

1 **FOR WORKSESSION/FIRST READING – MARCH 12**

2
3 COUNCIL BILL NO. 7

4
5 Series 2019

6
7 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION,
8 ACCEPTANCE, PROCESSING, AND APPROVAL OF NEW APPLICATIONS FOR
9 PERMITS TO DEVELOP REAL PROPERTY LOCATED WITHIN THE CONSERVATION
10 DISTRICT

11
12 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
13 COLORADO:

14
15 Section 1. Findings and Intent. The Town Council of the Town of Breckenridge,
16 Colorado finds, determines, and declares as follows:

17
18 A. The Town’s National Register Historic District was formed in 1980.

19 B. The Town’s National Register Historic District is a source of considerable local pride,
20 and is an integral part of both the identity and the economy of the community.

21 C. Maintaining the integrity and status of the Town’s National Register Historic District
22 is of paramount importance to the Town Council.

23 D. In 1992, the Town adopted the “Handbook of Design Standards for the Historic and
24 Conservation District” (“**Design Standards**”). The Design Standards are based on the standards
25 of the United States Secretary of the Interior, and are codified as Chapter 5 of Title 9 of the
26 Breckenridge Town Code.

27 E. The Town’s “Conservation District” (“**Conservation District**”) is described in the
28 Design Standards, and is an area within the Town which has been determined by the community
29 to contain resources of value to the community, together with any adjacent area within the
30 Conservation District that may have substantial impact such that design review of new
31 development is deemed necessary. The Town’s National Register Historic District is located
32 within the Conservation District.

33
34 F. The purpose of the Design Standards is to establish design standards for all new
35 construction and for the preservation of existing structures within the Conservation District.

36
37 G. The Town is a Certified Local Government, which means that it has been endorsed by
38 the Colorado State Historic Preservation Office, a division of History Colorado, and the National
39 Park Service, to participate in the national preservation program while maintaining standards that
40 are consistent with the National Historic Preservation Act, and the Secretary of the Interior’s
41 Standards for Archeology and Historic Preservation.

1 H. As a Certified Local Government, the Town periodically has cultural resource studies
2 performed of properties located within the Conservation District.
3

4 I. The most recent survey work was undertaken by the Town in 2018. This resulted in a
5 number of historic properties located within the Conservation District being downgraded from
6 contributing to noncontributing status. The primary reason that the properties were downgraded
7 was a concern with recent additions that had been constructed to the properties. Also, some
8 properties located within the Conservation District were deemed to have become “qualifying
9 properties” as defined in the governing rules because such properties are now at least 50 years
10 old and were constructed after the Town’s “Period of Significance” (1860 through 1942).
11

12 J. Although the Town’s Design Standards have been amended since they were first
13 adopted in 1992, they now need to be substantially revised to bring the Town’s standards for
14 development and redevelopment in the Conservation District (as reflected in the Design
15 Guidelines) more into alignment with the recent interpretations of the Secretary of the Interior’s
16 Standards by the State Historic Preservation Office.
17

18 K. In an effort to bring the Town’s standards for development in the Conservation
19 District (as reflected in the Design Guidelines) more into alignment with the recent
20 interpretations of the Secretary of the Interior’s Standards by the State Historic Preservation
21 Office, the Town has engaged the services of Winter & Company. Winter & Company was the
22 original author of the Design Standards, and is qualified to assist the Town in completing the
23 tasks described in Finding L of this Section 1.
24

25 L. The necessary revisions to Design Guidelines will entail, at a minimum: (i) reviewing
26 and analyzing the recent interpretations of the Secretary of the Interior’s Standards by the State
27 Historic Preservation Office that resulted in the downgrading of the properties within the
28 Conservation District; (ii) becoming familiar with the applicable laws, rules, and regulations that
29 apply to historic districts and historic properties; (iii) analyzing the legal issues associated with
30 the regulation of properties located within the Conservation District; (iv) reviewing the proposals
31 submitted to the Town by Winter & Company to update the Design Guidelines; (v) drafting an
32 ordinance for Town Council consideration amending the Design Guidelines; and (vi) adopting
33 the proposed ordinance revising the Design Guidelines.
34

35 M. The imposition of a six (6) month moratorium on the submission, acceptance,
36 processing, and approval of new applications to develop real property located within the Town’s
37 Conservation District will allow the Town’s consultant, staff, and the Town Council sufficient
38 time to complete the various actions described in Finding L of this Section 1.
39

40 N. The Town will suffer irreparable harm if a short, temporary moratorium on the
41 submission, acceptance, processing, and approval of new applications for development permits
42 for properties within the Town’s Conservation District is not imposed.
43

44 O. The duration of the moratorium imposed by this ordinance is reasonable in length,
45 and is no longer than is required for the Town’s consultant, staff, and the Town Council
46 sufficient time to properly complete the various actions described in Finding L of this Section 1.

1
2 P. Owners of lands within the Conservation District desiring to develop their properties
3 will not be unfairly prejudiced by the imposition of the short, temporary moratorium imposed by
4 this ordinance.
5

6 Section 2. Imposition of Temporary Moratorium. A moratorium is imposed upon the
7 submission, acceptance, processing, and approval of all new applications for development
8 permits to develop real property located within the established boundaries of the Town of
9 Breckenridge Conservation District. The Town staff and the Town of Breckenridge Planning
10 Commission are directed to refuse to accept for filing, and not to process or review, any such
11 application during the moratorium period.
12

13 Section 3. Exception. The moratorium imposed by Section 2 of this ordinance does not
14 apply to any complete application for a development permit for real property located with the
15 Town's Conservation District filed with and accepted by the Town's Department of Community
16 Development on or before the effective date of this ordinance.
17

18 Section 4. Effective Dates of Moratorium. The moratorium imposed by this ordinance
19 shall commence on the effective date of this ordinance, and shall expire six (6) months
20 thereafter, unless sooner repealed or extended by the Town Council through the adoption of an
21 ordinance amending this ordinance.
22

23 Section 5. Staff To Act During Moratorium. Before the expiration of the moratorium
24 imposed by this ordinance the Town's consultant and staff are directed to complete the various
25 actions described in Finding L of Section 1 of this ordinance.
26

27 Section 6. Police Power Finding. The Town Council hereby finds, determines, and
28 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
29 promote the prosperity, and improve the order, comfort and convenience of the Town of
30 Breckenridge and the inhabitants thereof.
31

32 Section 7. Authority. The Town Council hereby finds, determines and declares that it has
33 the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
34 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
35 (concerning municipal land use powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
36 police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the
37 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
38 (vi) the powers contained in the Breckenridge Town Charter.
39

40 Section 8. This ordinance shall be published and become effective as provided by
41 Section 5.9 of the Breckenridge Town Charter.
42

43 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
44 PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the
45 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

1 _____, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

3
4 TOWN OF BRECKENRIDGE, a Colorado
5 municipal corporation
6

7
8
9 By: _____
10 Eric S. Mamula, Mayor

11
12 ATTEST:

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16 _____
17 Helen Cospolich, CMC,
18 Town Clerk
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