

ORDINANCE NO. 4

Series 2006

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING THE TREATMENT OF MASS AND THE TRANSFER OF MASS AND DENSITY

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

Section 1. Policy 4 (Relative) (Mass) of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4. (RELATIVE) MASS:

A. Additional aboveground square footage may be allowed over and above the intensity/density calculation based on the following formulas for accessory uses such as garages, meeting rooms, lobbies, hallways, recreational areas, etc.: (Ord. 19, Series 1988)

(1) (Rep. by Ord. 10, Series 1990)

(2) Single-Family, Duplexes, Bed And Breakfasts, And Townhouses: Single-family, duplex, bed and breakfast, and townhouse developments may be allowed an additional twenty percent (20%) of aboveground floor area for the provision of garages, common amenity areas, and common storage areas.

(3) Condominiums, Apartments, And Boarding Houses: Condominium, apartment and boarding house developments may be allowed an additional fifteen percent (15%) of aboveground floor area for the provision of accessories, amenities, and/or common areas.

(4) Condo-Hotels, Hotels, Inns, And Lodges: Condo-hotels, hotels, inns, lodges, and other similar uses may be allowed an additional twenty five percent (25%) of aboveground floor area for the provision of accessory, amenities, and/or common areas.

Compliance with the aboveground square footage recommendations as set forth here is encouraged. Mass is the total aboveground square footage of a project (density + common areas). DEVIATIONS IN EXCESS OF THE MAXIMUM ALLOWED TOTAL SQUARE FOOTAGE SHALL ONLY BE ALLOWED THROUGH DENSITY TRANSFERS PURSUANT TO SECTION 9-1-17-12 OF THIS CHAPTER AND SHALL BE ASSESSED NEGATIVE POINTS ACCORDING TO THE FOLLOWING SCHEDULE:

The following formula shall be utilized to determine any deviations from these guidelines.

	<u>% Deviation Up From Guidelines</u>	<u>Point Deductions</u>
5 x (point deduction)	0.01 - 5%	2*
	5.01 - 10%	3
	10.01 - 15%	4
	15.01 - 20%	5
	20.01 - 30%	6
	30.01 - 40%	7
	40.01 - 50%	8
	50.01% and above	20

(Ord. 19, Series 1988)

\*Excess mass is exempt from a 2 point deduction if the density is transferred pursuant to subsection 9-1-17-12B of this chapter and if the total excess mass for the project does not exceed 5 percent of the maximum mass allowed. This exemption does not apply to any transfers of density/mass into the historic district.

- B. In a land use district where density is calculated by a floor area ratio only, residential and mixed use projects shall not be allowed additional square footage for accessory uses, and the total mass of the building shall be that allowed by the floor area ratio of the specific districts. In residential and mixed use developments within land use districts 18, and 19, no additional mass shall be allowed for the project and the total allowed mass shall be equal to the allowed density. (Ord. 10, Series 1990)
- C. The mass of property located in land use district 1 which is proposed to be used as an interpretative building in a public park shall not be counted under this policy if the planning commission finds that the proposed use is appropriate for the site based upon good planning practices as reflected by the other absolute and relative development policies of this chapter. (Ord. 24, Series 2004)

Section 2. Section 9-1-17-12 of the Breckenridge Town Code, entitled "Transfer of Density", is hereby amended by the addition of a new paragraph E, which shall read in its entirety as follows:

E. Density Includes Mass: As used in this section, the term "transfer of density" shall include "transfer of mass".

Section 3. Section 9-1-17-12 of the Breckenridge Town Code, entitled "Transfer of Density", is hereby amended by the addition of a new paragraph F, which shall read in its entirety as follows:

F. Effect of Density Transfer: Unless otherwise expressly provided in this Code, density transferred to a property pursuant to this section shall be used in calculating or determining any requirement of this Code that is based upon the density of such property.

Section 4. 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 5. 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.

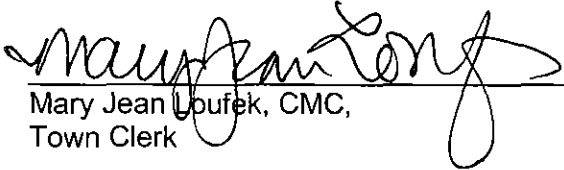
Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 7. 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 10<sup>th</sup> day of January, 2006. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24<sup>th</sup> day of January, 2006, 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

  
Ernie Blake, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on January 20, 2006.

The public hearing on this ordinance was held on January 24, 2006.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 24<sup>th</sup> day of January, 2006. 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

1/24/06  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on February 3, 2006.