

ORDINANCE NO. 11

Series 1997

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 4 OF TITLE 9 OF THE  
BRECKENRIDGE TOWN CODE CONCERNING THE TOWN OF BRECKENRIDGE MASTER PLAN

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

Section 1. Chapter 4 of Title 9 of the Breckenridge Town Code is hereby repealed and readopted with changes so as to read in its entirety as follows:

CHAPTER 4

TOWN MASTER PLAN

SECTION:

- 9-4-1: Town Council To Adopt Master Plan
- 9-4-2: Purpose of Master Plan
- 9-4-3: Review of Master Plan By Planning Commission
- 9-4-4: Procedures For Adoption of Master Plan
- 9-4-5: Legal Status of Adopted Master Plan
- 9-4-6: Joint Upper Blue Master Plan

9-4-1: TOWN COUNCIL TO ADOPT MASTER PLAN:

A. It is the duty of the Town Council to make and adopt a Master Plan for the physical development of the Town. The Town's Master Plan may include areas outside the Town's boundaries which, in the Council's judgment, bear a relation to the planning of the Town; provided, however, that any portion of the Master Plan which involves an area outside the Town's boundaries shall be subject to the approval of the governmental body having jurisdiction of such area. The Master Plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Council's recommendations for the development of the Town including, but not limited to:

1. The general location, character, and extent of streets, bridges, waterways, playgrounds, trails, recreational facilities, squares, parks, and other public ways, grounds, and open spaces;
2. The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, sanitation, transportation, communication, cable television, and other purposes;
3. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the areas or facilities referred to in subparagraphs 1 and 2 of this Section; and
4. A land use plan for the control of the height, area, bulk, location, and use of buildings and premises.

B. As the work of making the whole Master Plan progresses, the Council may from time to time adopt a part thereof in accordance with the procedures set forth in Section 9-4-4. Any such part shall cover one or more major sections or divisions of the Town or one or more of the foregoing or other functional matters to be included in the Plan. The Council may amend, extend, or add to the Plan from time to time.

9-4-2: PURPOSE OF MASTER PLAN: In the preparation of the Master Plan, the Council shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town, with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, distribution of population,

affordable housing, the promotion of good civic design and arrangement, efficient expenditure of public funds, the promotion of energy conservation, and the adequate provision of public utilities and other public requirements.

**9-4-3: REVIEW OF MASTER PLAN BY PLANNING COMMISSION:** Prior to adopting the Master Plan, or any part thereof, and prior to making any amendments to the Master Plan, the proposed Master Plan, part thereof or Master Plan amendment shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall be given not less than sixty (60) days to review and formulate its recommendation. The Planning Commission may, but shall not be required to, conduct its own public hearing on the proposed Master Plan, part thereof or proposed Master Plan amendment. The Planning Commission shall deliver its recommendations in writing concerning the proposed Master Plan, part thereof or proposed Master Plan amendment to the Town Council prior to the time when the Council is to hold its public hearing to consider such matter.

**9-4-4: PROCEDURES FOR ADOPTION OF MASTER PLAN:** The Council may adopt the Master Plan as a whole by a single Resolution or may by successive Resolutions adopt successive parts of the Plan (said parts corresponding with major geographical sections or divisions of the Town or with functional subdivisions of the subject matter of the Plan) and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the Plan or any such part, amendment, extension, or addition, the Council shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the Town. The Resolution shall refer expressly to the maps and descriptive and other matter intended by the Council to form the whole or part of the Plan. If the Master Plan affects any portion of unincorporated Summit County, an attested copy of the Plan or part thereof shall be certified by the Town Clerk to the Board of County Commissioners of Summit County and, after the approval of such Board, shall be filed with the Summit County Clerk and Recorder.

**9-4-5: LEGAL STATUS OF ADOPTED MASTER PLAN:** When the Town Council has adopted the Master Plan of the Town or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the Town or in such planned section and district until the location, character and extent thereof has been submitted for approval by the Town's Planning Commission and Town Council. In case of disapproval, the Planning Commission or Town Council shall communicate its reasons to the governing body of the entity proposing such development, which governing body has the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground space, building, structure, or utility is one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the municipal governing body, the submission to the Council or Commission shall be by the governmental body having jurisdiction, and the Council or Commission's disapproval may be overruled by said governmental body by a vote of not less than two-thirds of its membership. The failure of the Planning Commission and Council to act within one hundred eighty (180) days from and after the date of official submission shall be deemed approval.

**9-4-6 JOINT UPPER BLUE MASTER PLAN:** The Town Council may, from time to time, join with Summit County and the Town of Blue River to adopt or amend a joint plan for the development of the Upper Blue Basin. Such joint plan shall establish general policy guidelines for the development of the Upper Blue Basin, but need not contain all of the elements of the Town's Master Plan as required by Section 9-4-1 of this Code. A joint Upper Blue Master Plan shall be adopted by the Town Council in accordance with the procedures established in Section 9-4-4 of this Code. Once adopted, a joint Upper Blue Master Plan shall be deemed to be a part of the Town's Master Plan and shall have the same legal status as the Town's Master Plan.

**Section 2.** The official Master Plan the Town of Breckenridge previously adopted by Section 9-4-3 of the Breckenridge Town Code (pursuant to Ordinance No. 8, Series 1983) shall continue in full force and effect, and shall be deemed to be the official Master Plan of the Town until repealed by a Master Plan adopted pursuant to the provisions of this Ordinance.

**Section 3.** 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 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.

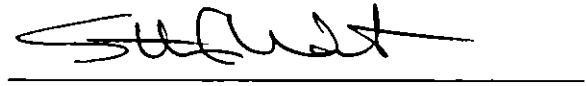
Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of May, 1997. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of June, 1997, 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

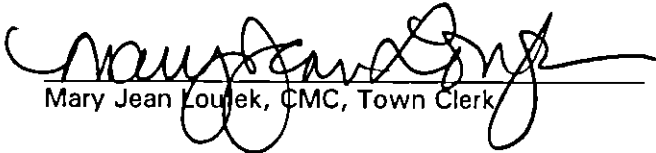
This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on June 5, 1997.

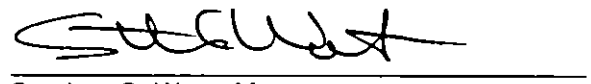
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS this 10th day of June, 1997.

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

6/10/97  
date

This Ordinance was published by title with amendments in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on June 12, 1997.