

ORDINANCE NO. 21

Series 2019

AN **EMERGENCY** ORDINANCE REPEALING AND READOPTING WITH CHANGES
CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE
"BRECKENRIDGE DESIGN STANDARDS"

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

Section 1. Chapter 5 of Title 9 of the Breckenridge Town Code, entitled "Breckenridge
Design Standards," is repealed and readopted with changes so as to read as follows:

Chapter 5
BRECKENRIDGE DESIGN STANDARDS

Section:

- 9-5-1: TITLE:
- 9-5-2: PURPOSE:
- 9-5-3: DESIGN STANDARDS ADOPTED:
- 9-5-4: ADDITIONS OR MODIFICATIONS:
- 9-5-5: COPIES ON FILE:
- 9-5-6: PENALTIES:

9-5-1: TITLE:

This Chapter shall be known and may be cited as the "BRECKENRIDGE DESIGN
STANDARDS."

9-5-2: PURPOSE:

The purpose of this Chapter is to regulate the use and development of real property located within the Town's historic and conservation districts; to help ensure the continuation of the Town's historic district as a national historic district; to reinforce the character of the Town's historic and conservation districts; to protect the visual elements of the Town; to make the Town's standards for development within the historic and conservation districts a more useful and usable source of information for designers and their clients; to help improve the quality of growth and development within the Town's historic and conservation districts; and to generally protect and enhance the value of public and private investment within the Town which might otherwise be threatened by poorly managed growth within the Town's historic and conservation districts and to thereby protect the public health, safety and welfare.

9-5-3: DESIGN STANDARDS ADOPTED:

A. The "Handbook Of Design Standards For The Historic And Conservation Districts", dated August 2019, is adopted by reference, including the specific design standards for character areas No. 1 (East Side Residential), No. 2 (North End Residential), No. 3 (South End Residential), No. 4 (North Main Street Residential), No. 5 (Main Street Residential/Commercial), No. 6 (Main Street Core Commercial) and No. 7 (South Main Street Residential).

B. The "Handbook Of Design Standards For The Transition Character Areas Of The Conservation District, Breckenridge, Colorado", dated March 2012, is adopted by reference.

C. The subject matter of the adopted standards includes comprehensive provisions and standards which govern the development of real property within the Town's historic and conservation districts as defined in such standards.

D. When used in this Code, unless the context clearly requires otherwise, the term "Handbook of Design Standards" includes both the standards adopted in subsection A of this section, and the standards adopted in subsection B of this section.

9-5-4: ADDITIONS OR MODIFICATIONS: [RESERVED]

9-5-5: COPIES ON FILE:

At least one copy of the "Handbook Of Design Standards", and the specific design standards for the various character areas, as adopted pursuant to section 9-5-3 of this Chapter, certified to be

a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, holidays excepted. The standards as finally adopted shall be available at no charge on the Town's website.

9-5-5: PENALTIES:

Every person convicted of a violation of any provisions of the "Handbook Of Design Standards" or this Chapter shall be punished as provided in section 1-4-1 of this Code. In addition to other remedies available to the Town, the Town may commence an action pursuant to section 1-8-10 of this Code to enjoin the alleged violation of any provision of this Chapter.

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 Director of the Town's Department of Community Development is directed to make appropriate formatting, diagram, and photo changes and updates, to the Handbook of Design Standards adopted in Section 1 of this ordinance so long as the text of the adopted document remains unchanged. The Town Council hereby ratifies and confirms, in advance, the final version of the adopted "Handbook of Design Standards" as prepared by the Director.

Section 4. Ordinance No. 9, Series 2019, entitled "An Emergency Ordinance Imposing A Temporary Moratorium On The Submission, Acceptance, Processing, And Approval Of New Applications For Permits To Develop Real Property Located Within The Conservation District," is repealed.

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 hereby 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 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. Prior to adopting this ordinance the Town Council adopted Ordinance No. 9, Series 2019, entitled "An Emergency Ordinance Imposing A Temporary Moratorium On The Submission, Acceptance, Processing, And Approval Of New Applications For Permits To Develop Real Property Located Within The Conservation District." The temporary moratorium imposed by Ordinance No. 9, Series 2019, delayed the submission of applications to develop real property located in the Town's Conservation District while updated Design Standards were being prepared. This ordinance adopts such updated "Design Standards." The Town Council believes that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge because it will allow for the immediate submission of applications to develop real property located in the Town's Conservation District, instead of further delaying such applications until this ordinance would become effective if it is not adopted as an emergency ordinance.

Section 8. 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 9. 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.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 23rd day of July, 2019.

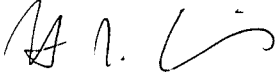
This EMERGENCY ordinance was published in full on the Town of Breckenridge website on July 24, July 25, July 26, July 27 and July 28, 2019.

A public hearing on this ordinance was held on August 13, 2019.

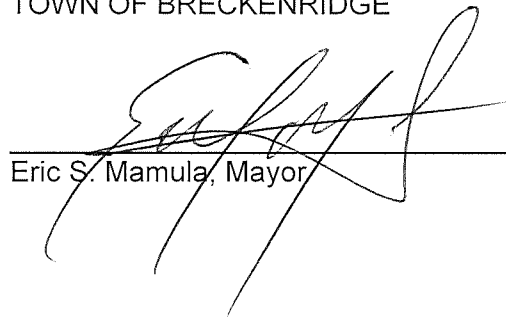
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of August, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

8/13/19

Date

This EMERGENCY Ordinance was published on the Town of Breckenridge website on August 16, August 17, August 18, August 19 and August 20, 2019. This emergency ordinance shall become effective on August 13, 2019.