

ORDINANCE NO. 17

Series 2009

AN ORDINANCE AMENDING POLICY 9 (ABSOLUTE) AND POLICY 9 (RELATIVE) OF CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING BUILDING SETBACKS

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

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

C. (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 (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 twenty-five feet (25') in width or less, no portion of a structure may extend closer than three feet (3') from a street side yard property line.

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

d. Encroachments/Protection: Notwithstanding the above restrictions, and in those instances where a violation of the Town's 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.

e. Exception: If a historic secondary structure that encroaches into a required setback is proposed to be relocated, the Planning Commission may approve the relocation without approving a variance under section 9-1-11 if: (i) the structure is to be relocated to a location no closer than one foot (1') from the alley or road right-of-way property line, (ii) a new foundation will be placed under the structure, (iii) the structure will be fully stabilized, (iv) the structure is not proposed to be moved from one lot to another lot, (v) the moving of the structure will not substantially alter the structure's historic context, and (vi) relocating the structure to a location that complies with the setbacks normally required by this policy creates a substantial burden on the applicant. No relocation of a historic secondary structure shall increase the structure's non-conformity with this policy. All historic secondary structures relocated under this subsection shall conform to the Town's Building Code in effect at the time of relocation.

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

D. (1) Within The Conservation District (All Residential Development):

a. Front yard: Fifteen feet (15').

b. #1 Side yard: Five feet (5').

c. Rear yard: Fifteen feet (15').

d. Exception: If a historic secondary structure that encroaches into a required setback is proposed to be relocated, no negative points shall be

assessed under this policy if: (i) the structure is to be relocated to a location no closer than one foot (1') from an alley or road right-of-way property line, or three feet (3') from the side or rear property line, whichever is applicable, (ii) a new foundation will be placed under the structure, (iii) the structure will be fully stabilized, (iv) the structure is not proposed to be moved from one lot to another lot, (v) the moving of the structure will not substantially alter the structure's historic context, and (vi) relocating the structure to a location that complies with the provisions of subsection (a), (b) and (c). above, creates a substantial burden on the applicant. All historic secondary structures relocated under this subsection shall conform to the Town's Building Code in effect at the time of relocation.


Section 3. 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 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

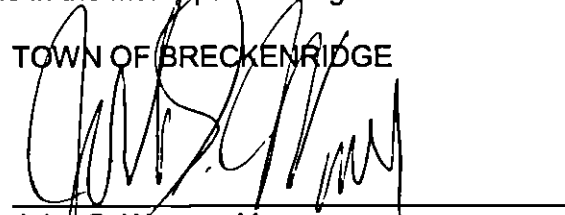
Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of June, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of June, 2009, 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


John G. Warner, Mayor

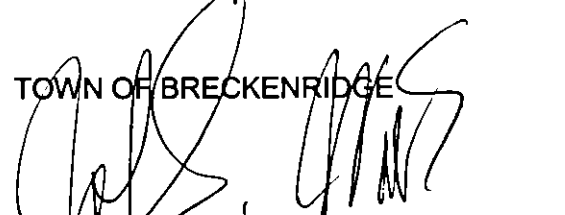
The public hearing on this ordinance was held on June 23, 2009.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 23rd day of June, 2009. This ordinance is available for inspection in the office of the Town Clerk.

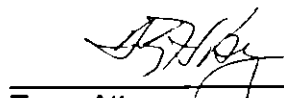
ATTEST:


Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

6/23/09
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on July 3, 2009.