

ORDINANCE 13

Series 1992

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 9
OF THE BRECKENRIDGE TOWN CODE,
KNOWN AS THE "OUTDOOR DISPLAY OF MERCHANDISE CHAPTER",
TO IMPOSE ADDITIONAL RESTRICTIONS ON THE OUTDOOR DISPLAY
OR STORAGE OF BICYCLES

WHEREAS, the Town Council of the Town of Breckenridge adopted the "Outdoor Display of Merchandise Chapter" to the Breckenridge Town Code in 1989; and

WHEREAS, one of the reasons for the adoption of the "Outdoor Display of Merchandise Chapter" in 1989 was to attempt to reduce the visual clutter in certain pedestrian-oriented commercial districts within the Town in order to enhance the economic viability of the Town; and

WHEREAS, the Town Council finds and determines that the limitations on the outdoor storage or display of bicycles contained in the original "Outdoor Display of Merchandise Chapter" have not sufficiently reduced the visual clutter which arises from the outdoor storage or display of bicycles, and that such limitations need to be strengthened in order to adequately protect and preserve the unique aesthetic character of the Town; and

WHEREAS, the Town Council further finds and determines that it is necessary and proper to prevent the outdoor storage or display of bicycles where such storage or display will damage landscaping or detract from the appearance of the buildings within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO

Section 1. Subparagraph C of Section 9-7-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. The outdoor display of bicycles offered for sale or rental, subject to the following conditions:

1. The person desiring to display bicycles outdoors shall obtain a Class C Development Permit prior to any such display. The application for such Permit shall include a site plan indicating where bicycles are to be displayed and where existing, approved and/or required landscaping is located or is to be located. If the applicant for the permit is not the owner of the property on which the bicycles are to be displayed, the written consent of the property owner to the proposed application shall be submitted concurrently with the application.

2. The outdoor display of bicycles shall be confined to the private property of the business which is offering the bicycles for sale or rental.

3. No bicycle shall be hung from or on any exterior portion of a building or structure; provided that bicycles may be so hung for storage purposes only if the applicant lacks sufficient space to otherwise store the bicycles and then only if the Planning Commission makes the following findings and incorporates such findings into the Development Permit as conditions:

a. The hanging of bicycles will be for storage purposes only and will not be used as signage or as an attention-getting device.

b. The hanging of bicycles will not destroy any historic structure or significantly alter the historic character of a structure.

c. The hanging of bicycles will not hide a historic structure or significantly alter the historic character of a structure.

d. No rack for the hanging of bicycles will be mounted on a facade of a building which faces a street (not including an alley).

e. Bicycles will be hung so as not to constitute a safety hazard for pedestrians.

f. The bicycles to be hung will be screened in a manner appropriate for the location.

4. No required vehicle parking space may be utilized for the display or storage of any bicycle.

5. No bicycle shall be displayed in a manner which may result in damage to any tree, shrub, grass or other landscaping. The person displaying the bicycles shall repair or replace any tree, shrub, grass or other landscaping which is damaged as a result of the outdoor display of bicycles on such property.

6. No bicycle may be stored or displayed in such a manner as will block any means of pedestrian ingress or egress to or from any building or structure.

7. As used in this Subparagraph C, the phrase "display of bicycles" includes the outdoor storage and/or display of any bicycle or motorized bicycle which is offered for sale or rental.

Section 2. The definition of "Class C Development" contained in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to include the following additional provisions:

"The outdoor display or storage of bicycles as provided in Section 9-7-6(C) of this Code."

Section 3. Section 9-7-1 of the Breckenridge Town Code, entitled "title", is hereby amended so as to read in its entirety as follows:

9-7-1 TITLE: This Chapter shall be known and may be cited as the "Outdoor Display of Merchandise Ordinance".

Section 4. 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 5. 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 6. 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 7. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

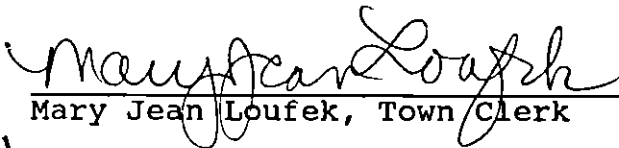
Section 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and

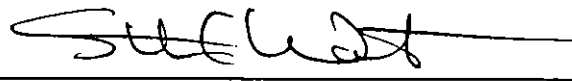
each section, subsection, sentence, cause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 14th day of April, 1992. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12th day of May, 1992, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE, COLORADO


Mary Jean Loufek, Town Clerk


Stephen C. West, Mayor

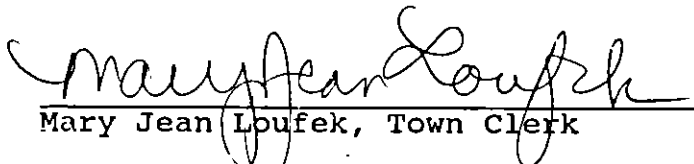
This Ordinance was published in full in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on April 23, 1991.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 12th day of May, 1992.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE, COLORADO


Mary Jean Loufek, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

5/12/92
Date

This Ordinance was published by title, with amendments, in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on 21st day of May, 1992.