

ORDINANCE NO. 29

Series 2015

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

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

Section 1. The definition of "Class C Development" in Section 9-1-5 of the Breckenridge Town Code is amended by the addition of a new item J, which shall read as follows:

J. Temporary tents meeting the special requirements set forth in Section 9-1-36F2.

Section 2. 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 CC, which shall read as follows:

CC. Temporary tents to be used for five (5) 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, temporary tent, 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. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of the following definitions:

PRIVATE EVENT: A non-commercial social event that is not open to the general public, including, but not limited to, a wedding, wedding reception, or other purely private gathering.

TEMPORARY TENT: A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used as a temporary building.

Section 5. Section 9-1-19-36A, "Policy 3 (Absolute) Temporary Structures," of the Breckenridge Town Code is amended to read as follows:

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

- A. Prohibited In Conservation District: The placement of temporary structures within the conservation district is prohibited, except when authorized by subsection (F) of this policy or by a special event permit issued pursuant to title 4, chapter 13 of this code.
- B. Discouraged Outside Conservation District: The placement of temporary structures outside of the conservation district is strongly discouraged.
- C. 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.

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

E. Seasonal Noncommercial Greenhouses: 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 shall not count as density or mass.

The director 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.

F. Temporary Tents for Private Events: Temporary tents may be allowed in the Town subject to the following conditions. Unless exempted in Section F4, temporary tents not authorized by a development permit issued pursuant to this Section F are prohibited:

- (1) Temporary Tent Requirements and Limitations. A temporary tent may be erected and maintained if authorized by a Class D-Minor development permit, subject to the following requirements:
 - (a) A temporary tent shall be used solely in connection with the holding of a private event;
 - (b) A temporary tent shall not be erected for more than five (5) consecutive days;

- (c) Not more than three (3) temporary tent permits may be issued for the same property within a calendar year;
 - (d) At least thirty (30) consecutive days must elapse between the removal of one temporary tent and the erection of a new temporary tent; and
 - (e) A temporary tent may not be placed in a location that will interfere with approved circulation on the subject property, or be located on required parking or landscaping.
- (2) Special Rules For Temporary Tents Located Upon Certain Properties: Temporary tents may be allowed for the following properties if authorized by a Class C development permit, subject to the following terms and conditions. For properties that are subject to this subsection (2), the provisions of subsection F1 do not apply.
- (a) This subsection (2) applies only to temporary tents to be erected on the following categories of properties: hotel/lodging/inn and condominium properties. For this subsection (2) to apply a property must contain a minimum of four (4) acres, or have a minimum of fifty (50) residential single family equivalents of approved and developed density:
 - (b) A temporary tent shall be used solely in connection with the holding of a private event;
 - (c) At the option of the applicant, either:
 1. One (1) temporary tent permit per calendar year may be issued per property for a maximum duration of one hundred fifty (150) consecutive days; or
 2. Two (2) temporary tent permits per calendar year may be issued per property for a maximum duration of forty five (45) consecutive days each;
 - (d) Temporary tents authorized under this subsection (2) may only be erected after the close of the ski season at the Breckenridge Ski Resort and before start of the next ski season at the Breckenridge Ski Resort;
 - (e) No temporary tent approved pursuant to this subsection (2) may exceed 4,000 square feet in size; and
 - (f) A temporary tent may not be placed in a location that will interfere with approved circulation on the subject property, or be located on required parking or landscaping.
- (3) Conditions Of Approval: Without limitation, the conditions of approval of a development permit issued under this may include, if determined to be appropriate by the Director or the Planning Commission:
1. Proper upkeep of the temporary tent; and
 2. the requirement that the permittee provide a monetary guarantee to the Town, in a form acceptable to the Town Attorney, ensuring the complete removal of the temporary tent, site cleanup, and site revegetation, when the permit expires without being renewed, or is revoked.
- (4) Exempt Temporary Tents: The following temporary tents do not require the issuance of a development permit pursuant to this policy:
- (a) A tent that is used for the sole purpose of providing shade for people in a location that is accessible by general pedestrian traffic, if:
 1. The tent is not larger than 400 square feet;
 2. No commercial activity occurs within the tent; and
 3. The tent is not placed in a location that will interfere with approved circulation on the subject property, or be located on required parking or landscaping.

- (b) Temporary tents located on Town-owned property with Town permission and used solely in connection with the holding of a private event, subject to such terms and conditions as the Town may impose. At least five (5) consecutive days must elapse between the removal of one temporary tent and the erection of a new temporary tent on Town-owned property; and
- (c) Temporary tents located on the lawn of the Barney Ford Museum with the permission of the owner of the Barney Ford Museum and used in connection with the holding of a private event, subject to such terms and conditions as the owner of the Barney Ford Museum may impose. At least five (5) consecutive days must elapse between the removal of one temporary tent and the erection of a new temporary tent on lawn of the Barney Ford Museum; and
- (d) A tent that is used for camping. Camping tents are subject to Section 6-3H-4 of this Code.
- (e) Nothing in this policy prohibits the use of a temporary tent for use in connection with the following public events:
 1. A special event approved and authorized by the Town pursuant to Chapter 13 of Title 4 of this Code;
 2. An Outdoor Sales Day event established by the Town Manager pursuant to Section 9-7-6I of this Code; or
 3. Any other public event approved or authorized by the Town.

Section 6. Section A of Section 9-1-19-45A, Policy 45 (Absolute) Special Commercial Events," of the Breckenridge Town Code is amended to read as follows:

- A. A special commercial event permit issued pursuant to this policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; temporary tents, display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and distribute commercial handbills to promote and advertise the special commercial event and its participants.

Section 7. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 8. 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 9. The Town Council 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 10. 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 22th day of September, 2015.

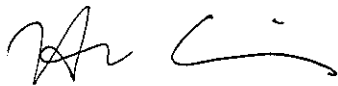
This ordinance was published in full on the Town of Breckenridge website on September 24, September 25, September 26, September 27 and September 28, 2015.

A public hearing on this ordinance was held on October 13, 2015.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of October, 2015. 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

 10/13/15

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on October 16, October 17, October 18, October 19 and October 20, 2015. This ordinance shall become effective on November 19, 2015.