



**TOWN OF  
BRECKENRIDGE**

**Town Council Work Session**

Tuesday, November 27, 2018, 4:00 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**\*NOTE ADJUSTED START TIME FOR THIS MEETING**

Estimated times: The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.

**I. PLANNING COMMISSION DECISIONS (4:00-4:05 pm)**

Planning Commission Decisions

**II. LEGISLATIVE REVIEW (4:05-4:30 pm)**

2019 Mill Levy Ordinance (Second Reading)

Huron Landing Deed Ordinance (First Reading)

Marijuana Code Reference Amendment (First Reading)

Vehicle Remote Start Ordinance (First Reading)

2019 Budget Adoption (Resolution)

**III. MANAGERS REPORT (4:30-5:00 pm)**

Public Projects Update

Parking and Transportation Update

Housing and Childcare Update

Committee Reports

Financials

**IV. PLANNING MATTERS (5:00-5:30 pm)**

Comprehensive Code Amendments Work Session

**V. EXECUTIVE SESSION - Negotiations (5:30 pm)**



# Memo

To: Breckenridge Town Council Members  
From: Peter Grosshuesch, Director of Community Development  
Date: November 21, 2018  
Subject: Planning Commission Decisions of the November 20, 2018 Meeting

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## ***DECISIONS FROM THE PLANNING COMMISSION MEETING, November 20, 2018:***

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:**

1. Village at Breckenridge Plaza Large Vendor Cart, PL-2018-0532, 655 S. Park Avenue  
A proposal to install a large vendor cart on the Village at Breckenridge plaza, proposed to be the third large vendor cart in the plaza. *Approved.*

**CLASS C APPLICATIONS:**

1. Tyra Riverbend Lodge Condominium/Hotel Meeting Room Conversion, PL-2018-0540, 655 Four O'clock Rd: A proposal to convert an approximately 192 sq. ft. meeting room on the second level of the Riverbend Lodge Condominium/Hotel building to dwelling area, to be absorbed into Unit 206. There are not any changes proposed to the building's exterior. *Approved.*

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



NOT TO SCALE

# Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller  
Dan Schroder

Jim Lamb  
Steve Gerard  
Lowell Moore

Ron Schuman

### APPROVAL OF MINUTES

On page 2 there is a public comment opening and closing in in Ms. Leidal's comment, leaving house "amenable" not "amendable."

With the above changes, the November 6, 2018 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the November 20, 2018 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comments

### WORK SESSIONS:

#### 1. Comprehensive Code Amendments

Mr. Truckey presented an overview of the proposed Code Amendments, and asked for feedback from the Commission.

#### *Commissioner Questions / Comments:*

Ms. Leidal: I am wondering if uneven gable rooflines should be addressed in the changes to 6R and how we measure height? Should you measure both? (Mr. Truckey: It is easy enough to add it in. We just need to know how we want to measure it.) (Mr. Kulick: We measure rooflines to the highest point.) (Mr. Grosshuesch: We use whatever yields the highest height.) (Ms. Puester: It does say that on page 19.) (Mr. Grosshuesch: We may not need to address it because it is already there.) I don't think we need to allow positive points for single family and duplexes stepping down their rooflines. Were we trying to find ways to make up points? (Mr. Truckey: If the intent is for it to apply to multifamily housing we can change some wording.) (Mr. Giller: I think it is a good idea and not a hard requirement to meet, so positive points are not necessary.)

Mr. Lamb: Regarding moving historic structures, what happens when a historic structure encroaches on another property. (Mr. Truckey: They don't incur negative points for moving it out of that encroachment.)

Mr. Giller: I think the code changes address the moving structures issues.

Ms. Leidal: Under Site Buffering, we crossed out tree stands and tree backdrops because they were moved under landscaping, ridgeline and outcroppings were left. I think 4 positive points is too many points for preserving ridgelines and outcroppings. (Mr. Truckey: We want to retain some value but maybe not positive 4. May be worth positive 2 now.)

Mr. Giller: I think you should avoid ridgelines and outcroppings at all cost. 2 points is easy to make up.

Mr. Schuman: It seems like a lot of negatives here and we need some positives as well. We need direction both ways. I would leave it.

- Ms. Leidal: 14R storage. I think we should retain the option of assigning negative points if enough storage is not provided. It says encouraged but you need the ability to assign negative points if someone does not allow any storage. 4R mass provides bonus space for garages, common areas, and common storage. They shouldn't use all the mass to provide other things that do not include storage.
- Mr. Giller: I agree it is very important for multifamily structures to have storage.
- Mr. Lamb: I can't think of any recent multifamily project without storage. (Mr. Truckey: We did look at it and we have never awarded negative points for storage.)
- Mr. Schroder: I like idea of giving negative points.
- Ms. Leidal: I am uncertain about the 500 square feet for sodded/lawned areas. I don't have the answer for commercial space. Maybe 500 is correct.
- Mr. Lamb: A sliding scale makes sense because you can't compare small lots in town and big lots in the Highlands. I assume we are lumping sod as Kentucky Blue Grass.
- Mr. Giller: I think it works. Sustainable landscape cuts back significantly on sod. (Mr. Grosshuesch: There is an equalization between town lots and the Highlands which has disturbance envelopes.) I think the minus 2 works for excessive sodded areas works.
- Mr. Schroder: I think it works with the 500 sq ft.
- Ms. Leidal: Do you have more ideas about the lot line issue? (Mr. Grosshuesch: An example is difficult. Our thought is to include a general enabling clause. If a development permit comes in we could require a lot line vacation, where we have various encroachments and setback violations to the Building and Development Codes to deal with.)

The work session was opened for public comment:

- No public comments.

- Ms. Leidal: 1(Is Commission comfortable with changes to Employee Housing Table)—yes. 2 (Does Commission agree with changes to 24R regarding moving historic structures)—yes. 3 (Does Commission agree with reclassification of historic structure applications)—yes. These are very time consuming applications. 4 (Does Commission agree with leaving positive 9 or 12 points to projects that do not include above ground additions?)--yes. 5 (Should landscape walls be made of natural materials and is 20 feet a good length?) Yes. I like landscape walls. I think we should try a 20 foot length to start with. 6 (Does the Commission agree with a 500 square foot limitation on sodded areas without negative points?) 500 sq ft I am not sure and would consider a sliding scale. 7 (Other Commission comments)--no more changes.
- Mr. Schroder: I agree with each of the code revisions. The third bullet has an opportunity for issues to arise. It seems the process lends itself to a Class A, currently the applicant is getting much more than they paid for. 4<sup>th</sup> bullet I agree that positive 9 & 12 points should be retained for projects without additions.
- Mr. Gerard: I agree with all seven points. They are all changes that work well for the town. 500 square feet for sodded areas works well. I think that staff should come up with a clear lot line vacation requirement. That is something that needs to be cleaned up. It is important to give negative points when failing to provide adequate storage.
- Mr. Schuman: 1- 4 yes. 5 open to small changes for non-natural materials. 6, agree. 7, agree.
- Mr. Lamb: 1 yes, 2--the point assignment for moving structures is getting pressure from the state so yes. 3--I think the class A is a big price jump. I'm okay with keeping a Class B if, for example, it's just a foundation replacement. 4--I agree with 9-12 points. 5--Are we talking about landscape wall or retaining wall? 6--The 500 sq. ft. works. I think the code changes have all gone a good direction.
- Mr. Moore: 1, 2, & 4 yes. 3, I would like to see a separate classification for minor additions. 5, I think 20 feet is not very long for a landscaping wall but we need to start somewhere. We should allow wall materials based on the site and what the use of the wall is. 6, 500 sq ft is fine.

Minimizing water use is a top priority. Storage needs to be encouraged.  
Mr. Giller: 1, concur. 2, concur. 3, Historic preservation benefits the town and I feel a Class B is still sufficient. 4, 9 and 12 I concur; 5, I concur; 6, I concur. We should keep negative points for storage.

2. Hoopes Cottage (CK), PL-2018-0521, 204 N. Ridge Street

Mr. Kulick presented options for potential historic renovation at the Hoopes Cottage property at 204 N. Ridge Street, and asked for input from the Commission.

Janet Sutterley, Architect, Presented:

We really don't want to see the current non-conforming two story addition remain on the house. I think it is an exception that we have an owner willing to tear down the addition and end up with less square footage as a result. I think it is an opportunity to correct a bad situation created in the 70s. It would be a great tradeoff to have the addition removed and the mass bonus included. This drawing is a good representation of how it will sit along the lot line. (Mr. Giller: What does square feet ML and UL mean?) Main level and underground level. This will be a one story structure and have a small garage. (Mr. Gerard: Looks like there is a driveway permitted in the back.) (Mr. Kulick: We will look at that in the future. It may get narrowed down to meet current engineering standards.) It currently is one big gravel lot. We will have to follow the engineering guideline. What we are looking for tonight is a general yes or no on the garage bonus and does it warrant a mass bonus.

*Commissioner Questions / Comments:*

Mr. Gerard: I think it is a great project. The mass bonus makes sense here.

Mr. Schuman: I am in favor of the bonus.

Mr. Lamb: I was originally worried about the precedent but this is different because they are losing above ground square footage (17.59 UPA to 12 UPA mass), which is a pretty tall standard to set.

Mr. Moore: This is an ideal situation to grant the mass bonus.

Ms. Leidal: I support the mass bonus. I want to make sure this does achieve substantial compliance with the handbook of design standards. I support.

Mr. Schroder: I support a variance for the mass bonus.

Mr. Giller: I too support a variance for the mass bonus but we need to make it clear why.

**CONSENT CALENDAR:**

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

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

**COMBINED HEARINGS:**

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

Mr. LaChance presented a proposal to install a large vendor cart on the Village at Breckenridge plaza, which if approved would be the third large vendor cart in the plaza.

*Commissioner Questions / Comments:*

Mr. Schroder: Can you show on the map where the previously approved vendor carts and the proposed vendor carts are located? (Mr. LaChance explained the location on the map.)

Mr. Lamb: There is only one vendor cart currently in the plaza.

Mr. Giller: Will they be including a seating area? (Mr. LaChance: It is not required.) If the applicant adds seating, will it be reviewed? (LaChance: Yes)

Mr. Schroder: Is The Village taking care of the trash? (Mr. LaChance: Policy 49 does not address trash receptacles, but there are several trash receptacles in The Village.)

Micheal Halouvas, Applicant:

I have been coming to Breckenridge for years and moved here permanently in the past year. The to-go containers we use are ecofriendly and recyclable. (Mr. Schroder: Is the village aware that you will be generating trash? Will you put a trash receptacle onsite?) Yes, I would. (Mr. Giller: Will you add seating?) The village has seating there now and we will just use that.

The hearing was opened for public comment.

- No Public Comment.

*Commissioner Questions / Comments:*

Mr. Schroder: I look forward to enjoying a gyro.

Mr. Schuman: The trash is an HOA issue not a Planning Commission issue. I agree with staff's analysis.

Mr. Lamb: I have no concerns.

Ms. Leidal: I agree with staff's analysis.

Mr. Gerard: It looks like a good plan.

Mr. Giller: I support staff's analysis and look forward to your opening.

Mr. Schroder made a motion to approve, seconded by Mr. Gerard. The motion passed unanimously.

**OTHER MATTERS:**

1. Town Council Summary

Mr. Grosshuesch presented an overview of the November 13<sup>th</sup> Town Council Meeting.

- No planning applications called up
- City Market expansion Development Agreement approved
- Noble House land marking approved
- Approved trash ordinance
- Mill levy approved
- McCain master plan reviewed. Asked for a change to Tract 9 Open Space/Housing/Recreation designation. Would like to see housing and recreation removed.
- 2040 Study Population, employment, traffic, parking, housing etc. increase projections to inform a Tourism Management Plan done by the Breckenridge Tourism Office to establish how to manage growth in tourism and how much growth is manageable.
- Isaack Heartstone was moved to storage.

**ADJOURNMENT:**

The meeting was adjourned at 7:13 pm.

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Mike Giller, Chair



# Memo

**To:** Breckenridge Town Council  
**From:** Brian Waldes, Finance Director  
**Date:** 11-6-18  
**Subject:** 2019 Property Tax Mill Levy

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Please find attached the ordinance setting the mill levy within the Town of Breckenridge for 2019 at 5.07 mills. The ordinance is submitted for second reading.

The 5.07 mill levy is the amount the Town is authorized to impose, and cannot be increased without an election. For the 2019 budget year, we are forecasting the 5.07 mill levy to result in property tax revenues of \$2.916M, up 1.7% from the 2018 amount of \$2.867M. This is a non-assessment year, so a small increase was to be expected. The 2020 budget should see a more significant change after the County Assessor's biannual assessment process is complete.

The 5.07 mills are for the purpose of defraying the expenses of the General Fund.



# FOR WORKSESSION/FIRST READING – NOV. 13

COUNCIL BILL NO. XX

Series 2018

## AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2019

WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill levy of 5.07 mills upon each dollar of the assessed valuation of all taxable property within the Town of Breckenridge is needed to balance the 2019 Town budget.

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

Section 1. For the purposes of defraying the expense of the General Fund of Breckenridge, Colorado for the fiscal year 2019, there is hereby levied a tax of 5.07 mills upon each dollar of assessed valuation for all taxable property within the Town of Breckenridge.

Section 2. The Town Clerk is authorized and directed, after adoption of the budget by the Town Council, to certify to the Board of County Commissioners of Summit County, Colorado, the tax levies for the Town of Breckenridge, Colorado as herein set forth.

Section 3. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of November, 2018. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27<sup>th</sup> day of November, 2018, at 7:00 p.m., or as soon thereafter as possible in the Municipal Building of the Town

ATTEST:

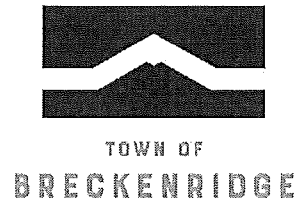
TOWN OF BRECKENRIDGE

\_\_\_\_\_/s/\_\_\_\_\_  
Helen Cospolich, Town Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
Eric Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_/s/\_\_\_\_\_  
Town Attorney                      Date



# Memo

**To:** Breckenridge Town Council Members  
**From:** Laurie Best-Community Development Department  
**Date:** 11/19/2018 (For 11/ 27/2018)  
**Subject:** AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS  
LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING  
AUTHORITY-First Reading

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This Ordinance is presented for first reading on November 27<sup>th</sup> and will authorize the Town Manager and Town Clerk to execute a deed conveying the Huron Landing apartment buildings to the Huron Landing Authority. As you may recall the Huron Landing Authority is a single purpose entity established to own and operate the apartments. The Authority includes the Town of Breckenridge and Summit County. The intent of this deed is to insure that the buildings can be properly recorded in the Huron Landing Authority books/financials. While the Certificate of Occupancy was issued in 2017 and the apartments were lease beginning in July 2017, the asset could not be transferred until the construction was 100% complete which occurred in 2018. The Town is closing the construction account and filing for the last construction draw before the end of the year and would like to record the deed once the construction project is closed out. Staff will be available at your meeting to answer any questions.

1 **FOR WORKSESSION/FIRST READING – NOV.27**

2  
3 COUNCIL BILL NO. \_\_\_\_

4  
5 Series 2018

6  
7 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS  
8 LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY  
9

10 WHEREAS, the Town may have an ownership interest in the improvements (only)  
11 located on the following described real property situate in the Town of Breckenridge, Summit  
12 County, Colorado:

13  
14 Huron Landing Lot 1, according to the plat filed on July 13, 2017 under Reception  
15 Number 1146186 in the Office of the Summit County Clerk and Recorder  
16

17 (“Property”)

18  
19 ; and  
20

21 WHEREAS, to resolve any uncertainty as to their ownership, it is necessary and  
22 appropriate for the improvements located on the Property be conveyed to the Huron Landing  
23 Authority; and  
24

25 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that the sale and  
26 conveyance of the improvements located upon the Property to the County be authorized by  
27 ordinance.  
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
30 BRECKENRIDGE, COLORADO:  
31

32 Section 1. The Town Manager and the Town Clerk are authorized, empowered, and  
33 directed to execute, acknowledge, and deliver to the Huron Landing Authority, the quit claim  
34 deed for the improvements (only) located upon the Property, a copy of which is marked **Exhibit**  
35 **“A”**, attached hereto, and incorporated herein by reference.  
36

37 Section 2. The Town Council finds, determines, and declares that it has the power to  
38 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
39 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.  
40

41 Section 3. This ordinance shall be published and become effective as provided by  
42 Section 5.9 of the Breckenridge Town Charter.  
43

44 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
45 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be  
46 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the

1 \_\_\_\_ day of \_\_\_\_\_, 2018, at 7:30 P.M., or as soon thereafter as possible in the  
2 Municipal Building of the Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
6

7  
8  
9 By: \_\_\_\_\_  
10 Eric S. Mamula, Mayor

11  
12 ATTEST:

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15  
16 \_\_\_\_\_  
17 Helen Cospolich  
18 Town Clerk  
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**QUIT CLAIM DEED  
(Improvements Only)**

The TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to HURON LANDING AUTHORITY, a political subdivision and public corporation of Colorado, whose address is 150 Ski Hill Road, P.O. Box 168, Breckenridge, Colorado, the following property in the Town of Breckenridge, County of Summit, and State of Colorado, to wit:

All improvements located on Huron Landing Lot 1, according to the plat filed on July 13, 2017 under Reception Number 1146186 in the Office of the Summit County Clerk and Recorder.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018

TOWN OF BRECKENRIDGE

By: \_\_\_\_\_  
Rick G. Holman, Town Manager

ATTEST:

\_\_\_\_\_  
Helen Cospolich , CMC,  
Town Clerk

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF SUMMIT     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



# Memo

To: Breckenridge Town Council Members  
From: Taryn Power, Deputy Clerk  
Date: 11/15/2018 (for November 13<sup>th</sup> meeting)  
Subject: Council Bill No. 33 (Marijuana Code Reference Amendment)

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During the 2018 Colorado legislative session, several bills were passed into law that relocate the marijuana code to a new title of the Colorado Revised Statutes. The relocation of the laws was effective on October 1, 2018. This Council Bill changes the references in the Breckenridge Town Code to correspond to the changes made to the liquor codes of the C.R.S.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/FIRST READING – NOV. 27***

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. 33

7  
8 Series 2018

9  
10 AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN  
11 CODE WITH RESPECT TO THE COLORADO MEDICAL MARIJUANA CODE AND THE  
12 COLORADO RETAIL MARIJUANA CODE

13  
14 WHEREAS, the Colorado legislature recently adopted and the Governor signed into law  
15 HB18-1023, which recodified the Colorado statutes that contain the Colorado Medical Marijuana  
16 Code and the Colorado Retail Marijuana Code; and

17  
18 WHEREAS, HB18-1023 became effective October 1, 2018; and

19  
20 WHEREAS, it is necessary to change the references to the Colorado Medical Marijuana  
21 Code and the Colorado Retail Marijuana Code contained in the Breckenridge Town Code to  
22 reflect the recodification of such statutes brought about by the adoption of HB18-1023.

23  
24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
25 BRECKENRIDGE, COLORADO:

26  
27 Section 1. Section 2-5-1 of the Breckenridge Town Code are amended to read as  
28 follows:

29  
30 2-5-1: FINDINGS:

31  
32 The Town Council finds and determines as follows:

33  
34 A. The Town Council is authorized by section 12-47-103(17), Colorado Revised  
35 Statutes, to create by ordinance a local licensing authority to handle all liquor  
36 licensing matters for the Town.

37  
38 B. The Town has authorized the issuance of certain local licenses under the  
39 Colorado Medical Marijuana Code<sup>1</sup>, the Colorado Retail Marijuana Code<sup>2</sup>, and  
40 the applicable administrative regulations promulgated with respect to such  
41 statutes, all as more fully set forth in title 4, chapter 14 of this Code.

42  
43 C. The Town Council is authorized by section 44-11-104(5), Colorado Revised  
44 Statutes (which is part of the Colorado Medical Marijuana Code), and 44-12-  
45 103(10), Colorado Revised Statutes (which is part of the Colorado Retail

1 Marijuana Code) to create by ordinance a local licensing authority to handle all  
2 marijuana licensing matters for the Town.

3  
4 D. The Town Council desires to establish a single local licensing authority to act  
5 for the Town in all local licensing matters arising under the Colorado Beer Code<sup>3</sup>  
6 the Colorado Liquor Code<sup>4</sup>, the Colorado Special Liquor Events Code<sup>5</sup>, the  
7 Colorado Medical Marijuana Code<sup>6</sup>, the Colorado Retail Marijuana Code<sup>7</sup>, the  
8 applicable administrative regulations promulgated with respect to such statutes,  
9 the Town's marijuana licensing ordinance (title 4, chapter 14 of this Code); and  
10 other applicable law.

11  
12 E. Section 9.5 of the Town Charter authorizes the Town Council to create by  
13 ordinance permanent boards and commissions for the Town, and sets forth certain  
14 requirements which must be met with respect to the creation of a permanent Town  
15 board or commission.

16  
17 F. Section 9.2(a) of the Town Charter provides that neither the Mayor nor any  
18 Town employee shall serve on any Town board or commission.

19  
20 G. The Town of Breckenridge liquor and marijuana licensing authority should be  
21 created to replace the Town of Breckenridge liquor licensing authority  
22 (established by ordinance 20, series 2003), and given the authority to handle all  
23 liquor and marijuana licensing matters for the Town, all as more fully set forth in  
24 this chapter.

25  
26 <sup>1</sup>CRS tit. ~~1244~~, art. ~~43.311~~

27 <sup>2</sup>CRS tit. ~~1244~~, art. ~~43.412~~

28 <sup>3</sup>CRS tit. 44, art. 4

29 <sup>4</sup>CRS tit. 44, art. 3

30 <sup>5</sup>CRS tit. 44, art. 5

31 <sup>6</sup>CRS tit. ~~1244~~, art. ~~43.311~~

32 <sup>7</sup>CRS tit. ~~1244~~, art. ~~43.412~~

33  
34 Section 2. Section 2-5-6 of the Breckenridge Town Code is amended to read as follows:

35  
36 2-5-6: POWERS, DUTIES AND RESPONSIBILITIES:

37  
38 The authority shall have all of the powers of a local licensing authority as are set  
39 forth in the following laws, all as amended from time to time:

40  
41 A. The Colorado Beer Code<sup>8</sup>;

42  
43 B. The Colorado Liquor Code<sup>9</sup>;

44  
45 C. The Colorado Special Liquor Events Code<sup>10</sup>

46  
47 D. The Town's marijuana licensing ordinance<sup>11</sup>;



1  
2 E. The Colorado Medical Marijuana Code<sup>12</sup>;

3  
4 F. The Colorado Retail Marijuana Code<sup>13</sup>;

5  
6 G. The administrative regulations promulgated by the Liquor Enforcement  
7 Division of the Colorado Department of Revenue under the statutes set forth  
8 above;

9  
10 H. The administrative regulations promulgated by the authority as authorized by  
11 section 2-5-10 of this chapter; and

12  
13 I. Other applicable law.

14  
15 <sup>8</sup>CRS tit. 44 art.4.

16 <sup>9</sup>CRS tit. 44, art. 3.

17 <sup>10</sup>CRS tit. 44, art. 5.

18 <sup>11</sup>Title 4, chapter 14 of this Code.

19 <sup>12</sup>CRS tit. ~~44~~, art. ~~43.3~~11

20 <sup>13</sup>CRS tit. ~~44~~ art. ~~43.4~~12.

21  
22 Section 3. Section 3-1-3(Q) of the Breckenridge Town Code is amended to read as  
23 follows:

24  
25 Q. Upon the retail sale of medical marijuana and marijuana infused products  
26 pursuant to the Colorado medical marijuana code, article ~~43.3~~11 of title ~~44~~,  
27 Colorado Revised Statutes.

28  
29 Section 4. Section 3-1-3(R) of the Breckenridge Town Code is amended to read as  
30 follows:

31  
32 R. Upon the sale of retail marijuana or marijuana products pursuant to the  
33 Colorado retail marijuana code, article ~~43.4~~12 of title ~~44~~, Colorado Revised  
34 Statutes

35  
36 Section 5. Section 3-9-1(B) of the Breckenridge Town Code is amended to read as  
37 follows:

38  
39 B. As used in this chapter the following words shall have the following meanings:

40  
41 COLORADO MEDICAL MARIJUANA CODE: Article ~~43.3~~11 of title ~~44~~,  
42 Colorado Revised Statutes, as amended from time to time.

43  
44 COLORADO RETAIL MARIJUANA CODE: Article ~~43.3~~12 of title ~~44~~,  
45 Colorado Revised Statutes, as amended from time to time.

46  
47 DESIGNATED REVENUES: All of the revenues received by the town from the

1 collection of the town's marijuana excise tax imposed by section 3-9-2 of this  
2 chapter.

3  
4 **LAWFUL SALE OF MARIJUANA:** Includes all sales within the town of: 1)  
5 medical marijuana and medical marijuana infused products by persons licensed  
6 pursuant to the Colorado medical marijuana code and applicable town ordinances;  
7 2) retail marijuana and retail marijuana products by persons licensed pursuant to  
8 the Colorado retail marijuana code and applicable town ordinances; and 3)  
9 medical marijuana, medical marijuana infused products, retail marijuana, and  
10 retail marijuana products by persons concurrently licensed pursuant to the  
11 Colorado medical marijuana code, the Colorado retail marijuana code, and  
12 applicable town ordinances.

13  
14 **MEDICAL MARIJUANA:** Has the meaning provided in section ~~12-43.3-104~~ **44-**  
15 **11-104**, Colorado Revised Statutes, which is part of the Colorado medical  
16 marijuana code.

17  
18 **MEDICAL MARIJUANA INFUSED PRODUCT:** Has the meaning provided in  
19 section ~~12-43.3-104~~ **44-11-104**, Colorado Revised Statutes, which is part of the  
20 Colorado medical marijuana code.

21  
22 **RETAIL MARIJUANA:** Has the meaning provided in section ~~12-43.3-103~~ **44-**  
23 **12-103**, Colorado Revised Statutes, which is part of the Colorado retail marijuana  
24 code.

25  
26 **RETAIL MARIJUANA PRODUCT:** Has the meaning provided in section ~~12-~~  
27 ~~43.3-103~~ **44-12-103**, Colorado Revised Statutes, which is part of the Colorado  
28 retail marijuana code.

29  
30 **Section 6.** Section 4-14-2 of the Breckenridge Town Code is amended to read as follows:

31  
32  
33 4-14-2: FINDINGS:

34  
35 The town council adopts this chapter based upon the following findings of fact:

36  
37 A. The Colorado medical marijuana code<sup>1</sup> recognizes the power of a municipality  
38 to adopt and enforce its own rules and regulations for the licensing of medical  
39 marijuana businesses within its jurisdiction. Specifically, the Colorado medical  
40 marijuana code authorizes municipalities to:

- 41 1. Prohibit the operation of medical marijuana centers, optional premises  
42 cultivation operations, and medical marijuana infused product manufacturing  
43 facilities within the municipality<sup>2</sup>;  
44 2. Adopt an ordinance containing specific standards for the issuance of local  
45 licenses<sup>3</sup>;

3. Adopt additional local standards for the issuance of licenses, including, but not limited to, distance restrictions between premises for which licenses are issued; reasonable restrictions on the size of an applicant's licensed premises; and any other local requirement necessary to ensure the control of the premises and the ease of enforcement of the terms and conditions of the license<sup>4</sup>;
4. Impose additional requirements necessary for the approval of applications under the Colorado medical marijuana code<sup>5</sup>;
5. Enact ordinances or resolutions concerning matters authorized to local governments<sup>6</sup>;
6. Enact reasonable regulations or other restrictions applicable to licenses based on local government zoning, health, safety and public welfare laws for the distribution of medical marijuana that are more restrictive than the Colorado medical marijuana code<sup>7</sup>;
7. Impose reasonable restrictions upon a local license<sup>8</sup>; and
8. Establish an application fee for a local license<sup>9</sup>.

B. On November 6, 2012, the voters of the state of Colorado approved amendment 64. Amendment 64 added section 16 of article XVIII to the Colorado constitution.

C. Section 16(5)(f) of article XVIII of the Colorado constitution authorizes a municipality to enact an ordinance or regulation, not in conflict with section 16 of article XVIII of the Colorado constitution, governing the time, place, manner, and number of marijuana establishments within the boundaries of the municipality.

D. The Colorado retail marijuana code<sup>10</sup> establishes a new procedure that allows for the dual licensing by the state licensing authority and the local licensing authority of the retail cultivation, manufacture, distribution, and sale of retail marijuana and retail marijuana products.

E. Specifically, the Colorado retail marijuana code authorizes municipalities to:

1. Enact regulations governing the time, place, manner, and number of retail marijuana establishments within the boundaries of the municipality, which may include a local licensing requirement<sup>11</sup>;
2. Impose a separate local licensing requirement as a part of the municipality's restrictions on time, place, manner, and number of marijuana businesses within the municipality<sup>12</sup>;
3. Enact ordinances or resolutions concerning matters authorized to local governments<sup>13</sup>;
4. Adopt and enforce regulations for retail marijuana establishments that are at least as restrictive as the Colorado retail marijuana code and the state administrative regulations<sup>14</sup>; and
5. Adopt and impose operating fees on marijuana establishments located within its jurisdiction in an amount determined by the municipality<sup>15</sup>.

1 F. The presence of medical marijuana businesses and retail marijuana  
2 establishments within the town's downtown overlay district may discourage  
3 tourism, which is the economic lifeblood of the community. As such, except for  
4 the limited time period described in this chapter, medical marijuana businesses  
5 and retail marijuana establishments should all be located outside of the downtown  
6 overlay district in order to protect, defend, and preserve the economic vitality of  
7 the town.

8  
9 G. The town council finds, determines, and declares that to the extent the  
10 requirements of this chapter differ from the requirements of the Colorado medical  
11 marijuana code and the Colorado retail marijuana code, the requirements of this  
12 chapter are more restrictive than the Colorado medical marijuana code and at least  
13 as restrictive as the Colorado retail marijuana code.

14  
15 H. This chapter is necessary and proper to provide for the safety, preserve the  
16 health, promote the prosperity, and improve the order, comfort, and convenience  
17 of the town and the inhabitants thereof.

18  
19  
20  
21 <sup>1</sup>CRS title ~~1244~~, art. 43-~~311~~.

22 <sup>2</sup>CRS § ~~12-43.3-106~~ 44-11-106.

23 <sup>3</sup>CRS § ~~12-43.3-301(2)(a)~~ 44-11-301(2)(a).

24 <sup>4</sup>CRS § ~~12-43.3-301(2)(b)~~ 44-11-301(2)(b).

25 <sup>5</sup>CRS § ~~12-43.3-301(4)~~ 44-11-301(4).

26 <sup>6</sup>CRS § ~~12-43.3-305(3)~~ 44-11-304(4).

27 <sup>7</sup>CRS § ~~12-43.3-310(1)~~ 44-11-310(1).

28 <sup>8</sup>CRS § ~~12-43.3-310(7)~~ 44-11-310(7).

29 <sup>9</sup>CRS § ~~12-43.3-503(1)~~ 44-11-503(1).

30 <sup>10</sup>CRS title ~~1244~~, art. 43-~~412~~.

31 <sup>11</sup>CRS § ~~12-43.4-104(3)~~ 44-12-104(3).

32 <sup>12</sup>CRS § ~~12-43.4-301(2)~~ 44-12-301(2).

33 <sup>13</sup>CRS § ~~12-43.4-304(2)~~ 44-12-303(2).

34 <sup>14</sup>CRS § ~~12-43.4-309(1)~~ 44-12-309(1).

35 <sup>15</sup>CRS § ~~12-43.4-501(3)~~ 44-12-501(3).

36  
37 Section 7. Section 4-14-4(A) of the Breckenridge Town Code is amended to read as  
38 follows:

39  
40 A. The Colorado medical marijuana code, article 43-~~311~~ of title ~~1244~~, Colorado  
41 Revised Statutes;

42  
43 Section 8. Section 4-14-4(C) of the Breckenridge Town Code is amended to read as  
44 follows:

45  
46 C. The Colorado retail marijuana code, article 43-~~412~~ of title ~~1244~~, Colorado  
47 Revised Statutes;



1 \_\_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
2 Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
6

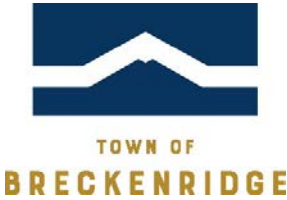
7  
8  
9 By: \_\_\_\_\_  
10 Eric S. Mamula, Mayor

11  
12 ATTEST:

13  
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16 \_\_\_\_\_  
17 Helen Cospolich, CMC,  
18 Town Clerk  
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41 500-404\Marijuana Codes Recodification Ordinance (11-14-18)

# Memo



To: Breckenridge Town Council Members  
From: Jim Baird, Police Chief  
Date: 11/16/2018  
Subject: Motor Vehicle Remote Starter Ordinance

---

The attached ordinance, if passed by council, would amend the model traffic code to better align with the State of Colorado traffic laws. Specifically, the Colorado legislature recently amended the state’s traffic laws to allow for the lawful use of remote starter systems and other “adequate security systems” on unattended motor vehicles.

This change will **not** affect the existing town prohibition on the unreasonable and prolonged idling of a motor vehicle (6-3C-12)

It is staff’s recommendation that council approve the ordinance. Tim Berry and I will be present at the work session on Tuesday, November 27th to answer any questions.

1 **FOR WORKSESSION/FIRST READING – \_\_\_\_\_**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_\_

7  
8 Series 2018

9  
10 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010  
11 EDITION, CONCERNING AN EXPANSION OF THE ABILITY TO LEAVE A MOTOR  
12 VEHICLE UNATTENDED IN CERTAIN CIRCUMSTANCES

13  
14 WHEREAS, the Colorado legislature recently adopted and the Governor signed into law  
15 HB16-1122, entitled “An Act Concerning The Use Of Remote Starter Systems On Unattended  
16 Vehicles”; and

17  
18 WHEREAS, the Colorado legislature also recently adopted and the Governor signed into  
19 law HB18-1296, entitled “An Act Concerning An Expansion Of The Ability To Leave A Motor  
20 Vehicle Unattended In Certain Circumstances”; and

21  
22 WHEREAS, the Town Council finds, determines, and declares that the Town’s Model  
23 Traffic Code For Colorado, 2010 edition, should be amended to reflect the amendments to state  
24 traffic laws made by HB16-1122 and HB18-1296.

25  
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
27 BRECKENRIDGE, COLORADO:

28  
29 Section 1. Section 7-1-2 of the Breckenridge Town Code is amended to include the  
30 following amendment to Section 1206 of the Model Traffic Code For Colorado, 2010 edition:

31  
32 Section 1206 of the adopted code is amended so as to read in its entirety as  
33 follows:

34  
35 1206. Unattended motor vehicle – Definitions.

36  
37 ~~(1) No~~ ~~person~~ A person driving or in charge of ~~an unlocked~~ an unlocked motor vehicle shall not  
38 permit it to stand unattended without first stopping the engine, locking the  
39 ignition, removing the key from the ignition, and effectively setting the brake  
40 thereon, ~~and, and;~~ and; When the vehicle is standing upon any grade, ~~said~~ the  
41 person shall turn the front wheels to the curb or side of the highway in such a  
42 manner as to prevent the vehicle from rolling onto the traveled way. ~~Any person~~  
43 ~~who violates any provision of this section commits a class B traffic infraction.~~



1 **(2) The use or operation of a remote starter system or adequate security**  
2 **measures is sufficient to comply with subsection (1) of this section.**

3 **(3) As used in this section:**

4 **(a) “Adequate security measures” includes, but is not limited to:**

5 **(I) Using a vehicle that requires a key to put the vehicle into gear and move**  
6 **the vehicle;**

7 **(II) Keeping a keyless start fob out of proximity of the vehicle; or**

8 **(III) Employing steering wheel security devices.**

9 **(b) “Remote starter system” means a device installed in a motor vehicle that**  
10 **allows the engine of the vehicle to be started by remote or radio control.**

11  
12 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
13 various secondary codes adopted by reference therein, shall continue in full force and effect.  
14

15 Section 3. The Town Council hereby finds, determines and declares that this ordinance  
16 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
17 and improve the order, comfort and convenience of the Town of Breckenridge and the  
18 inhabitants thereof.  
19

20 Section 4. The Town Council hereby finds, determines and declares that it has the power  
21 to adopt this ordinance pursuant to: (i) Section 42-4-110(1)(a), C.R.S.; (ii) Section 42-4-  
22 111(1)(A), C.R.S; (iii) Section 42-4-1208, C.R.S.; (iv) Section 31-15-103, C.R.S. (concerning  
23 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);  
24 (vi) the authority granted to home rule municipalities by Article XX of the Colorado  
25 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.  
26

27 Section 5. This ordinance shall be published and become effective as provided by Section  
28 5.9 of the Breckenridge Town Charter; provided, however, that this ordinance shall not become  
29 effective with respect to any state highway located within the corporate limits of the Town of  
30 Breckenridge until it has been approved by the Colorado Department of Transportation pursuant  
31 to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.  
32

33 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
34 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be held at the  
35 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
36 \_\_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
37 Town.  
38  
39

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

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# Memo

**To:** Breckenridge Town Council  
**From:** Brian Waldes, Finance Director  
**Date:** 11.16.18  
**Subject:** 2019 Proposed Budget Resolution

---

The 2019 Town of Breckenridge proposed budget document is hereby submitted for Council approval. The budget is required to be approved each year by Council resolution.

The proposed budget includes some small changes from the document that was presented at the October 9, 2018 budget retreat. All three modifications are included in the General Fund.

1. Police Patrol – Increase in overtime budget of \$18,000 in anticipation of increased traffic control efforts
2. Police Patrol – Decrease of 1 budgeted officer from 2018 levels
3. Safety Committee – Increase of \$70,000 to facilitate the distribution of Automatic Electronic Defibrillators (AEDs) in Town facilities

There are no other changes from the previous version of the budget.

1 **FOR WORKSESSION/ADOPTION – NOV. 27**

2  
3 RESOLUTION NO. XX

4  
5 SERIES 2018

6  
7  
8 A RESOLUTION ADOPTING THE 2019 BUDGET  
9 AND MAKING APPROPRIATIONS THEREFOR; AND APPROVING THE 2019-2023 CAPITAL  
10 IMPROVEMENT PLAN

11  
12 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt an  
13 operating budget for each fiscal year; and

14  
15 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt a  
16 five-year Capital Improvement Plan.

17  
18 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
19 BRECKENRIDGE, COLORADO:

20  
21 Section 1. The proposed operating budget for 2019 based on certain fee changes, as  
22 revised by Town Council and maintained on file by the Town Clerk, is adopted and  
23 appropriations are made to the various programs as shown therein.

24  
25 Section 2. The 2019-2023 Capital Improvement Plan, as proposed by the Town  
26 Manager and as amended by the Town Council, is approved.

27  
28 Section 3. All fees and charges contained in the 2019 operating budget are approved  
29 and adopted. Such fees shall become effective January 1, 2019. Further, the Town  
30 Manager may implement any of the other fees and charges contained in the 2019  
31 operating budget prior to January 1, 2019 if the Town Manager determines, in his  
32 judgment, that such early implementation is necessary or appropriate.

33  
34 Section 4. This Resolution is effective upon adoption.

35  
36 RESOLUTION ADOPTED AND APPROVED this 27th day of November, 2018.

37  
38 ATTEST:

TOWN OF BRECKENRIDGE

39  
40  
41  
42  
43 \_\_\_\_\_  
44 Helen Cospolich, Town Clerk

\_\_\_\_\_  
Eric Mamula, Mayor

45 APPROVED IN FORM

46  
47  
48  
49 \_\_\_\_\_  
50 Town Attorney

\_\_\_\_\_  
Date

# Town of Breckenridge North Water Treatment Plant

Prepared by M. Petters/HDR Engineering, Inc.



*Treatment Plant Building Placing Concrete 10/16/2018*



*Clearwell Weir Wall Concrete Placing 10/30/2018*

## October 2018

**Contractor:**  
Moltz Construction, Inc.

**Designer:**  
HDR Engineering, Inc.  
Tetra Tech

**Award Date:**  
December 8, 2017

**Notice to Proceed:**  
December 15, 2017

**Notice to Mobilize:**  
March 21, 2018

**Substantial Completion Date:**  
August 3, 2020

**Original Duration:** 867 Days

**Days Added by CO:** 0

**Time Percent Complete:** 26.8 %

**Cost Percent Complete:** 31.5 %

**Guaranteed Maximum Price:**  
\$42,000,000

**Change Order Total:** \$78,016

**Current Contract Value:** \$42,078,016

**Invoiced to Date:** \$13,231,556

**Cost Growth:** 0.002%

**Schedule Growth:** 0 Days



### Schedule and Budget Status

Moltz Construction Inc. (MCI) has completed work for 31.5% of the project value within 26.8% of the available contract time. Their current schedule update shows them completing the contract on time.

Four Change Orders has been issued to date for the project. There have been 11 Work Change Directives, 21 Change Proposal Requests and 21 Field Orders initiated on the project.

### Accomplishments/Highlights

At the Treatment Building (WTP): MCI has completed the influent channel and mixing basins walls. They are performing a visual leak test at Basin 3 before backfilling.

At the Treatment Plant Building: MCI backfilled at the west side of the Sedimentation Buildings for the Main Floor slab on grade.

At Residuals Building: Rumbler Rebar continued tying and setting pre-assembled steel reinforcing mats.

At the Raw Water Pump Station: MCI has placed and finished the electrical area slab on grade. Triangle Electric installed the under slab electrical conduits. Mendoza has almost completed the structural steel framing for the pre-engineered building.

Stan Miller installed the K-rail and guardrail at the Swan Mountain Road Blue River bridge.

At the Clearwell/Finished Water Pump Station: MCI has set the shoring in Clearwells 1 and 2. They currently are decking Clearwell 1.

At the Clearwell/Finished Water Pump Station: MCI has completed all the walls placements including the weir wall in the wet well and the baffle wall columns.

At the Water Treatment Plant: Triangle Electric continued under slab electrical conduits.

At the Administration Building: Mendoza Construction has completed the roof panels and installed most of the upper exterior wall panels. They have installed approximately half of the lower wainscot panels.

At the Water Treatment Plant: MCI continues work on the filters, filter pipe gallery walls. MCI has completed placing the Main Building exterior footings and will continue forming and placing stem walls. They placed and finished the PACL concrete support.



## Construction Accomplishments and Milestones

### Town of Breckenridge

#### Second Water Treatment Plant

10/02/2018- Filter Pipe Gallery Placing Concrete



10/03/2018- Clearwell Setting Wall Forms



### Town of Breckenridge

#### Second Water Treatment Plant

10/04/2018- Water Treatment Plant Mixing Basin Walls



10/08/2018- Water Treatment Building Main Floor slab on grade backfill



Town of Breckenridge  
Second Water Treatment Plant

10/09/2018- WTP PACL Slab on Grade



10/10/2018- Water Treatment Plant Placing



Town of Breckenridge  
Second Water Treatment Plant

10/11/2018- Administration Building Exterior Panels



10/16/2018- Clearwell Wall Pipes





Town of Breckenridge  
Second Water Treatment Plant

10/17/2018- Raw Water Pump Station Slab  
on Grade



10/22/2018- Clearwell Baffle Wall Columns



Town Of Breckenridge  
Second Water Treatment Plant

10/23/2018- Swan Mountain Road K-rail



10/24/2018- Sedimentation Basin 3 Visual Leak  
Test



Town of Breckenridge  
Second Water Treatment Plant

10/29/2018- Raw Water Pump Station Pre-Engineered Metal Building



10/30/2018- Mixing Basins Removing Formwork



Town Of Breckenridge  
Second Water Treatment Plant

10/31/2018- Clearwell Decking

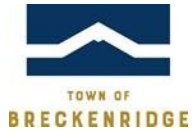


10/31/2018- Filters South Wall



Upcoming Activities/Milestones	Planned Date
At the Administration Building: Sierra Blanca will rough in sanitary plumbing. Triangle Electric will install the above ceiling electrical raceways. Mendoza will continue with the exterior wall panels.	11/16/2018
At the Administration Building: Allman will start wall framing,	Ongoing
At the Raw Water Pump Station: Mendoza will complete the structural steel framing. They will install the wall and roof panels.	11/16/2018
At the Raw Water Pipeline: Stan Miler will complete laying 16 inch ductile iron pipe from Station 36 + 00 to 46 + 00.	11/22/2018
At the Finished Water Pump Station/Clearwell: MCI will complete the decking for the suspended slabs. Rumbler Rebar will place and tie reinforcing steel. MCI will place and finish concrete.	Ongoing
At the Treatment Building: MCI will start placing and finishing the main floor slab on grades.	Ongoing
At the Treatment Building MCI will continue forming and placing stem walls and the filter walls.	Ongoing

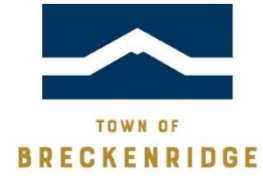




At the Residuals Building: Rumler Rebar will continue to tie and set steel reinforcing mats. Moltz will resume setting wall gang forms and placing concrete.

Ongoing

# Memo



To: Breckenridge Town Council Members  
From: Shannon Haynes, Assistant Town Manager  
Date: 11/20/2018  
Subject: Breck Forward Update

---

Below is a brief update on Parking and Transportation projects. Staff will add new projects to this list as they are developed and discussed with Council.

## **Active Projects - New Updates**

### **Dynamic Parking Wayfinding (Work Session 11-27-18)**

Schedule: Installation of the new digital wayfinding sign continued on November 20<sup>th</sup>. Final power installation will be completed on November 21<sup>st</sup> and software testing is scheduled for the week of November 26<sup>th</sup>.



### **Budget:**

	2018	Total
P&T Fund Appropriation	\$300,000	\$300,000
Total Budget		\$300,000

### **No updates:**

- Sidewalk Master Plan Implementation (Work Session 6-26-18)
- River Walk Pedestrian Improvements (Work Session 6-26-18)
- Riverwalk Garage (Work Session 4-10-18)
- Village Road and Park Ave Roundabout
- Transit Enhancements (Work Session 10-24-17)
- Transit Stop Shelters (Work Session 9-26-17)
- Purple B Route Improvements (Work Session 11-28-17)

**Housing Committee Meeting Notes:**

**November 13<sup>th</sup>, 2018**

**2:00-3:00PM**

**Agenda:**

- 2019 Apartment Budgets
- BRECK365

**2019 Apartment Budgets:**

**Purpose: to review the 2019 apartment budgets for Town apartment buildings.**

Staff reviewed 2019 apartment budgets with the committee, discussing the different ongoing costs associated with the projects and if the committee was comfortable not raising rents for 2019. The committee approved not raising rents for 2019, but wants to look at implementing a regular schedule for raising rents every 2 years (or some other time frame), while still keeping rents affordable. The budgets were also approved by the committee. An important takeaway from this discussion was the importance of managing the costs and expense associated with these projects so that we can continue to provide affordable rents while maintaining the building properly.

Next Steps: Based on the discussion with the committee, rents are not going to be raised for 2019 and the property manager was advised that the budgets were approved for 2019. The 2019 budget for Huron Landing requires approval by the Huron Landing Authority Board, this meeting will be held December 4<sup>th</sup>, 2019.

**BRECK365:**

**Purpose: to update the committee on the progress at BRECK365**

Staff presented the most recent version of BRECK365 to the committee and discussed project costs and financing. The committee also reviewed the updated site plan, project program, and building elevations. The committee was supportive of the direction the project was going and had minor comments regarding the architecture. These comments were included in the comments submitted to the architect to be incorporated in the next version of drawings. These updated drawings will be presented during the Housing Update on the November 27<sup>th</sup> worksession.

Next Steps: Present updated drawings and project progress to Council on November 27<sup>th</sup> during the Housing Update to get Council feedback.



# Memo

To: Breckenridge Town Council Members  
 From: Rick Holman, Town Manager  
 Date: 11/21/2018  
 Subject: Committee Reports

*No committee reports were submitted for this meeting.*

<b>Committees*</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Mamula/ Erin Gigliello	No Meeting/Report
CDOT	Rick Holman	No Meeting/Report
CML	Rick Holman	No Meeting/Report
I-70 Coalition	Rick Holman	No Meeting/Report
Mayors, Managers & Commissioners	Mayor Mamula/ Rick Holman	No Meeting/Report
Liquor and Marijuana Licensing Authority	Helen Cospolich	No Meeting/Report
Summit Stage Advisory Board	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
CMC Advisory Committee	Rick Holman	No Meeting/Report
Recreation Advisory Committee	Scott Reid	No Meeting/Report
Workforce Housing Committee	Laurie Best	No Meeting/Report
Child Care Advisory Committee	Jennifer McAtamney	<i>Included as a separate agenda item</i>
Breckenridge Events Committee	Shannon Haynes	No Meeting/Report
Transit Advisory Committee	Shannon Haynes	No Meeting/Report
Water Task Force	Gary Gallagher	No Meeting/Report
Communications	Haley Littleton	No Meeting/Report

**\*Note:** Reports provided by the Mayor and Council Members are listed in the Council agenda.



TOWN OF  
**BRECKENRIDGE**

# October 31, 2018 Financial Reports

Department of Finance





## Executive Summary

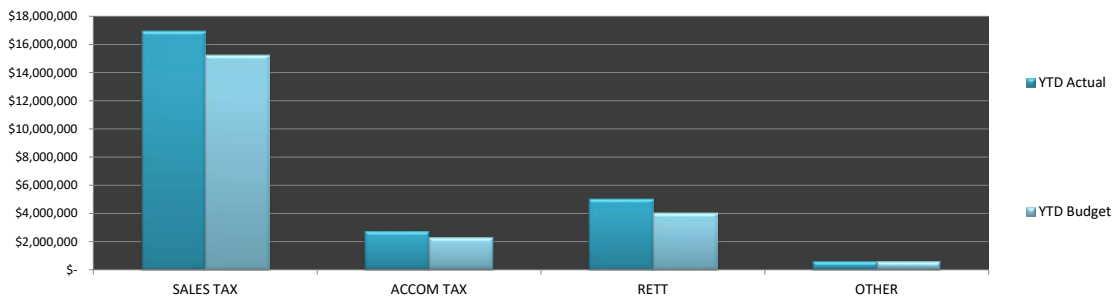
October 31, 2018

This report covers the first 10 months of 2018. October is largely reflective of September tax collections. We are approximately \$3.1M over 2018 budgeted revenues in the Excise fund. This is mostly due to sales tax being \$1.7M over budget and Real Estate Transfer Tax up \$1M over budget. Sales Tax is \$1.4M ahead of prior year; RETT is down \$175k over prior year.

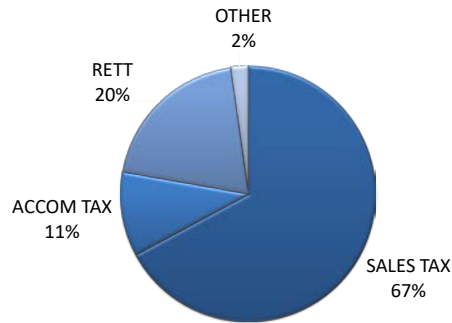
See the Tax Basics section of these financial reports for more detail on the sales, accommodations, and real estate transfer taxes.

Expenditures are holding the line, with the General Fund tracking slightly below YTD budgeted expense amount (see General Fund Expenditures Summary for details).

**Excise YTD Actual vs. Budget - by Source**



**YTD Actual Revenues - Excise**



	YTD Actual	YTD Budget	% of Budget	Annual Budget	Prior YTD Actual	Prior Annual Actual
SALES TAX	\$ 16,945,673	\$ 15,277,213	111%	\$ 21,764,800	\$ 15,589,490	\$ 21,567,073
ACCOMMODATIONS TAX	2,682,547	2,255,713	119%	2,996,900	2,343,155	3,068,530
REAL ESTATE TRANSFER	5,064,456	4,030,713	126%	5,000,000	5,239,385	6,239,221
OTHER*	542,436	567,323	96%	775,130	520,958	791,882
<b>TOTAL</b>	<b>\$ 25,235,112</b>	<b>\$ 22,130,962</b>	<b>114%</b>	<b>\$ 30,536,830</b>	<b>\$ 23,692,988</b>	<b>\$ 31,666,706</b>

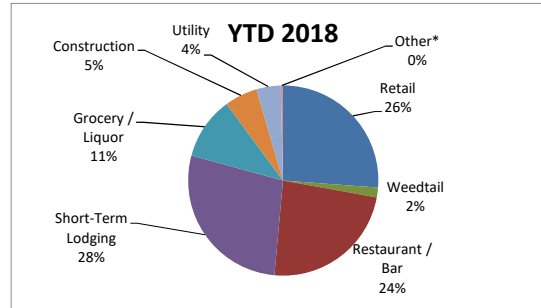
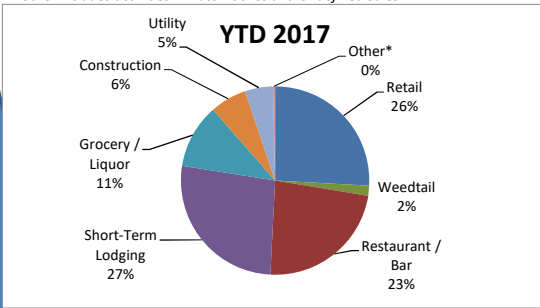
\* Other includes Franchise Fees (Telephone, Public Service and Cable), Cigarette Tax, and Investment Income

## The Tax Basics

### Net Taxable Sales by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		2017/2018		2018
				% of Total	YTD 2018	\$ Change	% Change	% of Total
Retail	\$97,474,526	\$104,795,628	\$110,595,176	25.83%	\$121,728,440	\$11,133,264	10.07%	26.20%
Weedtail	\$6,014,400	\$7,137,818	\$7,563,529	1.77%	\$7,733,968	\$170,439	2.25%	1.66%
Restaurant / Bar	\$84,707,091	\$92,936,301	\$99,397,569	23.22%	\$109,614,209	\$10,216,640	10.28%	23.59%
Short-Term Lodging	\$100,231,933	\$112,212,514	\$114,259,368	26.69%	\$129,125,643	\$14,866,275	13.01%	27.79%
Grocery / Liquor	\$43,106,687	\$45,997,555	\$47,220,462	11.03%	\$49,589,020	\$2,368,557	5.02%	10.67%
Construction	\$22,152,148	\$24,294,607	\$27,056,832	6.32%	\$25,772,060	(\$1,284,772)	-4.75%	5.55%
Utility	\$20,716,507	\$19,763,088	\$20,382,362	4.76%	\$19,216,706	(\$1,165,657)	-5.72%	4.14%
Other*	\$1,443,296	\$2,048,598	\$1,649,761	0.39%	\$1,910,122	\$260,362	15.78%	0.41%
<b>Total</b>	<b>\$375,846,588</b>	<b>\$409,186,110</b>	<b>\$428,125,060</b>	<b>100.00%</b>	<b>\$464,690,168</b>	<b>\$36,565,108</b>	<b>8.54%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



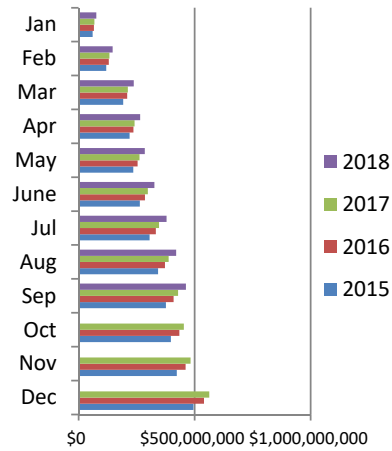
#### New Items of Note:

- For the year, net taxable sales are currently ahead of 2017 by 8.54%. September net taxable sales are currently ahead of September 2017 by 3.53%.
- For September 2018, there were increases in the Weedtail (4.67%), Retail (4.57%), & Construction (33.09%) sales sectors. The increase in Construction sales is attributed to a large sales tax return filing as compared to prior year.
- For September 2018, Restaurant/Bar (-1.85%), Short Term Lodging (-3.33%), & Grocery (-2.00%) sales sectors experienced decreases over September 2017.
- Disposable Bags distributed experienced a decrease of 0.48% over prior year. The decrease is being attributed to the Grocery/Liquor sales sector decrease over prior year, -2.00% respectively.

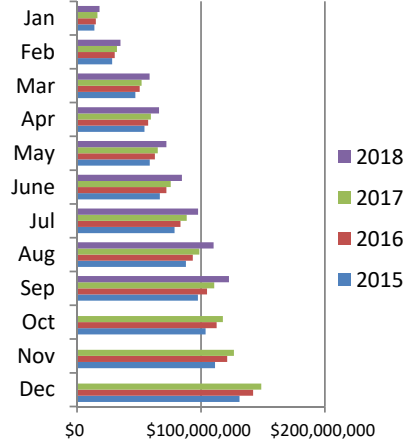
#### Continuing Items of Note:

- For the Construction sector in January 2015, a large one-time return was filed in relation to a single project. This was an anomaly that would not be expected to repeat in future years. In January of 2016, there was a large one-time assessment impacting the sector.
- As previously noted, the decline in the Utility sector is largely related to the recent decrease in gas and electric billings. This is also due to warming temperatures.
- In 2014, a new category was added to the Sales by Sector pages for the Weedtail sector. The category encompasses all legal marijuana sales, regardless of medical or recreational designation
- A section on Disposable Bag Fees was added in 2014.
- Taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are included on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- "Other" sales relate to returns that have yet to be classified. Much of this category will be reclassified to other sectors as more information becomes available.

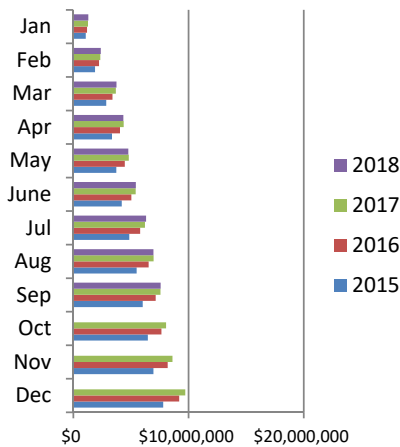
## Net Taxable Sales by Sector - Town of Breckenridge Tax Base



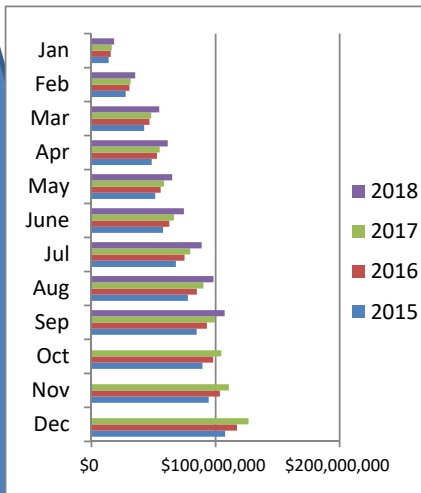
Total Net Taxable Sales					% change
	2015	2016	2017	2018	from PY
Jan	\$60,033,563	\$65,802,624	\$67,796,402	\$76,017,032	12.13%
Feb	\$58,741,575	\$63,833,922	\$64,760,379	\$70,330,558	8.60%
Mar	\$73,118,590	\$79,667,088	\$79,405,801	\$90,870,843	14.44%
Apr	\$27,410,469	\$26,869,536	\$28,623,103	\$27,874,864	-2.61%
May	\$15,658,620	\$17,805,725	\$21,489,664	\$20,089,866	-6.51%
Jun	\$28,739,345	\$31,662,174	\$35,781,100	\$41,342,756	15.54%
Jul	\$42,081,737	\$46,932,211	\$48,780,852	\$52,038,962	6.68%
Aug	\$36,563,530	\$39,073,049	\$40,974,449	\$44,180,303	7.82%
Sep	\$33,499,160	\$37,539,781	\$40,513,310	\$41,944,983	3.53%
Oct	\$21,567,161	\$24,724,775	\$24,962,902	\$0	n/a
Nov	\$25,431,867	\$26,735,820	\$28,814,959	\$0	n/a
Dec	\$71,702,082	\$79,724,898	\$80,808,032	\$0	n/a
<b>Total</b>	<b>\$494,547,698</b>	<b>\$540,371,603</b>	<b>\$562,710,953</b>	<b>\$464,690,168</b>	



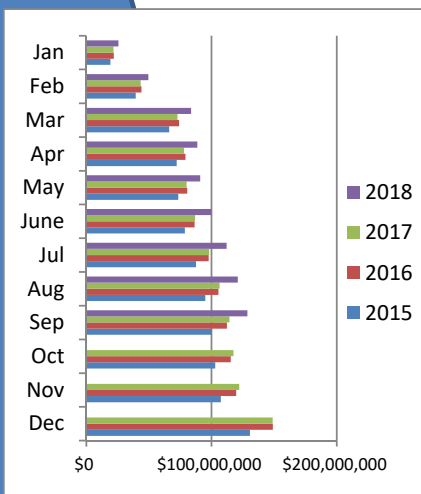
Retail					% change
	2015	2016	2017	2018	from PY
Jan	\$13,998,522	\$15,132,776	\$16,440,671	\$18,102,889	10.11%
Feb	\$14,240,511	\$15,161,579	\$15,695,872	\$16,922,969	7.82%
Mar	\$18,822,022	\$20,127,547	\$19,919,359	\$23,416,592	17.56%
Apr	\$7,281,848	\$6,857,887	\$7,452,502	\$7,614,368	2.17%
May	\$4,302,676	\$5,521,353	\$5,549,000	\$5,990,354	7.95%
Jun	\$8,092,703	\$9,288,185	\$10,429,916	\$12,468,912	19.55%
Jul	\$11,901,209	\$11,326,615	\$12,903,944	\$13,120,916	1.68%
Aug	\$9,097,833	\$9,931,109	\$10,294,002	\$11,636,810	13.04%
Sep	\$9,737,202	\$11,448,576	\$11,909,910	\$12,454,630	4.57%
Oct	\$6,173,161	\$7,779,902	\$7,019,804	\$0	n/a
Nov	\$7,652,739	\$8,523,532	\$8,897,522	\$0	n/a
Dec	\$19,753,306	\$20,862,636	\$22,044,233	\$0	n/a
<b>Total</b>	<b>\$131,053,732</b>	<b>\$141,961,698</b>	<b>\$148,556,735</b>	<b>\$121,728,440</b>	



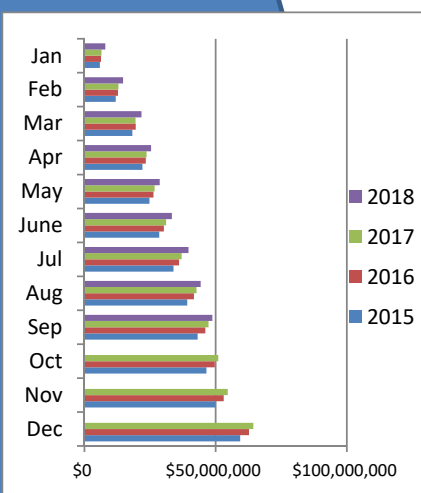
Weedtail					% change
	2015	2016	2017	2018	from PY
Jan	\$1,069,983	\$1,181,014	\$1,263,370	\$1,299,492	2.86%
Feb	\$809,146	\$1,045,184	\$1,076,236	\$1,077,296	0.10%
Mar	\$976,179	\$1,170,045	\$1,343,407	\$1,360,559	1.28%
Apr	\$496,701	\$647,524	\$683,486	\$603,052	-11.77%
May	\$376,877	\$424,305	\$436,712	\$432,876	-0.88%
Jun	\$463,026	\$561,981	\$608,808	\$646,541	6.20%
Jul	\$659,118	\$768,474	\$798,038	\$884,964	10.89%
Aug	\$638,780	\$731,985	\$756,690	\$804,530	6.32%
Sep	\$524,591	\$607,308	\$596,781	\$624,657	4.67%
Oct	\$453,781	\$499,149	\$484,253	\$0	n/a
Nov	\$476,602	\$542,237	\$554,576	\$0	n/a
Dec	\$846,691	\$1,013,140	\$1,112,445	\$0	n/a
<b>Total</b>	<b>\$7,791,474</b>	<b>\$9,192,345</b>	<b>\$9,714,804</b>	<b>\$7,733,968</b>	



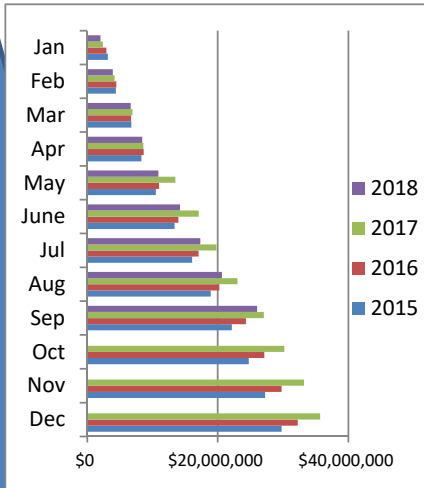
Restaurant / Bar					
	2015	2016	2017	2018 from PY	% change
Jan	\$13,757,283	\$15,420,296	\$16,276,306	\$18,113,738	11.29%
Feb	\$13,618,840	\$15,065,159	\$15,181,858	\$17,105,472	12.67%
Mar	\$15,053,666	\$16,126,658	\$16,605,326	\$19,323,696	16.37%
Apr	\$6,024,685	\$6,064,174	\$6,821,901	\$6,767,406	-0.80%
May	\$2,805,424	\$3,001,520	\$3,448,281	\$3,614,373	4.82%
Jun	\$6,315,546	\$6,965,793	\$8,094,238	\$9,489,694	17.24%
Jul	\$10,367,272	\$12,231,535	\$13,124,240	\$14,352,235	9.36%
Aug	\$9,608,649	\$9,947,952	\$10,631,602	\$11,804,252	11.03%
Sep	\$7,155,726	\$8,113,215	\$9,213,816	\$9,043,342	-1.85%
Oct	\$4,605,454	\$5,123,843	\$5,227,314	\$0	n/a
Nov	\$5,119,695	\$5,290,140	\$6,000,732	\$0	n/a
Dec	\$13,255,426	\$13,807,278	\$15,902,777	\$0	n/a
<b>Total</b>	<b>\$107,687,666</b>	<b>\$117,157,562</b>	<b>\$126,528,391</b>	<b>\$109,614,209</b>	



Short-Term Lodging					
	2015	2016	2017	2018 from PY	% change
Jan	\$19,192,527	\$21,935,475	\$21,590,426	\$25,615,084	18.64%
Feb	\$20,152,677	\$22,070,711	\$21,766,114	\$23,935,860	9.97%
Mar	\$26,765,882	\$30,009,584	\$29,366,307	\$34,065,162	16.00%
Apr	\$5,950,092	\$5,135,347	\$5,327,746	\$5,010,838	-5.95%
May	\$1,386,810	\$1,450,045	\$2,008,505	\$2,281,840	13.61%
Jun	\$5,250,534	\$5,828,345	\$6,819,925	\$8,946,552	31.18%
Jul	\$8,916,990	\$11,266,522	\$11,179,832	\$12,159,812	8.77%
Aug	\$7,399,007	\$7,751,976	\$8,257,043	\$9,431,900	14.23%
Sep	\$5,217,413	\$6,764,510	\$7,943,471	\$7,678,594	-3.33%
Oct	\$2,709,619	\$3,068,724	\$3,256,303	\$0	n/a
Nov	\$4,453,152	\$4,452,893	\$4,647,397	\$0	n/a
Dec	\$23,249,736	\$29,190,782	\$26,714,836	\$0	n/a
<b>Total</b>	<b>\$130,644,440</b>	<b>\$148,924,914</b>	<b>\$148,877,904</b>	<b>\$129,125,643</b>	



Grocery / Liquor					
	2015	2016	2017	2018 from PY	% change
Jan	\$5,825,759	\$6,250,584	\$6,450,303	\$7,922,442	22.82%
Feb	\$6,069,614	\$6,449,794	\$6,475,853	\$6,724,274	3.84%
Mar	\$6,296,838	\$6,769,678	\$6,527,831	\$7,034,396	7.76%
Apr	\$3,836,903	\$3,850,758	\$4,195,465	\$3,682,388	-12.23%
May	\$2,724,433	\$2,928,950	\$3,063,908	\$3,281,704	7.11%
Jun	\$3,735,382	\$3,960,786	\$4,342,262	\$4,636,919	6.79%
Jul	\$5,388,915	\$5,839,136	\$5,923,764	\$6,327,790	6.82%
Aug	\$5,231,601	\$5,625,836	\$5,715,123	\$5,543,491	-3.00%
Sep	\$3,997,242	\$4,322,032	\$4,525,953	\$4,435,616	-2.00%
Oct	\$3,344,571	\$3,623,882	\$3,724,937	\$0	n/a
Nov	\$3,375,304	\$3,409,252	\$3,608,668	\$0	n/a
Dec	\$9,500,929	\$9,661,918	\$9,752,150	\$0	n/a
<b>Total</b>	<b>\$59,327,490</b>	<b>\$62,692,608</b>	<b>\$64,306,218</b>	<b>\$49,589,020</b>	

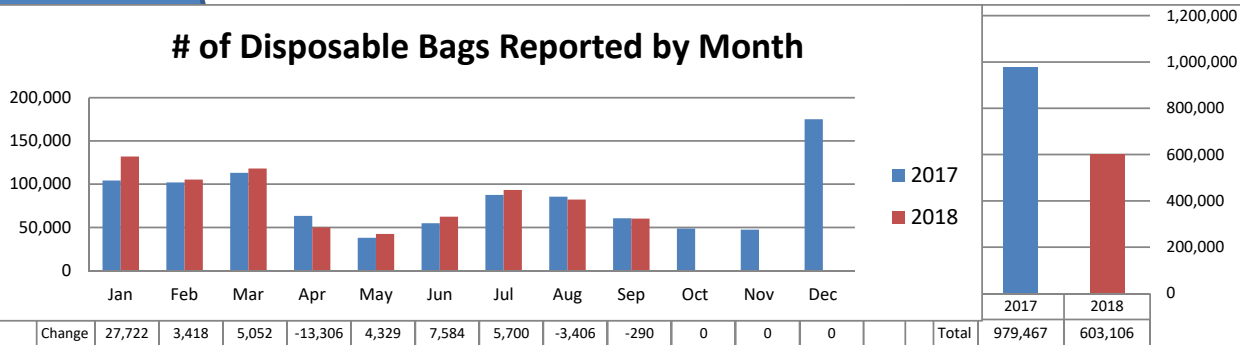


Construction					
	2015	2016	2017	2018	% change from PY
Jan	\$3,142,768	\$2,930,914	\$2,398,824	\$2,033,286	-15.24%
Feb	\$1,232,799	\$1,520,592	\$1,769,306	\$1,887,086	6.66%
Mar	\$2,385,327	\$2,262,792	\$2,765,004	\$2,731,986	-1.19%
Apr	\$1,539,706	\$1,923,258	\$1,652,902	\$1,768,205	6.98%
May	\$2,193,144	\$2,353,384	\$4,919,462	\$2,474,678	-49.70%
Jun	\$2,870,200	\$2,974,258	\$3,564,860	\$3,303,123	-7.34%
Jul	\$2,698,078	\$3,091,802	\$2,732,756	\$3,121,155	14.21%
Aug	\$2,841,883	\$3,187,750	\$3,191,971	\$3,046,862	-4.55%
Sep	\$3,248,244	\$4,049,856	\$4,061,746	\$5,405,680	33.09%
Oct	\$2,604,251	\$2,823,165	\$3,121,078	\$0	n/a
Nov	\$2,500,314	\$2,649,520	\$3,024,568	\$0	n/a
Dec	\$2,508,730	\$2,484,830	\$2,472,912	\$0	n/a
<b>Total</b>	<b>\$29,765,442</b>	<b>\$32,252,122</b>	<b>\$35,675,389</b>	<b>\$25,772,060</b>	

### Disposable Bag Fees

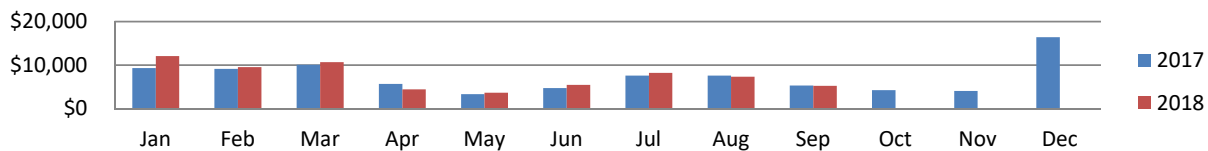
The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage the use of reusable bags and discourage the use of disposable bags, thereby furthering the Town's sustainability efforts. Revenues from the fee are used to provide public information about the program and promote the use of reusable bags.

### # of Disposable Bags Reported by Month



### Bag Fees Remitted by Month

Net of Retained Percentage\*



\*Retailers are permitted to retain 50% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling.

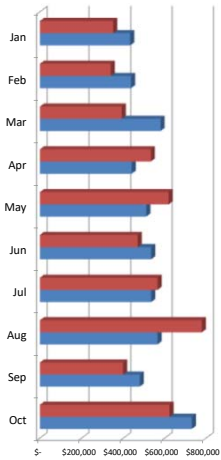
## Real Estate Transfer Tax

### New Items of Note:

- Revenue for the month of October was behind prior year by 14.73%, and ahead of the monthly budget by \$130,633.
- Year to date, revenue is behind prior year by 3.34%, and has surpassed budget by \$1,033,743.
- Single Family Home sales accounted for the majority of the sales (37.70%), with Condominium sales in the second position of highest sales (24.55%) subject to the tax. Timeshares sales were in third position with sales (21.09%) in sales level for the year.
- October 2018 churn was 0.88% above October 2017.

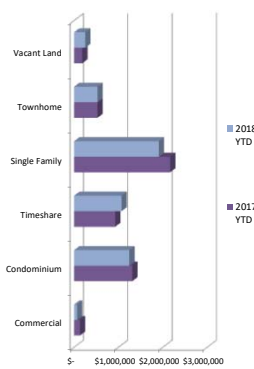
### Continuing Items of Note:

- 2018 Real Estate Transfer Tax budget is based upon the monthly distribution for 2016.



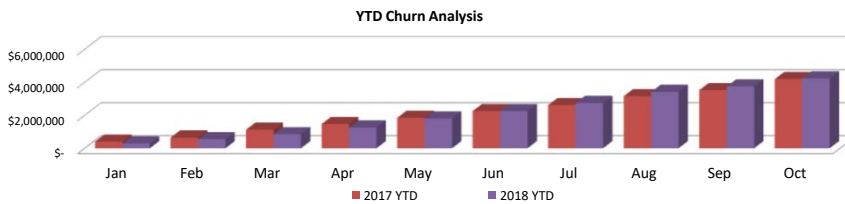
Total RETT						
	2016	2017	2018	% change	2018 budget	+/- Budget
Jan	\$293,839	\$432,417	\$350,102	-19.04%	\$280,375	\$69,726
Feb	\$338,604	\$436,538	\$338,813	-22.39%	\$323,089	\$15,724
Mar	\$407,901	\$579,302	\$391,670	-32.39%	\$389,211	\$2,458
Apr	\$418,228	\$439,375	\$532,220	21.13%	\$399,065	\$133,155
May	\$389,525	\$510,213	\$618,610	21.25%	\$371,678	\$246,932
Jun	\$351,831	\$533,957	\$468,350	-12.29%	\$335,711	\$132,639
Jul	\$363,545	\$533,735	\$564,797	5.82%	\$346,888	\$217,909
Aug	\$593,429	\$564,623	\$778,848	37.94%	\$566,238	\$212,610
Sep	\$551,616	\$478,875	\$398,296	-16.83%	\$526,341	-\$128,045
Oct	\$515,748	\$730,352	\$622,750	-14.73%	\$492,116	\$130,633
Nov	\$579,565	\$550,457	\$232,515	-57.76%	\$553,010	-\$320,495
Dec	\$436,266	\$400,236	\$0	n/a	\$416,277	n/a
Total	\$5,240,098	\$6,190,080	\$5,296,971		\$5,000,000	

\*November #s are as of 11/19/2018



by Category					
Description	2017 YTD	2018 YTD	\$ change	% change	% of Total
Commercial	\$ 132,195	\$ 67,998	(64,197)	-48.56%	1.34%
Condominium	1,311,294	1,243,504	(67,790)	-5.17%	24.55%
Timeshare	924,075	1,068,200	144,126	15.60%	21.09%
Single Family	2,163,010	1,909,190	(253,821)	-11.73%	37.70%
Townhome	526,877	526,171	(707)	-0.13%	10.39%
Vacant Land	181,934	249,394	67,460	37.08%	4.92%
Total	\$ 5,239,385	\$ 5,064,456	(174,929)	-3.34%	100.00%

\* YTD as of October 31st

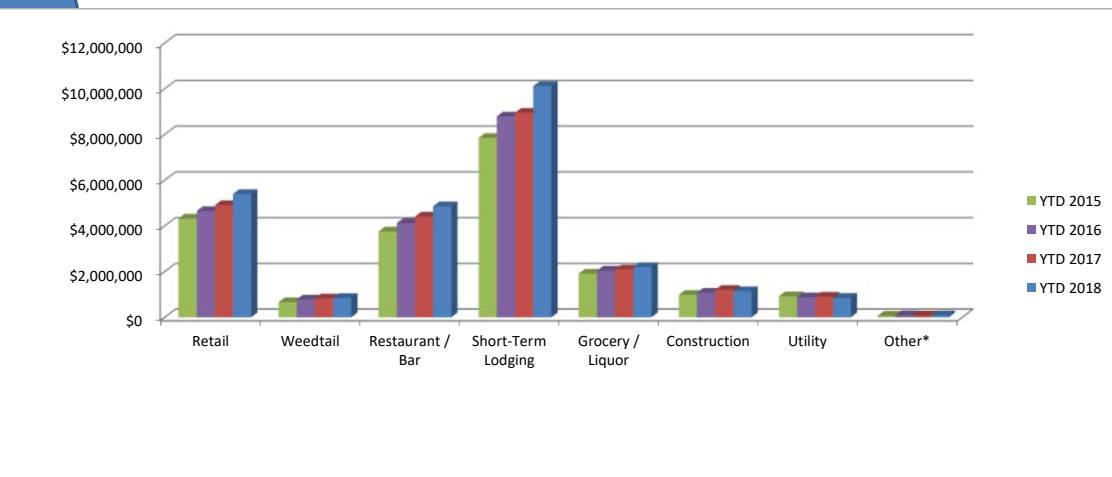
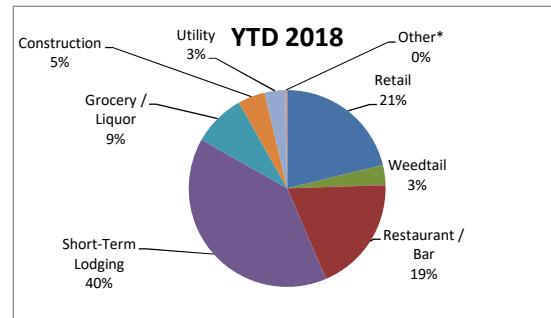
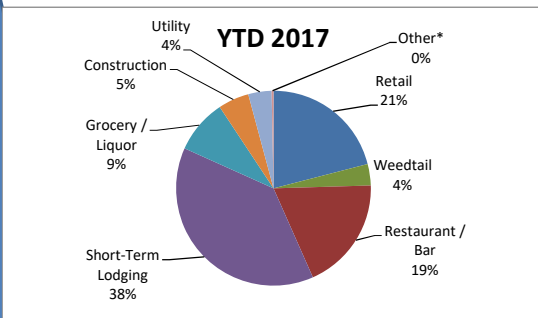


## TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

### Tax Due by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		2017/2018		2018
				% of Total	YTD 2018	\$ Change	% Change	
Retail	\$4,318,122	\$4,642,446	\$4,899,366	20.99%	\$5,392,570	\$493,204	10.07%	21.16%
Weedtail	\$657,374	\$780,164	\$826,694	3.54%	\$845,323	\$18,629	2.25%	3.32%
Restaurant / Bar	\$3,752,524	\$4,117,078	\$4,403,312	18.86%	\$4,855,909	\$452,597	10.28%	19.06%
Short-Term Lodging	\$7,848,160	\$8,786,240	\$8,946,509	38.33%	\$10,110,538	\$1,164,029	13.01%	39.68%
Grocery / Liquor	\$1,909,626	\$2,037,692	\$2,091,866	8.96%	\$2,196,794	\$104,927	5.02%	8.62%
Construction	\$981,340	\$1,076,251	\$1,198,618	5.13%	\$1,141,702	(\$56,915)	-4.75%	4.48%
Utility	\$917,741	\$875,505	\$902,939	3.87%	\$851,300	(\$51,639)	-5.72%	3.34%
Other*	\$63,938	\$90,753	\$73,084	0.31%	\$84,618	\$11,534	15.78%	0.33%
<b>Total</b>	<b>\$20,448,826</b>	<b>\$22,406,128</b>	<b>\$23,342,388</b>	<b>100.00%</b>	<b>\$25,478,754</b>	<b>\$2,136,366</b>	<b>9.15%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



#### Items of Note:

- The general sales tax rate includes the 2.5% Town sales tax + 1.93% County sales tax distributed to the Town.
- The Short -Term Lodging sector includes an additional 3.4% accommodation tax.
- Weedtail includes an additional 5% marijuana tax (recreational and medical). The 1.5% distribution from the State is also included in this category. While the State distribution is only due on recreational sales, the majority of weedtail sales are recreational and the distribution has been applied to the entire sector.
- Report assumptions include: applying tax specific to a sector to the entire sector, as well as assuming the same tax base across the State, County, and Town taxes due. As a result, the numbers indicated above are a rough picture of taxes due to the Town and not an exact representation. Additionally, the data is representative of taxes due to the Town and not necessarily taxes collected year to date.

# General Fund Revenues Summary

October 31, 2018

These next two pages report on 2018 year-to-date financials for the General Fund. This area contains most "Government Services," such as public works, police, community development, planning, recreation, facilities, and administrative functions.

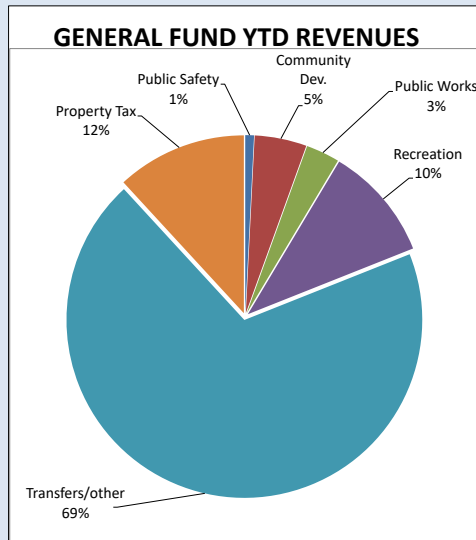
**General Fund Revenue:** At the end of October, the Town's General Fund was at 83.9% of YTD budget (\$22.8M actual vs. \$27.2M budgeted).

A shortage of \$4.2M versus budget exists due to the reduction of the transfer from Housing to General Fund in 2018. The transfer was reduced from a budgeted \$10.5M to \$5.5M. This difference will exist throughout 2018.

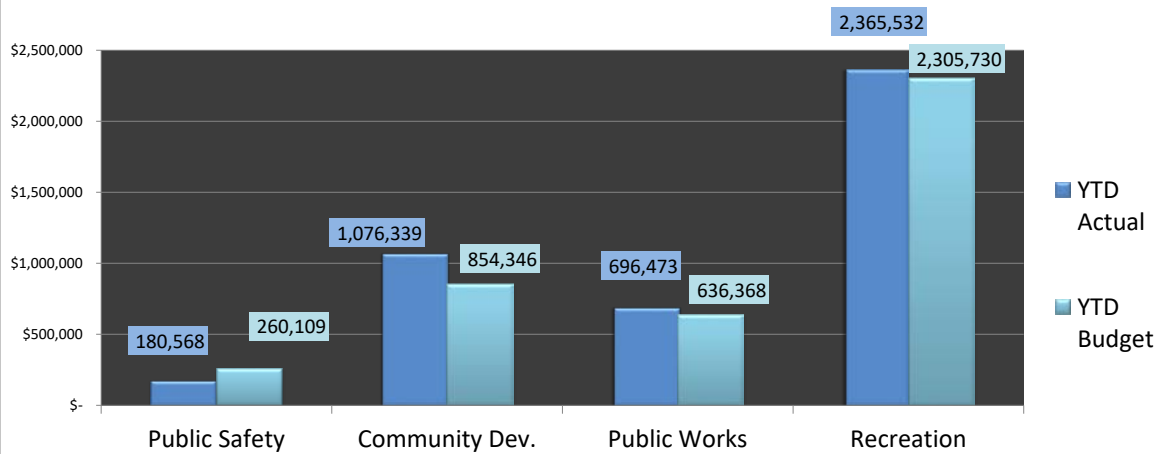
Property Tax collections are under budget due to the timing of Summit County collections.

Community Development is over budget due to Electrical Fees and Planning Fees being over budget.

Public Works is over budget due to the additional payment of HUTF funds related to SB 18-001, to fund local transportation infrastructure.



Gen. Fund YTD Revenue Act vs. Bud - by Program





## General Fund Expenditures Summary

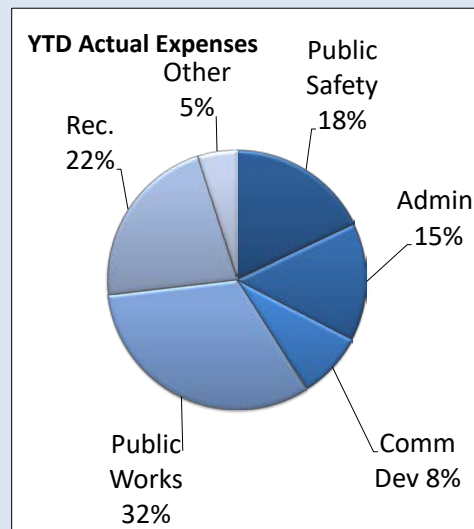
October 31, 2018

The General Fund as of October 31, 2018 was at 93.4% of budgeted expense (\$16.3M actual vs. \$17.5M budgeted). The below graphs represent the cost of providing the services contained in this fund (Public Safety, Recreation, Public Works, Community Development, and Administration).

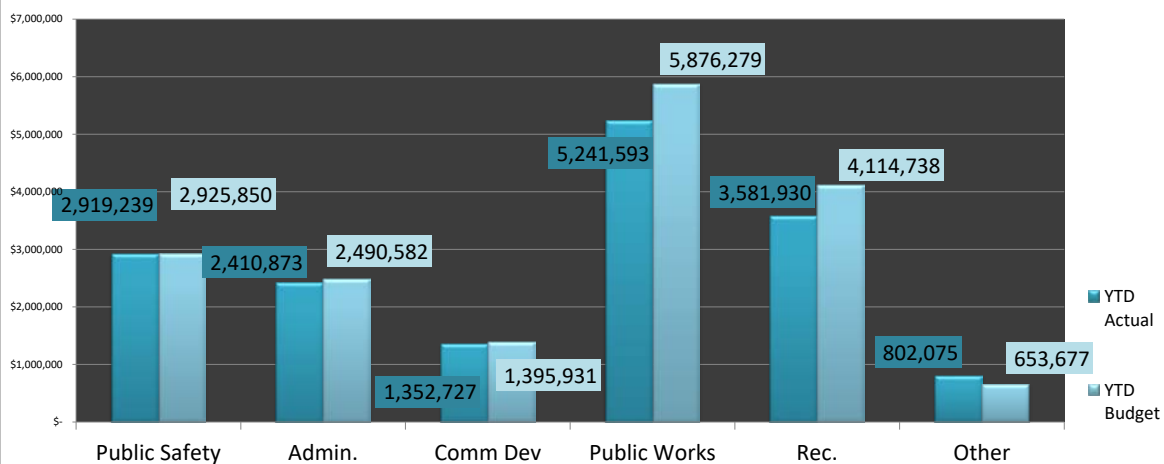
**Variance Explanations:**

The main factor in departmental variances are differences in actual personnel costs versus budgeted personnel costs.

Other is over largely due to costs related to the fiber infrastructure project.



**Gen. Fund YTD Expenditures Act. vs. Bud. - by Program**



# Combined Statement of Revenues and Expenditures

## All Funds October 31, 2018

REVENUE	YTD Actual	YTD Budget	% of YTD Bud.	Annual Bud.
<b>General Governmental</b>				
1 Gen/Excise/MMJ/Child Cr/Spec Prj	\$ 33,605,846	\$ 30,658,981	110%	\$ 40,449,945
2 Special Revenue	26,992,787	22,847,183	118%	33,120,596
3 Internal Service	4,802,142	4,705,408	102%	5,519,445
<b>4 Subtotal General Governmental</b>	<b>\$ 65,400,775</b>	<b>\$ 58,211,572</b>	<b>112%</b>	<b>\$ 79,089,986</b>
5 Capital Projects	58,757	42,957	137%	50,000
<b>Enterprise Funds</b>				
6 Utility Fund	4,512,515	57,870,638	8%	58,487,707
7 Golf	2,853,527	2,615,826	109%	2,628,335
8 Cemetery	7,825	21,299	37%	21,300
<b>9 Subtotal Enterprise Funds</b>	<b>\$ 7,373,868</b>	<b>\$ 60,507,763</b>	<b>12%</b>	<b>\$ 61,137,342</b>
<b>10 TOTAL REVENUE</b>	<b>72,833,399</b>	<b>118,762,292</b>	<b>61%</b>	<b>140,277,328</b>
11 Internal Transfers	26,138,970	29,921,006	87%	34,959,780
<b>12 TOTAL REVENUE incl. x-fers</b>	<b>\$ 98,972,369</b>	<b>\$ 148,683,298</b>	<b>67%</b>	<b>\$ 175,237,108</b>
<b>EXPENDITURES</b>				
	YTD Actual	YTD Budget	% of Bud.	Annual Bud.
<b>General Governmental</b>				
1 Gen/Excise/MMJ/Child Cr/Spec Prj	\$ 21,026,650	\$ 22,098,017	95%	\$ 27,099,286
2 Special Revenue	24,100,731	23,352,825	103%	30,238,992
3 Internal Service	3,926,078	4,543,636	86%	5,409,021
<b>4 Subtotal General Governmental</b>	<b>\$ 49,053,459</b>	<b>\$ 49,994,478</b>	<b>98%</b>	<b>\$ 62,747,299</b>
5 Capital Projects	8,266,912	4,768,000	173%	4,768,000
<b>Enterprise Funds</b>				
6 Utility Fund	16,768,735	39,815,893	42%	54,421,292
7 Golf	2,621,061	2,816,549	93%	3,129,740
8 Cemetery	0	21,000	0%	24,500
<b>9 Subtotal Enterprise Funds</b>	<b>\$ 19,389,796</b>	<b>\$ 42,653,442</b>	<b>45%</b>	<b>\$ 57,575,532</b>
<b>10 TOTAL EXPENDITURES</b>	<b>76,710,167</b>	<b>97,415,920</b>	<b>79%</b>	<b>125,090,831</b>
11 Internal Transfers	26,138,970	29,921,006	87%	35,049,110
<b>12 TOTAL EXPENDITURES incl. x-fers</b>	<b>\$ 102,849,137</b>	<b>\$ 127,336,926</b>	<b>81%</b>	<b>\$ 160,139,941</b>
<b>13 TOTAL REVENUE less EXPEND.</b>	<b>\$ (3,876,768)</b>	<b>\$ 21,346,372</b>	<b>N/A</b>	<b>\$ 15,097,167</b>

**General Governmental Funds** - General, Excise, Child Care, Marijuana and Special Projects

**Special Revenue Funds** - Marketing, Affordable Housing, Open Space, Conservation Trust, and Parking and Transportation

**Internal Service Funds** - Garage, Information Technology (IT), and Facilities

**ALL FUNDS REPORT**

October 31, 2018

The YTD breakdown of the revenue/expenses variances is as follows:

**Governmental Funds:**

**General Fund:**

- Revenue:
  - Under budget by \$4.4M. Please see General Fund Revenue page for more detail.
- Expense:
  - Under budget by \$1.2M. See General Fund Expense page of this report for more details.

**Excise Fund:**

- Revenue:
  - Ahead of budget by \$3.1M - see Executive Summary or Tax Basics for more information.

**Capital Fund:**

- Revenue:
  - The Combined Statement does not include transfers (appx. \$4.7M).
- Expense:
  - Over budget due to supplemental appropriations presented to Council, but not yet formally adopted by resolution.

**Special Revenue Funds:**

- Revenue:
  - Sales and accommodations taxes are above budget.
  - Housing sales are above monthly budget, but are expected to even out as the year progresses
  - Paid parking revenue is above budget.
- Expense:
  - Over budget due to timing of housing capital related expenses.

**Enterprise Funds:**

**Utility:**

- Revenue:
  - The fund is under budget due to the 2017 receipt of new water plant debt proceeds budgeted in 2018. This variance will continue throughout the year.
  - Plant Investment Fees are above budget.
- Expense:
  - Under budget due to timing of new water plant related expenses.

**Golf:**

- Expense:
  - Under budget due to wage savings.

**Internal Service Funds:**

- Revenue:
  - Over budget due to insurance recoveries. This revenue also has related expenses.
- Expense:
  - Under budget due to wage savings and timing of equipment purchases.

**Internal Transfers:**

- As noted on the General Fund Revenues page, the transfer from Housing to General Fund is under budget due to a reduction in the transfer from \$10.5M to \$5.5M. This has an equal effect on revenue and expenditures.

**Fund Descriptions:**

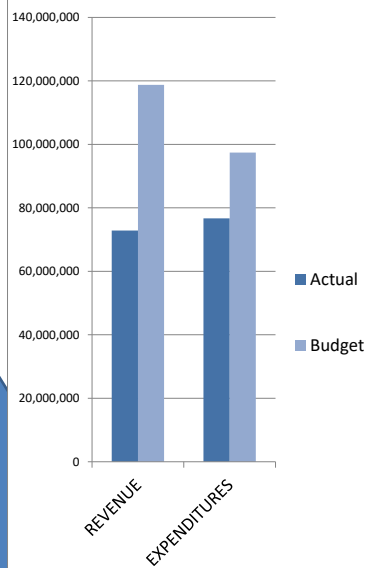
General Governmental - General, Excise, Capital, Special Projects, Child Care, Marijuana

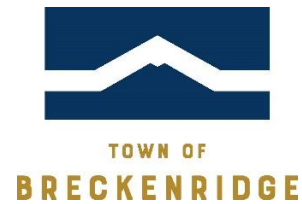
Special Revenue Funds - Marketing, Affordable Housing, Open Space, Conservation Trust, and Parking and Transportation

Enterprise Funds: Golf, Utility, Cemetery

Internal Service Funds - Garage, Information Technology (IT), and Facilities

YTD Actual Revenues and Expenditures vs. Budget





# Memo

**To:** Breckenridge Town Council  
**From:** Mark Truckey, Assistant Director of Community Development  
**Date:** November 20, 2018 (For November 27 Meeting)  
**Subject:** Comprehensive Code Amendments

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## **Background**

The Council has previously reviewed three installments of the Comprehensive Code Amendments as work session items. 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 Council. The full list of code amendments is attached, along with a summary table.

The purpose of this work session is to get the entire set of Code Amendments in front of the Council and to discuss any of the amendments that the Council has questions about or would like to further discuss. If the Council is generally comfortable with the proposed Code Amendments, we will schedule a first reading for the December 11 Town Council meeting.

## **Planning Commission and Steering Group Review**

The code amendments were initially reviewed by our Comprehensive Code Steering Group, comprised of several local architects and representatives from the Planning Commission. The Planning Commission has also reviewed all the code amendments. On November 6, a public open house was held on the Comprehensive Code Amendments prior to the Planning Commission meeting. A few comments were received on the Code Amendments, and we have vetted the comments with the Planning Commission. On November 20, the Planning Commission held a work session on the complete package of Comprehensive Code Amendments, and recommended that the Town Council adopt the complete package.

## **Recent Updates to Code Provisions**

Since staff has previously reviewed these amendments with the Council, there are a couple new code amendments that have been added. A summary of those is listed below. In addition, it is likely that staff will have a few more amendments to add to the overall package by the time the package goes to a first reading for the Council's consideration.

### **Policy 24R-(A) Employee Housing Table**

Based on input from the 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 33R Energy Rating Systems

The proposed changes are similar in intent to what had been previously presented to the Council. However, we have refined the methodologies, based on input from energy industry professionals, for obtaining positive points to tie the rating system directly to the Building Code and its Energy Rating Index. We have also set limitations on existing homes to avoid situations where it becomes too easy for very “leaky” existing homes to amass a bunch of positive points for simply implementing code required work (e.g., insulation). Finally, we have refined the section that provides a positive point for homes that are built solar and Electric Vehicle (EV) ready.

### Other Revisions

- Per previous Council direction, we have eliminated the proposed prohibition against moving secondary historic structures offsite under Policy 24R. (F).2. Such offsite moves would incur -15 points.
- Per Council suggestion, the parking requirements for single family residences outside the Conservation District have been increased. The old requirement in section 9-3-8 (B.) of the Code was two parking spaces. The new proposed requirement is two spaces for the first four bedrooms (to consider family situations), and one additional parking space for each bedroom beyond four bedrooms. This is in response to concerns that larger residences are being frequently used for short term rentals and can cause parking issues in neighborhoods.
- We have created a new section 9-1-17-3.5 Duration of Points that clarifies the length of time positive points on a project can be used on the project. The time period is consistent with the normal vested time permit for an application (e.g., three years for a Class A application). This allows, for example, a homeowner to choose to heat their driveway, which incurs negative points, and use positive points from the original development approval to offset the negative points.
- A mass bonus has been included under Policy 4R for properties within Land Use District 18 (north French and Ridge Streets) for projects involving primary historic structures. This mass bonus applies to most other locations in town, but had not been allowed previously in LUD 18. The bonus essentially allows a bonus of square footage (above the allowed above ground density) to be used for non-inhabited areas like garages.
- The Council suggested we increase our water conservation efforts through enhancing some of the requirements of Landscape Policy 22. Staff has inserted language requiring drip irrigation systems, with some limited exemptions. The proposed regulations also include a limitation on the amount of lawned or sodded areas that can be included (500 square feet) without incurring negative points.
- Additional language has been added concerning lighting provisions for parking lots in Section 9-3-9. E and to the Exterior Lighting Standards Section 9-12

### Council Action

This is a work session and staff invites Council comment and questions on any of the attached code amendments.

## Code Amendments Summary 11/6/18

Topic	Code Section	Proposed Code Changes
Definitions	9-1-5	<ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> <li>• Clarify the criteria for Employee Housing.</li> <li>• Revise the definition of Accessory Apartments to require a deed restriction to be recorded to ensure they are utilized for local workforce.</li> </ul>
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.

<b>Topic</b>	<b>Code Section</b>	<b>Proposed Code Changes</b>
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"> <li>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.</li> <li>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.</li> </ul>
Mass Bonus for Apartments/Condominiums and LUD 18	9-1-19-4R	<ul style="list-style-type: none"> <li>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.</li> <li>Include the exemption from negative points in the mass table for Employee Housing.</li> <li>Clarify that the mass bonus is calculated based on the allowed aboveground floor area.</li> <li>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).</li> </ul>
Architectural Compatibility Minor Revisions	9-1-19-5A	<ul style="list-style-type: none"> <li>Amend Section A. to provide further exemptions to the three-color rule limit to account for some minor items.</li> <li>Delete Section C. regarding Aboveground Density in the Historic District and instead include it under Policy 3A.</li> <li>Revise Section E. so that preference numbers for solar placement correlate to each other.</li> </ul>

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"> <li>• Eliminate Section E. Site Privacy and instead incorporate privacy considerations into Section B. Site Buffering.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Eliminate the last sentence under Section D. because it is confusing and does nothing to improve the focus of the section.</li> <li>• 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.</li> </ul>



<b>Topic</b>	<b>Code Section</b>	<b>Proposed Code Changes</b>
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"> <li>• Clarify that the 30% open space requirement is based on the gross square footage of a property.</li> <li>• Clarify the types of hardscape areas and small unusable landscaped areas that would not qualify as open space.</li> <li>• 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.</li> </ul>
Landscape Policy Revisions	9-1-19-22R	<ul style="list-style-type: none"> <li>• Remove the section regarding planting of trees along public right of ways because it conflicts with a similar section in the subdivision code.</li> <li>• 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.</li> <li>• Require drip irrigation systems to promote the Town’s water conservation efforts.</li> <li>• Eliminate the potential for +6 points for landscaping: no project has been awarded +6 points, and the provision</li> </ul>

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"> <li>• 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.</li> <li>• Eliminate references to plantings in different Zones because the focus is on screening and is not dependent on distance from the structure.</li> <li>• Assign negative points for developments that provide larger areas of irrigated turf (500 square feet or more).</li> <li>• Eliminate provision 13 because it conflicts with the open space policies regarding providing 30 percent open space.</li> </ul>
Housing Policy Modifications	9-1-19-24R	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Point Assignments for Moving Historic Structures	9-1-19-24R	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
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>

<b>Topic</b>	<b>Code Section</b>	<b>Proposed Code Changes</b>
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.

<b>Topic</b>	<b>Code Section</b>	<b>Proposed Code Changes</b>
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"> <li>• 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).</li> <li>• 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.</li> <li>• Remove section K. Snowstacking because it conflicts with the snow storage requirements in 9-1-19-13</li> </ul>
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"> <li>• Update the Exterior Lighting provisions to add definition for LED lighting and to identify acceptable types of lighting</li> <li>• Provide clarification for lighting requirements in soffits</li> <li>• Specify requirements for photometric plans</li> <li>• Other minor clarifications</li> </ul>



## 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. Remodel<sup>2</sup> or addition to 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 remodel<sup>2</sup> 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 fees<sup>3</sup> 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 shall 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 MINOR 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, <del>or glare from lighting emanating from any development</del> 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 <a href="#">9-1-19-3 A</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

**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.*
- *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).*

**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 as specified in Section 9-1-19-3A.H and Section 9-1-19-3R.A 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.

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

*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~~1) as a building integrated photovoltaic device; ~~b~~2) on nonhistoric structures or additions; ~~c~~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 18<sub>2</sub> and 19 north of Lincoln Avenue or south of Washington Street, building height shall not exceed twenty six feet (26').

b. In those portions of land use districts 18<sub>2</sub> and 19 that lie between Lincoln Avenue and Washington Street, building height shall not exceed thirty feet (30').

B. Outside The Historic District:

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

(2) For all structures except single-family and duplex units outside the historic district: Building height measurement shall be to the highest point of a flat, shed, or mansard roof or to the mean elevation of a gable or hip roof. No building shall exceed the land use guidelines recommendation by more than two (2) full stories. (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/+ <del>3</del> )	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>  Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.

**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 <a href="#">9-1-17-12</a> 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>

			-	To blend development into the natural terrain and character of the site.
			-	To minimize the negative impacts of off site views of grading and building massing.
			-	To minimize site surface disruption; reduce the potential for erosion and other environmental degradation.
			-	To generally develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well.
				Development plans will incur points based upon the criteria above and their design so as to:
2 x (- 2/+2)	A.			Site Design And Grading: In order to reduce the amount of site disturbance, including vegetative removal, developments should be designed in a manner that minimizes the amount of cut and fill on a site, particularly those areas visible from adjacent properties and rights of way. Placement of buildings on the site should be accomplished in a manner that further minimizes new grading and any vegetative removal necessary for site access and drainage. Grading large areas to create a flat "benched" building pad is strongly discouraged unless disruption is planned to be minimized with a mechanical shoring method. The town must approve any such plan.
4 <u>2</u> x (- <u>24</u> / <u>+24</u> )	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 ( <del>existing or proposed</del> ). Buffering between the developments and neighboring properties may include, but <del>are</del> <u>is</u> not limited to:
			-	<u>Preservation of Existing mature tree stands or specimen trees.</u>
			-	The physical distance from property edge to the development.
			-	<del>New landscaping.</del>
			-	Landscaped berms at the property perimeter.

		<p>Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, <u>no positive points may be awarded under this portion of this policy for new landscaping, or landscaped berms shall not be awarded</u> <u>Positive points for new landscaping shall be awarded</u> under section <a href="#">9-1-19-22R</a>, "Policy 22 (Relative) Landscaping", of this chapter.</p>
2 x (-2/+2)	C.	<p>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.</p>
		<p>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 <u>highly visible locations visible from streets or public areas.</u></p>
		<p>Smaller retaining wall systems, <del>up to four feet (4') tall</del>, 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 causes less site grading and complies with all other relevant development code policies is viable, then it should be strongly considered shall not be assessed negative points because of its height.</u></p>
42 x (-24/+24)	D.	<p>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. <del>Design site</del> <u>Vehicular</u> 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.</p>
		<p>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. <del>The reduction of site disturbance should offset any negative impacts related to the reduction of site buffers.</del></p>
2 x (-1/+1)	E.	<p><del>Site Privacy: It is encouraged that developments, including buildings and site circulation be arranged to provide the maximum degree of privacy for the</del></p>



		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)	<del>F.</del> <u>E.</u>	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)	<del>G.</del> <u>F.</u>	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:
		- <del>Significant tree stands or specimen trees.</del>
		- Knolls or ridgelines.
		- <del>Treed backdrop.</del>
		- 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, 18<sub>2</sub>, 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**

<p>2 x (2+2/0)</p>	<p>General: <del>All</del> <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 building is encouraged. <u>Closets and garages shall not count towards this interior storage percentage.</u> (Ord. 19, Series 1988)</p>
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*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:**

<p><u>2 x</u> <u>(0/+2)</u></p>	<p><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></p>
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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:**  

<p>3 x (- 2/+2)</p>	<p>The community is based, to a great extent, on tourism and recreation; therefore, the provision of recreational facilities, <del>both</del> <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</p>
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provision of recreational facilities can be on site or off site, ~~public or private~~. (Ord. 9, Series 2006)

**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:

- (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 <a href="#">9-1-19-22A</a> , "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 <del>viewsheds, adjacent properties and public rights of way and other structures</del> , 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) <del>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.</del>
			(12) All landscaping areas should have a minimum dimension of ten feet (10').
			(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.
			(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.
			(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.
			(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</u> <del>Irrigation utilizing</del> low flow systems and the recycling of water <del>are</del> <u>is</u> strongly encouraged. <u>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.
			(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.
			(78) In low traffic areas the use of permeable paving allowing precipitation to percolate through areas that would traditionally be impervious is encouraged.

		(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.
		(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.
		<del>(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.</del>
		(1214) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of section <a href="#">9-1-19-22A</a> , "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; <u>and public rights of way and viewsheds</u> ; the use of large areas of sod or other nonnative grasses that require <u>excessive irrigation and exceed 500 square feet in area</u> <del>do not fit the character of the neighborhood</del> ; 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 <a href="#">9-1-17-3</a> of this chapter.
		+2: Proposals that provide some public benefit. Examples include: the preservation of specimen trees as a result of a new building footprint configuration to preserve the trees; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes (a minimum of 2.5 inch caliper for deciduous trees and 8 feet for evergreen trees); utilizing a variety of species; and the layering of ground covers, shrubs, and trees that enhances screening <u>from public rights of way and adjacent properties</u> <del>and assists in breaking up use areas and creating privacy. In general, plantings are located within zone one.</del>
		+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> <del>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. 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.</del>
		<del>+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</del>

			(25%) should be adapted to a high altitude environment. Plantings are located in zone one, zone two, and zone three. (Ord. 1, Series 2011)
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*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 map<sup>10</sup>) 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:~~

<del><u>Aboveground Density</u> (UPA)</del>	<del>-</del>	<del><u>Point Deductions</u></del>
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-	-	-	-	-	-
<del>9.01</del>	<del>9.50</del>	<del>-</del>	<del>-</del>	<del>-3</del>	<del>-</del>
<del>9.51</del>	<del>10.00</del>	<del>-</del>	<del>-</del>	<del>-6</del>	<del>-</del>
<del>10.01</del>	<del>10.50</del>	<del>-</del>	<del>-</del>	<del>-9</del>	<del>-</del>
<del>10.51</del>	<del>11.00</del>	<del>-</del>	<del>-</del>	<del>-12</del>	<del>-</del>
<del>11.01</del>	<del>11.50</del>	<del>-</del>	<del>-</del>	<del>-15</del>	<del>-</del>
<del>11.51</del>	<del>12.00</del>	<del>-</del>	<del>-</del>	<del>-18</del>	<del>-</del>
<del>12.01 or more</del>		<del>-</del>	<del>See section <a href="#">9-1-19-5A</a>, "Policy 5 (Absolute) Architectural Compatibility", of this chapter</del>		

(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>
-	-	-
<del>9.01-9.50</del>	<del>-</del>	<del>-3</del>
<del>9.51-10.00</del>	<del>-</del>	<del>-6</del>
<del>10.01 or more</del>	<del>-</del>	<del>See section <a href="#">9-1-19-5A</a>, "Policy 5 (Absolute) Architectural Compatibility", of this chapter</del>

*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>
<del>6</del>	<del>7.51 - 8.0</del>	<del>-</del>	<del>400</del>	<del>800</del>	<del>1,600</del>	<del>3,900</del>
<del>7</del>	<del>8.01 - 8.5</del>	<del>350</del>	<del>425</del>	<del>850</del>	<del>1,700</del>	<del>4,200</del>
<del>8</del>	<del>8.51 - 9.0</del>	<del>-</del>	<del>450</del>	<del>900</del>	<del>1,800</del>	<del>4,400</del>
<del>9</del>	<del>9.01 - 9.5</del>	<del>375</del>	<del>475</del>	<del>950</del>	<del>1,900</del>	<del>4,600</del>
<del>10</del>	<del>9.51 - 10.0</del>	<del>400</del>	<del>500</del>	<del>1,000</del>	<del>2,000</del>	<del>4,900</del>

\* 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> <del>this section</del> is strongly encouraged. (These facilities, when provided over and above that required in subsection A of <del>this section</del> <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 <del>this section</del> <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 <a href="#">chapter 11</a> 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.</u> <del>Applications concerning development adjacent to Main Street are the most critical under this policy.</del>

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.

~~-4~~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><del>-4</del>2x (<del>24</del>/<del>+24</del>)</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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1 x (- 1/+1)	<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 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.*

**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 <u>9-1-19-30A</u> , "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 ordinance<sup>11</sup>. 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<sup>1/2</sup>) 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):

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

<sup>1</sup>International 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 Existing<sup>2</sup> HERS/ERI Index</u>
+1	Obtaining a HER index
+2	10 - 29%
+3	30 - 49%
+4	50 - 69%
+5	70 - 99%
+6	100+%

<sup>2</sup> 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 IECC<sup>12</sup>. 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:

				<b><u>Points</u></b>	<b><u>New Structures; Percent Energy Saved Beyond The IECC Minimum Standards</u></b>	<b><u>Existing Structures (Prior To August 14, 2012); Percent Improvement Beyond Existing Energy Consumption</u></b>
				+1	10% - 19%	10% - 19%
				+3 <u>2</u>	20% - 29%	20% - 29%
				+4 <u>3</u>	30% - 39%	30% - 39%
				+5 <u>4</u>	40% - 49%	40% - 49%
				+6 <u>5</u>	50% - 59%	50% - 59%
				+7 <u>6</u>	60% - 69%	60% - 69%
				+8 <u>7</u>	70% - 79%	70% - 79%
				+9 <u>8</u>	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 20111988)

*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 code<sup>15</sup>.~~

~~(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<sup>1/2</sup>) 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:

*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.*

**~~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 <del>plus 1 loading bay per 1,000 square feet</del>
<del>Industrial use</del>	<del>1 per 400 square feet plus 1 loading bay per 1,000 square feet</del>
<u>Manufacturing</u>	<u>1 per 400 square feet</u>
<u>Warehouse</u>	<u>1 per 1,000 square feet</u>
<del>Auto service stations</del> <u>Gas Station/Convenience Market</u>	<del>3 per service bay plus 1 per pump plus 1 per 250 square feet GFA</del>

Restaurants - sit down, <u>breweries, and distilleries</u>	1 per <u>125 square feet</u> <del>4 persons capacity</del>
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

~~\*du = 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 no 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 of~~ 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; ~~amd.~~ 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 ( $\frac{2}{10}$ ) 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
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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 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)