

ORDINANCE NO. 16

Series 2011

AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE) OF SECTION 9-1-19 THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING THE DENSITY EXEMPTION FOR BASEMENT AREAS OF TOWN-DESIGNATED LANDMARK COMMERCIAL STRUCTURES

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

Section 1. The unnumbered paragraph of Section (C)(2) of Policy 3 (Absolute) (Density/Intensity) of Section 9-1-19 of the Breckenridge Town Code that is entitled "Commercial" is amended so as to read in its entirety as follows:

Commercial: Density shall be calculated by adding the total square footage of each floor of the building. Except as provided below, this shall include any basement areas or storage areas, no matter what the proposed use shall be, and shall be measured from the outside of the exterior walls. Exceptions: (a) any portion of a basement area of a "Town designated landmark" as defined in chapter 11 of this title, which is: (1) located directly underneath the existing building, and (2) completely or partially buried below grade shall not be counted toward allowed density for such building so long as the historic USGS floor elevation of the building is maintained; and (b) any underground portion of a building which is used to provide required or approved parking for the project. These exceptions shall not apply to any other provision of this code.

Section 2. 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 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.

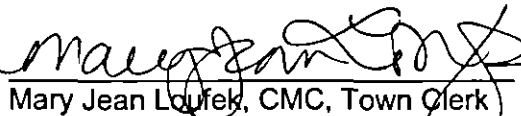
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) 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.

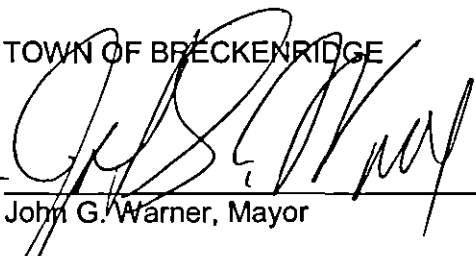
Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8<sup>th</sup> day of March, 2011. A Public Hearing on the ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 26<sup>th</sup> day of April, 2011 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

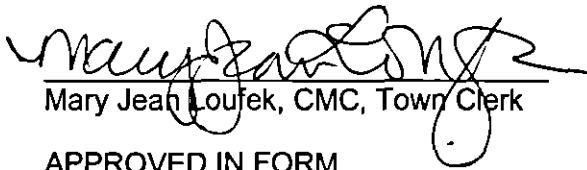
This Ordinance was published in full on the Town of Breckenridge website, on March 10, March 11, March 12, March 13, and March 14.

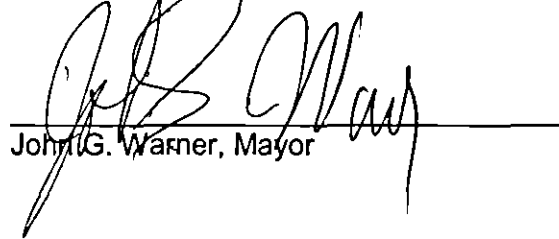
The public hearing on this ordinance was held on April 26, 2011, the date to which such hearing was lawfully continued.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26<sup>th</sup> day of April, 2011. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

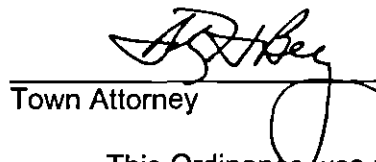
ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Mary Jean Loufek, CMC, Town Clerk

  
\_\_\_\_\_  
John G. Warner, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney

4/24/11  
Date

This Ordinance was published on the Town of Breckenridge website on April 28, April 29, April 30, May 1, May 2, 2011. This ordinance shall become effective on June 1, 2011.