

ORDINANCE NO. 22

Series 2004

AN ORDINANCE AMENDING POLICY 36 (ABSOLUTE)(TEMPORARY STRUCTURES) OF CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING PROVISIONS CONCERNING SEASONAL NON-COMMERCIAL GREENHOUSES

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

Section 1. The definition of "Class D Development" in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of the following additional item:

- Seasonal non-commercial greenhouse

Section 2. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of a new definition of "Seasonal Non-Commercial Greenhouse", which shall read in its entirety as follows:

SEASONAL NON-COMMERCIAL GREENHOUSE:

A temporary greenhouse used on a seasonal basis to grow plants intended for the private use of the owner of the greenhouse, and not to grow plants for commercial sale.

Section 3. Policy 36 (Absolute) of Section 9-1-19 of the Breckenridge Town Code, entitled "Temporary Structures", is hereby amended by the addition of a new subsection E, which shall read in its entirety as follows:

- E. Seasonal non-commercial greenhouses: Seasonal non-commercial greenhouses may be allowed when they meet the following criteria:
 1. A seasonal non-commercial greenhouse may be erected and operated only from May 1 to July 1 of the same year. Not later than July 2, the seasonal non-commercial greenhouse (including frame) shall be completely removed from its location;
 2. A seasonal non-commercial greenhouse shall not exceed 500 square feet in size;
 3. A seasonal non-commercial greenhouse shall not be placed on a permanent foundation;
 4. A seasonal non-commercial greenhouse shall be constructed of materials which, taken as a whole, give the appearance of a unified and coordinated design;
 5. A seasonal non-commercial greenhouse shall be maintained at all times in a neat and orderly condition;
 6. All materials related to the operation of a seasonal non-commercial greenhouse shall be stored within the greenhouse. The outdoor storage of such materials is prohibited; and
 7. If a seasonal non-commercial greenhouse is located on land normally used for required off-street parking, the greenhouse shall not occupy more than two parking spaces.

A seasonal non-commercial greenhouse authorized by a permit issued under this policy shall not count as density or mass.

Section 4. The Director of the Department of Community Development shall not collect an application fee in connection with a Class D development permit application to construct a seasonal non-commercial greenhouse which is submitted by the owner of a single family residential structure.

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.

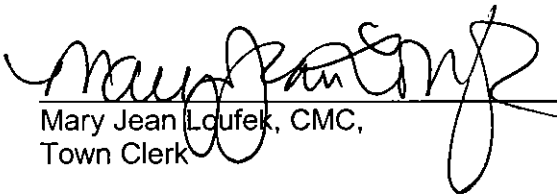
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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 23rd day of March, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of April, 2004, 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


Sam Mamula, Mayor

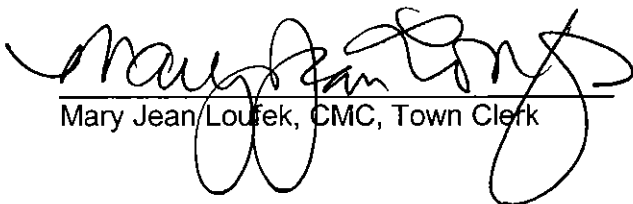
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 2, 2004.

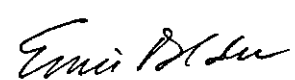
The public hearing on this ordinance was held on April 13, 2004.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 13th day of April, 2004. 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


Ernie Blake, Mayor

APPROVED IN FORM


Town Attorney

4/13/04
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 23, 2004.