

ORDINANCE NO. 23

Series 2016

AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES
CONCERNING LAND USE DISTRICT 1

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

Section 1. Findings. The Town Council of the Town of Breckenridge, Colorado hereby finds and determines as follows:

1. By Ordinance No. 3, Series 1987, the Town adopted the Breckenridge Land Use Guidelines ("Land Use Guidelines").

2. The Land Use Guidelines contain provisions governing the development of real property located within the various Land Use Districts of the Town, including, but not limited to, Land Use District 1, and represent a part of the Town's general zoning restrictions with respect to real property located within the Town.

3. By Ordinance No. 18, Series 1997, the Town Council adopted certain procedures to be followed to amend the Land Use Guidelines. Such procedures have been codified as Section 9-1-15-1 of the Breckenridge Town Code.

4. The amendment to the Land Use Guidelines made by this ordinance is legislative or quasi-legislative in nature.

5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code with respect to a proposed legislative or quasi-legislative amendment to the Land Use Guidelines have been fully satisfied. Without limiting the generality of the foregoing, the Town Council finds that notice of the public hearing to consider the adoption of this ordinance was published twice in The Summit County Journal, a newspaper of general circulation in the Town, the first publication occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4) days prior to the hearing, all as required by Section 9-1-15-1(B) of the Breckenridge Town Code. The Proof of Publication of such notice is made a part of the record in connection with the adoption of this ordinance.

6. The amendments to the Land Use Guidelines made by this ordinance are consistent with the Town's Master Plan, and all parts thereof, and bear a reasonable relationship to the welfare of the community.

Section 2. Amendment To District 1 Guidelines. The paragraph of the Town of Breckenridge Land Use Guidelines applicable to Land Use District 1, entitled "Acceptable Land Uses and Intensities," is amended to read in its entirety as follows:

Acceptable Land Uses and Intensities

Land Use Type: Low Density Residential. Recreational

Intensity of Use: 1 Unit per 10 Acres; except land located in the East Side

Residential Transition Area may be built to a recommended aboveground density of 13.5 Units per Acre.

Structural Type: Special Review.

The majority of District 1 should remain in its natural state. Accordingly, all proposals for development within this district will be carefully reviewed. Whenever possible, development rights within District 1 should be transferred to more suitable locations.

In no case may a density transfer be allowed into District 1.

Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987, as previously amended, shall continue in full force and effect.

Section 4. Police Power Finding. 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 1. Section 5. Authority. 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 6. Effective Date. 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 23rd day of August, 2016.

This ordinance was published in full on the Town of Breckenridge website on August 26, August 27, August 28, August 29 and August 30, 2016.

A public hearing on this ordinance was held on September 13, 2016.

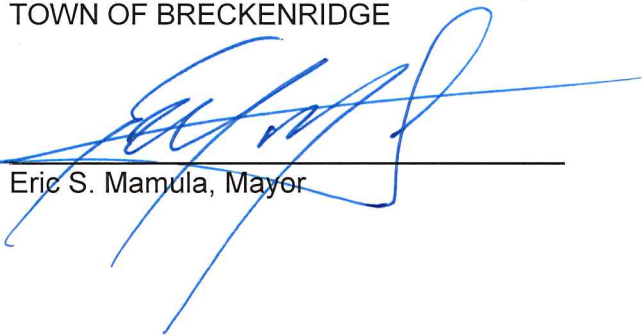
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
TOWN'S WEBSITE this 13th day of September, 2016. A copy of this Ordinance is available for
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

9/13/16

Date

This Ordinance was published on the Town of Breckenridge website on September 15, September 16, September 17, September 18 and September 19, 2016. This ordinance shall become effective on October 19, 2016.