

ORDINANCE NO. 1

Series 2003

AN ORDINANCE AMENDING POLICY 21 (RELATIVE)
OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE CONCERNING
PRIVATE OPEN SPACE, AND THE DEFINITION OF "OPEN SPACE" SET FORTH IN SECTION 9-1-5
OF THE BRECKENRIDGE TOWN CODE

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

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

OPEN SPACE: An exterior space located within the physical boundaries of a project which: a) is usable for recreational purposes, b) provides for natural or manmade landscaping areas, or c) provides for the protection of natural resources such as stream channels, steep slopes, etc.

Areas that qualify as open space are:

- Landscaping areas, strips, planters, etc., with a minimum dimension in all directions of five feet (5'), and with a minimum overall size of fifty (50) square feet.
- Natural areas, excluding existing stream channels.
- Outdoor recreational facilities, including swimming pools, tennis courts, playfields, picnic areas and all other similar outdoor areas.

Areas that do not qualify as open space I include, but are not limited to:

- Parking and circulation areas.
- Sidewalks and other pedestrian circulation areas.
- Any areas covered with a structure.
- Stairways.
- Existing stream channels.
- Any areas that do not meet the minimum dimensions listed above.
- Any hard surface area.

Section 2. Paragraph (A)(1) of Policy 21 (Relative) of Section 9-1-19 of the Breckenridge Town Code (pertaining to "Private Open Space") is hereby amended so as to read in its entirety as follows:

- (1) Residential Areas: It is encouraged that all residential developments or the residential portions of multi-use developments retain at least thirty percent (30%) of their land area in natural or improved open space, exclusive of roadways, parking lots, sidewalks, decks, or small landscaping strips. 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.

Section 3. 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 4. 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.

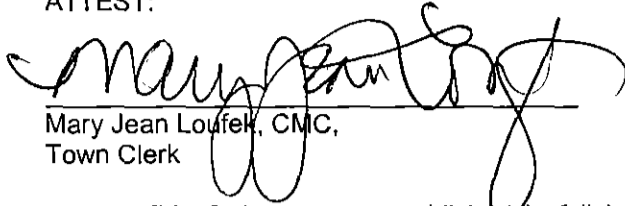
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

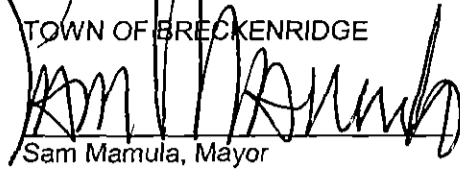
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of December, 2002. A Public Hearing shall be held at the regular meeting of the Town

Council of the Town of Breckenridge, Colorado on the 14th day of January, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

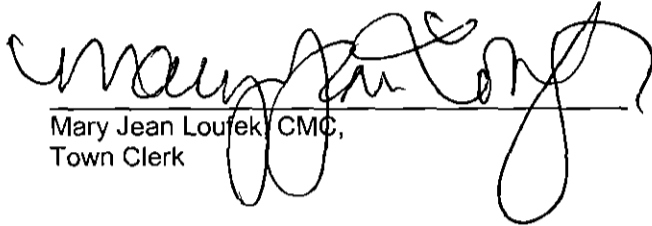

Sam Mamula, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on December 20, 2002.

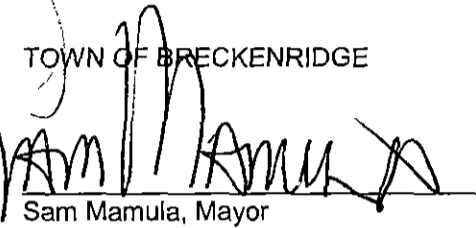
The public hearing on this ordinance was held on January 14, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 14th day of January, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

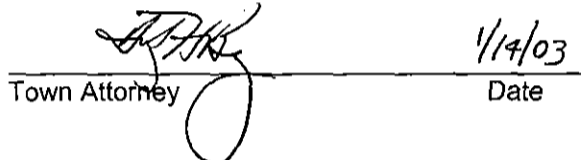
ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE


Sam Mamula, Mayor

APPROVED IN FORM:


Town Attorney

1/14/03
Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on January 24, 2003.