

ORDINANCE NO. 24

Series 2004

AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE)(DENSITY/INTENSITY) AND POLICY 4 (RELATIVE) (MASS) OF CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", WITH RESPECT TO THE TREATMENT OF DENSITY AND MASS USED FOR INTERPRETATIVE BUILDINGS LOCATED IN PUBLIC PARKS

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

Section 1. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of a new definition of "Public Park", which shall read in its entirety as follows:

PUBLIC PARK:

An area of land owned or operated by either a governmental entity or a private non-profit entity exempt from taxation under section 501(c)(3) of the Internal Revenue Code which is open to the general public and used primarily for public recreational, cultural or educational purposes. The fact that a nominal admission fee is charged shall not preclude a finding that an otherwise qualified area is a public park.

Section 2. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of a new definition of "Interpretative Building", which shall read in its entirety as follows:

INTERPRETATIVE BUILDING:

A building or structure located in a public park the primary purpose of which is to assist an interested person in understanding and interpreting the historical significance of a building, structure or location.

Section 3. Policy 3(Absolute) (Density/Intensity) of Section 9-1-19 of the Breckenridge Town Code is hereby amended by the addition of a new paragraph (C)(6), which shall read in its entirety as follows:

(6) The density of property located in Land Use District 1 which is proposed to be used as an interpretative building in a public park shall not be counted under policy 3 (Relative) (Compliance With Density/Intensity Guidelines) of this chapter if the Planning Commission finds that the proposed use is appropriate for the site based upon good planning practices as reflected by the other absolute and relative development policies of this chapter, and other relevant Town planning policies, documents and the Town master plan.

Section 4. Policy 4(Absolute) (Mass) of Section 9-1-19 of the Breckenridge Town Code is hereby amended by the addition of a new paragraph (C), which shall read in its entirety as follows:

(C) The mass of property located in Land Use District 1 which is proposed to be used as an interpretative building in a public park shall not be counted under this policy if the Planning Commission finds that the proposed use is appropriate for the site based upon good planning practices as reflected by the other absolute and relative development policies of this chapter.

Section 5. 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 6. 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 7. 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

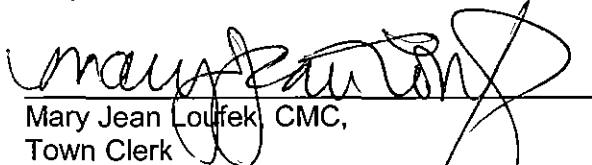
Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

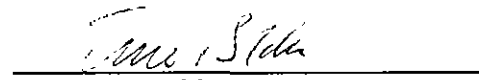
Section 8. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of April, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of April, 2004, 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


Ernie Blake, Mayor

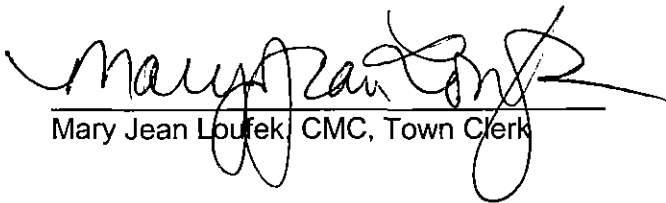
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 23, 2004.


The public hearing on this ordinance was held on April 27, 2004.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of April, 2004. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

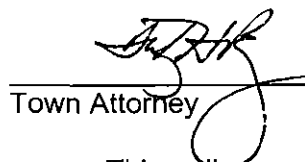
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

APPROVED IN FORM


Town Attorney

4/27/04
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 7, 2004.