

ORDINANCE NO. 7

Series 2020

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

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

Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of the following definitions:

KITCHEN:	A room or portion of a room available for the preparation or cooking of food that may include a refrigerator, dishwasher, cooktop, and/or cupboards. Only one (1) kitchen is allowed per dwelling unit.
PRIMARY UNIT:	The main unit located on any residential property. This includes single-family, duplex, multi-unit, and/or townhouse residential uses.
WET BAR:	An area of a common room (living room, great room, dining room, entertainment room, etc.) within a dwelling unit used for the storage of food that may include (but not required to install) a refrigerator, a sink, and/or a countertop, but shall not include a cooktop or oven. Wet bars shall be within common rooms with areas larger than 300 square feet. Hallways shall not be considered in calculation of square footage and a wet bar shall not be located within a hallway.

Section 2. The definition of "Accessory Dwelling Unit" which is part of the definition of "Residential Use" in Section 9-1-5 of the Breckenridge Town Code are amended to read as follows:

ACCESSORY DWELLING UNIT:	<p>A dwelling unit located on the same parcel of land as a primary unit that is secondary in size and use to the primary unit. An accessory dwelling unit may have a separate kitchen from the primary unit and may be attached or detached from the primary unit. Only one accessory dwelling unit is allowed per primary unit. An accessory dwelling unit shall meet the following criteria:</p> <ol style="list-style-type: none">1. The total area of the accessory dwelling unit is no greater in size than one-third (1/3) of the total density of the primary unit.2. The total area of the accessory dwelling unit is no greater in size than one thousand two hundred (1,200) square feet.3. Legal title to the accessory dwelling unit and primary unit is held in the same name.4. An accessory dwelling unit may only be occupied by persons employed at least thirty (30) hours per week in Summit County with a lease term of not shorter than three (3) months.
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5. All permits issued for accessory dwelling units shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property. The covenant shall grant enforcement power to the Town of Breckenridge or an authorized designee approved by the Town.

6. An accessory dwelling unit shall not be occupied by a family member unless said individual meets the employment requirement in subsection 5 of this definition.

7. Accessory dwelling units shall not be used as a short term rental as defined under Lodging Services within Chapter 3-1-2 of this code.

8. All detached structures containing density shall be considered an accessory dwelling unit, for purposes of this Code, unless no domestic water service is provided.

9. Attached additions which contain both density and an exterior entrance shall be considered an accessory dwelling unit, unless an interior connection to the primary unit is provided.

Section 3. The following definitions in Section 9-1-5 of the Breckenridge Town Code are amended to read as follows:

DWELLING UNIT: Any structure or part thereof, designed to be occupied as living quarters for any period of time. A dwelling unit may be a primary unit and/or an accessory dwelling unit.

LIMITED KITCHEN: Allowed only in Hotel/Lodging/Inn uses only, this may include a refrigerator, dishwasher, cooktop, and cupboards. Gas piping and two hundred twenty (220) volt electrical service may not be provided or roughed-in in a limited kitchen.

Section 4. 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 5. 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 6. 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 February, 2020.

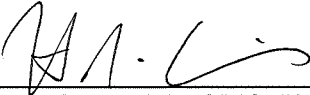
This ordinance was published in full on the Town of Breckenridge website on February 27, February 28, February 29, March 1 and March 2, 2020.

A public hearing on this ordinance was held on March 10, 2020.

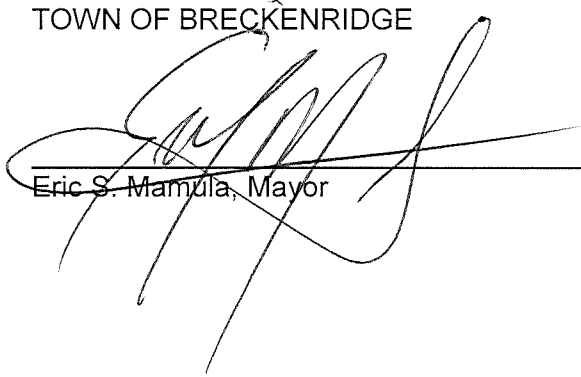
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of March, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

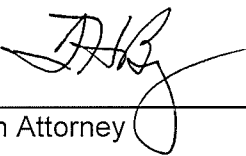


Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

3/10/20
Date

This Ordinance was published on the Town of Breckenridge website on March 13, March 14, March 15, March 16 and March 17, 2020. This ordinance shall become effective on April 16, 2020.