

ORDINANCE NO. 1

Series 2023

**A BILL FOR AN ORDINANCE AMENDING POLICY 5A and POLICY 5R
PERTAINING TO ARCHITECTURAL COMPATIBILITY AND MAKING
CONFORMING AMENDMENTS.**

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

Section 1. That Section 9-1-19-5A, Policy 5 (Absolute) Architectural Compatibility, of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

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

A. Color Choices:

1. General - Painting: Color choices for all buildings within the town limits shall be made from those allowed within the range delineated according to the Munsell color notation system from the "Munsell Book of Color" on display in the Planning Office.

The Munsell system of color notation is broken into three (3) categories: hue, chroma and value. Chroma is the only characteristic with a set limit, which is as follows:

Body color is limited to a maximum chroma of 4 (except that if yellow or red is used, body color is limited to a maximum chroma of 6, trim color is limited to a maximum chroma of 8 and accent color is limited to a maximum chroma of 10). Trim color is limited to a maximum chroma of 6. Accent color is limited to a maximum chroma of 8.

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, roof coverings, flashing, flues, brick, rusted metal, and unfinished natural surfaces such as rock and stone.

If three (3) colors are used, the color that covers the most building area is the body, the color covering the second most building area is the trim, and the color covering the least building area is the accent color.

If two (2) colors are used, the color covering the lesser area is the trim color for purposes of regulating of maximum chroma.

If a different value or chroma of the same hue is used, this is considered a separate color.

All exterior elements of a building that are metal, such as flues, flashings, etc., shall be painted a flat, dark color or one that is a compatible color with the building and not be left nor allowed to become bare metal. The color choices shall be as determined between

the staff and applicant. Exceptions to this policy may occur such as for copper roofs, etc., which do not require painting.

2. Painting Of Contemporary Landmark: Notwithstanding provisions of subsection A(1) of this section, a contemporary landmark may be painted a color with a chroma different from that required by subsection A(1) of this section under the following conditions:

- a. The Planning Commission determines on the basis of credible evidence that requiring a change in the chroma of the color of the structure would significantly impair or impede the recognition of the structure by the public;
- b. The chroma of the color which the structure is to be painted is the same as the chroma of the historic color which the structure has been continuously painted for the twenty five (25) years immediately preceding the adoption of the color requirements set forth in subsection A(1) of this section on April 24, 1990; and
- c. Any Class B development permit which authorizes the painting of a contemporary landmark pursuant to the provisions of this subsection A(2) shall provide that the chroma of the color of the structure may not be altered without the structure losing its designation as a contemporary landmark.

B. Building Materials: Structures shall not be constructed so that any facade, when measured from the fascia board to finished grade, is greater than 75 percent brick, metal, nor stucco. Excepting when brick is used for institutional uses as defined under 9-1-5: DEFINITIONS, "INSTITUTIONAL USE." This subsection B only applies to areas outside of the Historic District. Architecture within the Historic District is regulated by the Handbook of Design Standards for the Historic and Conservation Districts.

~~B. Conservation District: (Rep. by Ord. [15](#), Series 2013)~~

~~C. Aboveground Density In Historic District: (Rep. by Ord. [1](#), Series 2019)~~

~~D. C. Within The Cucumber Gulch Overlay Protection District: Within the Cucumber Gulch Overlay Protection District building materials and exterior colors shall blend with the natural landscape. Structures shall be constructed of wood, stone and other natural materials. The use of highly reflective materials is prohibited.~~

~~E. D. Solar Devices:~~

~~1. Within The Conservation District: The preservation of the character of the Conservation District and the historic structures and sites within the Conservation District are of the utmost importance. The town encourages the installation of solar devices as an alternative energy source. It is a goal of this policy to balance sustainability and historic preservation goals of the town.~~

~~There may be instances where solar devices are not appropriate on a particular building or site if such a device is determined by the town to be detrimental to the character of~~

the Conservation District or would result in a reduced State, Federal or local historic rating of a historic structure or district.

The town allows for solar device placement that is sensitive to the character of the Conservation District and located away from the public street.

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

2. Class C Development Permit: Within the Conservation District, no solar device shall be installed on a structure or site without first obtaining a Class C development permit. The application must include photographic and/or three-dimensional visual aspects from public streets and alleys within a one block radius or four hundred feet (400') (whichever is greater) of the building or site. Solar devices are encouraged to be installed on a nonhistoric building or building addition and integrated into the building design. To ensure that the character of the Conservation District and its historic structures and sites are protected, an application for a development permit to install a solar device within the Conservation District will be reviewed under the following requirements:

a. General Requirements For All Installations: Solar devices on roofs shall be placed on a noncharacter defining roofline of a nonprimary elevation (not highly visible from a street). For lots which have exhausted the preferred placement options as set forth above, solar devices that are visible from the street may be appropriate if they are designed to have minimal visual impacts from the street and do not result in detrimental character to the Conservation District, or a reduced State, Federal or local historic rating for the structure or surrounding structures, as determined by the town.

Solar devices and related mechanical equipment and mounting structures shall be nonreflective such as an anodized finish. Mechanical equipment associated with the solar device such as invertors, convertors and tubing attached to the building fascia shall be painted to match the building color to blend into the building. Solar devices shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys.

b. Sloped Roof Installations: All solar devices on sloped roofs must run parallel to the roofline. Roof mounted solar devices shall not break the existing ridgeline of the roof to which the solar device is mounted. All solar devices shall run parallel to the original roofline and shall not extend beyond the edge of the roof on which the device is installed.

c. Flat Roof Installations: Solar devices and mounting structures shall not be visible from any public street or alley within the Conservation District.

d. Building Integrated Solar Devices For New Structures: Applications for new structures within the Conservation District are encouraged to include building integrated solar devices into the initial design, including a similar roof color, rather than as a later addition. Solar devices which contrast with the color of the roof of new or historic structures are inappropriate and are not allowed if found to be detrimental to the character of the Conservation District.

e. Detached Solar Devices: Detached arrays of solar devices are prohibited.

f. Historic Buildings: On historic buildings, character defining elements such as historic windows, walls, siding or shutters which face a public street or contribute to the character of the building shall not be altered in connection with the installation of solar devices. Solar devices in nonhistoric windows, walls, siding or shutters which are not visible from a public street are encouraged.

3. Outside The Conservation District: The town encourages the installation of solar devices on structures or sites located outside the Conservation District as an alternative energy source. The following regulations shall apply to the installation of solar devices outside the Conservation District:

a. No solar device shall be installed on a structure or site without first obtaining a Class D minor development permit. The Director shall have the authority to reclassify an application as a Class C application, and to require review by the Planning Commission, if he feels the purpose of this code would be best served by the reclassification. Reclassification shall be done pursuant to the definition of "classification" in section [9-1-5](#) of this chapter.

Outside of the Conservation District a solar device shall be located based upon the following order of preference. Preference 1 is the highest and most preferred; preference 6 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 outside of the Conservation District is as follows: 1) as a building integrated photovoltaic device; 2) flush mounted (9 inches above the roofline) panel on an accessory structure roof, or as a detached array of solar devices; 3) flush mounted roof panel on the primary structure or screened detached array; 4) a tilted roof mounted panel that is not highly visible from the public right-of-way; 5) a tilted or angled and tilted roof mounted panel that is not highly visible from the public right-of-way; and 6) a tilted or angled and tilted roof mounted panel that is highly visible from the public right-of-way.

b. Roof mounted solar devices shall run as closely parallel to the roofline as possible while still maintaining efficient solar access. Solar devices and related mechanical equipment and mounting structures shall be nonreflective such as an anodized finish. Mechanical equipment associated with the solar device such as invertors, convertors and tubing attached to the building fascia shall be painted to

match the building color to blend into the building. New structures are encouraged to include building integrated solar devices into the initial design, rather than as a later addition.

c. Roof mounted solar devices shall not break the existing ridgeline of the roof to which the panels are mounted. All mounting structures shall be on the same roofline as the panels. Elevated solar arrays which follow the orientation of the roofline are allowed. An east or west facing roof may have an angled orientation in relation to the existing roofline. A maximum tilt angle of forty five degrees (45°) is allowed for electrical solar devices. An elevated array for a solar hot water heating system may have a maximum tilt angle of fifty degrees (50°) and a maximum tilt angle of fifty five degrees (55°) for a solar heating system.

d. Solar devices which appear as an awning may be mounted onto building facades or decks.

e. The location of detached solar devices shall also consider visibility from adjacent properties and public right-of-way, which shall be reduced to the extent possible while still maintaining solar access. Detached solar devices which serve the structure on the site may be located outside of the building or disturbance envelope if no significant existing vegetation must be removed for the installation and an adequate buffer is provided to adjacent properties.

4. Removal: Any solar devices that fall into a state of disrepair or that cease to be fully operational for more than ninety (90) days shall be removed and properly discarded. The landowner's obligation to comply with this requirement shall be contained in a recorded restrictive covenant acceptable in form and substance to the town attorney.

Section 2. That Section 9-1-19-5R: POLICY 5 (RELATIVE) ARCHITECTURAL COMPATIBILITY be amended by deleting the language stricken and adding the language underlined to read as follows:

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

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

3 x (-2/+2) A. General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as

much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This subsection A only applies to areas outside of the Historic District. Architecture within the Historic District is regulated by the Handbook of Design Standards for the Historic and Conservation Districts.

Exterior building materials and colors should not unduly contrast with the site's background. The use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged because they weather well and reflect the area's indigenous architecture. ~~Brick is an acceptable building material on smaller building elements, provided an earth tone color is selected. Stucco is an acceptable building material so long as an earth tone color is selected, but its use is discouraged and negative points shall be assessed if the application exceeds twenty five percent (25%) on any elevation as measured from the bottom of the fascia board to finished grade. Such measurement shall include column elements, windows and chimneys, but shall not include decks and railing elements. Fiber cement siding may be used without the assignment of negative points only if there are natural materials on each elevation of the structure (such as accents or a natural stone base) and the fiber cement siding is compatible with the general design criteria listed in the land use guidelines. Roof materials should be nonreflective and blend into the site's backdrop as much as possible. Inappropriate exterior building materials include, but are not limited to, untextured exposed concrete, untextured or unfinished unit masonry, highly reflective glass, reflective metal roof, and unpainted aluminum window frames. This subsection A applies only to areas outside of the Conservation District, but does not apply to the Cucumber Gulch Overlay Protection District (see section [9-1-19-5A](#), "Policy 5 (Absolute) Architectural Compatibility", subsection D C, of this chapter).~~

B. Exterior building materials listed in the table below are regulated per façade. Exterior building materials not considered in this Development Code will be considered on a case-by-case basis and may require input from the Planning Commission regarding their use. This subsection B only applies to areas outside of the Historic District. Architecture within the Historic District is regulated by the Handbook of Design Standards for the Historic and Conservation Districts.

<u>Material</u>	<u>Points*</u>	<u>Notes</u>
<u>Brick</u>	<u>Allowed as an accent or on smaller elements up to 25% of each façade with no negative points</u> <u>>25-50% of any façade warrants negative two (-2) points</u>	<u>Bricks should be a natural earth-tone color and brick style that is appropriate for the historical and mountain context of Breckenridge. Additional points under Section A. may be assigned for bricks that are of a color or dimension not typical of the historic or mountain context of Breckenridge.</u>

	<p><u>>50-75% of any façade warrants negative four (-4) points</u></p> <p><u>>75-100% of any façade is prohibited with some exceptions per section 9-1-19-5A-B</u></p>	<p><u>Buildings defined as an institutional use may be constructed of brick without the assignment of negative points.</u></p>
<p><u>Composite wood siding</u></p>	<p><u>>0-33% of any façade warrants negative two (-2) points</u></p> <p><u>>33-66% of any façade warrants negative four (-4) points</u></p> <p><u>>66-100% of any façade warrants negative six (-6) points</u></p>	
<p><u>Metal siding</u></p>	<p><u>Up to 25% per façade warrants no negative points</u></p> <p><u>>25-50% of any façade warrants negative two (-2) points</u></p> <p><u>>50-75% of any façade warrants negative four (-4) points</u></p> <p><u>>75-100% of any façade is prohibited per section 9-1-19-5A-B</u></p>	<p><u>Per 9-1-19-5A Section A. 1. all exterior metal elements must be non-reflective.</u></p>
<p><u>Fiber cement siding</u></p>	<p><u>Warrants negative three (-3) points when applied with no supplemental natural materials.</u></p>	<p><u>No negative points will be assigned when applied with natural materials such as natural wood accents or a natural stone base on each elevation and provided the fiber cement siding is compatible with the general design criteria listed in the land use guidelines.**</u></p>
<p><u>Stucco</u></p>	<p><u>Up to 25% per façade warrants no negative points</u></p>	<p><u>Natural earth-tone colors are recommended. Additional negative points could be assigned under Section A. of the Policy if non-natural colors are applied.</u></p>

	<u>>25-50% of any façade warrants negative two (-2) points</u> <u>>50-75% of any façade warrants negative four (-4) points</u> <u>>75-100% > of any façade is prohibited per section 9-1-19-5A-B</u>	
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*To determine the allocation of points, façade area is measured from the fascia board to finished grade. Such measurement shall include column elements, windows, and chimneys, but shall not include decks and railing elements.

**Natural materials for the purpose of offsetting the application of fiber cement siding can include elements such as railings, decking, or other architectural details not included in the calculation of the façade area as long as these natural material elements are applied on the same elevations as the fiber cement siding.

B. C. Historic And Conservation Districts: For all projects within the Historic or Conservation Districts, see section [9-1-19-24A](#), "Policy 24 (Absolute) The Social Community", and section [9-1-19-24R](#), "Policy 24 (Relative) Social Community", of this chapter.

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

This ordinance was published in full on the Town of Breckenridge website on December 15, December 16, December 17, December 18 and December 19, 2022.

A public hearing on this ordinance was held on January 10, 2023.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of January, 2023. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on January 13, January 14, January 15, January 16 and January 17, 2023. This ordinance shall become effective on February 16, 2023.