

ORDINANCE NO. 5

Series 2020

AN EMERGENCY 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. Findings and Intent. The Town Council of the Town of Breckenridge,
Colorado find, determines, and declares as follows:

- A. The Joint Upper Blue Master Plan, most recently adopted by the towns of Breckenridge, Blue River, and Summit County in 2011, provides that when new affordable workforce housing units are developed, the Town of Breckenridge should transfer density it owns to the affordable workforce housing site.
- B. The Town has subsequently implemented the Joint Upper Blue Master Plan policy by agreeing that when new employee housing projects are developed within the corporate limits of the Town, the Town government will transfer density it owns to the employee housing project at a one to two (1:2) ratio (i.e., transfer 1 development right for every 2 employee housing project units permitted to be built). The 1:2 ratio, which is more restrictive than the Joint Upper Blue Master Plan 1:4 policy, was agreed to because the Town Council wanted to further mitigate the impacts of workforce housing. However, the Town Council has now determined that the Town government shall transfer density it owns to new employee housing projects at a one to one (1:1) ratio (i.e., transfer 1 development right for each 1 employee housing project unit permitted to be built).
- C. The Town has further implemented the Joint Upper Blue Policy and Section E of Section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity," of the Development Code by transferring density to both public and private affordable workforce housing projects. Although it is the Town's express intent to continue to transfer density it owns to residential housing projects, the Town Council finds that it is not appropriate for the Town to transfer density it owns in certain circumstances, such as: (i) when the housing is being constructed as an obligation of another development approval, (ii) when positive points are awarded under the Development Code associated with a commercial project, or (iii) in other unique circumstances. In such cases, the developer shall be required to transfer the full amount of density required to the project.
- D. Based on Findings A, B, and C above, Section E of Section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity," of the Breckenridge Town Code should be amended as hereafter set forth.
- E. The Town further encourages the development of attainable workforce housing units within Town and thus provides a density incentive for when these projects are constructed. However, the Town Council finds that it is not appropriate to provide the density incentive when the housing is associated with a commercial project, because commercial uses typically generate a higher number of employees than residential projects

Section 2. Section E of Section 9-1-19-3A, "Policy 3 (Absolute Density/Intensity)" of the Breckenridge Town Code, is amended to read as follows:

E. Density For Employee Housing Projects: When new employee housing projects are developed within the corporate limits of the Town, the Town government may, in its sole discretion, transfer density it owns to the employee housing project at a one to one (1:1) ratio (i.e., transfer 1 development right for every 1 employee housing project units permitted to be built).

Section 3. Section D1 of Section 9-1-19-3A, "Policy 3 (Absolute Density/Intensity)" of the Breckenridge Town Code, is amended to read as follows:

D.1 A maximum of ten percent (10%) of the density of a project which is located outside of the Conservation District shall be excluded from the calculated density of a residential project if such density is used to construct "employee housing" as defined in section 9-1-5 of this chapter. A development with a commercial component shall not be eligible for this density exclusion. An employee housing unit which is located within the Conservation District shall count against the density and mass of the project for which such unit was provided. Employee housing units that are condominiums shall be calculated as one thousand two hundred (1,200) square feet under subsection B of this section.

Section 4. 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 5. Commencing in 2021, the Town Council shall annually review the amount of density owned by the Town.

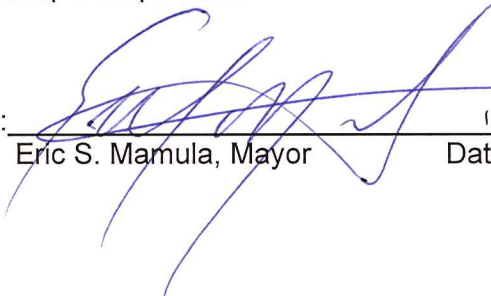
Section 6. The Town Council of the Town of Breckenridge hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. Because Section 9-1-24 of the Development Code normally requires that a development permit application be reviewed under the Town ordinances that were in effect at the time that such application was filed, thereby "locking in" the Town ordinances that will apply to such application, the Town Council finds and determines that the adoption of this ordinance as an emergency ordinance is necessary to prevent any additional development permit applications from being filed prior to the time this ordinance would become effective if adopted as a regular, non-emergency ordinance. Although Section 9-1-24 would authorize the Town Council to change the normal rule and require that the provisions of this ordinance be applied to all currently pending development permit applications if such action is found to be necessary for the immediate preservation of the public health and safety, the Town Council finds that public policy would be better served by making this ordinance only applicable to development permit applications first filed with the Town after the effective date of this ordinance. For these reason the Town Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge.

Section 7. Pursuant to Section 5.11 of the Breckenridge Town Charter this ordinance shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at least five (5) members of the Town Council.

Section 8. This ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this 28th day of January, 2020.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: 
Eric S. Mamula, Mayor 1/30/20
Date

ATTEST:


Helen Cospolich, CMC, Town Clerk 1/30/20
Date

APPROVED IN FORM


Town Attorney 1/28/20
Date