

ORDINANCE NO. 13

Series 2000

AN ORDINANCE AMENDING DEFINITIONS, POLICY 9 (ABSOLUTE) AND POLICY 9 (RELATIVE) OF THE BRECKENRIDGE DEVELOPMENT CODE AND THE BRECKENRIDGE SUBDIVISION STANDARDS CONCERNING BUILDING SETBACKS

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

Section 1. Paragraph C of Policy 9 (Absolute) of Section 9-1-19 of the Breckenridge Town Code, entitled "Placement of Structures", is hereby amended so as to read in its entirety as follows:

C. Residential Setbacks: For all structures within residential districts and for residential structures within commercial districts, the following setbacks shall be utilized as minimum standards:

1. Within the Conservation District (all residential development):

(a) Front yard: No structure shall be built within ten feet (10') of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said garage doors shall be closer than twenty feet (20') from the front property line.

(b) Side yard:

(1) Interior: No structure shall be built within three feet (3') of a side yard property line.

(2) Street: For all platted lots greater than twenty five feet (25') in width or for more than one lot under single ownership with an aggregate width greater than twenty five feet (25'), up to one-half ( $\frac{1}{2}$ ) the proposed structure may extend up to five feet (5') from a street side yard property line. The remaining half of said structure may not extend closer than ten feet (10') from the street side yard property line. For single lots less than twenty five feet (25') in width, no portion of a structure may extend closer than three feet (3') from a street side yard property line.

(c) Rear Yards: No structure shall be built within ten feet (10') of a rear yard property line, or within five feet (5') of any alley right of way.

(d) Encroachments/Protection: Notwithstanding the above restrictions, and in those instances where a violation of the Uniform Building Code is not created, bay windows, roof eaves and other similar projections may extend within any required yard up to a maximum of eighteen inches (18") with approval of the Planning Commission.

2. Outside the Conservation District:

(a.) Single Family Development

(1) Front yard: No structure shall be built within fifteen feet (15') of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said

garage doors shall be closer than twenty feet (20') from the front property line.

(2) Side yard: A combined side setback of forty feet (40') (total of both sides) is required, with no structure built within fifteen feet (15') of a side yard property line.

(3) Rear Yard: No structure shall be built within fifteen feet (15') of a rear yard property line.

(b.) Other Residential Development:

(1) Front yard: No structure shall be built within ten feet (10') of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said garage doors shall be closer than twenty feet (20') from the front property line.

(2) Side yard: No structure shall be built within three feet (3') of a side yard property line.

(3) Rear Yard: No structure shall be built within ten feet (10') of a rear yard property line, or within five feet (5') of any alley right of way.

(c) Exceptions: The provisions of this Subsection (2) shall not apply to the development of (i) any lot with a platted building envelope, or (ii) any lot having building locations established by a development permit.

(d) The provisions of this Subsection shall only apply to the perimeter boundary of any lot, tract or parcel which is being developed for attached units (such as duplexes, townhouses, multi-family, or condominium projects), or for cluster single family (CSF) use.

3. Lots Without Street Frontages: In those instances where a lot has no direct street frontage, all setback requirements shall be replaced by the requirement for side yard setbacks.

Section 2. Paragraph D of Policy 9 (Relative) of Section 9-1-19 of the Breckenridge Town Code, entitled "Placement of Structures", is hereby amended so as to read in its entirety as follows:

D. Residential Setbacks: No structures located within residential districts or residential uses within commercial districts shall be placed in a manner as to create adverse impacts to adjacent properties. The placement of structures in close proximity to adjacent property or Town rights of way has been found to create adverse impacts and is discouraged.

The following setbacks are encouraged for the placement of structures on site:

1. Within the Conservation District (all residential development):

- (1) Front yard: Fifteen feet (15')
- (2) # 1 Side yard: Five feet (5')
- (3) Rear yard: Fifteen feet (15')

2. Outside the Conservation District:

- (a.) Single Family Development
  - (1) Front yard: Twenty five feet (25')

(2) Combined side yard: Fifty feet (50')(total of both side yards)

(b.) Other Residential Development:

- (1) Front yard: Fifteen feet (15')
- (2) Side yard: Five feet (5')
- (3) Rear yard: Fifteen feet (15')

(c) Exceptions: The provisions of this Subsection (2) shall not apply to the development of (i) any lot with a platted building envelope, or (ii) any lot having building locations established by a development permit.

(d) The provisions of this Subsection shall only apply to the perimeter boundary of any lot, tract or parcel which is being developed for attached units (such as duplexes, townhouses, multi-family, or condominium projects), or for cluster single family (CSF) use.

Point assessments shall be as follows:

3x (0/-3)	0	All four setback requirements are met
	-1	Three (3) of the setback requirements are met
	-2	Two (2) of the setback requirements are met
	-3	One or none of the setback requirements are met

3. Lots Without Street Frontages: In those instances where a lot has no direct street frontage, all setbacks shall be evaluated as side yard setbacks and points assessed accordingly.

Section 3. Paragraph (C)(7) of Section 9-2-4-5 of the Breckenridge Town Subdivision Code is hereby amended so as to read in its entirety as follows:

7. Building envelopes may be utilized to protect views, historic resources and natural features. Building envelopes which create setbacks in excess of those required by the Development Code may be platted to establish general building setbacks for the subdivision.

Section 4. The definition of "Structure" in Section 9-1-5 Definitions of the Breckenridge Town Development Code is hereby added so as to read in its entirety as follows:

STRUCTURE: that which is built or constructed, an edifice or building of any kind. The term structure shall not include: signs, retaining walls, fences, paved surfaces, and at or below-grade improvements.

Section 5. 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 6. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

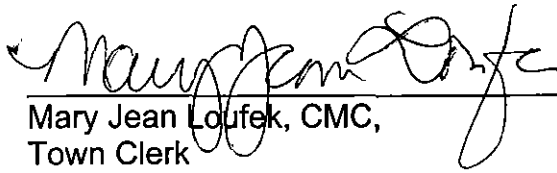
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

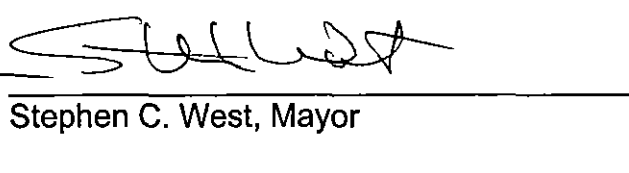
Section 8. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 14th day of March, 2000. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of March, 2000, 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

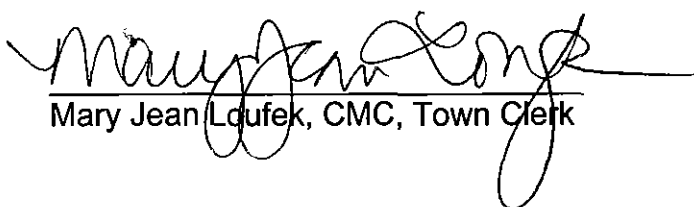
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 24, 2000.

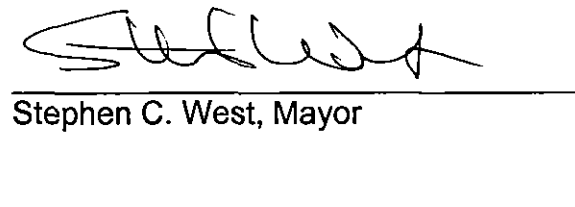
The public hearing on this Ordinance was held on March 28, 2000.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 28<sup>th</sup> day of March, 2000. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

3/28/00  
Date

This Ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 7, 2000.