

ORDINANCE NO. 12

Series 2012

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

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

Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of the following definitions:

DEVELOPMENT RIGHT:	Unless otherwise specified in this Code, the right to develop one single family equivalent of density (SFE), or portion thereof.
SINGLE FAMILY EQUIVALENT (SFE):	One unit of residential density as defined in Section 9-1-19-3A, "Policy 3 (Absolute) Density/ Intensity" of this Chapter; or one thousand (1,000) square feet of non-residential density.
TRANSFERABLE DEVELOPMENT RIGHT (TDR):	A development right that has been approved by the Town for transfer from a TDR Sending Site to a TDR Receiving Site.
TDR RECEIVING SITE:	A site authorized by the Town to accept the transfer of a TDR from a TDR Sending Site.
TDR SENDING SITE:	A site authorized by the Town to transfer a TDR to a TDR Receiving Site.

Section 2. Section 9-1-17-12(A) of the Breckenridge Town Code is amended to read in its entirety as follows:

- A. **Town-To-Town Transfers:** A transfer of density from one lot or parcel within the town to another lot or parcel within the town may be approved by the town council only in connection with the approval of a development agreement, or Density may be transferred between locations within a master plan through an approved original or amended master plan. Density may be transferred between locations within a master plan, but A master plan shall not authorize the transfer of density between different master plans or between a location inside a master plan and another location outside the same master plan is only allowed through a development agreement. Transfers of density from properties owned by the Town may also be allowed, in conjunction with an approved development permit or by resolution or ordinance of the Town Council. In no case may density be transferred into the Historic District or Land Use District 1. If a density transfer is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: 1) the amount of density transferred; 2) the total amount of density remaining on the sending parcel; 3) the new total amount of density on the receiving parcel; and 4) an acknowledgment by the owner of the receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with a separate development permit obtained in accordance with the requirements of this chapter. The covenant shall be recorded with the clerk and recorder of Summit County, and shall conclusively establish the amount of density on both the sending and receiving parcels as of the date of such covenant. Upon the execution of the density transfer covenant described

above, the owners of both the sending and receiving parcels shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density for both parcels. Development approval shall include a condition of approval that specifies the time or times at which all requirements as set forth above are complied with (e.g., prior to issuance of building permits).

Section 3. Section 9-1-17-12(B) of the Breckenridge Town Code is amended to read in its entirety as follows:

B. Other Transfers: A transfer of density to a lot or parcel within the town from either one lot or parcel located outside of the town, but within the Upper Blue River Basin, or pursuant to a certificate of development rights issued pursuant to that certain "Intergovernmental Agreement Concerning Transferred Development Rights between the Town and Summit County, Colorado", as amended from time to time, may be approved by the town only in compliance with this chapter. In no case may a density transfer be allowed into the Historic District or Land Use District 1. If a density transfer is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: 1) the amount of density transferred; 2) the new total amount of density on the receiving parcel; 3) the total new amount of density on the sending parcel; and 4) an acknowledgment by the owner of the receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with this chapter. The covenant shall be recorded with the clerk and recorder of Summit County, and shall conclusively establish the amount of density on the receiving parcel as of the date of such covenant. Upon the execution of the density transfer covenant described above, the owner of the receiving parcel shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density on the receiving parcel. Development approval shall include a condition of approval that specifies the time or times at which all requirements as set forth above are complied with (e.g., prior to issuance of building permits). Development permit conditions of approval shall state the amount of density required to be transferred and shall not include specific dollar amounts for purchasing such density. The cost of purchasing density shall be based on the current rate established for sale of TDRs at the time of purchase, as outlined in the Intergovernmental Agreement.

Section 4. Section B of Policy 3(Absolute)("Density/Intensity") of Section 9-1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

B. Residential: Residential uses whose allowed densities are calculated in terms of units within the land use guidelines shall utilize the following square footage conversion tables to determine the maximum dwelling area allowed within a specific project. (The town requires dwelling units to be converted to square footage rather than units because the town has determined that the impacts of a development are more closely related to the total square footage of the project than the number of units.) Furthermore, it is the intention of the town to encourage uses which have been determined to be needed and desirable for the general benefit of the town, and to discourage those uses which it determines provide little or no benefit or are a detriment to the community.

Conversion Table - Residential Uses

Within Conservation District:

Single-family	One unit = 1,600 sq. ft.
Duplexes and townhouses	One unit = 1,600 sq. ft.
Condominiums or boarding houses	One unit = 900 sq. ft.
All other residential (including bed and breakfast, apartment, and condo-hotel)	One unit = 1,200 sq. ft.

Outside Conservation District:

Single-family	One unit = unlimited sq. ft.*
Duplex included within site plan level development permit with net density of less than 5 units per acre	One unit = unlimited sq. ft.*
Duplex included within site plan level development permit with net density of 5 units per acre or more	One unit = 1,600 sq. ft.
Townhouse	One unit = 1,600 sq. ft.
Hotel, inn, motel, bed and breakfast	One unit = 1,380 sq. ft.
Condominiums or boarding houses	One unit = 900 sq. ft.
All other residential (including apartment and condo-hotel)	One unit = 1,200 sq. ft.

*Refer to Section A of Section 9-1-19-4A, "Policy 4 (Absolute) Mass", for mass limitations in certain subdivisions that may further limit above ground density.

Section 5. Section D(4) of Policy 3(Absolute)("Density/Intensity") of Section 9-1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

- (4) In connection with the annexation to the town of real property, the town shall establish the density for the property in accordance with the Summit County zoning density for residential uses or the town land use guideline recommended density, whichever is less. Density recommended for nonresidential uses under Summit County zoning shall not be recognized by the town. If upon such property there is to be constructed a project which includes one or more employee housing units as herein defined, the town may establish a density that exceeds the lesser of the county or town density, for the portion of the property devoted to employee housing.

Section 6. Policy 3(Absolute)("Density/Intensity") of Section 9-1-19 of the Breckenridge Town Code is amended by the addition of a new Section E, which shall read in its entirety as follows:

E. Density for Attainable Workforce Housing Projects

- A. When new attainable workforce housing projects are developed within the corporate limits of the Town, the Town government shall transfer density it owns to the attainable workforce housing project at a 1:4 ratio (i.e., transfer one development right for every four attainable workforce housing project units permitted to be built).
- B. The density provisions for Employee Housing under Section D of this Policy 3(Absolute) shall also apply to attainable workforce housing projects.

Section 7. Subsection A(2)c of Policy 24 (Relative)("Social Community") of Section 9-1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

- c. Employee housing units provided under this Section may be on- or off-site, but shall be within the Town or an unincorporated area of the Upper Blue River Basin.

Section 8. Subsection A(4) of Policy 24 (Relative)("Social Community") of Section 9-1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

- (4) Restrictive Covenants: The owner of an employee housing unit which is restricted by a restrictive covenant as described in subsection A(2)f of this policy shall have the right to obtain the release of the restrictive covenant by substituting for the restricted unit another unit or property located in the Town or an unincorporated area of the Upper Blue River basin which satisfies the definition of "employee housing" set forth in section 9-1-5 of this chapter. Such right of substitution shall be subject to the town's approval of such substitute unit or property as being of comparable size and condition using the class D development permit process. No such substitution shall be permitted unless the substitute unit or property shall be subjected to a restrictive covenant as required by subsection A(2)f of this policy.

Section 9. 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 10 . 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 11. 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.

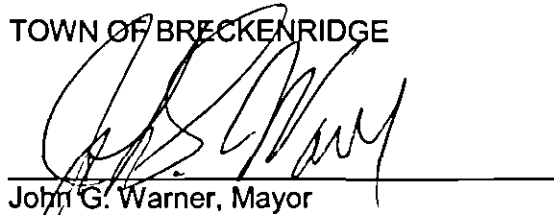
Section 12. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28th day of February, 2012. 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 March, 2012, 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

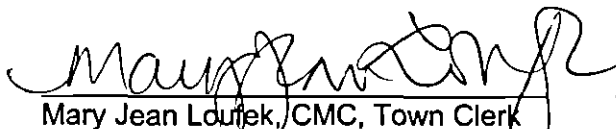
This Ordinance was published in full on the Town of Breckenridge website on March 1, March 2, March 3, March 4 and March 5, 2012.

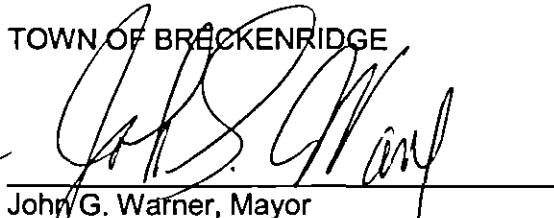
A public hearing on this ordinance was held on March 13, 2012.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS ON THE TOWN'S WEBSITE this 13th day of March, 2012. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

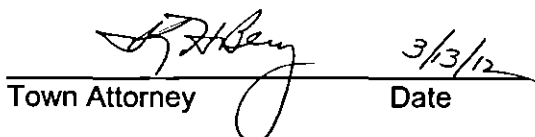
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney 3/13/12
Date

This Ordinance was published on the Town of Breckenridge website on March 15, March 16, March 17, March 18, and March 19, 2012. This ordinance shall become effective on April 18, 2012.