

ORDINANCE NO. 24

Series 2021

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," CONCERNING RECREATIONAL AND LEISURE AMENITY CLUBS; AND AMENDING CHAPTER 3 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE OFF STREET PARKING ORDINANCE," CONCERNING REQUIRED OFF STREET PARKING FOR RECREATIONAL AND LEISURE AMENITY CLUBS

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

Section 1. The definition of "Timeshared Unit" in Section 9-1-5 of the Breckenridge Town Code is repealed and replaced with the following definition of "Timeshare Interests":

Timeshare Interests: Interval estates, timeshare estates, timespan estates, and other timesharing interests as defined in the Condominium Ownership Act, Article 33, Title 38, C.R.S., as amended from time to time.

Section 2. Section 9-1-5 of the Breckenridge Town Code, entitled "Definitions," is amended by the inclusion of the following definitions:

RECREATION CENTER:	A commercial use requiring density and mass located within a residential use property, which may include, but is not limited to, facilities for aerobic exercises, running and jogging, weight training, game courts, swimming facilities, saunas, showers and lockers. Recreation Centers may also include eating facilities and shops selling a variety of sports equipment and clothing. Instruction programs and fitness classes may be offered. A Recreation Center is neither: (a) an amenity club, nor (b) common indoor space located in a condominium, condominium/hotel, hotel, lodge, or inn pursuant to Subsection A of Section 9-1-19-24A, "Policy 24 (Absolute) The Social Community," of this Chapter.
RECREATION AND LEISURE AMENITY CLUB OR AMENITY CLUB:	The meaning of Amenity Club depends upon the type of residential property in which the property's amenity components (as defined below) are located: In a hotel/lodge/inn or a condominium that does not include one or more timeshare estates an Amenity Club: 1. allows admission to the property's amenity components by a person who is not a registered overnight guest at the property; and 2. requires payment of a fee, a club membership, or other consideration given by the user of the property's amenity components. In a condominium that includes one or more timeshare estates an Amenity Club permits admission to the property's amenity components by a person who is not an overnight guest at the property. No residential property other than a hotel/lodge /inn or a condominium may contain an Amenity Club. An Amenity Club is classified as a commercial use and requires density above the allowed mass.

	<p>An Amenity Club may include, but shall not be limited to, the following amenity components:</p> <ul style="list-style-type: none"> A. Personal lockers, B. Boot dryers, C. Ski storage racks, D. Ski tuning, E. Areas for congregation and/or socializing, F. Restrooms and/or shower facilities, G. Movie theaters H. Game rooms I. Clubhouse food amenities J. Concierge ski services, K. Access to an aquatics facility or other recreational facilities, and/or L. Parking.
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Section 3. Section 9-1-19-3A, "Policy 3 (Absolute) Density" of the Breckenridge Town Code is amended by the addition of a new section 2.5 which shall read as follows:

2.5 Space that is utilized for a Recreation and Leisure Amenity Club may be included in the additional twenty-five percent (25%) of aboveground floor area allowed under Subsection A4 of Section 9-1-19-4R, "Policy 4 (Relative) Mass," of this Chapter, provided there is any remaining space after all common areas have been counted. Any additional common area space above this additional 25% shall be counted as commercial density.

Section 4. Subsection A4 of Section 9-1-19-4R, "Policy 4 (Relative) Mass" of the Breckenridge Town Code is amended to read as follows:

(4) Condominiums, Hotels, Inns, And Lodges: Condominiums, hotels, inns, lodges, and other similar uses may be allowed an additional twenty-five percent (25%) of aboveground floor area for the provision of amenities and/or common areas. Space that is utilized for a Recreation and Leisure Amenity Club may be included in this additional twenty-five percent (25%) of aboveground floor area, provided there is any remaining space after all common areas have been counted. Any additional common area space above this additional 25% shall be counted as commercial density as specified in Section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity," of this Chapter.

Section 5. Subsection D of Section 9-1-19-24R, "Policy 24 (Relative) Social Community," of the Breckenridge Town Code is amended to read as follows:

3 x (-2/+2)	D.	<p>Meeting And Conference Rooms Or Recreation And Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in section 9-1-19-24A, "Policy 24 (Absolute) The Social Community", subsection A, of this chapter is strongly encouraged. (These facilities, when provided over and above that required in section 9-1-19-24A, "Policy 24 (Absolute) The Social Community", subsection A, of this chapter, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under section 9-1-19-24A, "Policy 24 (Absolute) The Social Community", subsection A, of this chapter.)</p> <p>The square footage of any portion of previously approved Recreation and Leisure Amenity space that is proposed to be converted into an Amenity Club that is above the allowed mass specified in Section 9-1-19-4R shall be treated as commercial density.</p>
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Section 6. Section 9-1-19-24R, "Policy 24 (Relative) Social Community," of the Breckenridge Town Code is amended by the addition of a new section G, which shall read as follows:

G. Recreation and Leisure Amenity Club:

1. The operator of an Amenity Club shall use a managed reservation system such that daily admission to the Amenity Club is limited to the total number of

vacant units within the property in which the Amenity Club is located on such day. Each day a maximum of four (4) persons from one household may be admitted to the Amenity Club for each vacant unit.

2. Prior to the issuance of a certificate of occupancy for a property that contains an Amenity Club the developer shall execute and record with the Clerk and Recorder of Summit County, Colorado a restrictive covenant in accordance with the requirements of Section 9-1-26 of this Chapter. Such restrictive covenant shall require that the Amenity Club be operated in continuous compliance with the requirements of subsection 1 of this section, and other applicable provisions of this Code. Without limiting the generality of the preceding the required restrictive covenant shall authorize the Town to audit the property's managed reservation system upon request.

Section 7. Section 9-3-8B of the Breckenridge Town Code is amended by the addition of the following provision in that part of the table that concerns property that is "Commercial":

Recreation and Leisure Amenity Club	No additional parking shall be required or allowed for a development that includes a Recreation and Leisure Amenity Club beyond the required residential or commercial parking, as applicable.
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Section 8. 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 9. 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 10. 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 11. 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 27th day of July, 2021.

This ordinance was published in full on the Town of Breckenridge website on July 29, July 30, July 31, August 1 and August 2, 2021.

A public hearing on this ordinance was held on August 10, 2021.

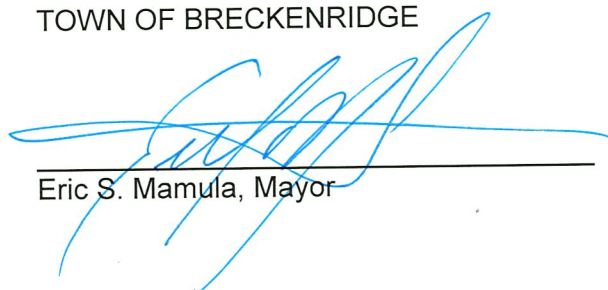
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of August, 2021. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

8/10/21

Date

This Ordinance was published on the Town of Breckenridge website on August 13, August 14, August 15, August 16 and August 17, 2021. This ordinance shall become effective on September 16, 2021.