

ORDINANCE NO. 1

Series 2014

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

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

Section 1. Section 4-13-7(C) of the Breckenridge Town Code is amended to read as follows:

C. A permit issued pursuant to this chapter eliminates the need for a development permit to authorize the special event. However, an applicant may still be required to obtain a development permit depending on the size and scale of any temporary structures proposed to be used in connection with the special event. The need for a development permit will be determined by the events manager once the application has been received and reviewed.

Section 2. Section 4-13-11(E) of the Breckenridge Town Code is amended to read as follows:

E. A permit issued under this chapter shall be treated as a special event permit within the meaning of section 9-1-19-44A, Policy 44 (Absolute), "Radio Broadcasts", of the development code. No class D minor development permit shall be required to authorize any radio broadcast conducted as a special event.

Section 3. Section 5-8-11(J) of the Breckenridge Town Code is amended to read as follows:

J. Sound emitted from a live, remote radio broadcast, when authorized by a class D minor development permit issued pursuant to title 9, chapter 1 of this code

Section 4. Section 5-11-9 of the Breckenridge Town Code is amended to read as follows:

5-11-9: NO DEVELOPMENT PERMIT REQUIRED FOR REMOVAL OF BEETLE INFESTED TREE:

No development permit shall be required to remove any beetle infested tree. However, prior to the landowner beginning removal of a beetle infested tree the landowner shall have the property inspected by the department of community development unless the landowner has contracted for the removal of the beetle infested tree with a town approved tree removal contractor. A class D minor development permit is required for the removal of all trees other than beetle infested trees.

Section 5. The introductory clause of Section 8-2-14(A)(1) of the Breckenridge Town Code is amended to read as follows:

1. Civic Event And Welcome Banners: Civic event and welcome banners shall only be allowed when authorized by a class D minor development permit. Such permit shall be subject to the following conditions:

Section 6. The introductory clause of Section 8-2-14(A)(2) of the Breckenridge Town Code is amended to read as follows:

2. Sponsor Banners: Except as provided in subsection 8-2-11F of this chapter with respect to a master sponsor banner sign plan, sponsor banners will be allowed when authorized by a class D minor development permit. Such permit shall be subject to the following conditions:

MISCELLANEOUS TOWN CODE AMENDMENTS ORDINANCE

Section 7. The "Introduction" to Chapter 1 of Title 9 of the Breckenridge Town Code is amended to read as follows:

## INTRODUCTION

The town of Breckenridge adopted this "development code" ("code") in 1978. The code is a combination of traditional zoning and performance zoning. Unlike traditional zoning, it reviews a proposed project against its potential impacts, rather than against a strict set of standards and criteria, considering not only the proposed project's physical impacts, but also its social, aesthetic and historic impacts as well.

The code is further distinguished from traditional zoning in its ability to be flexible without relying on the variance procedure. For example, a structure's proper placement or height is determined only after an analysis of its potential impact on neighboring properties and the community as a whole.

Like traditional zoning, however, the code does set minimum standards that must be met before a development permit is granted.

The development code is the core of a three (3) document system used by the town to review projects and analyze growth. The first document in the series, the comprehensive plan, guides growth in a general way. The second, the land use guidance system, establishes forty two (42) districts within the community and sets out general parameters for land uses, desired architectural character, and other town needs.

The third "document", the development code, consists of a set of town policies covering a range of subjects, from air and water quality to the restoration of historic artifacts to the much debated issue of employee housing. The policies are divided into two (2) types - "absolute policies" (of major importance) and "relative policies" (of lesser importance) - and the development code analyzes projects according to how well they meet the criteria set forth in both. A project must be approved by the town when it implements or has no effect on all of the absolute policies and when it receives a positive score (0 or above) in the point analysis for the relative policies. The point analysis (from -2 to +2) is the quantitative backbone of the development code system. In addition, a multiplier of 1 to 5 is associated with each relative policy, depending on its importance to the town.

In processing development proposals, Breckenridge separates land use actions into five (5) categories: class D minor includes minor projects like sign permits; class D major includes some single family and duplex structures; class C items are more substantial projects such as complex single family and duplex structures; class B refers to some major projects; and class A refers to most major projects, which may range from small commercial structures in the historic district to a four hundred (400) room hotel and convention center near the mountain.

Section 8. The definition of "Addition" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

**ADDITION:** An extension or increase in floor area, building height, density, or mass of a building or structure.

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

**APPEAL:** A request by an applicant or citizen that the town planning commission overturn a decision of the director of community development concerning a class D major or class D minor application.

Section 10. The definition of "Class D - Major" development in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

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CLASS D - MAJOR:

A. New single-family, duplex structure, or major remodel outside of the historic district, with or without an accessory apartment, including, without limitation, master planned property with multiple single family and duplex structures, except where the proposed development either:

1. Warrants the assessment of any negative points based upon the director's preliminary assessment at the time the application is initially filed; or
2. 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 of this chapter (mass).

A class D - major permit application that meets the conditions described in subsection A1 or A2 of this definition, shall be reclassified as a class C development permit application.

Section 11. Item U under the definition of "Class D - Minor" development is Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

U. Any other development described as a class D minor development in any town ordinance.

Section 12. The definition of "Class D - Minor" development in Section 9-1-5 of the Breckenridge Town Code is amended by the addition of a new item BB, which shall read as follows:

BB. Radio broadcast.

Section 13. The definition of "Density" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

DENSITY:

The intensity of nonresidential uses is expressed by the ratio of floor area of the improvements to the size of the subject property. The intensity of residential uses is expressed by the gross dwelling area to the size of the subject property. Mixed uses are considered nonresidential uses for the purpose of intensity. All measurements are in square feet.

Section 14. Section 9-1-7(D)(1) of the Breckenridge Town Code is amended to read as follows:

1. Notice shall not be required prior to the review of any class C, class D major, or class D minor application, nor for a preliminary hearing for a class B application outside of the historic district.

Section 15. Section 9-1-10(B) of the Breckenridge Town Code is amended to read as follows:

B. Modifications To Existing Development Permits: At any time after issuance of a development permit, but before the development permit is abandoned or a certificate of occupancy is issued for the project, the applicant may submit modifications to the development permit. Such modifications shall be acted upon after filing a modification application, utilizing either the class C, class D major, or class D minor permit process as determined by the director.

Section 16. The second unnumbered paragraph of Section 9-1-17-3 of the Breckenridge Town Code is amended to read as follows:

A point analysis shall be conducted for all policies relevant to an application, and shall be completed prior to the final hearing on the application. However, a point analysis is not required for a class D major or a class D minor development permit application.

Section 17. Section 9-1-17-8 of the Breckenridge Town Code is amended to read as follows:

9-1-17-8: DURATION OF DEVELOPMENT PERMIT;

A. Except as expressly provided in section 9-1-19-39A of this chapter with respect to a development permit which approves a master plan, development permits issued pursuant to this chapter are valid only for the following time periods:

<u>Class Of Development Permit</u>	<u>Duration Of Permit</u>
A	3 years
B	3 years
C	18 months
D Major	18 months
D Minor	6 months

The term of a class A, B or C development permit shall commence on the date of approval of the development permit by the town council. The term of a class D major or class D minor development permit shall commence on the date of the issuance of such permit by the director.

B. For those development permits for which vested property rights are created pursuant to section 9-1-17-11 of this chapter, the duration of the development permit and the duration of the vested property rights are the same. The extension of the vested property rights for a project also operates to extend the duration of the development permit for so long as such vested property rights continue to exist as provided in this section.

Section 18. Section 9-1-17-11(D) of the Breckenridge Town Code is amended to read as follows:

D. Duration Of Vested Right: Subject to the provisions of subsection F of this section, and section 9-1-19-39A of this chapter, all vested rights with respect to any class A or B development permit shall terminate and expire at the end of three (3) years from the date of the approval by the town council of such development permit, and all vested rights with respect to a class C or class D major development permit shall expire eighteen (18) months from the date of the approval by the town council or director of such permit, unless substantial construction pursuant to such permit has been completed. All vested rights with respect to a class D minor development permit shall expire six (6) months from the date of the issuance of the permit.

Section 19. Section 9-1-17-11(I) of the Breckenridge Town Code is amended to read as follows:

I. Extension Of Vested Property Rights: An approved development permit for a class A, B, and C development, and the vested property rights for such project, may be extended by the planning commission. An approved development permit for a class D major or a class D minor development, and the vested property rights for such project, may be extended by the director. An application for an extension shall be made in writing to the director and shall include such submittal information as the director may require. Such application must be received at least thirty (30) days but no earlier than four (4) months prior to the expiration of the development permit and the associated vested property rights. An application for an extension which is received within the specified time period shall extend the development permit and the associated vested property rights until such application is finally determined, and an application for extension shall be considered even though, at the time of such consideration, the development permit would have otherwise expired. Failure to submit a written request for extension within the specified time period shall cause the development permit and the vested property rights for such project to expire at the end of the time period provided in subsection D of this section. An extension application shall be classified and processed one classification lower than the classification of the development permit which gave rise to the vested property rights for the project. No extension of a vested property right may be approved unless the approved project complies with all town land use laws in effect at the time of the extension request. When considering a request to extend a development permit and the associated vested property rights, the planning commission and/or director shall consider all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. The planning commission may approve the requested extension, deny the requested extension, or approve the requested extension with conditions. If an extension is granted, the planning commission shall fix the period of extension which may be up to and including a period of three (3) years from the date of the expiration of the original development permit and the associated vested property rights. There is never an entitlement to an extension of an approved development permit and the associated vested property rights; the decision to grant or deny a requested extension lies in the sound discretion of the planning commission if the extension is for a class A, B, or C development permit, or the director if the extension is for a class D major or a class D minor development permit.

Section 20. Section 9-1-18-3 of the Breckenridge Town Code is amended to read as follows:

**9-1-18-3: CLASS C DEVELOPMENT PERMIT PROCESS:**

A. Preapplication Conference: A preapplication conference with a member of the community development staff shall be held prior to the submittal of an application.

B. Application Requirements: The applicant shall file an application, a short description of the proposal and three (3) copies of any maps, drawings or materials needed to adequately describe the proposal. All drawings and maps shall be to scale. The application shall be accompanied by a fee in the amount required by chapter 10 of this title. The director may require the following materials to be submitted as a part of a complete application:

1. Site plan;
2. Landscaping and defensible space plan;
3. All elevations of the proposed building or modification;
4. Floor plans;
5. Preliminary drainage and utility plans;
6. A sample paint chip of each color to be used, keyed to the proposed location of the color on the building as shown on the elevation drawing; and
7. Electronic copy of plans.

C. Procedure: Once the application and accompanying material have been submitted, the director shall within five (5) days determine if the public interest

would better be served by requiring conformance with the class B development process rather than class C. If the director determines that the application should be processed as a class B, the applicant shall then meet the requirements of the class B process. If not, the director shall process the application as follows:

1. Within twenty two (22) days of receipt of the complete submittal, the director shall review the proposal and grant or deny it as he deems appropriate, with or without conditions.
2. The director shall forward his decision to the planning commission at their next regularly scheduled meeting. At that meeting the planning commission may, by an affirmative vote of the members present, call up any decision of the director for their own review. In lieu of calling up a director's decision the planning commission may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the director or add any condition of approval.
3. The director shall then forward the decision to the town council at their next regularly scheduled meeting. At that meeting, the town council may, by an affirmative vote of the members present, call up any decision for their own review. In lieu of calling up a planning commission decision the council may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the planning commission or add any condition of approval.
  - a. If called up, the town council shall review the application at their next regularly scheduled meeting. The town council after review may grant or deny the application as they deem appropriate, with or without conditions.
  - b. If the decision forwarded to the town council is not called up or modified, it shall stand as presented.
4. Once the decision has been finalized, the director shall transmit the final decision to the applicant; and, if the application is approved, shall issue a development permit, with or without conditions.

Section 21. Section 9-1-18-4 of the Breckenridge Town Code is amended to read as follows:

9-1-18-4: CLASS D MINOR DEVELOPMENT PERMIT PROCESS:

A. Application Requirements: The applicant shall file an application, a fee in the amount required by chapter 10 of this title, a short description of the proposal, any materials needed to adequately describe the proposal, including, but not limited to, material samples, paint chip samples for each color proposed, with location keyed to an elevation drawing, three (3) copies of any maps, drawings, or floor plans, or elevations deemed necessary by staff.

B. Procedure:

1. Once a completed application and all accompanying material have been submitted, the director shall review the proposal and within seven (7) days approve it with or without conditions, or deny it. In addition, the director shall have the right within five (5) days after the application is filed to reclassify any class D minor application as either a class D major or a class C and process it accordingly.
2. The director shall then indicate the decision on the application and return it to the applicant.
3. All decisions shall be forwarded to the planning commission for its information only.
4. If the applicant agrees with the decision of the director, he shall so indicate by signing the appropriate signature block on the application form; and if the decision was for approval, the application form shall become the development permit, and the applicant may proceed with his project after obtaining any other necessary permits.

C. Appeal:

1. A decision of the director concerning a class D minor application may be appealed by the applicant to the planning commission within five (5) days after the director has rendered his decision by filing written notice with the department of community development. If no appeal is filed within the five (5) day period, the decision of the director shall be final.
2. If an appeal is filed, the application shall automatically become a class C development permit application and shall be reviewed by the planning commission and town council under the provisions of section 9-1-18-3 of this chapter.
3. Appeals shall be in writing on forms provided by the town. In addition, the applicant shall be responsible for paying any additional fees required for the review of a class C item, over and above those fees already paid for review of a class D minor application.

E. Application To Chalet House Permits: The provisions of this section shall not apply to the processing of applications to operate a chalet house. Such applications shall be processed in accordance with the provisions of section 9-1-19-40A, "Policy 40 (Absolute) Chalet Houses", of this chapter.

Section 22. The Breckenridge Town Code is amended by the addition of a new Section 9-1-18-4-1, to be entitled "Class D Major Development Permit Process", which shall read as follows:

9-1-18-4-1: CLASS D MAJOR DEVELOPMENT PERMIT PROCESS:

A. Preapplication Conference: A preapplication conference with a member of the community development staff shall be held prior to the submittal of an application.

B. Application Requirements: The applicant shall file an application, a short description of the proposal and three (3) copies of any maps, drawings or materials needed to adequately describe the proposal. All drawings and maps shall be to scale. The application shall be accompanied by a fee in the amount required by chapter 10 of this title. The director may require the following materials to be submitted as a part of a complete application:

1. Site plan;
2. Landscaping and defensible space plan;
3. All elevations of the proposed building or modification;
4. Floor plans;
5. Preliminary drainage and utility plans;
6. A sample paint chip of each color to be used, keyed to the proposed location of the color on the building as shown on the elevation drawing; and
7. Electronic copy of plans.

C. Procedure: Once the application and accompanying material have been submitted, the director shall within five (5) days determine if the public interest would better be served by requiring conformance with the class D minor or the class C development process rather than class D major. If the director determines that the application should be processed as either a class D minor or a class C, the applicant shall then meet the requirements of the applicable development permit process. If not, the director shall process the application as follows:

1. Within twenty two (22) days of receipt of the complete submittal, the director shall review the proposal and grant or deny it as he deems appropriate, with or without conditions.
2. All decisions shall be forwarded to the planning commission for its information only.

3. Once the decision has been finalized, the director shall transmit the final decision to the applicant; and, if the application is approved, shall issue a development permit, with or without conditions.

D. Appeal:

1. A decision of the director concerning a class D major application may be appealed by the applicant to the planning commission within five (5) days after the director has rendered his decision by filing written notice with the department of community development. If no appeal is filed within the five (5) day period, the decision of the director shall be final.

2. Appeals shall be in writing on forms provided by the town. In addition, the applicant shall be responsible for paying any additional fees required for the review of a class C item, over and above those fees already paid for review of a class D major application.

3. If an appeal is filed, the application shall automatically become a class C development permit application and shall be reviewed by the planning commission and town council under the provisions of section 9-1-18-3 of this chapter.

Section 23. The introductory paragraph of Subsection (E)(2) of Section 9-1-19-5A of the Breckenridge Town Code is amended to read as follows:

(2) Class C Development Permit: Within the conservation district, no solar device shall be installed on a structure or site without first obtaining a class C development permit. The application must include photographic and/or three-dimensional visual aspects from public streets and alleys within a one block radius or four hundred feet (400') (whichever is greater) of the building or site. Solar devices are encouraged to be installed on a nonhistoric building or building addition and integrated into the building design. To ensure that the character of the conservation district and its historic structures and sites are protected, an application for a development permit to install a solar device within the conservation district will be reviewed under the following requirements:

Section 24. Subsection (E)(3)(a) of Section 9-1-19-5A of the Breckenridge Town Code is amended to read as follows:

a. No solar device shall be installed on a structure or site without first obtaining a class D minor development permit. The director shall have the authority to reclassify an application as a class c application, and to require review by the planning commission, if he feels the purpose of this code would be best served by the reclassification. Reclassification shall be done pursuant to the definition of "classification" in section 9-1-5 of this chapter.

Section 25. Subsections (A)(4) and (A)(5) of Sections 9-1-19-24R of the Breckenridge Town Code is amended to read 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 section 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 minor 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 section.

(5) Summer Seasonal Housing: Between May 1 and September 30 of any year, an employee housing unit may be lawfully occupied for a period not to exceed



twelve (12) consecutive weeks by any person participating in or employed by the summer programs sponsored by a nonprofit organization or the town. Such occupancy shall be authorized by a class D minor development permit.

Section 26. Section 9-1-19-24R(B) of the Breckenridge Town Code is amended to read as follows:

3 x (0/+2) B. Community Needs: Developments which address specific needs of the community which have been identified in the yearly goals and objectives reports within the three year period preceding the date of the application are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property.

Section 27. The last unnumbered paragraph of Section 9-1-19-36A of the Breckenridge Town Code is amended to read as follows:

The director of the department of community development shall not collect an application fee in connection with a class D minor development permit application to construct a seasonal noncommercial greenhouse which is submitted by the owner of a single-family residential structure.

Section 28. Item H of Section 9-1-19-38.5A of the Breckenridge Town Code is amended to read as follows:

H. Renewal Of Permit: The renewal of a development permit to operate a home childcare business shall be processed as a class D minor development permit application. Notwithstanding any fee schedule adopted pursuant to section 9-10-4 of this title, there shall be no fee for the renewal of a home childcare business development permit. The criteria for the renewal of a development permit for the operation of a home childcare business center shall be the same as for the issuance of a new development permit to operate a home childcare business; provided, however, that an applicant for renewal of an existing development permit to operate a home childcare business shall not be required to demonstrate compatibility of the home childcare business with adjacent properties and land uses.

Section 29. Subsection (L)(2) of Section 9-1-19-39A of the Breckenridge Town Code is amended to read as follows:

(2) A minor master plan amendment is an amendment made to a master plan for the purpose of correcting an error, updating a master plan to reflect as built conditions, or making other changes to the master plan which do not involve the reallocation of density, a change in or addition to approved uses, a change in an approved phasing sequence, or circulation. A major master plan amendment is any master plan amendment which is not a minor master plan amendment. Master plan amendments shall be classified as provided in the definitions of "class A development" and "class C" in section 9-1-5 of this chapter, and processed accordingly.

Section 30. The first sentence of Section 9-1-19-40A of the Breckenridge Town Code is amended to read as follows:

A chalet house may be operated within the town only when authorized by a class D development permit. The following provisions, and not the provisions of section 9-1-18-4 of this chapter, shall govern the issuance of such permit.

Section 31. Section 9-1-19-43A of the Breckenridge Town Code is amended to read as follows:

9-1-19-43A: POLICY 43 (ABSOLUTE) PUBLIC ART:

An application for a class C or class D minor development permit for the placement of public art shall be reviewed only for site function suitability, and not

for content of the public art or aesthetics. The public art commission shall not review such applications unless specifically requested to do so by the planning commission.

Section 32. Section 9-1-19-44A of the Breckenridge Town Code is amended to read as follows:

9-1-19-44A: POLICY 44 (ABSOLUTE) RADIO BROADCASTS:

A class D development permit shall be obtained to authorize a radio broadcast. Such application may be combined with a class D minor development permit application for a banner and/or a class D minor development permit application for a temporary structure. An application for a development permit to authorize a radio broadcast shall be subject to the following:

A. No permit shall be issued for a location within the town's conservation district. Exception: A radio broadcast may be held within the conservation district in connection with a special event held pursuant to a special event permit issued by the town.

B. The radio broadcast must be conducted on private property. A radio broadcast may be conducted on commonly owned property if written permission for the broadcast may be obtained from the owner's association or similar group responsible for the management of the commonly owned property. Exception: A radio broadcast may be held on public property in connection with a special event held pursuant to a special event permit issued by the town.

C. One class D minor development permit may authorize more than one radio broadcast, if all of the radio broadcasts will occur on the same property of the applicant. No such permit shall be valid for more than six (6) months from the date of issuance.

D. No permit shall be required if a radio broadcast is conducted entirely within the interior walls of a building or structure. The holding of such a radio broadcast shall be subject, however, to all applicable town ordinances, including, but not limited to, the noise limits set forth in title 5, chapter 8 of this code.

E. Nothing in this policy shall be interpreted or construed as preventing the valid exercise of the right of free speech protected by the first amendment to the United States constitution or the Colorado constitution.

Section 33. The first sentence of Section 9-1-19-45A of the Breckenridge Town Code is amended to read as follows:

A class D minor development permit may be issued to authorize a special commercial event.

Section 34. Section 9-1-19-45A(F) of the Breckenridge Town Code is amended to read as follows:

F. One class D minor development permit may authorize more than one special commercial event, if all of the special commercial events will occur on the same property. No such permit shall be valid for more than six (6) months from the date of issuance.

Section 35. The introductory clause of Section 9-1-19-48A of the Breckenridge Town Code is amended to read as follows:

A class D minor development permit may be issued to authorize a landowner to voluntarily create defensible space around his or her building or structure, or on the landowner's parcel of land, in accordance with the following requirements:

Section 36. Section 9-7-6 of the Breckenridge Town Code is amended to read as

follows:

9-7-6: EXEMPTIONS:

The following outdoor displays of merchandise shall be exempt from the provisions of this chapter:

A. Dining: Outdoor dining (when in compliance with the town's development code).

B. Vendor Carts: Vendor carts, when in compliance with section 9-1-19-49A, "Policy 49 (Absolute) Vendor Carts", of this title.

C. Bicycles: The outdoor display of bicycles offered for sale or rental, subject to the following conditions:

1. The person desiring to display bicycles outdoors shall obtain a class D minor development permit prior to any such display. The application for such permit shall include a site plan indicating where bicycles are to be displayed and where existing, approved and/or required landscaping is located or is to be located. If the applicant for the permit is not the owner of the property on which the bicycles are to be displayed, the written consent of the property owner to the proposed application shall be submitted concurrently with the application.

2. The outdoor display of bicycles shall be confined to the private property of the business which is offering the bicycles for sale or rental.

3. No bicycle shall be hung from or on any exterior portion of a building or structure; provided, that bicycles may be so hung for storage purposes only if the applicant lacks sufficient space to otherwise store the bicycles and then only if the planning commission makes the following findings and incorporates such findings into the development permit as conditions:

a. The hanging of bicycles will be for storage purposes only and will not be used as signage or as an attention getting device.

b. The hanging of bicycles will not destroy any historic structure or significantly alter the historic character of a structure.

c. The hanging of bicycles will not hide a historic structure or significantly alter the historic character of a structure.

d. No rack for the hanging of bicycles will be mounted on a facade of a building which faces a street (not including an alley).

e. Bicycles will be hung so as not to constitute a safety hazard for pedestrians.

f. The bicycles to be hung will be screened in a manner appropriate for the location.

4. No required vehicle parking space may be utilized for the display or storage of any bicycle.

5. No bicycle shall be displayed in a manner which may result in damage to any tree, shrub, grass or other landscaping. The person displaying the bicycles shall repair or replace any tree, shrub, grass or other landscaping which is damaged as a result of the outdoor display of bicycles on such property.

6. No bicycle may be stored or displayed in such a manner as will block any means of pedestrian ingress or egress to or from any building or structure.

7. As used in this subsection C, the phrase "display of bicycles" includes the outdoor storage and/or display of any bicycle or motorized bicycle which is offered for sale or rental.

D. Residential Garage Sales: Residential garage sales not held more frequently than three (3) days in any one calendar quarter at the same residence. No permit shall be required.

E. Seasonal Plants: Nonartificial seasonal plants, including Christmas trees, may be displayed and sold outdoors on a temporary basis. A class D minor development permit shall be required.

F. Special Events: Special events, subject to the following limitations:

1. The event includes twenty (20) or more individual merchants, each holding a state sales tax license.
2. The event is no longer in duration than three (3) consecutive days.
3. The event is conducted on a single premises not currently licensed under the provisions of title 4, chapter 1 of this code.
4. A class D minor development permit is issued which adequately addresses parking, transportation and waste disposal.
5. A special events license is issued for the event pursuant to section 4-2-11 of this code.

G. Newspaper Racks: Newspaper racks.

H. Transient Dealers' Merchandise: Merchandise displayed by transient dealers, when in compliance with title 4, chapter 2 of this code.

I. Summer Sales Days: Outdoor displays of merchandise conducted on Summer Sales Days as established by the town manager. In setting Summer Sales Days, the town manager shall consult with representatives of the business community to determine appropriate dates. At least thirty (30) days before setting Summer Sales Days each year, the town manager shall advise the town council of the proposed dates of such event.

J. Merchandise Of Historical Significance: Merchandise meeting the following criteria may be stored out of doors:

1. The merchandise relates to, or is compatible with, the history of the town.
2. The merchandise is too large or too heavy to be easily stored inside.
3. The merchandise is displayed only on the property of the business offering such merchandise for sale.
4. No more than three (3) items of merchandise per business may be displayed.
5. The merchant desiring to display such merchandise obtains a class D minor development permit for each item.

K. Sculptures And Statues: Sculptures and statues, subject to the following limitations:

1. The display is on private property.
2. The display is placed in a manner that is essentially permanent in nature.
3. The size and design of the displays are in general harmony with the location in which they are placed.
4. A class D minor development permit is obtained for each item, and no more than two (2) permits may be obtained per business.

L. Mannequin: A mannequin, subject to the following limitations:

1. The mannequin is displayed on private property. No mannequin may be displayed on publicly owned property. A mannequin may be placed on commonly owned property; however, written permission for the display of the mannequin must be obtained from the owner's association or similar group responsible for the management of such commonly owned property.
2. The mannequin must be placed on the property of the business which displays it.
3. No more than one mannequin may be displayed per business. Businesses with more than one bona fide business location may display one mannequin per business location.
4. A mannequin may include a full clothing ensemble (i.e., 1 shirt, 1 skirt, 1 pair of shoes, 1 hat, etc.).

5. A mannequin must be located so as to maintain free and unobstructed access to and from the business which displays it. A mannequin may not be placed so as to block visibility of or access to any adjacent property.
6. A mannequin must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair.
7. No sign may be placed on or hung from a mannequin.
8. A mannequin may lawfully be displayed only when the business which displays it is open. A mannequin must be stored inside when the business which displays it is closed.

M. Single Item Of Merchandise: One item of merchandise offered for sale by a business, subject to the following limitations:

1. The merchandise is displayed on private property. No item of merchandise may be displayed on publicly owned property. An item of merchandise may be placed on commonly owned property; however, written permission for the display of the merchandise must be obtained from the owner's association or similar group responsible for the management of such commonly owned property.
2. The merchandise must be placed on the property of the business which displays it.
3. No more than one item of merchandise may be displayed per business. Businesses with more than one bona fide business location may display one item of merchandise per business location.
4. The merchandise which is displayed must be merchandise which is actually offered for sale by the business.
5. Clothing which is displayed outdoors must be placed on a mannequin in accordance with the provisions of subsection L of this section.
6. The merchandise which is displayed must be located so as to maintain free and unobstructed access to and from the business which displays it. Merchandise may not be placed so as to block visibility of or access to any adjacent property.
7. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair.
8. No sign may be placed on or hung from the merchandise.
9. Merchandise may lawfully be displayed only when the business which displays it is open. The merchandise must be stored inside when the business which displays it is closed.
10. No tables, boxes or racks may be used to display the merchandise. Merchandise may not be displayed on a coat hanger, or placed in, attached to or hung from any tree.
11. Merchandise may not be placed in any required parking or loading spaces.

Section 37. Subsection 9-14-5(A)(5) of the Breckenridge Town Code is amended to read as follows:

5. Any work that would be classified as a class C, class D major, or class D minor development under the town's development code; or

Section 38. Subsection 9-3-9(L)(2) of the Breckenridge Town Code is amended to read as follows:

2. Driveways: All driveways shall be paved; provided, however, that any unpaved driveway which exists at the time of the adoption of this subsection L shall be paved as a condition of the issuance of a development permit for future development of the subject property in accordance with the following schedule:
  - a) within the conservation district, whenever a class B minor development permit or higher is issued; and
  - b) outside the conservation district, whenever a class D major development permit or higher is issued.

Section 39. Subsection 9-10-5-1 of the Breckenridge Town Code is amended to read as follows:

- 9-10-5-1: APPLICATION FEE FOR RECLASSIFIED DEVELOPMENT PERMIT: If a

development permit application is reclassified to a higher classification, the applicant shall pay the full application fee for the class of application to which the application was reclassified, less the amount of the original application fee previously paid; provided, however, if a Class D Major development permit application is reclassified to a Class C application the application fee shall remain the same as for the original Class D Major application. If a development permit application is reclassified to a lower classification, the applicant shall pay only the application fee for the class of application to which the application was reclassified, and shall receive a refund equal to the difference between the amount of the original application fee previously paid (if any) and the fee for the reclassified application.

Section 40. Section 11-5-6(B) of the Breckenridge Town Code is amended to read as follows:

B. If located outside of a fully enclosed building, the placement of each dispenser is authorized by a class D development permit. Such permit shall not be issued unless all of the following conditions are met:

1. The size of the dispense (excluding any supporting structure) does not exceed twenty inches (20") in length by twenty inches (20") in width.
2. The dispenser is both wind and water proof.
3. The color of the dispenser is within the range of allowed "body colors" as provided in section 9-1-19-5 of this code.
4. The placement of the dispenser will not disturb the landscaping of the property on which the dispenser is located.
5. No dispenser shall be placed within twenty feet (20') of any other dispenser.

Section 41. Subsection 11-6-6(C) of the Breckenridge Town Code is amended to read as follows:

C. If a license agreement is requested in order to permit the erection of a fence or other improvement within town real property, such license agreement shall only be issued in connection with the issuance of a class D minor development permit. The execution of a license agreement may be a condition of approval of the required development permit.

Section 42. 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 43. The Town Council 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 44. 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 45. 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 January, 2014.

This ordinance was published in full on the Town of Breckenridge website on January 16, January 17, January 18, January 19 and January 20, 2014.

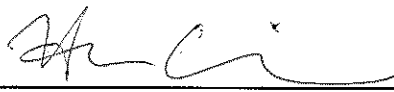
A public hearing on this ordinance was held on January 28, 2014.

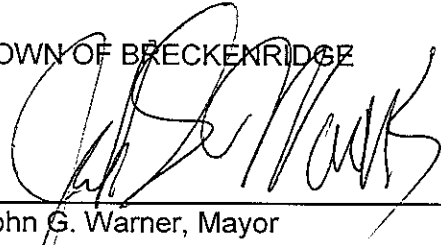
MISCELLANEOUS TOWN CODE AMENDMENTS ORDINANCE

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 28th day of January, 2014. A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Helen Cospolich, Town Clerk

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

APPROVED IN FORM

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

1/28/14  
\_\_\_\_\_  
Date

This Ordinance was published on the Town of Breckenridge website on January 30, January 31, February 1, February 2 and February 3, 2014. This ordinance shall become effective on March 5, 2014.