

1 ***FOR WORKSESSION/ADOPTION AS AN***
2 ***EMERGENCY ORDINANCE – MAY 26***
3

4 COUNCIL BILL NO. _____

5
6 Series 2020
7

8 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION,
9 ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR NEW PERMITS
10 TO DEVELOP REAL PROPERTY IN THE TOWN THAT PROPOSE THE DEVELOPMENT OF
11 AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN
12 IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE
13

14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
15 COLORADO:
16

17 Section 1. Findings and Intent. The Town Council of the Town of Breckenridge,
18 Colorado finds, determines, and declares as follows:
19

20 A. The development of real estate within the Town is governed by the Town of
21 Breckenridge Development Code, codified as Chapter 1 of Title 9 of the Breckenridge Town
22 Code.

23 B. The Town’s land use system as reflected in the Development Code measures the
24 impacts of a proposed development against both “absolute” development policies and “relative”
25 development policies.

26 C. The current Development Code does not have specific regulations dealing with an
27 “amenity club” (as hereafter defined), and it is possible for a development to be approved that
28 includes an amenity club so long as the development permit application is determined to comply
29 with all applicable absolute development polices and receive a score of zero or higher on all
30 applicable relative development policies.
31

32 D. The Town Council is concerned that the approval of further amenity clubs could
33 create potential negative impacts on the public health, safety, and welfare, including, but not
34 limited to, causing an increase in the demand for parking and increased traffic within the Town
35 that cannot be adequately mitigated by the project’s developer.
36

37 E. The Town Council finds and determines that before any further development permit
38 application may be submitted, accepted, processed, or approved the Town’s staff should be
39 directed to thoroughly evaluate the potential impacts of additional amenity clubs on the Town,
40 and to bring back to the Town Council the staff’s analysis of potential regulatory approaches to
41 amenity clubs. Following the receipt of the Town staff’s analysis, the Town Council can then
42 determine if the Development Code should be amended to specifically address amenity clubs

1 and, if so, to adopt an ordinance amending the Development Code to include the Town Council's
2 preferred regulatory approach to amenity clubs.

3
4 F. The imposition of a six (6) month moratorium on the submission, acceptance,
5 processing, and approval of new applications to develop real property within the Town that
6 include an amenity club will allow the Town's staff and the Town Council sufficient time to
7 accomplish the various actions described in Finding E of this Section 1. The duration of the
8 moratorium imposed by this ordinance is reasonable in length, and is anticipated to be no longer
9 than is reasonably required for the Town's staff and the Town Council to properly complete the
10 various actions described in Finding E of this Section 1.

11
12 G. The Town will suffer irreparable harm if a short, temporary moratorium on the
13 submission, acceptance, processing, and approval of new applications for development permits
14 that include an amenity club is not imposed.

15
16 Section 2. Definition. As used in this ordinance the term "amenity club" is defined as
17 follows;

18
AMENITY
CLUB:

A commercial use that provides access to amenity space of a hotel, lodge, or timeshare property that is not associated with an overnight stay on the same date or following day. Access to an amenity club is may be provided through: (i) membership, (ii) purchasing a fractional ownership interest in a property, (iii) payment of a separate fee for hourly, daily, monthly, seasonal or annual usage; or (iv) by other means not related to an overnight stay in the property in which the amenity club is located, such as the purchase of food, beverage, or other items. This use may have, but does not require, the following components:

- A. Personal lockers,
- B. Boot dryers,
- C. Ski storage racks,
- D. Ski tuning,
- E. Food and beverage service,
- F. Areas for congregation and/or socializing,
- G. Restrooms and/or shower facilities,
- H. Non-winter activities,
- I. Concierge ski services,
- J. Access to an aquatics facility or other recreational facilities, and/or
- K. Parking

An amenity club does not include: (i) the use of amenity space within a lodge or dwelling unit for which a separate fee for such use is not charged; and (ii) the use of common amenity space in a residential property by an owner with a whole ownership interest in such residential property.

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2 Section 4. Imposition of Temporary Moratorium. A moratorium is imposed upon the
3 submission, acceptance, processing, and approval of all new applications for development
4 permits to develop real property located within the Town of Breckenridge that include as a part
5 thereof the proposed development of an amenity club. The Town’s staff and the Town of
6 Breckenridge Planning Commission are directed to refuse to accept for filing, and not to process,
7 review, or approve any such application during the moratorium period.
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9 Effective Dates of Moratorium. The moratorium imposed by this ordinance shall
10 commence on the effective date of this ordinance, and shall expire six (6) months thereafter,
11 unless sooner repealed or extended by the Town Council through the adoption of an ordinance
12 repealing or amending this ordinance.
13

14 Section 5. Staff To Act During Moratorium. Before the expiration of the moratorium
15 imposed by this ordinance the Town’s staff is directed to complete the various actions described
16 in Finding E of Section 1 of this ordinance.
17

18 Section 6. Police Power Finding. The Town Council hereby finds, determines, and
19 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
20 promote the prosperity, and improve the order, comfort and convenience of the Town of
21 Breckenridge and the inhabitants thereof.
22

23 Section 7. Authority. The Town Council hereby finds, determines and declares that it has
24 the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
25 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
26 (concerning municipal land use powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
27 police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the
28 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
29 (vi) the powers contained in the Breckenridge Town Charter.
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31 Section 8. For the reasons set forth above, the Town Council hereby finds, determines,
32 and declares that an emergency exists and that this ordinance is necessary for the immediate
33 preservation of public property, health, welfare, peace or safety. The Town Council further
34 determines that the adoption of this ordinance as an emergency ordinance is in the best interest of
35 the citizens of the Town of Breckenridge.
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37 Section 9. Pursuant to Section 5.11 of the Breckenridge Town Charter this ordinance
38 shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at
39 least five (5) members of the Town Council.
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