

ORDINANCE NO. 42

Series 2013

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

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

Section 1. The definition of "Class A Development" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

CLASS A DEVELOPMENT: Any development which includes any of the following activities or elements:

- A. Residential uses which include three (3) units or more.
- B. Lodging and hotel uses.
- C. Any site work or landscaping which is in excess of two hundred thousand dollars (\$200,000.00) in value, to include ski lifts and parking lots.
- D. Commercial and industrial uses, additions and remodels thereto which are one thousand (1,000) square feet in size or greater.
- E. Approval of a master plan on a site five (5) acres or more in size.
- F. Major amendment to a master plan pursuant to section 9-1-19-39A, "Policy 39 (Absolute) Master Plan", subsection L, of this chapter.
- G. Wireless communication facilities

Section 2. The definition of "Class B Development" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

CLASS B DEVELOPMENT: Any development which includes any of the following activities or elements:

Class B - Major:

- A. New single-family non historic residential within the historic district or the conservation district.
- B. New duplex residential within the historic district or conservation district.
- C. Bed and breakfasts, and boarding houses.
- D. Commercial and industrial uses and additions which are less than one thousand (1,000) square feet in size or 10% of the existing square footage (unless classified as a Class A development).
- E. Approval of a master plan on a site of less than five (5) acres.
- F. Demolition or moving of a landmark or historic structure (including any portion of the structure).

Class B - Minor:

- A. New or major remodel¹ of any historic residential structure within the historic district or the conservation district.
- B. Change of use within a residential district.
- C. Site work, landscaping, grading, and utility installations on steep slopes (greater than 15 percent) or within environmentally sensitive areas.

- D. Operation of a home childcare business.
- E. Vendor carts, Large
- F. Application for exempt large vendor cart designation.

Class B development is divided into major and minor categories for purposes of payment of application fees² only. The procedures set forth in the development code for the processing of class B development permit applications apply to both major and minor categories.

Footnotes:

- 1. See asterisks following definition of "class D development."
- 2. See chapter 10 of this title.

Section 3. The definition of "Class C Development" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

CLASS C DEVELOPMENT:

Any development which includes any of the following activities or elements:

- A. Change of use outside of a residential district.
- B. Master sign plans.
- C. Temporary structures or uses greater than three (3) days in duration.
- D. Additions to commercial, office or industrial structures of less than 10% of the existing square footage.
- E. Matters relating to nonconforming uses.
- F. Minor amendment to a master plan pursuant to section 9-1-19-39A, subsection L, of this chapter.
- G. Installation of solar device within the conservation district.
- H. Vendor Carts, Small. A Small Vendor Cart shall be processed as a Class C development permit with public notice requirements per a Class B development permit.
- I. Major remodel to residential condominium, lodging, or hotel structure.

Section 4. The definition of "Class D Development" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

CLASS D DEVELOPMENT:

Any development which includes any of the following activities and elements:

Class D - Major:

1. New single-family, duplex structure, or major remodel outside of the historic district, with or without an accessory apartment, except where the proposed development either:

- a. Warrants the assessment of any negative points based upon the Director's preliminary assessment at the time the application is initially filed; or
- b. Is located on a lot, tract, or parcel without a platted building or disturbance envelope outside of the

conservation district as defined in Section 9-1-19 4A (Mass).

A Class D - Major permit application that meets the conditions described in subsection a or b above, shall be reclassified as a Class C development permit application.

Class D - Minor:

- A. Banners and sponsor banners (all).
- B. Individual signs (all).
- C. Demolition or moving of any structure outside of the historic or conservation district.
- D. Demolition of nonhistoric structure within the historic or conservation district.
- E. Fencing (all).
- F. Home occupation.
- G. Minor remodel¹ of any residential structure.
- H. Temporary structures or events of three (3) days or less in duration.
- I. Operation of a chalet house.
- J. Any painting of a structure within the historic or conservation district, except for paint maintenance.
- K. Any painting of a structure with a commercial or lodging use outside of the historic district in land use districts 3, 4, 5, 6, 9, 13, 20, 23, 25, 28, 31, 32, 33, 35 or 39; except for paint maintenance.
- L. The painting of a contemporary landmark as provided in section 9-1-19-5A, "Policy 5 (Absolute) Architectural Compatibility", subsection A(2), of this chapter.
- M. The placement of a commercial handbill dispenser outside of a fully enclosed building as provided in section 11-5-6 of this code.
- N. Construction of approved trash dumpster enclosure or conversion of nonconforming trash dumpster enclosure to approved trash dumpster enclosure.
- O. Placement of public art.
- P. Substitution of employee housing unit or modification to unit floor plan.
- Q. Summer seasonal occupancy of employee housing unit as provided in section 9-1-19-24R, "Policy 24 (Relative) Social Community", subsection A(5), of this chapter.
- R. Placement of a satellite earth station larger than two meters (2 m) in diameter in land use districts where industrial or commercial uses are recommended, or larger than one meter (1 m) in diameter in land use districts where any other use is recommended.
- S. Site work, landscaping, grading, and utility installations unless done on steep slopes or within environmentally sensitive areas.
- T. The outdoor display or storage of bicycles as provided in subsection 9-7-6C of this title.
- U. Any other development described as a class D development in any town ordinance.
- V. Installation of swimming pool, spa or hot tub.
- W. Seasonal noncommercial greenhouse.
- X. Installation of solar device outside the conservation district.
- Y. Creation of voluntary defensible space around a

building or structure, or on a parcel of land.
Z. Application for a renewable energy mechanical system under section 9-1-19-4A of this chapter.
AA. Master sign plan modification.

Class D development is divided into major and minor categories for purposes of payment of application fees only. The procedures set forth in the development code for the processing of Class D development permit applications apply to both major and minor categories.

*Major remodel - Additional residential square footage of more than ten percent (10%) of existing structure square footage and/or change of character to the exterior of the structure.

*Minor remodel - Additional residential square footage of ten percent (10%) or less of the existing structure's square footage.

Footnote:

1. See asterisks following this definition

Section 5. The development permit application fees for Class C and Class D applications shall be as follows: (i) the application fee for a Class C development permit application shall be \$705; (ii) the application fee for a Class D – Major development permit application fee shall be \$1,410; and the application fee for a Class D – Minor development permit application fee shall be \$50. These fees shall remain in effect until a resolution modifying these fees is adopted by the Town Council pursuant to Section 9-10-4 of the Breckenridge Town Code.

Section 6. 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 7. 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 8. 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 9. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter, and shall become effective on January 1, 2014.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 22nd day of October, 2013.

This ordinance was published in full on the Town of Breckenridge website on October 25, October 26, October 27, October 28 and October 29, 2013.


A public hearing on this ordinance was held on November 12, 2013.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of November, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

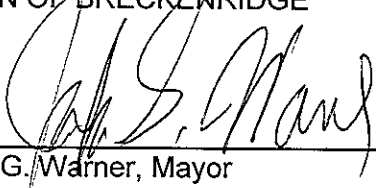
DEVELOPMENT CLASSIFICATION ORDINANCE

ATTEST:

TOWN OF BRECKENRIDGE

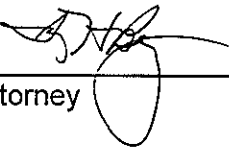


Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney Date

11/12/13

This Ordinance was published on the Town of Breckenridge website on November 14, November 15, November 16, November 17 and November 18, 2013. This ordinance shall become effective on December 18, 2013.