

ORDINANCE NO. 31

Series 2010

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING BUILDING FOOTPRINT LOTS

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

Section 1. Section 9-2-2 of the Breckenridge Town Code is amended by the addition of a new definition of "Building footprint lot", that shall read in its entirety as follows:

BUILDING FOOTPRINT LOT:	A lot the boundaries of which approximate the exterior walls of a building or a portion of a building, and designated as "Building footprint lot" on a subdivision plat.
CLASS C SUBDIVISION:	A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, footprint lots in conjunction with an approved Master Plan, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application.
WALL PLANE:	The horizontal length of the exterior building wall.

Section 2. Section 9-2-4-5 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-2-4-5: LOT DIMENSIONS, IMPROVEMENTS AND CONFIGURATION:

- A. Political Boundaries: No lot shall be laid out so it crosses a political boundary.
- B. Arrangement: The lot arrangement shall be such that there will be little difficulty in securing development permits and building permits in compliance with the Breckenridge development code and building codes and in providing driveway access to buildings on such lots from an approved street at a grade in compliance with all town ordinances and standards.
- C. Lot Dimensions And Standards:
 - 1. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a master plan, which are exempt when the lot and project as a whole is in general compliance with the town comprehensive planning program and have little or no adverse impacts on the neighborhood. Determination of "general compliance with the town's comprehensive planning program" shall be based upon, without limitation, the

adequacy of proposed setbacks (including setbacks from other building footprint lots), privacy, functional parking, aesthetics, site buffering, circulation and compliance with the Handbook of Design Standards as adopted in Chapter 5 of Title 9 of this Code.

2. The depth and width of lots shall be adequate to provide for sufficient ingress and egress, for parking facilities as required by the proposed use, and to avoid lot depth greater than twice the width.
3. In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall not be permitted.
4. Where lots are more than double the minimum required area for the zoning district, the town may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this chapter.
5. The depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated.
6. Building setback reservations, nonbuildable and tree preservation easements may be required to protect significant environmentally sensitive areas, significant stands of mature trees and comply with the plan required in subsection 9-2-4-2D2 of this chapter, sites of historical significance, recreation areas including golf courses, parks, significant views or other special areas that in the opinion of the town are necessary for the protection of the health, safety and welfare of the community. (Ord. 23, Series 1992)
7. The following standards shall apply to site disturbance envelopes:
 - a. Site disturbance envelopes shall be platted for all residential lots at the time of subdivision.
 - b. Outside of the Conservation District, a site disturbance envelope shall be located on a lot in a manner which complies with the following minimum setbacks:
 - i. Front Yard: Twenty-five feet (25')
 - ii. Rear Yard: Fifteen feet (15')
 - iii. Side Yard: Fifteen feet (15'), with combined side yard setbacks on each lot equaling a minimum of fifty feet (50').

Site disturbance envelopes shall be located away from significant ridgelines and hillsides.

- c. In addition to the minimum requirements which will be established through subsection C7b of this section, the location of a site disturbance envelope shall also take into consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5) significant trees which will effectively screen future development when viewed from an area of concern. Particular attention shall be given to trees on the downhill side of a site disturbance envelope.
- d. Except as provided in subsection C7e of this section, the following shall occur within a platted site disturbance envelope: 1) all construction activities, including, but not limited to, grading, excavation, soil disruption (tree cutting and/or the removal of native vegetation unless approved by separate review in connection with an approved fire mitigation and/or a forest management plan); and, 2) the construction of all permanent improvements, such as buildings, roof overhangs, structures, decks, at grade patios, fences, stairs, window wells, bay windows, or other similar improvements.
- e. The following may occur outside of a platted site disturbance envelope: 1) construction of approved driveway access and paving, walkways, necessary driveway retaining walls, utility connections, pedestals and boxes, approved drainage facilities,

culverts, public and private trails, street lighting, driveway entrance signage and related lighting, and soil disturbances related to all such activities; 2) approved tree planting and landscaping; and 3) other activities approved by the director which are consistent with the intent and purpose of the town requirement for the creation of site disturbance envelopes.

8. The following rules shall apply to the subdivision of a building footprint lot:
 - a. A building footprint lot shall only be allowed if specifically authorized in a approved Master Plan.
 - b. A building footprint lot located within the Conservation District (as defined in Section 9-1-5) shall only be allowed within the Downtown Overlay District.
 - c. Within the Downtown Overlay District the minimum distance between a building footprint lot and any adjacent building or another building footprint lot within the Master Plan shall be a distance that is equal to one third the length of the longest wall plane of the existing or proposed building to be located on the building footprint lot, or six feet (6'), whichever is greater.
 - d. A building footprint lot shall not be located in significant view corridors, or on ridgelines or hillsides.
9. Lots abutting a water course, drainage way, channel, streams or steep slopes shall have a minimum width and depth required to provide an adequate building site and the minimum usable area for front, side and rear yards, as required in the Breckenridge Development Code.

Section 3. Policy 35(Absolute) (Subdivision) of Section 9-1-19 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

35.(ABSOLUTE) SUBDIVISION:

- A. All subdivisions shall comply with the Breckenridge Subdivision Ordinance.
- B. If a development proposal will require a Subdivision or replatting of the existing parcel, a preliminary plat in conformance with the Breckenridge Subdivision Ordinance shall be filed along with the development application.
- C. Development on a building footprint lot shall comply with the Master Plan that authorized the subdivision of the building footprint lot. Proposed changes to a Master Plan for a building footprint lot shall be reviewed for access, circulation, and general compatibility with the remainder of the Master Plan.

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: (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.

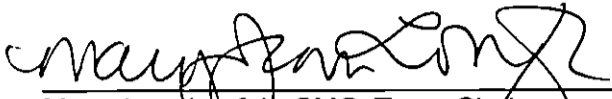
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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

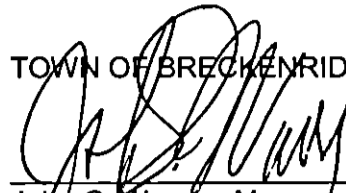
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 14th day of September, 2010. A Public Hearing shall be held at the
regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of
September, 2010, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
Town.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loufek, CMC, Town Clerk



John G. Warner, Mayor

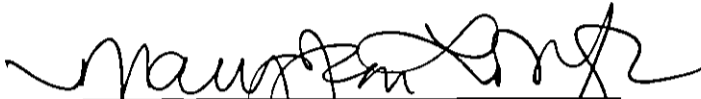
This Ordinance was published in full on the Town of Breckenridge website, on
September 16, September 17, September 18, September 19 and September 20, 2010.

The public hearing on this ordinance was held on September 28, 2010.

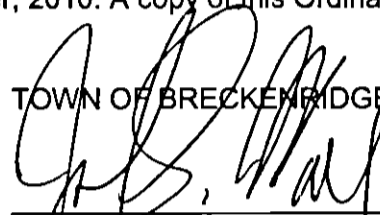
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON
THE TOWN'S WEBSITE this 28th day of September, 2010. A copy of this Ordinance is available
for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loufek, CMC, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

9/28/10

Date

This Ordinance was published on the Town of Breckenridge website on September 29,
September 30, October 1, October 2 and October 3, 2010. This ordinance shall become
effective on November 2, 2010.