

ORDINANCE 32

Series 1998

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING PROVISIONS CONCERNING THE REVIEW OF PUBLIC IMPROVEMENT PROJECTS UNDERTAKEN BY THE TOWN OF BRECKENRIDGE

WHEREAS, from time to time the Town of Breckenridge engages in the construction of various public improvements; and

WHEREAS, the Town Council finds and determines that the procedures set forth in the Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) do not work well with respect to the review and approval of the Town's public improvement projects; and

WHEREAS, under the authority granted to municipalities by the Colorado Supreme Court's decision in the case of Clark v. Town of Estes Park, 686 P.2d 777 (Colo. 1984), a Colorado municipality may lawfully exempt its own activities from the application of the municipality's zoning and land use ordinances; and

WHEREAS, the Town Council finds and determines that the Town's public improvement projects should be specifically exempted from the requirements of the Town's Development Code; and

WHEREAS, the Town Council further finds and determines that the alternative procedures established by this Ordinance provide adequate opportunity for the review of designated Town public improvement projects by the Planning Commission and the public, and will thereby materially assist the Town Council in the development of public improvement projects of a high quality.

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

Section 1. There is hereby added to the Breckenridge Town Code a new Section 9-1-26, to be entitled "Public Improvement Projects By Town", which shall read in its entirety as follows:

9-1-26: PUBLIC IMPROVEMENT PROJECTS BY TOWN:

A. Except as provided hereafter in this Section, the provisions of this Chapter shall not apply to any public improvement project of any type or nature undertaken by the Town. As used in this Section the term "public improvement project" means a project involving the construction, erection, repair, maintenance, replacement, relocation or improvement of any building, structure, facility, recreational field, road, path, public way, bridge, excavation or any other public project or work by the Town.

B. Unless a particular public improvement project is exempted from the requirements of this Paragraph by the provisions of Paragraph D, below, prior to the commencement of any public improvement project by the Town, the Town Council shall consult with and seek the advice and recommendations of the Planning Commission in order that the proposed public improvement project shall conform to the Town's Master Plan and ordinances, insofar as practical. In connection with its review of a proposed public improvement project, the Planning Commission shall schedule and hold one or more public hearings, notice of which shall be published at least once in a newspaper of general circulation in the Town at least three days prior to the hearing. Following the conclusion of the public hearing(s), the Planning Commission shall submit to the Town Council its recommendations and advice concerning the proposed public improvement project. Failure of the Planning Commission to submit its advice and recommendations to the Town Council within 60 days after the submission to it of the proposed project shall be deemed to be a recommendation of approval of the project as submitted.

C. Nothing in this Section shall be construed to limit or restrict in any manner the authority of the Town Council to finally determine the location and design of any public improvement project which the Council determines to be necessary or advisable for the public good.

D. The requirements of Paragraph B of this Section shall not apply to the following categories of Town projects: (i) public road or alley improvements, (ii) the installation or replacement of public utilities and structures associated with the operation of public utilities, (iii) the erection or improvement of surface public parking facilities, (iv) minor repairs to any public facility, or (v) any other public improvement project which the Town Council determines need not be reviewed by the Planning Commission pursuant to Paragraph B of this Section. Such projects are specifically exempted from the provisions of this Section, and may be undertaken by the Town Council without Planning Commission review. Nothing in this Paragraph shall limit the authority of the Town Council to have any of the exempted public improvement

projects reviewed by the Planning Commission if the Council determines that such review would be beneficial.

Section 2. The provisions of this Ordinance shall not apply to any Development Permit Application pending before the Planning Commission at the time of the adoption of this Ordinance. Such pending applications shall continue to be processed in accordance with the requirements of Chapter 1 of Title 9 of the Breckenridge Town Code.

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.

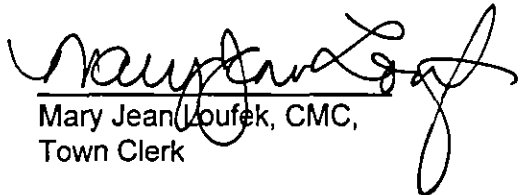
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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 10th day of November, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of November, 1998, 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

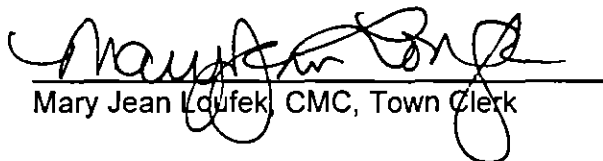
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 20, 1998.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 24th day of November, 1998.

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

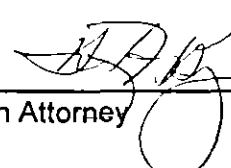
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM:


Town Attorney

11/24/98
Date

This Ordinance was published by title in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, December 4, 1998.