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **November 20, 2018** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **May 27, 2020**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

7. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

8. Applicant shall submit proof of ownership of the project site.
9. **The applicant shall provide a detailed inventory or survey of all meeting rooms, recreation and leisure amenities on the property in sq. ft., prepared by an architect or surveyor licensed in the State of Colorado, to be accompanied by a letter from that architect or surveyor which confirms the required ratio of 1:35 to satisfy the current Policy 24 (Absolute).**

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

10. **Applicant shall submit a Class C Subdivision application and receive Town approval of to modify any affected General Common Element involved with this application, and record with the Summit County Clerk and Recorder a mylar of a modified condo plat.**
11. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
12. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
13. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
14. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

15. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)



REVISIONS:

04-06-03, WAF
08/19/04
DATE: 08/19/04
DRAWN BY: JACAL
CHECKED BY: WAF

PREPARED FOR CONSTRUCTION
08/22/08

EXISTING

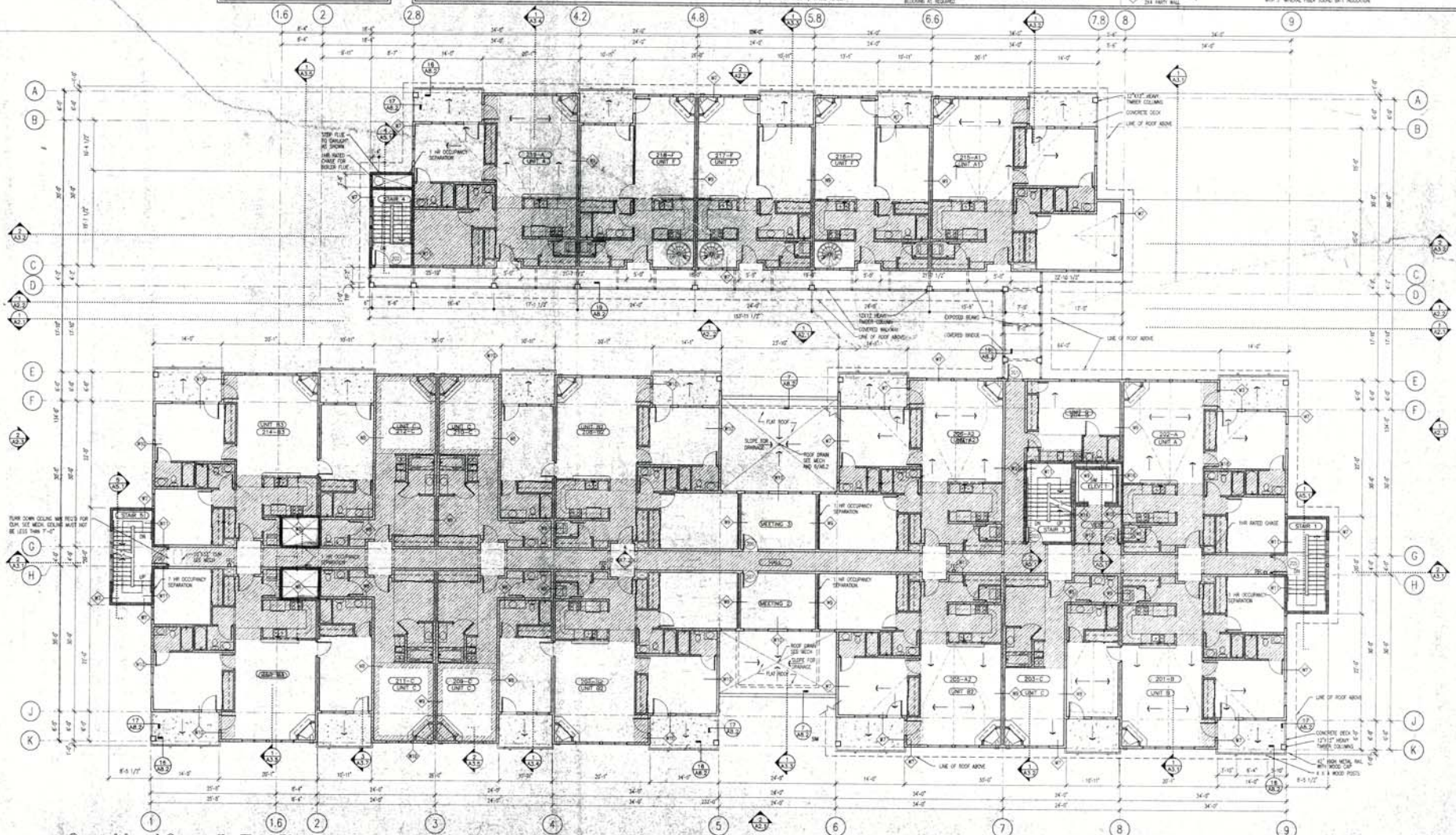
BAKER • HOGAN • HOUX
 ARCHITECTURE & PLANNING / A.A. / P.C.
 P.O. BOX 931, 140 EAST ADAMS, BRECKENRIDGE, COLORADO 80424 (970) 453-6880

RIVERBEND AT TYRA
 1400 S. Tyngton Street, Breckenridge, Colorado

SHEET NUMBER
A1.2
OF 24

Wall Types and Legend		No. Assembly	Design No.	Description	Fire STC	No. Assembly	Design No.	Description	Fire STC
1	1" CMU	1	W1	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board	2-4H	1	W1	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board	2-4H
2	1" CMU	2	W2	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board	2-4H	2	W2	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board	2-4H
3	1" CMU	3	W3	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing	2-4H	3	W3	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing	2-4H
4	1" CMU	4	W4	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath	2-4H	4	W4	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath	2-4H
5	1" CMU	5	W5	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H	5	W5	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H
6	1" CMU	6	W6	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H	6	W6	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H
7	1" CMU	7	W7	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H	7	W7	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H
8	1" CMU	8	W8	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H	8	W8	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H
9	1" CMU	9	W9	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H	9	W9	1" CMU with 2x4 wood studs at 16" o.c. with 1/2" gypsum board and 1/2" mineral fiber board and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing and 1/2" metal lath and 1/2" exterior gypsum sheathing	2-4H

REFER TO SHEETS A1.3 AND A1.4 FOR ENLARGED UNIT PLANS
REFER TO SHEET A1.7 FOR ENLARGED CORNER AND ELEVATOR PLANS
REFER TO SHEET A1.8 FOR ENLARGED PUBLIC AREA PLANS
REFER TO SHEET A1.9 FOR DOOR AND WINDOW SCHEDULES



Second Level Composite Floor Plan
Scale: 1/8" = 1'-0"



REVISONS

NO. DATE BY

0046-53, WAF 12/04/16

06/19/2016

INTEGRATED

MMH

ISSUED FOR CONSTRUCTION

06/22/2016

PROPOSED

by Baker • HOGAN • HOUX
 ARCHITECTURE & PLANNING / A.L.A. / P.C.
 P.O. BOX 931, 160 EAST ADAMS, BRECKENRIDGE, COLORADO 80424 (970) 433-6880
 RIVERBEND AT TYRA
 1600 East Adams Avenue, Breckenridge, Colorado

SHEET NUMBER

A1.2

OF 24

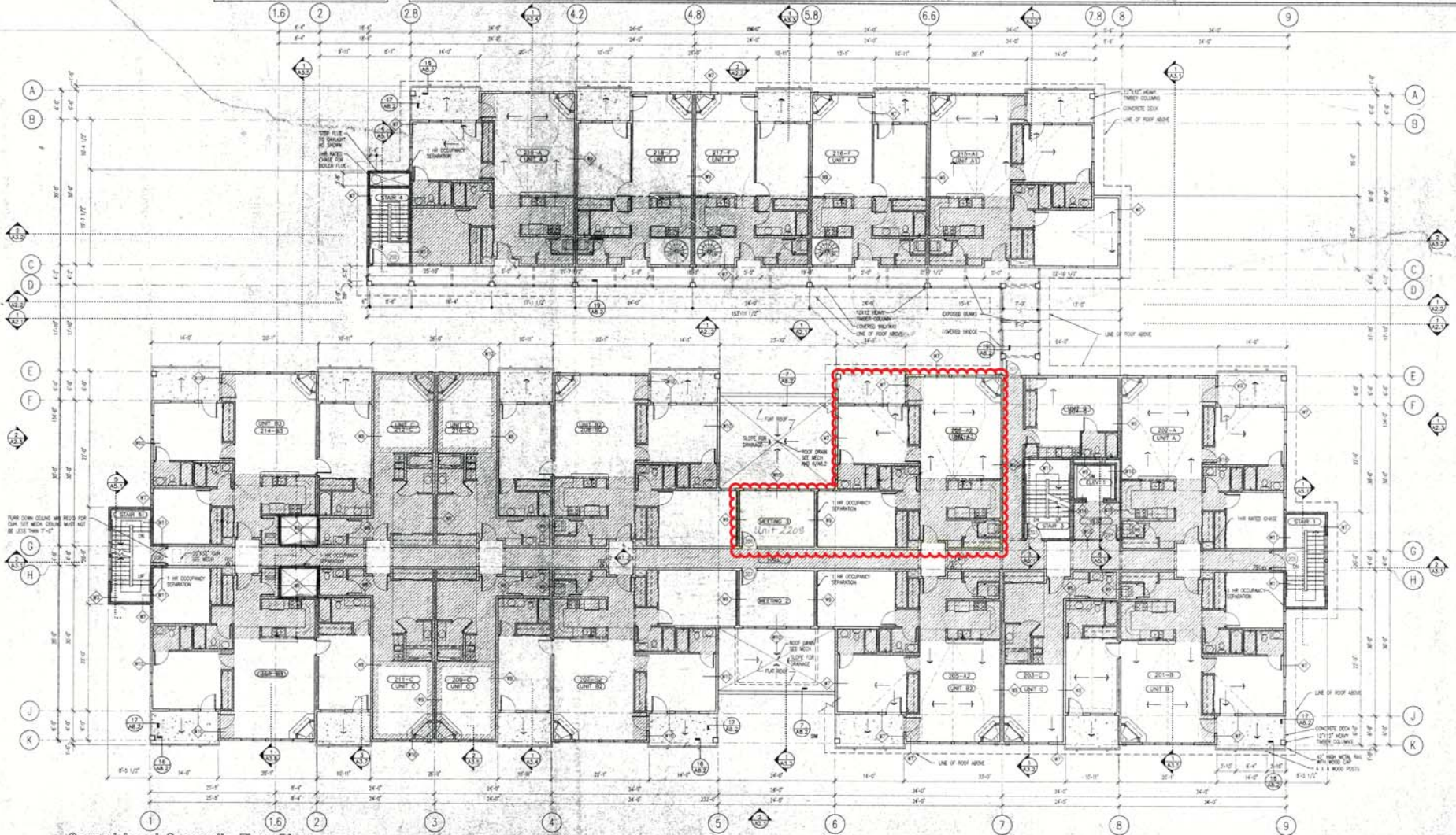
Well Types and Legend		No. Assembly	Design No.	Description	Fire STC	No. Assembly	Design No.	Description	Fire STC
1	1" CAST-IN PLACE REINFORCED CONCRETE WALL WITH WEAPONS AND VERTICAL CHAIRS AT 12" O.C. @ 12" O.C.	1	1	1" CAST-IN PLACE REINFORCED CONCRETE WALL WITH WEAPONS AND VERTICAL CHAIRS AT 12" O.C. @ 12" O.C.	2-4H N/A	1	1	1" CAST-IN PLACE REINFORCED CONCRETE WALL WITH WEAPONS AND VERTICAL CHAIRS AT 12" O.C. @ 12" O.C.	2-4H N/A
2	8" NOMINAL THICK STONE (PER SPEC) WITH METAL TIES AT 18" O.C. EACH WAY	2	2	8" NOMINAL THICK STONE (PER SPEC) WITH METAL TIES AT 18" O.C. EACH WAY	2-4H N/A	2	2	8" NOMINAL THICK STONE (PER SPEC) WITH METAL TIES AT 18" O.C. EACH WAY	2-4H N/A
3	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	3	3	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A	3	3	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A
4	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	4	4	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A	4	4	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A
5	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	5	5	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A	5	5	1" LAYER 15# 3" X 6" REINFORCING STEEL (CONCRETE REINFORCING WALL TYP. BOW ON 4" X 4" 3" X 6" STEEL ANGLE ALONG FROM CORNER ANCHOR TO CORNER WITH 1/4" X 6" EXT. BOLT @ 24" O.C. WITH 2 CORNER CHAIRS/STAYS)	2-4H N/A
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REFER TO SHEETS A1.3 AND A1.4 FOR CHARGED UNIT FRAMES.

REFER TO SHEET A1.5 FOR REBARBED CORNER AND CORNER PLATE.

REFER TO SHEET A1.6 FOR ISOLATED PUBLIC AREA FRAMES.

REFER TO SHEET A1.7 FOR DOOR AND WINDOW SCHEDULES.



1 Second Level Composite Floor Plan

Scale: 1/8" = 1'-0"

NORTH

Planning Commission Staff Report

- Subject:** Village at Breckenridge Large Vendor Cart
(Class B Minor, Combined Hearing; PL-2018-0532)
- Proposal:** Installation of a large vendor cart on the Village at Breckenridge plaza, which is proposed to be the third large vendor cart in the plaza.
- Date:** November 13, 2018 (For meeting of November 20, 2018)
- Project Manager:** Chapin LaChance, Planner II
- Applicant:** Michael Halouvas (Gyros Delish)
- Property Owner:** Village at Breckenridge HOA
- Address:** 655 S. Park Ave.
- Legal Description:** Village at Breckenridge Condo Common Area
- Land Use District:** 23
Residential at 20 Units per Acre (20 UPA), Commercial at 1:3 Floor to Area Ratio (FAR)
- Site Conditions:** The Village at Breckenridge HOA completed a major renovation to the plaza space in 2016, including new water-proofing, snow-melting system, pavers, planters, lamp posts, and outdoor fireplaces. There is a 55.5 ft. radius Utility and Access Easement in the center of the plaza (approximate location of former gazebo), with a 20 ft. Utility and Access Easement extending from the Maggie Building to South Park Ave. Several property lines divide the plaza, however all parcels that contain the plaza are currently owned by the Village at Breckenridge HOA as common space.
- Adjacent Uses:** Commercial (Retail, office, medical, and restaurant) and residential condominium uses surround the plaza in all directions.

Staff Comments

Policy 49 (Absolute) Vendor Carts: The proposed vendor cart is 98 sq. ft. in area, so it is classified as a large vendor cart per Section 9-1-5 Definitions because it is over 40 square feet in area.

*A. Vendor Cart Locations: Large vendor carts and small vendor carts are permitted only in those land use districts where commercial uses are an allowed or recommended land use. **Land Use District 23 allows commercial use.***

B. Vendor Cart General Design Standards: Large vendor carts and small vendor carts are subject to the following general design standards:

(2) *General Design Standards Outside The Conservation District: The following general design standards apply as indicated to large vendor carts and small vendor carts located outside of the conservation district:*

a. All large vendor carts and small vendor carts must be constructed of professional quality for use as a food vending cart.

b. All large vendor carts and small vendor carts must be in good working condition, with no broken or rusty parts. All exterior materials must be kept clean and in neat appearance. No rusty or broken metal or chipped or broken wood is allowed. Metal and wood may be used as exterior finishes. The gauge, detailing and finish of all metal surfaces shall be suitable for long term use in an exterior location. All exposed edges must be finished. All metal used in carts shall have concealed seams and overlapping joints. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner. No rough cut, unfinished or distressed woods will be considered as finish materials.

The proposed vendor cart is manufactured specifically for the purpose of vending food. Staff does not have any concerns regarding the professional quality or the condition of the proposed cart.

(3) *Additional Requirements For All Vendor Carts:*

a. Large Vendor Carts: The following additional design and operational standards apply to large vendor carts:

*1. Large vendor carts must be located on private property. **The large vendor cart is proposed entirely on private property owned by the Village at Breckenridge HOA.***

*2. Large vendor carts may only sell food and beverages in forms suited for immediate consumption. This shall include hot or cold prepared foods and beverages, and prepackaged food and snacks, whether eaten at the site of sale, or "carry out/to go". Fresh fruits and vegetables may be sold from a large vendor cart in limited amounts if they are normally and customarily eaten in a raw form, but a large vendor cart shall not be used primarily to sell fresh fruits and vegetables. **The applicant proposes to sell gyros for immediate consumption. Staff does not have any concerns.***

*3. The area of a large vendor cart counts as density. The density shall be assessed against the real property on which the vendor cart is located. **The cart is proposed to be located in the plaza in front of the Shavano Building (formerly known as "Plaza II") building on the parcel with a legal description of Village at Breckenridge Condo Common Area. Staff has researched the available density for Lot 2 (Plaza II, Shavano Building). With the Village at Breckenridge Master Plan Amendment (PL-2017-0680), the HOA transferred 0.2 SFEs from Lots 3&4 (Liftside/Peak 9 building) to Lot 2 (Plaza II/Shavano building) specifically for the purpose of providing density***

for two future 100 sq. ft. vendor carts. The large vendor cart proposed with this application will use 0.1 SFE (or 100 square feet), leaving 0.1 SFE for a future large vendor cart on Lot 2 (Plaza II/Shavano building). Staff does not have any concerns.

4. Large vendor cart owners shall improve the immediate area around their business through the installation of pavers, landscaping, awnings, and/or small decks to help the vendor carts to look less temporary, and to blend into the surrounding character. Where the surrounding area is already improved with such finishes as listed above, this requirement may be waived by the planning commission. The Village at Breckenridge HOA completed a major renovation to the plaza space in 2016, including new water-proofing, snow-melting system, pavers, planters, lamp posts, and outdoor fireplaces. Staff has added a Condition of Approval that the applicant shall install and maintain three (3) planters containing evergreen plant material of a minimum of 3 feet tall.

5. The maximum size of a large vendor cart is one hundred (100) square feet. The applicant proposes a 98 sq. ft. cart. Staff does not have any concerns.

6. The maximum height of a large vendor cart is ten feet (10'). The height of the cart shall be measured vertically from the ground to the highest point of the cart including signage or other equipment, if any. The cart is proposed to be 10' tall, including the cart's chimney. Staff does not have any concerns.

7. If a large vendor cart is connected to the town's municipal water system, the owner must pay water plant investment fees for the vendor cart. If a large vendor cart is connected to the town's municipal water system, it must also be connected to the public sanitation system. A Condition of Approval has been added that Water Plant Investment Fees be paid for the Large Vendor Cart.

8. If a large vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application, and any applicable water plant investment fees must be paid by the owner of the commissary kitchen. If the commissary kitchen changes during the term of the permit, the large vendor cart permit holder must notify the director within ten (10) days of the date of the change. The application states that the commissary kitchen to be used is the Summit County Community and Senior Center, located at 0083 Nancy's Place, CR 1014, Frisco, CO 80443. Staff does not have any concerns.

9. Siding and other compatible materials used on a large vendor cart must wrap all sides of the vendor cart. The exterior of the proposed pre-manufactured cart is made of aluminum panels, which wrap all sides of the proposed cart. This is the same material used for the other two previously approved large vendor carts in the plaza. Staff does not have any concerns.

10. Exterior colors used on a large vendor cart must meet the town's color chroma palette. The color of all large vending carts shall be selected from the "Munsell Book Of Color" on file with the community development department. The maximum chroma for the exterior of a large vending cart shall be 4 (unless

red or yellow are used, then a maximum chroma of 6) and a maximum value of 6. **The vendor cart's colors are proposed to be black and white. Staff does not have any concerns.**

11. All signs for a large vendor cart shall be subject to the Breckenridge sign code. One permanent freestanding sign is allowed for a large vendor cart, unless otherwise prohibited by the Breckenridge sign code. **Signage will be permitted with a separate Sign Permit application.**

12. Generators are prohibited for large vendor carts, except for use as an emergency source of power when the permanent source of power to the large vendor cart is temporarily unavailable. **Electrical power is available to the cart through an existing outlet in a light post in the plaza. The applicants do not propose any generators.**

13. If a large vendor cart has wheels, the wheels shall be permanently screened with a skirting design architecturally compatible with the exterior of the cart.

14. Any trailer hitch on a large vendor cart must be removed or completely covered from view. **The applicant proposes to cover the wheels and trailer hitch with white painted horizontal redwood board siding. Staff does not have any concerns.**

15. Owners of large vendor carts must obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license. **A Condition of Approval has been added that the applicant obtain a business license.**

16. Large vendor carts must be windproof, waterproof and locked when not in operation. **The cart is manufactured specifically for the vending of food and is windproof, and waterproof. The cart has a window that can open for serving food and locked when the business is closed.**

17. Outdoor seating for a large vendor cart is limited to a maximum of twelve (12) seats and three (3) tables. **The applicant does not propose any seats or tables.**

18. The operator of a large vendor cart shall comply with all applicable health regulations with respect to the operation of the large vendor cart. **A Condition of Approval has been added that the applicant obtain all required permits and inspections from Summit County Environmental Health.**

Policy 18 (Absolute) Parking:

Off Street Parking: All developments within the town shall comply with chapter 3, "Off Street Parking Regulations", of this title.

The Liftside Condominium building (535 S. Park Ave.) currently has 42 public parking spaces to satisfy the 35 spaces required for commercial "brick-and-mortar" uses at the Village of Breckenridge. The

Village Master Plan requires 1 parking space per 1,000 sq. ft. of commercial space. Commercial space, per the Master Plan, includes restaurant, bar, retail, office and conference uses. This is different from Town Code section 9-3-8 “Off Street Parking Requirement,” which requires “1 per 4 persons capacity” outside of the Parking District Service Area.

The combined total area of the two previously approved large vendor carts and the large vendor cart proposed with this application is 230 sq. ft. As the maximum size permitted for a large vendor cart is 100 sq. ft., staff has calculated the required parking for the three large vendor carts as follows: Required parking = $(3 \times 100)/1,000$ sq. ft. = 0.3×1 space = 0.3 spaces. Per Town Code Section 9-3-9B, the required number of parking spaces shall be rounded up to the nearest whole number. Therefore, one parking space is required. 35 spaces (required for brick and mortar commercial uses) + 1 (required for two previously approved large vendor carts and the proposed third vendor cart) = 36 spaces total required for commercial uses. With 42 available, there is a remaining surplus of 6 spaces.

Other Issues

Staff has advised the applicant that approval from the Town of Breckenridge Building Division, Summit County Environmental Health Department, and Red, White and Blue Fire District is required, separate from this Development Permit.

Point Analysis

The proposal meets the requirements of Policy 49 (Absolute) Vendor Carts and all other Absolute Policies. Staff has not found any reason to assign positive or negative points under any Relative Policies.

Staff Recommendation

The Community Development Department recommends approval of the Village at Breckenridge Large Vendor Cart (PL-2018-0532) located at 655 S. Park Ave. with a passing point analysis of zero (0) points, along with the attached Findings and Conditions of Approval.

TOWN OF BRECKENRIDGE

Village at Breckenridge Large Vendor Cart
Village at Breckenridge Condo Common Area
655 S. Park Ave.
PL-2018-0532

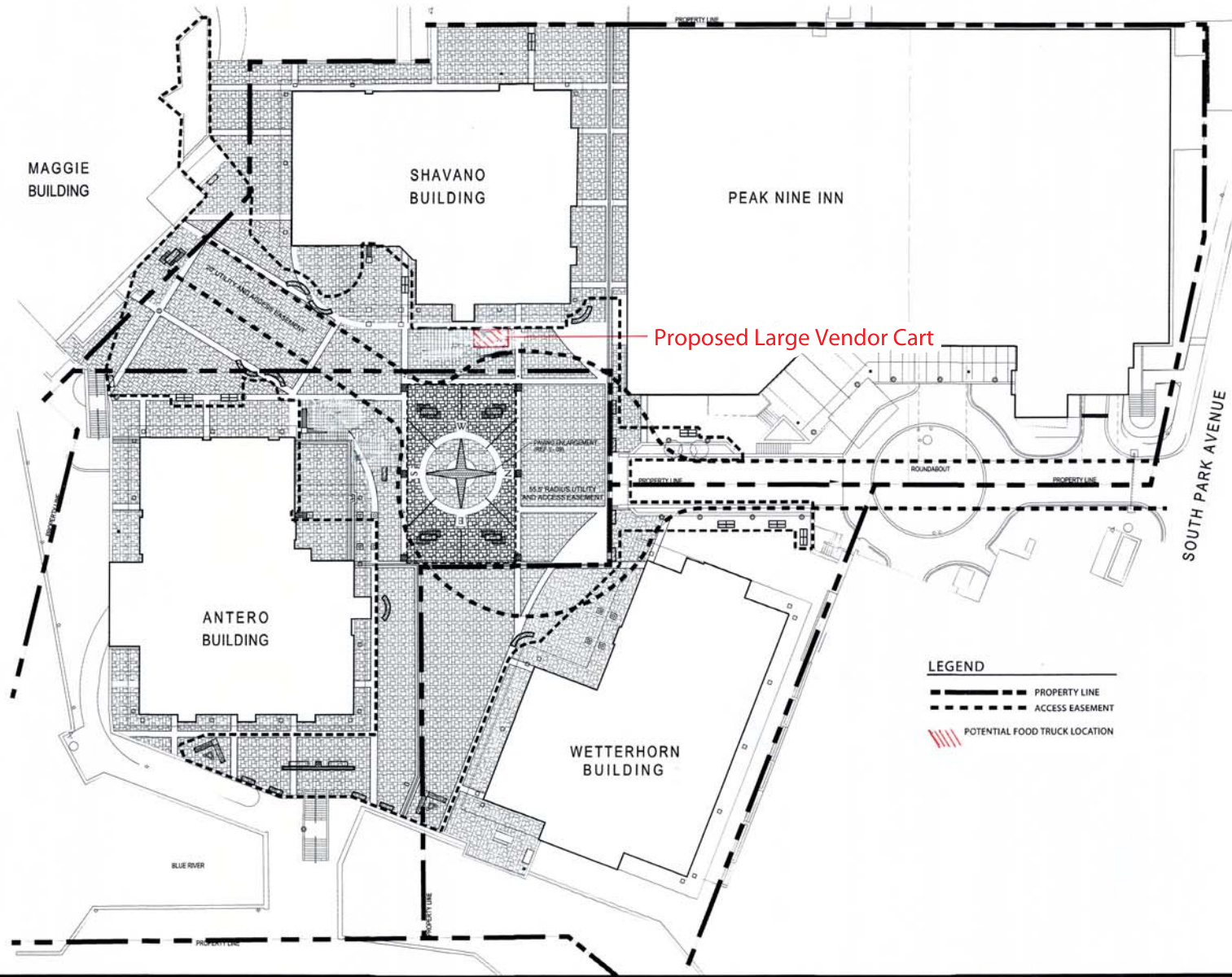
FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **November 13, 2018**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **November 20, 2018**, as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

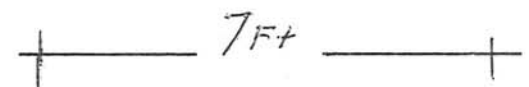
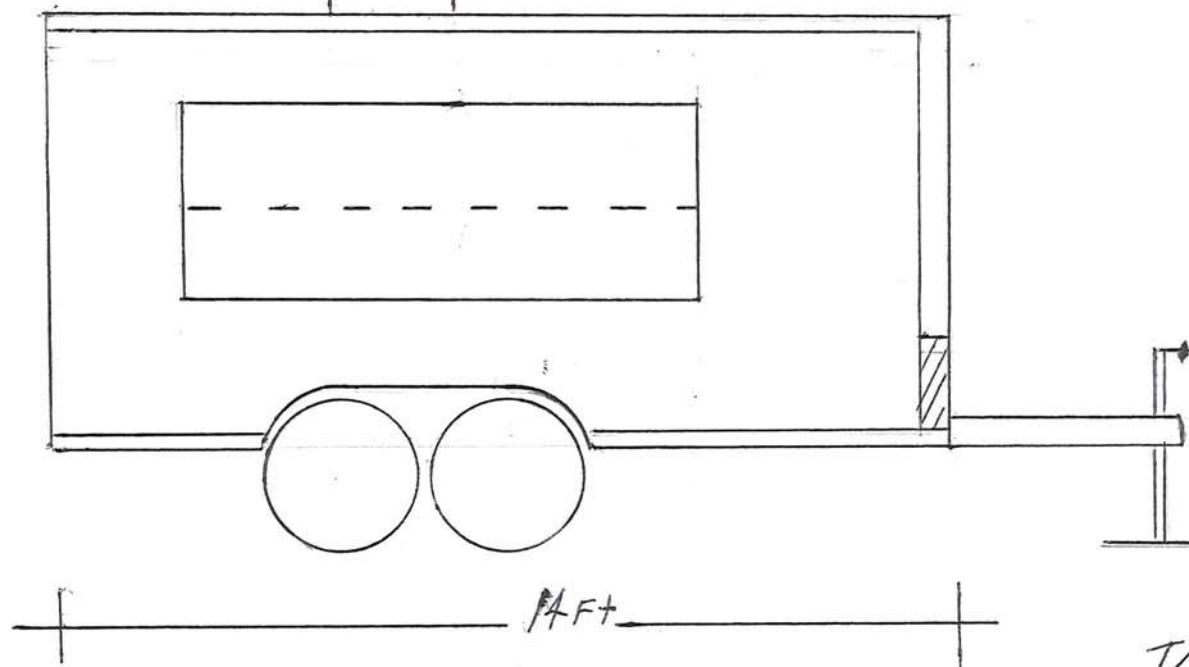
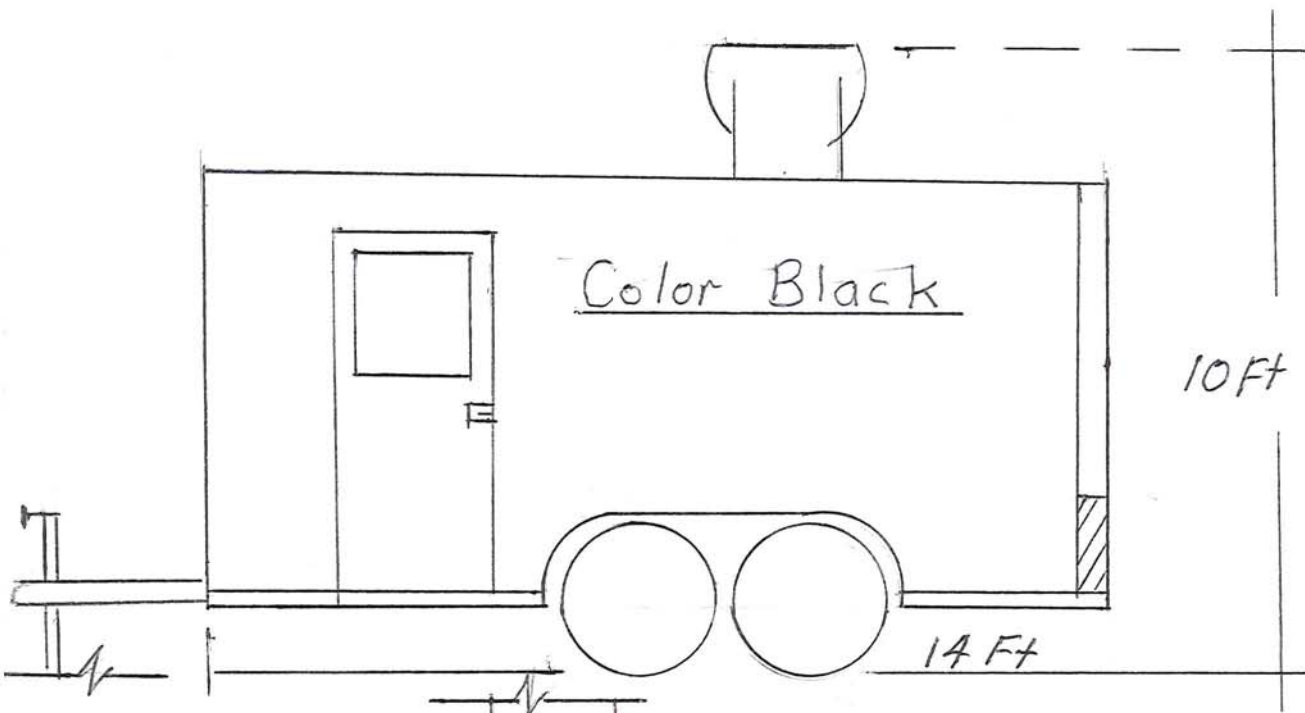
CONDITIONS

1. **A development permit for a large vendor cart issued pursuant to this policy shall be valid for three (3) years, November 27, 2021 as provided in Section 9-1-17-8 of the Town's Development Code, and may be renewed.**
2. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
3. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
4. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.
5. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
6. Applicant shall meet Policy 9-1-5 49/A (A) Large Vendor Carts.

7. **The applicant shall install and maintain three (3) planters, containing evergreen plant material of a minimum of 3 feet tall.**
8. **The applicant shall obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license.**
9. **The applicant shall obtain all required permits and inspections from Summit County Environmental Health.**
10. **Applicant shall pay for any required Water Plant Investment Fees and sanitary sewer fees prior to the installation of the vendor cart.**
11. A separate Sign Permit is required for any signage to be displayed by this Large Vendor Cart.
12. Applicant shall screen any propane tank in a manner approved by the Town per the Development Code.
13. Applicant shall remove the Vendor Cart and all associated improvements once the Vendor Cart stops operating for a period of 6 months or the permit expires, whichever is sooner.

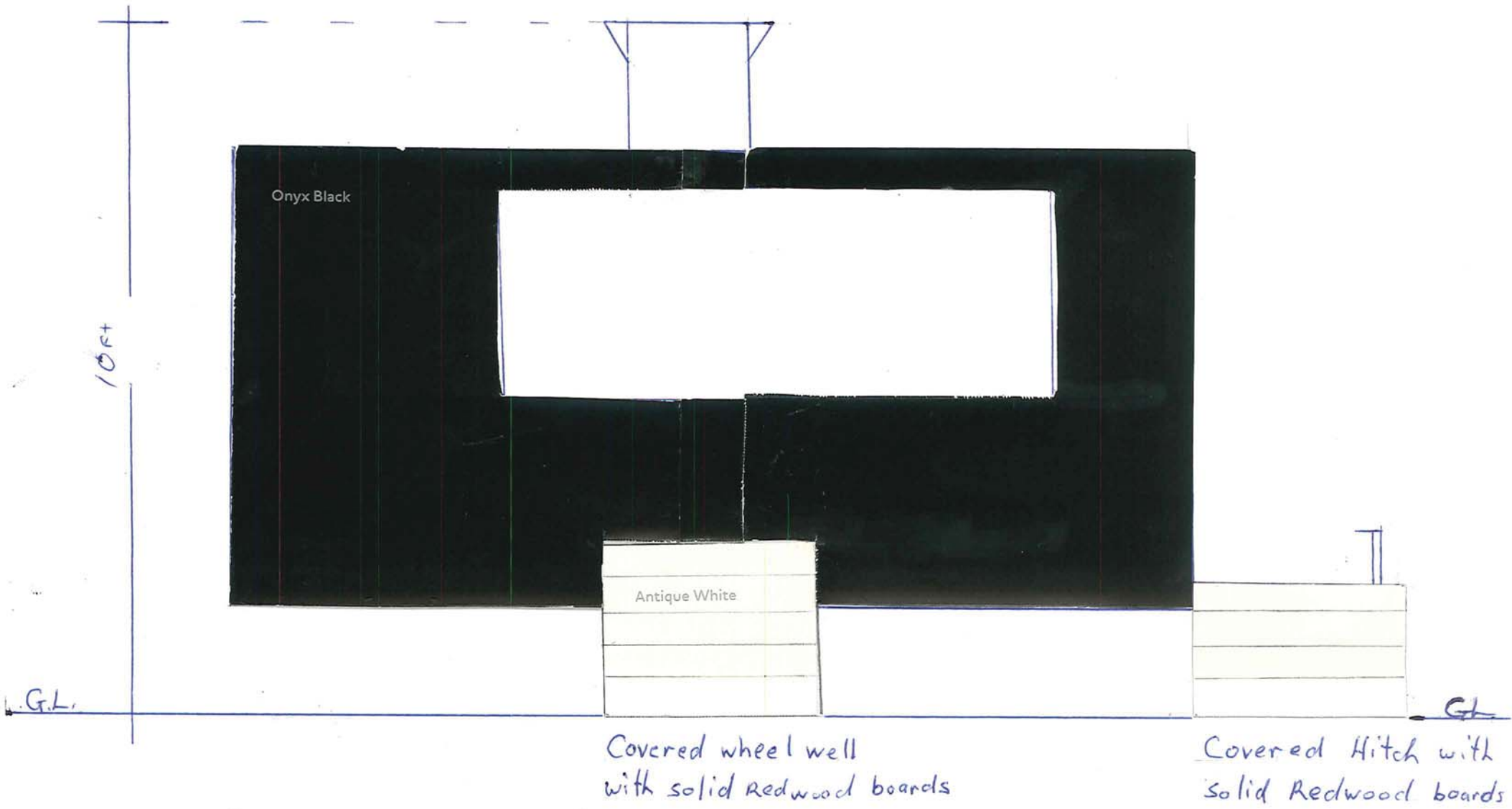


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OCT 23 2018
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PLANNING DEPT.

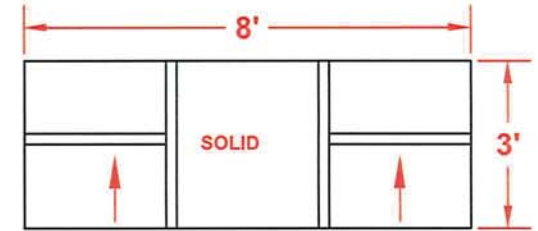
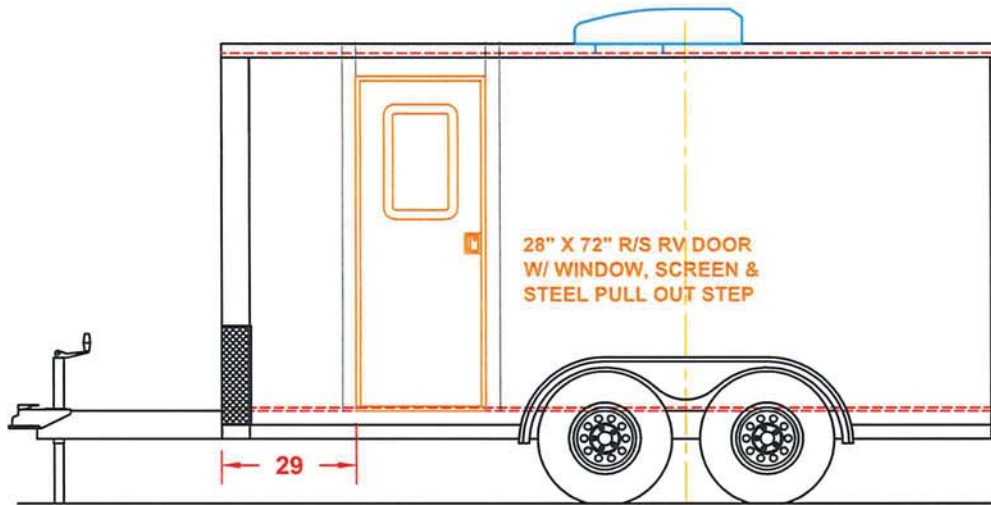


Michael Halouvas
T/A Gyros Delish

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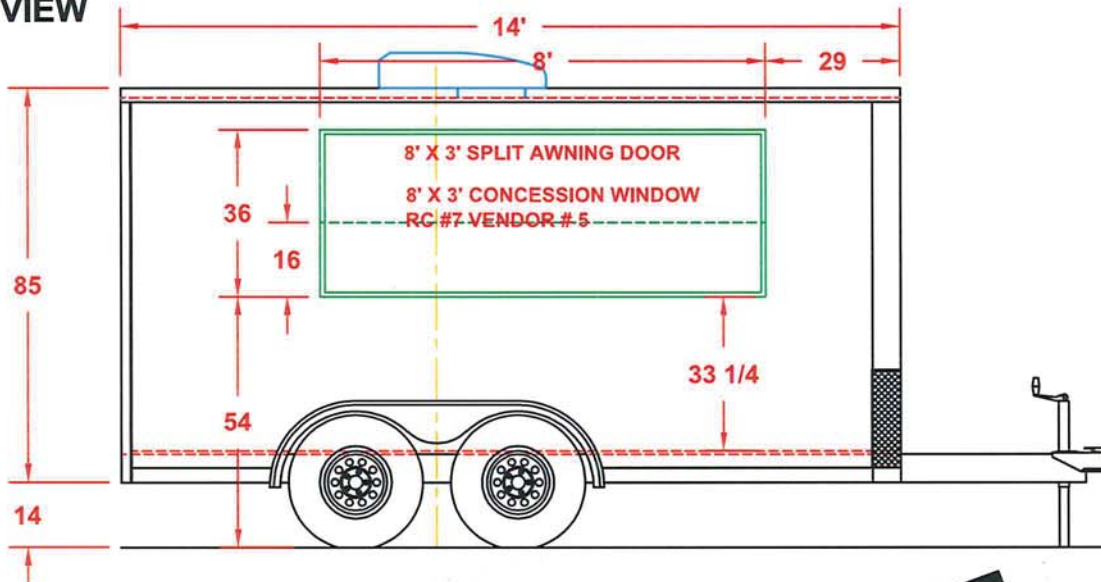


RS VIEW

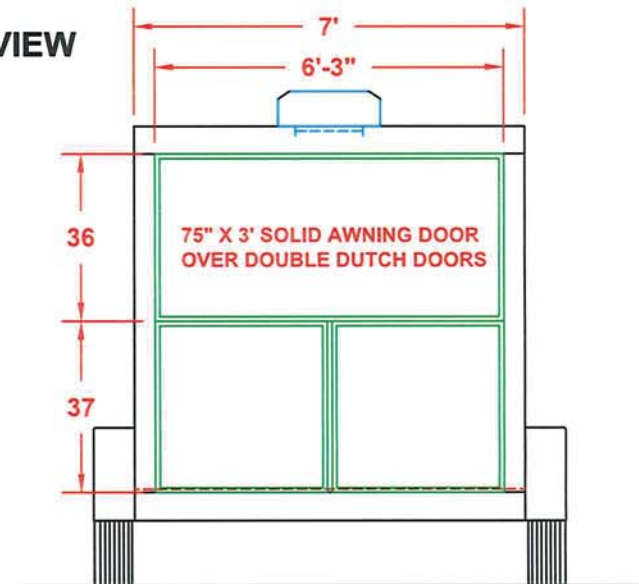


RC #7 - VENDOR #5

CS VIEW



REAR VIEW



DRAFT

CUSTOMER APPROVAL

- APPROVED
- REVISE & RESUBMIT

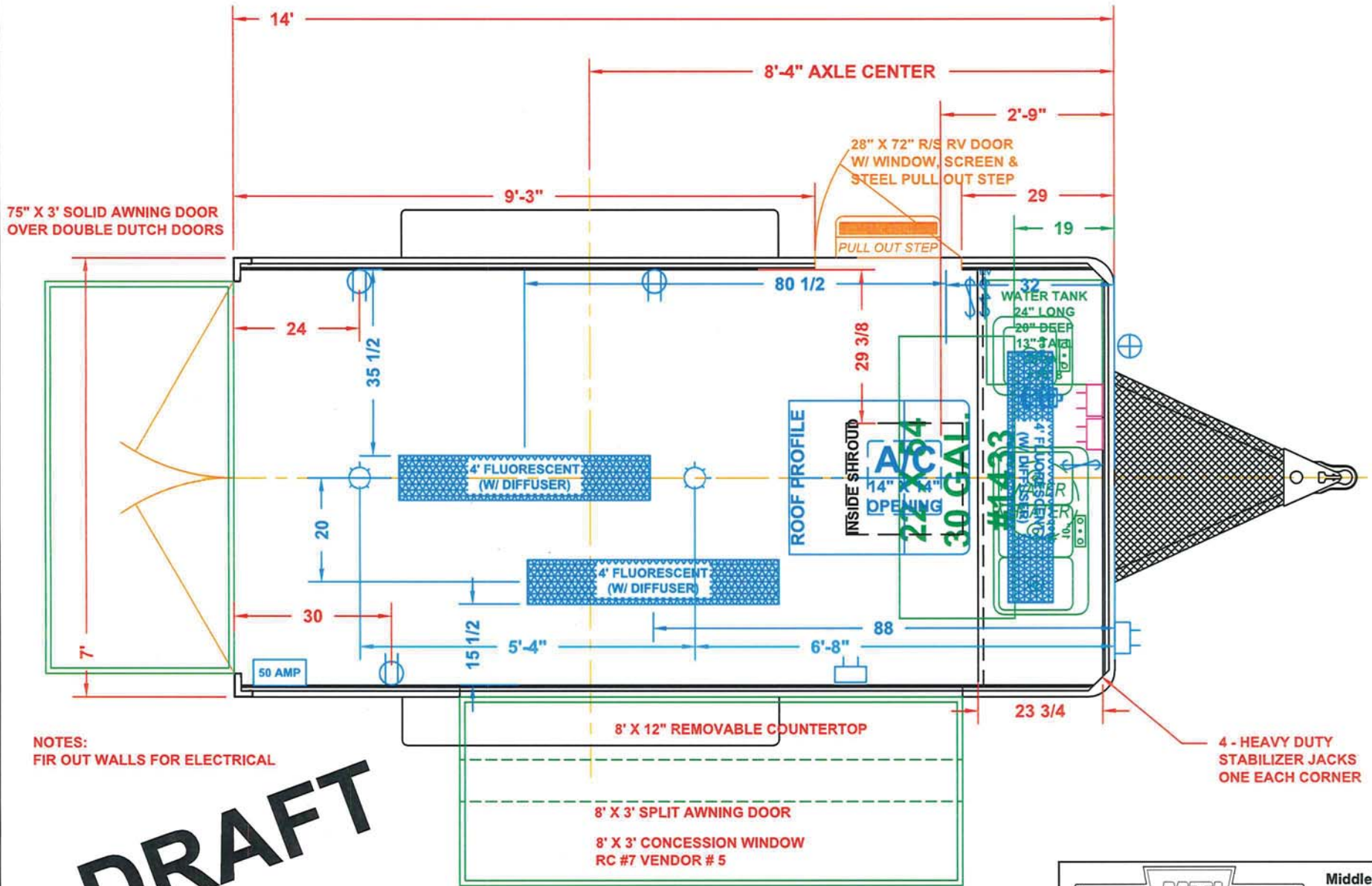
INITIALS: _____ DATE: _____



Middlebury, IN 46540
Phone: 574-825-1505
Fax: 574-825-1506
Toll Free: 1-866-314-2465

DATE: 8/1/2018	SERIAL: 649079
DRAWN BY: Carl Shinabarger	SHEET: 2 of 2
MODEL: MTB 7 x 14 TA2	REV DATE: 8/7/18
DEALER:	
Complete Trailers LLC	
	REV C

PLAN VIEW



NOTES:
FIR OUT WALLS FOR ELECTRICAL

DRAFT

CUSTOMER APPROVAL

- APPROVED
- REVISE & RESUBMIT

INITIALS: _____ DATE: _____



Middlebury, IN 46540
Phone: 574-825-1505
Fax: 574-825-1506
Toll Free: 1-866-314-2465

DATE: 8/1/2018

SERIAL: 649079A

DRAWN BY: Carl Shinabarger

SHEET: 1 of 2

MODEL: MTB 7 x 14 TA2

REV DATE: 8/10/18

DEALER:

Complete Trailers LLC

REV
D

110V SWITCH (42" AFF unless noted)	110V RECEPT (18" AFF unless noted)	4 FOOT 110V FLUORESCENT LIGHT
12V LIG	12V SWITCH (42" AFF unless noted)	50 AMP PANEL (18" AFF unless noted)
12V ME	MOTOR BASE PLUG	