

ORDINANCE NO. 2

Series 2013

AN ORDINANCE ADOPTING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS

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

Section 1. Section 9-1-27 of the Breckenridge Town Code is repealed.

Section 2. The definition of "Attainable Work Force Housing Project" in Section 9-1-5 of the Breckenridge Town Code is repealed.

Section 3. Title 9 of the Breckenridge Town Code is amended by the addition of a new Chapter 14, to be entitled "Town Projects", which shall read as follows:

CHAPTER 14

TOWN PROJECTS

SECTION:

- 9-14-1: Definitions
- 9-14-2: Town Council Authority Over Town Projects
- 9-14-3: Town Projects To Be Designed And Constructed In Accordance With Applicable Town Standards
- 9-14-4: Process For Review And Approval Of A Town Project
- 9-14-5: Town Projects Not Requiring Planning Commission Review

9-14-1: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise, the following words have the following meanings:

ATTAINABLE WORK FORCE HOUSING PROJECT:

A development project in which ownership, occupancy, and sale of the property to be developed, or the lease or rental of the property to be developed, is restricted in such a fashion as to provide on a permanent basis moderately priced or affordable housing to be occupied only by qualified persons meeting specific criteria that may include income test(s) and employment requirements as described in the project documents. The purpose of an affordable or attainable work force housing project is to help establish and preserve a supply of moderately priced housing to help meet the needs of locally employed residents of the Town by providing housing to persons who, because of their income, may not otherwise be in a position to afford to purchase, own, and occupy, or to lease or rent, suitable housing.

TOWN PROJECT:

A project involving either: 1) the planning, design, construction, erection, repair, maintenance, replacement, relocation, or improvement of any building, structure, facility, recreational field, street, road, path, public way, bridge, excavation or any other public project or work of any kind undertaken and paid for by the Town; 2) the planning, design, construction, erection, repair, maintenance, replacement, relocation, or improvement of any building, structure, facility, excavation or any other project or

work of any kind undertaken with the consent of the Town Council on Town-owned real property by a non-profit entity or the planning, design, construction, erection, repair, maintenance, replacement, relocation or improvement of an attainable work force housing project on Town-owned, leased, or controlled real property, regardless of whether the attainable work force housing project will be operated by the Town or some other person.

9-14-2: TOWN COUNCIL AUTHORITY OVER TOWN PROJECTS: The Town Council, in its sole discretion, shall determine whether a Town project is necessary or advisable for the public good, and whether the project shall be undertaken. If a Town project is to be undertaken, the Town Council, in its sole discretion, has the sole and final authority to determine all aspects of the Town project, including, but not limited to, its location and design. Chapter 1 of this Title and the Town of Breckenridge Land Use Guidelines do not apply to Town projects, but Town projects shall be processed instead in accordance with the provisions of this Chapter.

9-14-3: TOWN PROJECTS TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH APPLICABLE TOWN STANDARDS: Unless otherwise determined by the Town Council, in its discretion all Town projects shall conform to the Town's master plan, ordinances, and building and technical codes insofar as practical. Prior to the Town Council's final decision with respect to a proposed Town project the Director of the Department of Community Development shall prepare a point analysis for the proposed Town project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under Chapter 1 of this Title. The point analysis is for the Town Council's information only, and the final decision with respect to a proposed Town project shall be made by the Town Council as provided in Section 9-14-2.

9-14-4: PROCESS FOR REVIEW AND APPROVAL OF A TOWN PROJECT: Unless a particular Town project is exempt from the requirements of this Section by Section 9-14-5, the following procedure shall be followed in connection with the review and approval of a Town project:

1. Prior to the commencement of any Town project, the Town Council shall consult with and seek the advice and recommendations of the Planning Commission.
2. In connection with its review of a proposed Town project, the Planning Commission shall schedule and hold one or more public hearing, notice of which shall be published on the Town's website for at least five (5) days prior to the hearing. Because the process of reviewing and approving a Town project is discretionary and administrative, and not quasi-judicial, any member of the Town Council may properly attend the Planning Commission's public hearing(s) and deliberations with respect to a proposed Town project.
3. Following the conclusion of the public hearing(s), the Planning Commission shall submit to the Town Council its recommendations and advice concerning the proposed Town project.
4. Failure of the Planning Commission to submit its advice and recommendations to the Town Council within sixty (60) days after the submission to it of the proposed Town project shall be deemed to be a recommendation of approval of the project as submitted.
5. The final decision with respect to a proposed Town project shall be made by the Town Council at a regular or special meeting. The proposed Town project shall be listed on the Town Council's agenda that is posted in advance of the meeting on the Town's website

9-14-5: TOWN PROJECTS NOT REQUIRING PLANNING COMMISSION REVIEW:

- A. Notwithstanding Section 9-14-4 the Planning Commission is not required to review and provide a recommendation with respect to the following categories of Town projects:

1. public road or alley improvements;
 2. the installation or replacement of the Town's public utilities and structures associated with the operation of the Town's public utilities;
 3. the erection or improvement of surface public parking facilities;
 4. minor repairs to any public facility; or
 5. any work that would be classified as a Class C or Class D development under the Town's Development Code;
 6. any other proposed Town project that the Town Council determines need not be reviewed by the Planning Commission.
- B. All exempt projects may be undertaken by the Town Council without Planning Commission review, and without formal Town Council approval.
- C. Nothing in this Section limits the discretionary authority of the Town Council to have any of the exempted Town projects reviewed by the Planning Commission if the Council determines that such review would be beneficial.

Section 4. 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 5. 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.

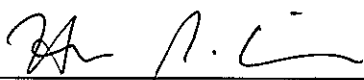
Section 6. The Town Council finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 7. The Town Council 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.

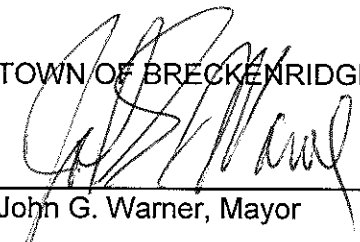
Section 8. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of March, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

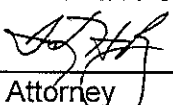
ATTEST:


 Helen Cospolich, Deputy Town Clerk

TOWN OF BRECKENRIDGE


 John G. Warner, Mayor

APPROVED IN FORM


 Town Attorney

3/12/13
 Date

This Ordinance was published on the Town of Breckenridge website on March 14, March 15, March 16, March 17 and March 18, 2013. This ordinance shall become effective on April 17, 2013.