

ORDINANCE NO. 17

Series 2007

AN ORDINANCE AMENDING SECTION 9-9-10 OF THE BRECKENRIDGE TOWN CODE  
CONCERNING THE PROCEDURE TO BE FOLLOWED TO REVIEW A PROPOSED  
DEVELOPMENT AGREEMENT

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

Section 1. Section 2. Section 9-9-10 of the Breckenridge Town Code is hereby  
amended so as to read in its entirety as follows:

9-9-10: PROCEDURE: Upon receipt of a completed application for approval of  
a Development Agreement, the following procedures shall be followed:

A. Within sixty (60) days following receipt of a completed application the Director shall cause the application to be scheduled for preliminary discussion at a Town Council worksession held as part of a regular or special Town Council meeting. The worksession discussion may be continued if necessary to complete the Council's preliminary discussion of the proposed Development Agreement. The Director shall provide an analysis of the anticipated planning impacts of the proposed Development Agreement, and such other information and analysis as the Town Council shall require. Upon the conclusion of the Town Council's preliminary discussion of the proposed Development Agreement, the Council shall determine whether to (i) terminate further discussions concerning the proposed Development Agreement, in which case all proceedings concerning the proposed Development Agreement shall terminate, or (ii) commence proceedings for the approval the requested Development Agreement. At any point prior to final action on an ordinance to approve a proposed Development Agreement the Town Council may, in its discretion, refer the matter to the Planning Commission for its review and comment. If so referred, the proposed Development Agreement shall be reviewed by the Planning Commission as provided in subsection B of this section. If a proposed Development Agreement is referred to the Planning Commission, the Town Council shall not take final action on an ordinance to approve a proposed Development Agreement until it has received and considered the recommendation of the Planning Commission.

B. If so directed by the Town Council, the Director shall cause the matter of the proposed Agreement to be scheduled for initial review by the Planning Commission at a Planning Commission worksession held at a regular or special Planning Commission meeting. The Planning Commission review may be continued to one or more subsequent worksessions if necessary in order to permit the Commission to complete its review. Review of the application for approval of the Development Agreement shall be commenced within thirty (30) days following the Town Council's referral as described in subsection A of this Section, and completed by the Planning Commission within sixty (60) days after the first worksession review. Upon completion of its review, the Planning Commission shall make a recommendation of approval, conditional approval, further study or denial of the application to the Town Council.

C. A Development Agreement shall be approved by a non-emergency ordinance adopted by the Town Council in accordance with the procedures set forth in Section 5.10 of the Town Charter. If such ordinance is rejected by the Town Council at first reading, the procedures for approval of the Development Agreement shall terminate. If the ordinance is approved on first reading, a public hearing shall be scheduled on the ordinance as required by Section 5.10(d) of the Town Charter. The adoption of an ordinance approving a Development Agreement is a legislative matter subject to referendum as provided in Section 24-68-104(2), C.R.S., but is quasi-judicial for the purpose of prohibited ex parte contacts with Town Council members.

D. In addition to the newspaper notice required by Section 5.10(d) of the Town Charter, notice of the required public hearing shall be given in the same manner as is required for a final hearing on a Class A Development Permit application pursuant to Chapter 1 of Title 9 of this Code.

Section 2. 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 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.

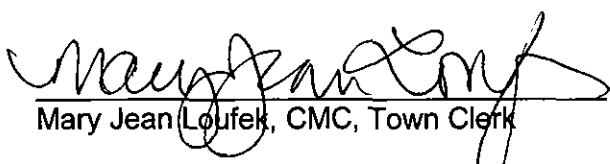
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. 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 24<sup>th</sup> day of April, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8<sup>th</sup> day of May, 2007, 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

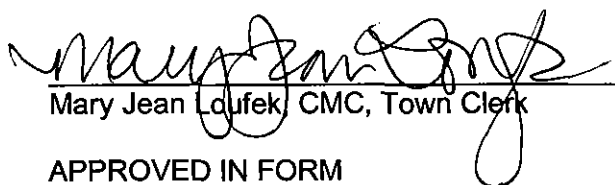
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on May 4, 2007.

The public hearing on this ordinance was held on May 8, 2007.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 8<sup>th</sup> day of May, 2007. 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

5/18/07  
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 18, 2007.