

ORDINANCE NO. 25

Series 2021

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF BRECKENRIDGE DEVELOPMENT PERMIT THAT INCLUDES AS A PART THEREOF AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, on May 26, 2020, the Town Council adopted Ordinance No. 23, Series 2020 imposing a temporary moratorium on the submission, acceptance, processing, and approval of all applications for Town development permits that include as a part thereof the proposed development of an amenity club as defined in such ordinance (the "**Temporary Moratorium**"); and

WHEREAS, the Temporary Moratorium was adopted to allow the Town staff to thoroughly evaluate the potential impacts of amenity clubs on the Town, and to bring back to the Town Council the staff's analysis of potential regulatory approaches to amenity clubs; and

WHEREAS, the Temporary Moratorium was also adopted to allow the Town Council sufficient time to determine if the Development Code should be amended to specifically address amenity clubs and, if so, to adopt an ordinance amending the Development Code to include the Town Council's preferred regulatory approach to amenity clubs; and

WHEREAS, the Temporary Moratorium was extended until May 26, 2021, by Ordinance No. 39, Series 2020; and

WHEREAS, the Temporary Moratorium was further extended until August 26, 2021, by Ordinance No. 13, Series 2021; and

WHEREAS, concurrently with the adoption of this ordinance the Town Council has adopted Ordinance No. 24, Series 2021, entitled "An Ordinance Amending Chapter 1 of Title 9 of the Breckenridge Town Code, known as the "Town of Breckenridge Development Code," Concerning Recreational and Leisure Amenity Clubs; and Amending Chapter 3 of Title 9 of the Breckenridge Town Code, known as the "Town of Breckenridge Off Street Parking Ordinance," which ordinance specifically addresses and regulates amenity clubs; and

WHEREAS, Ordinance No. 24, Series 2021 will become effective on or about September 15, 2021; and

WHEREAS, with the adoption of Ordinance No. 24, Series 2021 the Temporary Moratorium is no longer needed and should be ended; and

WHEREAS, to avoid a gap between the Temporary Moratorium (on August 26, 2021) expiring and Ordinance No. 24, Series 2021 becoming effective (on or about September 15, 2021), the Town Council finds and determines that the Temporary Moratorium should not be terminated until Ordinance No. 24, Series 2021 becomes effective.

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

Section 1. Extension of Moratorium. Section 5 of Ordinance No. 23, Series 2020 is amended to read in its entirety as follows:

Section 5. Effective Dates of Moratorium. The moratorium imposed by this ordinance shall commence on the effective date of this ordinance, and shall expire on the date and time that Ordinance No. 24, Series 2021 becomes effective.

Section 2. 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 3. Authority. 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 land use 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 4. Emergency Ordinance Findings. The Town Council of the Town of Breckenridge 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. The current Temporary Moratorium on the submission, acceptance, processing and approval of a new development permit application that proposes the development of an amenity club will expire on August 26, 2021. Concurrently with the adoption of this ordinance, the Town Council has adopted Ordinance No. 24, Series 2021 specifically addressing amenity clubs. As provided by Section 5.9 of the Town's Charter Ordinance No. 24, Series 2021 will not become effective until approximately September 15, 2021. The Town Council finds and determines that there should not be a gap in time between the expiration of the Temporary Moratorium (on August 26, 2021) and the effective date of Ordinance No. 24, Series 2021 (on or about September 15, 2021). Therefore, the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge.

Section 5. Effective Date and Time. 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 6. Publication. 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.

ADOPTED AND APPROVED as an Emergency Ordinance this 10th day of August, 2021.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: 
Eric S. Mamula, Mayor

ATTEST:


Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM:


Town Attorney