

ORDINANCE NO. 35

Series 1996

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING PROVISIONS CONCERNING THE PROVISION OF PUBLIC ART

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

Section 1. There is hereby added to Section 9-1-5 of the Breckenridge Town Code the following additional definitions:

PUBLIC ART A work of art located on public or private property which is accessible to the public. Public Art includes, but is not limited to, painting, sculpture, graphic arts, tile, mosaics, photography, earthworks, environmental installations and decorative arts.

PUBLIC ARTS COMMISSION A commission of seven members appointed from time to time by the Town Council for their knowledge, experience, interest and involvement in art in the Town. Members of the Public Arts Commission need not be residents of the Town.

Section 2. There is hereby added to the definition of "Class C Development" set forth in Section 9-1-5 of the Breckenridge Town Code a new item as follows:

- Placement of Public Art (within the Historic District)

Section 3. There is hereby added to the definition of "Class D Development" set forth in Section 9-1-5 of the Breckenridge Town Code a new item as follows:

- Placement of Public Art (outside the Historic District)

Section 4. There is hereby added to the Section 9-1-19 of the Breckenridge Town Code a new Policy 43 (Absolute), to be entitled "Public Art", which shall read in its entirety as follows:

43. (Absolute) Public Art: An application for a Class C or Class D Development Permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The Public Art Commission shall not review such applications unless specifically requested to do so by the Planning Commission.

Section 5. There is hereby added to the Section 9-1-19 of the Breckenridge Town Code a new Policy 43 (Relative), to be entitled "Public Art", which shall read in its entirety as follows:

43. (Relative) Public Art: The placement of art in public places enriches, stimulates and enhances the aesthetic experience of the Town. The Town's Public Art Program is designed to complement the visual experience that is the cornerstone of the Town's identity. The Town recognizes and rewards the efforts of applicants who place art in publicly accessible areas on private property by providing an incentive as hereafter provided in this Policy.

1 x (0/+1) A. Class A and B Development Permit applicants may receive a maximum of one positive point (+1) if the Planning Commission finds, based upon a recommendation from the Public Arts Commission, that public art is proposed to be provided as a part of a proposed project which meets the following requirements:

- (1) The public art meets the site selection criteria set forth in Section V(A) of the Art in Public Places Master Plan which is a correlative document to this Code.
- (2) The public art meets the artwork selection criteria set forth in Section VI(C) of the Art in Public Places Master Plan which is a correlative document to this Code.
- (3) The internal circulation of the proposed site is adequate to allow for reasonable and safe public access to the artwork.
- (4) The placement of the art on the proposed site does not result in the assessment of any negative points under other polices of this Code.
- (5) The placement of the art on the proposed site complies with all applicable building and technical codes.

- (6) The applicant provides the Town with adequate assurances that the artwork will be privately owned, maintained and insured.

No more than one positive point shall be awarded to an applicant under this Policy regardless of the number of pieces of public art placed on the site.

All public art for which a positive point is awarded pursuant to this Policy shall remain permanently on the site, unless removal or relocation of such artwork is approved by the Town pursuant to either a modification of the existing development permit or the issuance of a new development permit.

Section 6. 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 7. 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 8. 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 9. 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 24th day of September, 1996. A Public hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of October, 1996, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 2, 1996.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 8th day of October, 1996.

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

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney 10/8/96
Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 16th, 1996.