

ORDINANCE NO. 4
Series 1998

AN ORDINANCE AMENDING THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING THE
PROVISION OF EMPLOYEE HOUSING

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

Section 1. There is hereby added to the definition of "Class D Development" as set forth in Section 9-1-5 of the Breckenridge Town Code a new item as follows:

-Substitution of employee housing unit

Section 2. The definition of "employee housing" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 in Summit County, Colorado at least thirty (30) hours per week on an annual basis, together with such person's spouse and minor children, if any.

All employee housing units shall be a minimum of four hundred (400) square feet of density in size, and shall contain at a minimum kitchen and sleeping accommodations, a closet, and a bathroom with a shower.

An employee housing unit which is located outside of the Conservation District shall not count against the density and mass of the project for which such unit was provided. An employee housing unit which is located within the Conservation District shall count against the density or mass of the project for which such unit was provided.

Section 3. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of a definition of "Upper Blue River Basin" which shall read in its entirety as follows:

UPPER BLUE RIVER BASIN The geographic area defined in The Summit County Land Use and Development Code, as amended from time to time.

Section 4. Paragraph D of Policy of Policy 3 (Absolute) ("Density/Intensity"), as set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

D. Maximum Density Calculations (Priority System). 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 provided little or no benefit or are a detriment to the community.

With this goal in mind, the Town has established the following multipliers to be utilized in calculating maximum allowed density with regard to residential development.

Use	Multiplier
Hotel, inn, motel, bed and breakfast - outside Conservation District	1.15
Hotel, inn, motel, bed and breakfast - inside Conservation District	1.00
Condo-Hotel	1.00
Single-family	1.00
Duplex and townhouse	1.00
Condominiums, apartments or boarding houses	0.75

The maximum allowed density for a project shall be adjusted by the above multiplier for the specific uses listed.

The formula for total allowed dwelling area for a specific residential project shall be as follows:

$$\frac{\text{Allowed Units per Guidelines (or plat if applicable)}}{\text{Unit to Square Footage Conversion (3/B)}} \times \frac{\text{Multiplier (3/D)}}{\text{Total Allowed Gross Dwelling Area Square Ft.}} =$$

Section 5. There is hereby added to Policy 3 (Absolute) ("Density/Intensity") of Section 9-1-19 of the Breckenridge Town Code a new Paragraph E, which shall read in its entirety as follows:

E. Special Employee Housing Density Calculations:

(1) A maximum of ten percent (10%) of the density of a project which is located outside of the Conservation District shall be excluded from the calculated density of the project if used to construct employee housing (as defined in Section 9-1-5 of this Chapter).

(2) There shall be no density bonus or adjustment allowed for employee housing constructed as part of a project located within the Conservation District.

(3) Notwithstanding paragraph (1) above, a project located outside of the Conservation District which consists of all employee housing units (as defined in Section 9-1-5 of this Chapter) shall be allowed 115% of its otherwise permitted density under the controlling development policy or document, including, but not limited to, the Land Use Guidelines, Master Plan, Planned Unit Development Agreement or other controlling site-specific rule, regulation or court order.

(4) In connection with the annexation to the Town of real property upon which is to be constructed a project which includes one or more employee housing units (as defined in Section 9-1-5 of this Chapter), the Town shall establish the density for the portion of the property devoted to employee housing without requiring a density transfer. Density for uses other than employee housing will be established for the property only pursuant to the relevant policies contained elsewhere in this Code and other development policies of the Town. In no event shall density on such a site exceed the density recommended in the Land Use Guidelines as further interpreted by this Code.

(5) Any employee housing which is excluded from a project's density calculation or which is part of a project for which additional density is allowed pursuant to this Paragraph shall be subject to the provisions and requirements of Policy 3 (Absolute) and Policy 24 (Relative) of this Section.

Section 6. Subparagraph A(1) of Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

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

(1) Point Assessments:

a. Multi-unit Residential -

1. The following points will be assessed in connection with multi-unit residential projects of less than 5,000 square feet of density:

5 x +2 The provision of not less than 500 square feet of employee housing. The maximum positive points will be considered for a project which contains more than 1,000 square feet of employee housing.

0 The provision of no employee housing.

2. The following points will be assessed in connection with multi-unit residential projects of five thousand (5,000) square feet of density or more:

5 x +2 The provision of employee housing equal to or greater than 10 percent of the density of the proposed project. The maximum positive points

will be considered for a project which contains more than 1,000 square feet of employee housing.

+1 The provision of employee housing equal to more than 0 but less than 10 percent of the density of the proposed project.

-2 The provision of no employee housing.

b. Commercial/Office -

1. The following points will be assessed in connection with commercial or office projects of less than 5,000 square feet of density:

5 x +2 The provision of not less than 500 square feet of employee housing. The maximum positive points will be considered for a project which contains more than 1,000 square feet of employee housing.

0 The provision of no employee housing.

2. The following points will be assessed in connection with commercial or office projects of 5,000 square feet of density or more :

5 x +2 The provision of employee housing equal to or greater than 10 percent of the density of the proposed project. The maximum positive points will be considered for a project which contains more than 1,000 square feet of employee housing.

+1 The provision of employee housing more than 0 but less than 10 percent of the density of the proposed project.

-2 The provision of no employee housing.

c. Industrial/Service Commercial -

1. The following points will be assessed in connection with industrial projects of less than 10,000 square feet of density:

5 x +2 The provision of not less than 500 square feet of employee housing. The maximum positive points will be considered for a project which contains more than 1,000 square feet of employee housing.

0 The provision of no employee housing.

2. The following points will be assessed in connection with industrial projects of 10,000 square feet of density or more:

5 x +2 The provision of employee housing equal to or greater than 10 percent of the density of the proposed project.

+1 The provision of the employee housing more than 0 but less than 10 percent of the density of the proposed project.

-2 The provision of no employee housing .

Section 7. Subparagraph A(2)(c) of Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

c. Employee housing units provided under this Section may be on or off site, but shall be within the Upper Blue River Basin.

Section 8. There is hereby added to Subparagraph (A)(2) of Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, a new subparagraph (d), which shall read in its entirety as follows:

d. For the purpose of determining whether a development shall be awarded or assessed points under this policy, only square footage approved pursuant to a Development Permit the application for which was filed subsequent to December 18,

1997 shall be used to calculate the total density or gross dwelling area of a development.

Section 9. There is hereby added to Subparagraph (A)(2) of Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, a new subparagraph (e), which shall read in its entirety as follows:

e. The provisions of this Policy, as amended by Council Bill No. 29, Series 1997, shall not apply to Development Permits approved prior to December 18, 1997; and no Development Permit approved prior to December 18, 1997 shall be modified to reduce the amount of employee housing approved in connection with the issuance of such Development Permit.

Section 10. There is hereby added to Subparagraph (A)(2) of Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, a new subparagraph (f), which shall read in its entirety as follows:

f. Each employee housing unit for which positive points are awarded under this policy shall be encumbered by a properly recorded restrictive covenant in a form acceptable to the Town Attorney. The terms of such restrictive covenant shall be consistent with this policy, and such restrictive covenant shall not be subordinate to any senior lien or encumbrance, except the lien of the general property taxes.

Section 11. There is hereby added to Policy 24 (Relative) ("Social Community"), as set forth in Section 9-1-19 of the Breckenridge Town Code, a new Subparagraph (A)(4), which shall read in its entirety as follows:

4. The owner of an employee housing unit which is restricted by a restrictive covenant as described in Subparagraph (A)(2)(e) of this Policy shall have the right to obtain the release of the restrictive covenant by substituting for the restricted unit another unit or property located in the Upper Blue River Basin which satisfies the definition of employee housing set forth in Section 9-1-5 of this Code. Such right of substitution shall be subject to the Town's approval of such substitute unit or property as being of comparable size and condition using the Class D Development Permit process. No such substitution shall be permitted unless the substitute unit or property shall be subjected to a restrictive covenant as required by Subparagraph (A)(2)(e) of this Policy.

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

Section 13. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

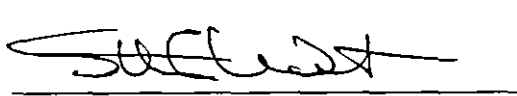
Section 14. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 25 day of November 1997. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of January, 1998, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk

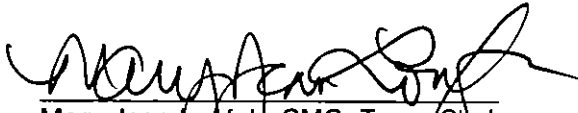

Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS this 27th day of January, 1998.


A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loftek, CMC, Town Clerk



Stephen C. West, Mayor

APPROVED IN FORM:



Town Attorney



Date

This Ordinance was published by title with amendments in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, February 5, 1998.