

ORDINANCE NO. 1

Series 2001

AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE NO. 9, SERIES 2000; PROVIDING THAT THE CUCUMBER GULCH OVERLAY PROTECTION DISTRICT REGULATIONS ADOPTED BY ORDINANCE NO. 9, SERIES 2000, DO NOT APPLY TO THE AMENDMENT OF A VESTED DEVELOPMENT PERMIT FOR A SUBDIVISION PLAT SO LONG AS SUCH AMENDMENT RESULTS IN THE APPROVAL OF A SUBDIVISION PLAT WHICH, IF FILED, WILL CREATE FEWER THAN ONE HALF OF THE LOTS WHICH WERE AUTHORIZED BY THE ORIGINAL DEVELOPMENT PERMIT; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Section 9 of Ordinance No. 9 Series 2000, is hereby amended so as to read in its entirety as follows:

Section 9. Intent. This Ordinance is not intended, nor shall it be construed, to impair any vested property right, or any currently enforceable contractual right creating similar legal protection, if any, which exist at the time of the adoption of this Ordinance. Notwithstanding the provisions of Section 10, this Ordinance shall not apply to the owner of any lot or tract or similar subdivided parcel of land in a subdivision which is platted within any current or extended vested property right period, or to the amendment of the development permit for any such subdivision if such amendment results in the approval of a subdivision plat which, if filed, will create fewer than one half of the lots which were originally approved for such subdivision by the vested development permit, and such owner may construct improvements upon such lot or tract or similar subdivided parcel of land in accordance with (and subject to) the provisions of the Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code), without being subject to these Regulations.

Section 2. Except as specifically amended, Ordinance No. 9, Series 2000, shall continue in full force and effect.

Section 3. 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 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. The Town Council of the Town of Breckenridge hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. Ordinance No. 9, Series 2000 expressly exempted from its provisions any lot, tract or parcel within a subdivision which was platted during the time that the subdivision development permit had vested property rights associated with it. The Town Council finds and determines that it is necessary to immediately clarify that certain amendments to such vested subdivision development permits, as set forth above, were not intended to be held to the requirements of the Cucumber Gulch Overlay Protection District provisions as set forth in Ordinance No. 9, Series 2000. Further, the clarification of Ordinance No. 9, Series 2000, as provided in this Ordinance is a condition precedent to the ability of the Town of Breckenridge to successfully conclude a key open space acquisition which is scheduled to close before the time when this Ordinance would normally be considered on second reading. For all of the foregoing reasons, the Town Council determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge.

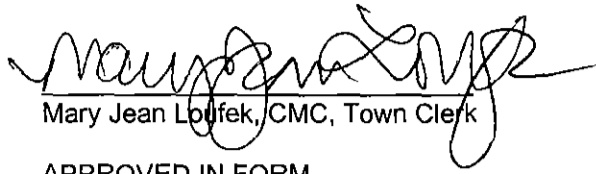
Section 6. Pursuant to Section 5.11 of the Breckenridge Town Charter this Ordinance shall take effect and be in full force upon adoption of this Ordinance by the affirmative votes of at least five (5) members of the Town Council.

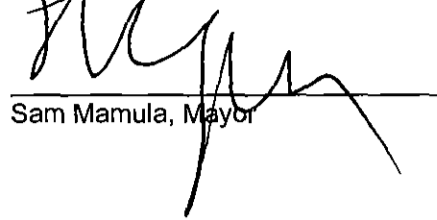
Section 7. This Ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this 9th day of January, 2001.

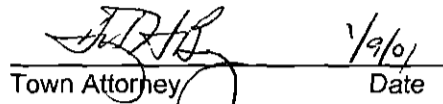
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Lofek, CMC, Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

1/9/01
Date

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on January 19, 2001.