

ORDINANCE NO. 10

Series 2014

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TEMPORARY STRUCTURES

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

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

- C. Temporary structures to be used for longer than three (3) days.

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

- H. Temporary structures to be used for three (3) days or less.

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

TEMPORARY STRUCTURE: A structure, other than a vendor cart, construction trailer, or seasonal noncommercial greenhouse, that is not designed as a permanent structure, but is instead designed to be utilized only for a specified and limited period of time of not more than two (2) years.

Section 4. Policy 9-1-19-36A of the Breckenridge Town Code, entitled "Policy 36 (Absolute) Temporary Structures," is amended to read as follows:

9-1-19-36A: POLICY 36 (ABSOLUTE) TEMPORARY STRUCTURES:

A. The placement of temporary structures within the Conservation District is prohibited, except when authorized by a special event permit issued pursuant to Chapter 13, Title 4 of this Code.

B. The placement of temporary structures outside of the Conservation District is strongly discouraged.

Temporary Structures Or Uses: Temporary structures as defined in section 9-1-5 of this chapter are subject to the following conditions:

- (1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.
- (2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.
- (3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure, and shall be removed once a certificate of occupancy for the new structure has been issued.
- (4) The holder of the development permit for a temporary structure shall provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the structure, site cleanup, and site revegetation, once a certificate of occupancy for the new structure has been issued. In addition, the holder of the development permit shall enter into an agreement with the town authorizing the town to take possession of the temporary structure and to dispose of the structure, without the town being accountable for any damages for the loss or destruction of the structure, if the permit holder fails to remove the structure within a reasonable period of time after a certificate of occupancy for the new structure has been issued.

B. Other Permitted Temporary Structures: Subsection A of this section does not prohibit

temporary tents, air structures, or other similar temporary structures that are not designed and intended for office, retail, industrial or commercial uses, and such temporary structures may be approved subject to all other relevant development code policies.

C. Seasonal noncommercial greenhouses are not temporary structures but may be allowed subject to the following conditions:

- (1) A seasonal noncommercial greenhouse may be erected and operated only from May 1 to July 1 of the same year. Not later than July 2, the seasonal noncommercial greenhouse (including frame) shall be completely removed from its location;
- (2) A seasonal noncommercial greenhouse shall not exceed five hundred (500) square feet in size;
- (3) A seasonal noncommercial greenhouse shall be located in the rear or side yard insofar as practical.
- (4) A seasonal noncommercial greenhouse shall not be placed on a permanent foundation;
- (5) A seasonal noncommercial greenhouse shall be constructed of materials which, taken as a whole, give the appearance of a unified and coordinated design;
- (6) A seasonal noncommercial greenhouse shall be maintained at all times in a neat and orderly condition;
- (7) All materials related to the operation of a seasonal noncommercial greenhouse shall be stored within the greenhouse. The outdoor storage of such materials is prohibited; and
- (8) If a seasonal noncommercial greenhouse is located on land normally used for required off street parking, the greenhouse shall not occupy more than two (2) parking spaces.

A seasonal noncommercial greenhouse authorized by a permit issued under this policy does not count as density or mass.

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

Section 5. Policy 9-1-19-29A of the Breckenridge Town Code, entitled "Construction Activities," is amended by the addition of a new Subsection K as follows:

- K. Temporary Construction Trailers: Temporary construction trailers may be utilized for storage or office uses during the construction of a permanent project within the town. The construction trailer's location, size and general design shall be disclosed to the town as a component of the construction staging plan as required by section 9-1-19-29A, "Policy 29 (Absolute) Construction Activities", of this chapter. Construction trailers shall not be placed on site prior to the issuance of a building permit and shall be removed upon issuance of a certificate of occupancy.

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 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 8. 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 9. 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 25th day of March, 2014.

This ordinance was published in full on the Town of Breckenridge website on March 27, March 28, March 29, March 30 and March 31, 2014.

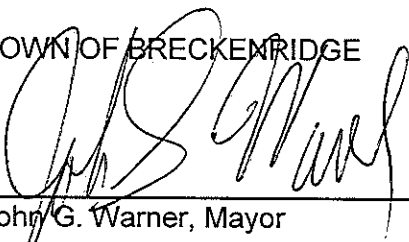
A public hearing on this ordinance was held on April 8, 2014.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 8th day of April, 2014. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


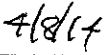


Helen Cospolich, Town Clerk

TOWN OF BRECKENRIDGE


John G. Warner, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on April 10, April 11, April 12, April 13 and April 14, 2014. This ordinance shall become effective on May 14, 2014.