

ORDINANCE NO. 23
SERIES 1992

AN ORDINANCE ADOPTING NEW SUBDIVISION
STANDARDS FOR THE TOWN OF BRECKENRIDGE

WHEREAS, the Subdivision Standards for the Town of Breckenridge are codified in Chapter 2 of Title 9 of the Breckenridge Town Code; and

WHEREAS, the Town Council finds and determines that the Town's Subdivision Standards should be revised as hereafter set forth.

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

Section 1. Chapter 2 of Title 9 of the Breckenridge Town Code is hereby repealed and readopted with amendments so as to rad in its entirety as follows:

SECTION 9-2-1: GENERAL PROVISIONS

- 9-2-1-1 Title
- 9-2-1-2 Purpose
- 9-2-1-3 Authority
- 9-2-1-4 Jurisdiction
- 9-2-1-5 Interpretation, Conflict and Separability
- 9-2-1-6 Saving Provision
- 9-2-1-7 Amendments
- 9-2-1-8 Conditions
- 9-2-1-9 Resubdivision of Land
- 9-2-1-10 Variances
- 9-2-1-11 Enforcement, Violations and Penalties
- 9-2-1-12 Notice of Public Hearings at Planning Commission Meetings
- 9-2-1-13 Time Limit on an Approved Subdivision Development Permit Application - Vested Property Rights
- 9-2-1-14 Computation of Time
- 9-2-1-15 Waiver of Requirements

SECTION 9-2-2: DEFINITIONS

SECTION 9-2-3: PROCESS

- 9-2-3-1 Class A Subdivision Application
- 9-2-3-2 Class B Subdivision Application
- 9-2-3-3 Class C Subdivision Application
- 9-2-3-4 Call Up Process
- 9-2-3-5 Subdivision Final Plat Approval and Recordation
- 9-2-3-6 Assurance of Completion and Maintenance of Improvements
- 9-2-3-7 Subdivider Reimbursement Agreements

SECTION 9-2-4: REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN STANDARDS

- 9-2-4-1 General Requirements
- 9-2-4-2 Design Compatible with Natural Features
- 9-2-4-3 Drainage, Storm Sewers and Flood Prevention
- 9-2-4-4 Utilities
- 9-2-4-5 Lot Dimensions, Improvements and Configuration
- 9-2-4-6 Blocks
- 9-2-4-7 Pedestrian and Bicycle Circulation Systems
- 9-2-4-8 Street Lighting
- 9-2-4-9 Traffic Control Devices and Signs
- 9-2-4-10 Subdivision and Street Names
- 9-2-4-11 Existing and Proposed Streets
- 9-2-4-12 Nonresidential Subdivisions
- 9-2-4-13 Dedication of Park Lands, Open Space and Recreational Sites or the Payment of Fees in Lieu Thereof

SECTION 9-2-1: GENERAL PROVISIONS

9-2-1-1 **Title.** This Chapter shall be known as the Breckenridge Subdivision Standards.

9-2-1-2 **Purpose.** The purpose of this Chapter is to promote and protect the community's public health, safety, and welfare by providing the Town of Breckenridge with an efficient and orderly mechanism for:

A. Regulating the subdivision, platting, and replatting of land and structures within the Town of Breckenridge;

B. Reviewing, approving, and recording plats associated with the

subdivision of land or structures;

- C. Providing assurances for the completion and maintenance of subdivision improvements;
- D. Assuring that all public improvements are completed or guaranteed to be complete prior to the sale of any lots or parcels;
- E. Approving and accepting fees in lieu of dedications of land for public purposes where provided for by this Chapter;
- F. Reviewing, approving, and accepting the location and dedication of land for public uses;
- G. Assuring that all subdivisions, plats, and dedications of land are in conformance with the Breckenridge Master Plan, Land Use Guidelines, Handbook of Design Standards for the Historic District, Urban Design Plan, Street Standards, Storm Drainage Standards, Flood Damage Prevention Regulations, Water Quality and Sediment Transport Control Standards, Breckenridge Development Code;
- H. Insuring that the community has the ability to provide adequate public services to the property including access, utilities, police and fire protection.
- I. Insuring that proper public access is provided to all subdivisions.

and thereby securing for the present and future residents of the Town the beneficial effects of the subdivision of land and structures, while protecting the community against actions that would deteriorate the quality of the natural and man-made environment.

9-2-1-3 Authority. The Town Council hereby finds, determines, and declares that it has the power to adopt the Breckenridge Subdivision Standards pursuant to Section 29-20-104, 31-23-213 and 31-23-214, C.R.S., and the powers granted to home rule municipalities in Colorado by Article XX of the Colorado Constitution.

9-2-1-4 Jurisdiction.

- A. This Chapter shall apply to all subdivisions of land and structures located within the corporate limits of the Town of Breckenridge.
- B. No land or structure shall be subdivided within the Town until the subdivider has:
 - 1. Submitted an application and necessary supporting data to the Town.
 - 2. Obtained approval of the subdivision by the Town, as provided in this Chapter.
 - 3. Recorded the approved plat.
- C. No person shall transfer, convey or sell any parcel or unit before a plat of such subdivision has been approved by the Town and recorded in accordance with the provisions of this Chapter.

9-2-1-5 Interpretation, Conflict and Separability. Conflict with public and private provisions:

- A. Public Provisions. This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or the higher standards shall control.
- B. Private Provisions. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such

easement, covenant, or other private agreement or restriction, the requirements of this Chapter shall govern.

- C. Separability. If any part or provision of this Chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Chapter or the application thereof to other persons or circumstances. The Town hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases had been declared invalid.

9-2-1-6 Saving Provision. This Chapter shall not be construed as:

- A. Abating any action now pending under, or by virtue of, prior existing subdivision regulations; or
- B. Discontinuing, abating, modifying any penalty accruing or about to accrue under prior existing subdivision regulations; or
- C. Affecting the liability of any person under prior existing subdivision regulations; or
- D. As waiving any right of the Town under any section or provision existing at the time of adoption of this Chapter; or
- E. Vacating or annulling any rights obtained by any person except as shall be expressly provided for in this Chapter.

9-2-1-7 Amendments.

Amendments. The Town Council may from time to time amend these subdivision standards in the manner prescribed by the provision of Article V of the Breckenridge Town Charter now or hereafter amended.

9-2-1-8 Conditions.

Conditions. The Town Council and Planning Commission have the authority to approve a subdivision plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare, and the subdivider has the duty to comply with all such conditions laid down by the Town for the design, dedication, improvement, and restrictive use of the land so as to insure the project conforms to the purposes herein, and the Town's Comprehensive Plan.

9-2-1-9 Resubdivision of Land.

Procedure for Resubdivision. For any proposed resubdivision of land as defined by this Chapter, a plan shall be reviewed for approval by the Town utilizing the same procedures, rules, and regulations as for a subdivision.

Procedures for Subdivision Where Future Development Parcels Exist. Where a parcel of land is subdivided and the subdivision plan indicates that one or more portions of the parcel will not be subdivided into individual building lots, but will be retained for future subdivision and development, the subdivision shall be designed and the remnant parcels located in such a manner that allows for the future extension of streets, trails and utilities.

9-2-1-10 Variances.

General. Where the Town finds that extraordinary hardships will result from strict compliance with the provisions of this Chapter, it may approve variances so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the basic intent and purpose of this Chapter, and further provided the Town shall not approve variances unless it makes findings based upon the evidence presented to it in each specific case that:

- A. The granting of the variance will not be detrimental to the public

safety, health, or welfare, or have a significant adverse effect on any adjacent property;

- B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the regulations found in this Chapter are carried out;
- D. The granting of the variance will not in any manner conflict with the general goals, policies and provisions of the Town's Comprehensive Plan or Development Code;
- E. The unique circumstances associated with the property were not created by the applicant or anyone in privity to the applicant; and
- F. The variance granted does not depart from the provisions of this Chapter more than necessary to alleviate the hardship.

9-2-1-11 Enforcement, Violations and Penalties.

- A. General. It shall be the duty of the Director to enforce this Chapter and to bring to the attention of the Town Attorney any violation or lack of compliance herewith.

It shall be unlawful for any person to violate the provisions of this Chapter. Every person convicted of violating any provision of this Chapter shall be punished as provided in Section 1-4-1 of this code.

- B. The Town Council may further institute, in addition to other remedies provided by law, such equitable proceeding, including, but not limited to, injunctions, mandamus, abatement or other appropriate action or proceedings as may be necessary to effect compliance with the provisions of this Chapter.
- C. No building permit shall be issued for the construction of any building or structure located on a lot or parcel which has been subdivided in violation of the provisions of this Chapter.

9-2-1-12 Notice of Public Hearings at Planning Commission Meetings.

- A. Preliminary Hearings - Class A and Class B Subdivision Applications. Notice of the first preliminary hearing, for all Class A and Class B subdivision applications shall consist of the following:

1. A notice containing the following information:

- a. The date, time, and place of the hearing.
- b. A general description of the property (address).
- c. The purpose of the hearing.
- d. Where additional information may be obtained.
- e. A description of the request.

2. Notice shall be provided by the following means:

- a. The notice shall be published once in a newspaper of general circulation in the Town, not less than four (4) days nor more than ten (10) days prior to the date of the hearing. Inclusion within the published Planning Commission agenda shall be sufficient to meet the requirements of this section.
- b. The notice shall be posted on the property by the Town not less than four (4) days nor more than ten (10) days prior to the Planning Commission hearing.
- c. Notice shall be mailed by first-class mail to all adjacent property owners not less than five (5) days nor more than fourteen (14) days prior to the Planning

Commission hearing.

- B. Public Hearings - Class A and Class B Subdivision Applications. Notice of a public hearing for all Class A and Class B final subdivision applications shall consist of the following:
1. A notice containing the following information:
 - a. The date, time, and place of the hearing.
 - b. A general description of the property (address).
 - c. The purpose of the hearing.
 - d. Where additional information may be obtained.
 - e. A description of the request.
 2. Notice shall be provided by the following means:
 - a. The notice shall be published once in a newspaper of general circulation in the Town, not less than four (4) days nor more than ten (10) days prior to the date of the hearing. Inclusion within the published Planning Commission agenda shall be sufficient to meet the requirements of this section.
 - b. The notice shall be posted on the property by the Town not less than four (4) days nor more than ten (10) days prior to the Planning Commission hearing.
 - c. Notice shall be mailed by first-class mail to all adjacent property owners not less than five (5) days nor more than fourteen (14) days prior to the Planning Commission hearing.
- C. Public Hearings - Class C Subdivision Applications. Notice of a public hearing for a Class C subdivision application shall consist of the following:
1. A notice containing the following information:
 - a. The date, time, and place of the hearing.
 - b. A general description of the property (address).
 - c. The purpose of the hearing.
 - d. Where additional information may be obtained.
 - e. A description of the request.
 2. Notice shall be provided by the following means:
 - a. The notice shall be published once in a newspaper of general circulation in the Town, not less than four (4) days nor more than ten (10) days prior to the date of the hearing. Inclusion within the published Planning Commission agenda shall be sufficient to meet the requirements of this section.
 - b. The notice shall be posted on the property by the Town not less than four (4) days nor more than ten (10) days prior to the Planning Commission hearing.
- D. Site Visits. Notice of a site visit by the Town Council or Planning Commission shall be given in either of the following manners:
1. When the time and place for a site visit is scheduled at a Town Council or Planning Commission hearing, the Planning Commission Chairman, Mayor or Community Development Director shall announce the time, place, and general nature of the site visit during the hearing on the application, prior to taking up the next agenda item.
 2. When the time and place for a site visit is scheduled outside of a Town Council or Planning Commission hearing, the time, place, and general nature of the site visit shall be published once in a newspaper of general circulation in the Town, not less than four (4) nor more than ten (10) days prior to the scheduled site visit. Inclusion within the published Planning Commission agenda shall be sufficient to meet the requirements of this section.

3. Nothing herein shall require notice for site inspections by an individual Town Council or Planning Commission member outside of the hearing process.

E. General Notice Procedures.

1. Failure of a person to receive the notice described in this section shall not impair the validity of the hearing.
2. The notice provisions of this section shall not restrict the giving of notice by other means.
3. Planning Commission decisions called up by the Town Council shall be noticed in the same manner as required for final hearings.
4. Notice shall not be required for the second or subsequent Class A or Class B preliminary subdivision hearings.
5. For the purpose of notifying adjacent property owners, the term "adjacent" shall mean all properties immediately contiguous to a subdivision, including those catercornered, those which would be adjacent if there were no intervening streets or alleys, including all private streets and access easements.
6. Notice to multi-unit properties represented by a condominium or homeowner association or management agency may be made to the association or management agency rather than to each individual owner.

9-2-1-13 Time Limit on an Approved Subdivision Development Permit Application - Vested Property Rights

A. Class C Subdivisions. Development permits for Class C subdivisions shall be valid for a period of eighteen (18) months after the date of approval or affirmation of the Planning Commission decision by the Town Council, unless otherwise authorized by the provisions of this Chapter.

B. Class A and Class B Subdivisions (Site Specific Development Plan). Vested property rights for Class A and Class B subdivision applications shall be established and administered under the provisions of this section.

1. Vested Property Right Created. A vested property right shall be deemed to have been created only upon the approval or affirmation of the Town Council of a site specific development plan in accordance with this section.
2. Duration of Vested Right. Subject to the provisions of Section 5 of this section, a property right which has been vested pursuant to this section shall remain vested for a period of three (3) years; provided, however, that a development agreement approved by the Town Council may provide that a property right shall be vested for a period exceeding three years when warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles and market conditions.
3. Notice and Hearing. No site specific development plan shall be approved until after a public hearing preceded by notice. In all cases, such hearing shall be held before the Planning Commission in connection with the normal subdivision application process. In those instances where the decision of the Planning Commission is called up, a second hearing, also preceded by notice, shall be held before the Town Council. At all such hearings, interested persons shall have an opportunity to be heard.
4. Notice of Approval. Each map, plat, site plan or other document constituting a site specific development plan shall contain the following language:

"Approval of this plan constitutes a vested property right pursuant to Article 68, Title 24, C.R.S., as amended."

The failure of the map, plat, site plan or other document constituting a site specific development plan to contain this language shall invalidate the creation of the vested property right. In addition, a notice generally describing the type and intensity of the use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once by the Town in a newspaper of general circulation in the Town not more than fourteen (14) days after the approval of the site specific development plan.

5. Execution of Development Permit. Within twenty-one (21) days following approval of a site specific development plan, the Town shall prepare and mail or hand deliver to the affected landowner, or the landowner's designated agent or representative, a development permit for the approved project. Within thirty (30) days following mailing or hand delivery of the development permit, the affected subdivider shall execute and return the development permit to the Town. Failure to execute and return the development permit within such time period shall operate as a waiver of any vested right with respect to the development, and the time for construction of the development shall thereafter be governed by the provisions of Section 9-2-1-13(A) of this Chapter.
 6. Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this Chapter pertaining to the development and use of property.
 7. Amendment to Site Specific Development Plan. In the event amendments to a site specific development are proposed and approved prior to the recordation of a plat or map, the effective date of such amendments, for the purposes of determining the duration of a vested property right, shall be the date of the creation of the original site specific development plan unless the Town Council specifically finds to the contrary and incorporates such finding in its approval or affirmation of the amendment.
 8. Effect of Termination of Vested Property Right on Public Rights-of-Way. The termination of a vested property right shall have no effect upon public streets, alleys or rights-of-way previously dedicated with respect to such property.
 9. Development Agreements. The Town Council may, by agreement with a landowner or developer, designate an approval other than that described in this section as the site specific development plan for a specific project.
- 9-2-1-14** Computation of Time. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- 9-2-1-15** Waiver of Requirements. Notwithstanding any provisions contained herein to the contrary, the Director or Planning Commission may waive any of the procedural or substantive requirements of this Chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the Director or Commission incorporates such a finding into the final decision or permit.

SECTION 9-2-2: DEFINITIONS

For the purpose of this Chapter, certain terms or words shall be as defined below. Words in the present tense include the future, the singular number includes the plural and vice versa. The word "shall" is mandatory and the word "may" is permissive.

Alley -- a permanent service right-of-way providing a secondary access to abutting properties.

Block -- a grouping of lots bounded by streets or other defining elements such as public property, stream bank, or other physical or legal features.

Block Length -- the distance between intersections of through streets, measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.

Bond -- a type of security or collateral posted by the subdivider and approved by the Town Attorney which guarantees that all required improvements shall be completed and/or maintained as per the approved plans and requirements of this Chapter.

Call Up -- action of the Council to vacate a decision of the planning commission made pursuant to this Chapter, and to make that decision itself.

Class A Subdivision -- a subdivision of land which will result in six (6) or more lots, parcels and/or tracts, or which includes a total of six (6) or more acres of land, and any Class B subdivision requiring a variance.

Class B Subdivision -- a subdivision of land which will result in less than six (6) lots, parcels and /or tracts, and includes less than six (6) acres of land, and any Class C subdivision requiring a variance. Subdivisions that normally fall into this classification that include the development of public improvements, development on slopes greater than 15% and other Class B subdivision of an unusual nature may be reclassified as Class A subdivisions at the discretion of the Director.

Class C Subdivision -- a subdivision of a structure(s) into separate units of interest, including condominiums, time share interests, cooperatives, townhouses, duplexes, and the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment).

Days -- For the purpose of this Chapter, the term days refers to calendar days rather than working days.

Dedication -- the devotion of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for a public purpose.

De Novo Hearing -- a hearing where the decision is based on the testimony presented at the hearing and not the testimony or record of any preceding hearings.

Development Agreement -- an agreement entered into by the Town and the subdivider prior to the approval of a subdivision. The agreement specifies development requirements including the responsibility for, and the timing of, infrastructure improvements and public facilities, dedications, fees and remedies in the event obligations are not met, in exchange for the Town foregoing the right to change the rules of development, thereby vesting the development for a period exceeding the standard three (3) year period specified elsewhere in the Code.

Director -- the Town of Breckenridge Director of Community Development or authorized representative.

Easement -- a right granted to use land owned by another for a special limited purpose.

Engineer -- a registered, professional, civil engineer authorized to practice engineering in the state of Colorado.

Erosion -- the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Flood Plain -- the area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can be reasonably expected to occur. The flood plain includes all the lands within the limits of the 100-year flood plain as defined by the Federal Emergency Management Agency.

Grading -- any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof.

Improvements (development) -- all things constructed or placed within the subdivision, including, but not limited to the following:

- roads, streets, alleys, driveways, access ways, entrances into rights-of-way, street signs, and lights, and other street furniture.
- grading, creation of slopes, retaining walls and monuments.
- sidewalks, crosswalks, pedestrian paths, and bicycle paths.
- curbs, gutters, and curb returns.
- water mains, utility pipes, and utility conduit lines.
- sodding, landscaping, tree planting, irrigation improvements, and erosion control measures.

Lot -- a plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses incidental to it, including such open spaces as required by this Chapter. In the case of multi-family structures and public, institutional, commercial or industrial structures, a group of structures under the same ownership may be considered as occupying the same lot.

Lot Depth -- the distance between the front lot line and the rear lot line of a lot measured in a straight line. For lots which are not square or rectangular in shape, lot depth shall be the measurement from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Frontage -- all property abutting the right-of-way of a dedicated street, private road, or road easement, measured along the right-of-way, road, or easement located between side lot lines of a lot. For lots abutting more than one right-of-way, the Director shall designate which constitutes the lot frontage based on existing land use patterns.

Lot Line Adjustment -- the modification or deletion of an existing property line resulting in the creation of no addition lots or parcels.

Lot Width -- the shortest distance between the side lot lines of a lot measured in a straight line. For lots which are not square or rectangular in shape, lot widths shall be the measurement from the midpoint of one of the side lot lines to the midpoint of the other.

Master Plan -- the overall long range plan for the future development of the Town which includes goals and policies, future land use, transportation and community facilities plans, as might be adopted and amended from time to time. May also be called the Breckenridge Comprehensive Plan.

Monument -- a permanent survey marker.

Open Space -- a parcel of land dedicated to the Town which is suitable for recreational purposes, provides for natural or man-made landscaping areas, or provides for the protection of significant natural resources such as stream channels, steep slopes, or wetlands.

Person -- a natural person or a partnership, joint venture, corporation, association or organization, or a public agency.

Planning Commission or Commission -- the Town of Breckenridge Planning Commission.

Plat -- a map or plan indicating all proposed property lines, easements, rights-of-way, and dedications intended for Town approval and for use as a recording document.

Resubdivision -- a change in the map of an approved or recorded subdivision or resubdivision, if such change:

- affects any street layout shown on such map;

- affects any area reserved thereon for public use;
- changes the size or dimension of any lot, or creates an additional lot.

Right-of-way -- a strip of land occupied or intended to be occupied by a street, walkway, road, utilities, water main, sewer main, or for any other public purpose.

Roadway -- that portion of a street designed for vehicular traffic, and where curbs are laid, that portion between the curbs.

Sidewalk -- an improved right-of-way for pedestrian circulation that is usually part of the street right-of-way.

Site Specific Development Plan -- any Class A or Class B subdivision plan approved by the Town.

Streets -- a right-of-way which provides for vehicular, bicycle, and pedestrian circulation.

- "Cul-de-sac" means a local street of short length having only one outlet with provision for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or adjacent land. Also known as a Dead End Street.
- "Street width" means the shortest distance between the lines delineating the right-of-way of streets.
- "Stub street" means a dead end local street which provides for eventual extension of a street onto unplatted land.
- "Arterial streets" and "highway" are those used primarily for fast or heavy traffic.
- "Collector streets" means those which carry traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within the development.
- "Minor streets" also called "local streets" are those which are used primarily for access to abutting properties.

Structure -- anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

Subdivider -- shall mean a person who undertakes the subdivision or resubdivision of land or structures or any activity governed by this Chapter who holds any legal or equitable interest in the land being subdivided, or in those instances where the subdivider is not the owner of the land, an applicant who has received written consent from the owner to subdivide the land.

Subdivision -- the division of a tract or parcel of land into two or more parcels, lots, sites or other division for the purpose, whether immediate or future, transfer of ownership or sale, building development, including any resubdivision. Subdivision shall include, but not be limited to, the following types of developments and/or legal interests:

- Division of Land. The division of land, whether by deed, metes and bounds description, map, plat, or other recorded instrument.
- Division of a Structure. The division of a structure into two or more separate interests through division of the fee title thereto, whether by conveyance, license, contract for sale, or any other method of disposition including, but not limited to, the creation of a common interest community pursuant to the Common Interest Ownership Act, Article 33.3, Title 38, C.R.S.
- Time Share Interests. The creation of interval estates, time share estates, time span estates, and other time sharing interests as defined by the Condominium Ownership Act, Article 33, Title 38, C.R.S.
- Cooperative. The creation of a cooperative as defined in the Colorado Common Interest Ownership Act, Article 33.3, Title 38, C.R.S.
- Exclusions. Unless the method of land disposition is adopted for the purpose of evading this Chapter, the term "subdivision" as

defined in this section shall not apply to any of the following divisions of land or interests in land:

1. Which is created by any court in this state pursuant to the law of eminent domain, partition or by operation of law.
2. Which is created by lien, mortgage, deed of trust or any other security instrument or the foreclosure of any such instrument.
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.
4. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property.
5. Which creates a parcel or parcels as a result of the acquisition of land by the Town through dedication, purchase, or taking by eminent domain for use as a right-of-way.

Surveyor -- a land surveyor who is registered as a professional land surveyor and authorized to practice within the state of Colorado.

Town Council or Council -- the Breckenridge Town Council.

Townhouse -- a multi-unit structure in which individual units are owned by separate persons including an undivided fee simple ownership in the land upon which the unit sits.

SECTION 9-2-3: PROCESS

9-2-3-1 Class A Subdivision Application.

A. Pre-Application Conference. A conference between the Director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the Town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this Chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision.

B. Preliminary Hearings.

1. General. All Class A subdivision applications shall be required to be submitted to the Planning Commission for review at a minimum of two (2) preliminary hearings prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested:

a. To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process.

b. To cooperate with the Town in scheduling an on-site inspection after the first preliminary hearing and before the second or subsequent preliminary hearings. Staking of the site by the subdivider may be required for the on site inspection.

c. To attend a third preliminary hearing for all Class A subdivision applications.

2. Purpose. The purpose of the preliminary hearing is to allow the Planning Commission the opportunity to review the concept of the proposed subdivision and to give the Planning Commission and town staff an opportunity to offer direction to the subdivider.

3. Required Application Materials. The subdivider shall submit the following materials and drawings at least thirteen (13) days prior to the first preliminary hearing, and eight (8) days prior to the second and all subsequent preliminary hearings. The Director shall have the authority to schedule the application at a subsequent hearing if in his discretion revisions are necessary.

a. A completed application on forms provided by the Town;

b. In instances where the applicant is not the owner, the applicant will submit a written consent to subdivide from the owner of record.

c. A copy of any existing restrictive covenants applicable to the subdivision;

d. A fee, in an amount set forth in the Town of Breckenridge fee schedule;

e. A list of all adjacent property owners including their current mailing addresses.

f. Five (5) copies of a preliminary subdivision plan which meets the following requirements:

1) The preliminary subdivision plan shall be clearly and legibly drawn on a sheet of 18x24 inches or 24x36 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the paper, but in all cases the scale used shall be in multiples of

ten (10).

- 2) The preliminary subdivision plan shall include the following general information:
 - a) Date of preparation;
 - b) North point;
 - c) Scale of drawing;
 - d) Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision;
 - e) The approximate acreage of the tract being subdivided, and the size, use and number of all proposed lots;
 - f) Names and addresses of the subdivider, engineer, and surveyor.

- 3) The preliminary subdivision plan shall include the following site analysis information:
 - a) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, paths and utilities. This map should include a sketch of the general layout of the proposed subdivision.
 - b) The location, widths and names of both through and dead end streets within or adjacent to the proposed subdivision, together with easements, other rights-of-way and other important features such as section lines, property corners, Town boundary lines and monuments;
 - c) Contour lines related to an established benchmark or other datum approved by the Town Engineer and having contour intervals as follows:
 - i. For slopes less than ten percent (10%) - two (2) foot contours;
 - ii. For slopes ten percent (10%) or greater - five (5) foot contours.
 - d) The location and elevation of at least one temporary benchmark within the boundaries of the proposed subdivision;
 - e) The location and direction of all water courses and the location of all areas subject to the 100-year flood plain;
 - f) Natural features such as rock outcroppings, marshes, wetlands, wooded areas and isolated preservable trees;
 - g) Existing uses on the property, including the location of all existing structures;
 - h) The location of all existing or historical pedestrian and bicycle paths on site, paved or unpaved and any easements relating to these facilities;
 - i) The location of all existing utilities on site and all existing easements.
 - j) A boundary survey indicating the exterior boundary of the property, plus all existing public rights-of-way.
 - k) Ghosting in the departing lot lines of adjacent subdivisions and structures existing or approved by the Town or County located

within thirty (30) feet of the subdivision, and the names of adjacent subdivisions.

- 1) A map indicating significant views into and out of the subdivision from adjacent properties and public areas designated by the Director.
 - m) A preliminary analysis of the site concerning any existing or potential hazardous conditions including, but not limited to, soils.
- 4) The preliminary subdivision plan shall include the following information relating to the proposed subdivision:
- a) The location, width, name and approximate grade and radii of streets and street curves. The relationship of proposed streets to any existing or proposed streets as shown on the Town Comprehensive Plan;
 - b) The location, width and approximate grade of all proposed pedestrian and bicycle paths, and their relationship to any existing or proposed bicycle and pedestrian paths as shown on any Town planning documents;
 - c) The location, width and purpose of existing and proposed easements;
 - d) The location and approximate dimensions of lots and the proposed lot and block numbers;
 - e) Sites, if any, allocated for purposes other than single family dwellings;
 - f) The location, approximate acreage and approximate dimensions of areas proposed for public use;
 - g) An outline of the areas proposed for partial recording of a final plat, if phased recording is proposed;
 - h) A plan for domestic water supply lines and related water service facilities;
 - i) A plan for sewage disposal, storm water drainage, flood control, and water quality measure, including profiles where appropriate;
 - j) The proposed location for all other applicable utilities, including telephone, electrical service, cable, and gas.
- g. The preliminary subdivision plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:
- 1) Adequacy and source of water supply. A statement from a licensed engineer, or representative of the public water provider is required.
 - 2) Proposed method of sanitary sewage disposal. A statement from a licensed engineer, or a representative of the applicable sanitary sewage disposal provider is required.
 - 3) Proposed method for disposal of storm water run off and protection of community water quality. A statement from a licensed engineer is required.
 - 4) A phasing plan for the installation of the public improvements.

4. Review Procedures.

- a. Within three (3) days of receipt of an application, the Director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a preliminary hearing before the Planning Commission shall be held within thirty (30) days. If the application is not complete, it shall be so noted and the subdivider advised of all deficiencies. Hearings shall not be scheduled for incomplete applications.
- b. Upon receipt of a completed application, the Director shall furnish copies of the preliminary subdivision plan and supplemental materials to the appropriate referral agencies.
- c. The Director shall review the preliminary subdivision plan and supplemental materials, and submit a report to the Planning Commission.
- d. Before the Planning Commission can review a preliminary subdivision plan at a preliminary hearing, notice shall be provided in accordance with this Chapter.
- e. All preliminary hearings shall be conducted under the Town of Breckenridge Planning Commission rules and regulations and shall be considered as advisory in nature. No decisions shall be rendered by the Planning Commission concerning the preliminary subdivision plan at a preliminary hearing.

C. Public Hearings - Final Subdivision Plan. A public hearing shall be held for each Class A subdivision application by the Planning Commission to determine compliance with the policies established within this Chapter, and other applicable Town ordinances and codes. An application for the public hearing shall not be accepted until the proposed preliminary subdivision plan has been reviewed a minimum of two (2) times by the Planning Commission and the Planning Commission believes all major issues have been addressed. In no instance shall an application for a public hearing be accepted by the Town if more than ninety (90) days have elapsed since the last preliminary hearing on the plan, in which case the applicant shall appear before the Planning Commission at another preliminary hearing before proceeding.

1. The application for a public hearing shall consist of a fee as adopted by the Town, and all materials and plans, as specified, all of which shall be submitted not less than thirteen (13) days in advance of the hearing.
2. The application shall consist of all materials as required in Section 9-2-3-1(B)3, Preliminary Hearings, of this Chapter, plus the following:
 - a. For subdivisions located in areas of fifteen percent (15%) or greater slope, cross sections of the proposed roadways, retaining walls and driveways.
 - b. A separate revegetation and landscaping plan, including all trees to be removed and those to be installed in accordance with the provisions of this Chapter.
 - c. A street lighting plan.
 - d. Correspondence from all applicable utility and urban service providers that they have reviewed the proposed subdivision, and that they can serve the property.
 - e. Restrictive covenants to be recorded, if any.

2. Review Procedures.

- a. Application. Thirteen (13) days prior to any scheduled public hearing, the subdivider shall submit an application and materials as required for Planning Commission

review in Section 9-2-3-1(C)1 above.

- b. Compliance Review. Within seven (7) days after the application has been submitted, the Director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a Planning Commission public hearing shall be scheduled. If the application is not complete, it shall be so noted and the subdivider advised of the deficiencies. Hearings shall not be scheduled for incomplete applications.
- c. Referral and Review. The Director shall have the right to transmit a copy of the application to referral agencies for their review and comment, and to review the project for compliance with Town goals and policies.
 - 1) The Director may request a meeting with utility providers and other governmental agencies that may be affected by the subdivision.
 - 2) Prior to the public hearing, staff shall deliver to the subdivider and Planning Commission, and make available at Town Hall, their written report on the proposed development, including their conclusions, recommendations and any recommended conditions to be attached for approval.
- d. Public Hearing. Not more than sixty (60) days from the date of acceptance of the application and after public notification in compliance with Section 9-2-1-12, the Planning Commission shall hold a public hearing on the proposed final subdivision plan.
- e. Decision. The Planning Commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The Planning Commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this Chapter and the Town Master Plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The Planning Commission may also continue the hearing for up to forty-five (45) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider shall submit all additional materials to the Town a minimum of eight (8) days prior to the continued hearing.
- f. Notice and Council Call Up. The Director shall notify the Council of all Planning Commission decisions on Class A subdivision applications at the Council's next regular meeting after the decision. At that meeting, the Council may, by an affirmative vote of a majority of the members present, call up any decision of the Planning Commission for their own review under authority granted in Section 9-2-3-4. All Planning Commission decisions on Class A subdivision applications shall stand as made unless called up by the Town Council.
- g. Development Permit Issuance. Once the decision of the Town has been finalized, the Director shall transmit by regular mail, the final decision to the subdivider, and if the application is approved, shall issue a subdivision development permit with those conditions imposed by the Town. The subdivision development permit will not be valid until the subdivider has signed it, indicating his agreement to comply with any and all conditions, and returned it to the Town.
- h. Other Permits and Requirements. After approval and

prior to construction of the subdivision and sale of the lots, the subdivider shall comply with the requirements of Section 9-2-3-5 concerning the preparation and recordation of a final plat.

9-2-3-2 Class B Subdivision Application.

A. Pre-Application Conference. A conference between the Director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the Town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this Chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision.

B. Preliminary Hearings.

1. General. All Class B subdivision applications shall be required to be submitted to the Planning Commission for review at a minimum of one (1) preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested:

a. To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process.

b. To cooperate with the Town in scheduling an on-site inspection after the first preliminary hearing. Staking of the site by the subdivider may be required for the on site inspection.

c. To attend a second preliminary hearing for all Class B subdivision applications.

2. Purpose. The purpose of the preliminary hearing is to allow the Planning Commission the opportunity to review the concept of the proposed subdivision and to give the Planning Commission and town staff an opportunity to offer direction to the subdivider.

3. Required Application Materials. The subdivider shall submit the following materials and drawings at least thirteen (13) days prior to the first preliminary hearing, and eight (8) days prior to the second and all subsequent preliminary hearings. The Director shall have the authority to schedule the application at a subsequent hearing.

a. An application on forms provided by the Town;

b. A fee, in an amount set forth in the Town of Breckenridge fee schedule;

c. A title report issued by a title insurance company in the name of the subdivider;

d. A copy of any existing restrictive covenants applicable to the subdivision;

e. A list of all adjacent property owners, including their current mailing addresses.

f. Five (5) copies of a preliminary subdivision plan which meets the following requirements:

1) The preliminary subdivision plan shall be clearly and legibly drawn on a sheet of 18x24 inches or 24x36 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the paper, but in all cases the scale used shall be in multiples of

ten (10).

- 2) The preliminary subdivision plan shall include the following general information:
 - a) Date of preparation;
 - b) North point;
 - c) Scale of drawing;
 - d) Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision;
 - e) The approximate acreage of the tract being subdivided, and the size, use and number of all proposed lots;
 - f) Names and addresses of the subdivider, engineer, and surveyor.

- 3) The preliminary subdivision plan shall include the following site analysis information:
 - a) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, paths and utilities. This map should include a sketch of the general layout of the proposed subdivision.
 - b) The location, widths and names of both through and dead end streets within or adjacent to the proposed subdivision, together with easements, other rights-of-way and other important features such as section lines, property corners, Town boundary lines and monuments;
 - c) Contour lines related to an established benchmark or other datum approved by the Town Engineer and having contour intervals as follows:
 - i. For slopes less than ten percent (10%) - two (2) foot contours;
 - ii. For slopes ten percent (10%) or greater - five (5) foot contours.
 - d) The location and elevation of at least one temporary benchmark within the boundaries of the proposed subdivision;
 - e) The location and direction of all water courses and the location of all areas subject to the 100-year flood plain;
 - f) Natural features such as rock outcroppings, marshes, wetlands, wooded areas and isolated preservable trees;
 - g) Existing uses on the property, including the location of all existing structures;
 - h) The location of all existing or historical pedestrian and bicycle paths on site, paved or unpaved and any easements relating to these facilities;
 - i) The location of all existing utilities on site and all existing easements.
 - j) A boundary survey indicating the exterior boundary of the property, plus all existing public rights-of-way.
 - k) Ghosting in the departing lot lines of adjacent subdivisions and structures approved by the Town or County located within thirty (30)

feet of the subdivision, and the names of adjacent subdivisions.

- 1) A preliminary analysis of the site concerning any existing or potential hazardous conditions including, but not limited to, soils.
- 4) The preliminary subdivision plan shall include the following information relating to the proposed subdivision:
 - a) The location, width, name and approximate grade and radii of streets and street curves. The relationship of proposed streets to any existing or proposed streets as shown on the Town Comprehensive Plan;
 - b) The location, width and approximate grade of all proposed pedestrian and bicycle paths, and their relationship to any existing or proposed bicycle and pedestrian paths as shown on any Town planning documents;
 - c) The location, width and purpose of existing and proposed easements;
 - d) The location and approximate dimensions of lots and the proposed lot and block numbers;
 - e) Sites, if any, allocated for purposes other than single family dwellings;
 - f) The location, approximate acreage and approximate dimensions of areas proposed for public use;
 - g) An outline of the areas proposed for partial recording of a final plat, if phased recording is proposed;
 - h) A plan for domestic water supply lines and related water service facilities;
 - i) A plan for sewage disposal, storm water drainage, flood control, and water quality measure, including profiles where appropriate;
 - j) The proposed location for all other applicable utilities, including telephone, electrical service, cable, and gas.
- g. The preliminary subdivision plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:
 - 1) Adequacy and source of water supply. A statement from a licensed engineer, or representative of the public water provider is required.
 - 2) Proposed method of sanitary sewage disposal. A statement from a license engineer, or a representative of the applicable sanitary sewage disposal provider is required.
 - 3) Proposed method for disposal of storm water run off and protection of community water quality. A statement from a license engineer is required.
 - 4) A phasing plan for the installation of the public improvements.

4. Review Procedures.

- a. Within three (3) days of receipt of an application, the Director shall determine whether the application

submitted is complete and all required materials have been submitted. If the application is complete, a preliminary hearing before the Planning Commission shall be held within thirty (30) days. If the application is not complete, it shall be so noted and the subdivider advised of all deficiencies. Hearings shall not be scheduled for incomplete applications.

- b. Upon receipt of a completed application, the Director shall furnish copies of the preliminary subdivision plan and supplemental materials to the appropriate referral agencies.
- c. The Director shall review the preliminary subdivision plan and supplemental materials, and submit a report to the Planning Commission.
- d. Before the Planning Commission can review a preliminary subdivision plan at a preliminary hearing, notice shall be provided in accordance with this Chapter.
- e. All preliminary hearings shall be conducted under the Town of Breckenridge Planning Commission rules and regulations and shall be considered as advisory in nature. No decisions shall be rendered by the Planning Commission concerning the preliminary subdivision plan at a preliminary hearing.

C. Public Hearings - Final Subdivision Plan. A public hearing shall be held for each Class B subdivision application by the Planning Commission to determine compliance with the policies established within this Chapter, and other applicable Town ordinances and codes. An application for the public hearing shall not be accepted until the proposed preliminary subdivision plan has been reviewed a minimum of one (1) time by the Planning Commission and the Planning Commission believes all major issues have been addressed. In no instance shall an application for a final hearing be accepted by the Town if more than ninety (90) days have elapsed since the last preliminary hearing on the plan, in which case the applicant shall appear before the Planning Commission at another preliminary hearing before proceeding.

1. The application for a public hearing shall consist of a fee as adopted by the Town, and all materials and plans, as specified, all of which shall be submitted not less than thirteen (13) days in advance of the hearing.
2. The application shall consist of all materials as required by Section 9-2-3-2(B)3, Preliminary Hearings, regarding preliminary submittals of this Chapter, plus the following:
 - a. For subdivisions located in areas of fifteen percent (15%) or greater slope, cross sections of the proposed roadway, retaining walls and driveways.
 - b. A separate vegetation and landscaping plan, including all trees to be removed and those to be installed in accordance with the provisions of this Chapter.
 - c. A street lighting plan.
 - d. Correspondence from all applicable utility and urban service providers that they have reviewed the proposed subdivision, and that they can serve the property.

3. Review Procedures.

- a. Application. Thirteen (13) days prior to any scheduled public hearing, the subdivider shall submit an application and materials as required for Planning Commission review in Section 9-2-3-2(C)2 above.
- b. Compliance Review. Within seven (7) days after the application has been submitted, the Director shall determine whether the application submitted is complete and all required materials have been submitted. If the

application is complete, a Planning Commission public hearing shall be scheduled. If the application is not complete, it shall be so noted and the subdivider advised of the deficiencies. Hearings shall not be scheduled for incomplete applications.

- c. Referral and Review. The Director shall have the right to transmit a copy of the application to referral agencies for their review and comment, and to review the project for compliance with Town goals and policies.
 - 1) The Director may request a meeting with utility providers and other governmental agencies that may be affected by the subdivision.
 - 2) Prior to the public hearing, staff shall deliver to the subdivider and Planning Commission, and make available at the Town Hall, their written report on the proposed development, including their conclusions, recommendations and any recommended conditions to be attached for approval.
- d. Public Hearing. Not more than forty-five (45) days from the date of acceptance of the application and after public notification in compliance with Section 9-2-1-.12, the Planning Commission shall hold a public hearing on the proposed final subdivision plan.
- e. Decision. The Planning Commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The Planning Commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this Chapter and the Town Master Plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The Planning Commission may also continue the hearing for up to thirty (30) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider shall submit all additional materials to the Town a minimum of eight (8) days prior to the continued hearing.
- f. Notice and Council Call Up. The Director shall notify the Council of all Planning Commission decisions on Class B subdivision applications at the Council's next regular meeting after the decision. At that meeting, the Council may, by an affirmative vote of the members present, call up any decision of the Planning Commission for their own review under authority granted in Section 9-2-3-4. All Planning Commission decisions on Class B subdivision applications shall stand as made unless called up by the Town Council.
- g. Development Permit Issuance. Once the decision of the Town has been finalized, the Director shall transmit by regular mail, the final decision to the subdivider, and if the application is approved, shall issue a subdivision development permit with those conditions imposed by the Town. The subdivision development permit will not be valid until the subdivider has signed it, indicating his agreement with any and all conditions, and returned it to the Town.
- h. Other Permits and Requirements. After approval and prior to construction of the subdivision and sale of the lots, the subdivider shall comply with the requirements of Section 9-2-3-5 concerning the preparation and recordation of a final plat.

- A. Pre-Application Conference. A conference between the Director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the Town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this Chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision.
- B. Public Hearing. A public hearing shall be held for each Class C subdivision application by the Planning Commission to determine compliance with the policies established within this chapter, and other applicable Town ordinances and codes.
- C. Application Requirements. The subdivider shall file an application and all required fees and application materials at least thirteen (13) days in advance of the hearing. The following materials shall be submitted:
1. An application on forms provided by the Town.
 2. A fee, in an amount set forth in the Town of Breckenridge fee schedule.
 3. A preliminary copy of all proposed covenants, homeowner's association declarations, by-laws, articles of incorporation. All common elements and their uses shall be defined and identified within the covenants and declarations.
 4. Information, plans and specifications necessary to show compliance with all standards and criteria contained within this Chapter.
 5. In addition to 1, 2, 3, and 4 above, for lot line adjustments, three (3) copies of a final plan.
 - a. Drawn on a sheet of 24x36 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
 - b. That indicates the location of all existing structures and improvements.
 - c. That indicates the location of all existing utilities.
 - d. That indicates the location of all existing easements.
 - e. That indicates the proposed lot line adjustment and the dimensions of all proposed lots.
 6. In addition to 1, 2, 3, and 4 above, for condominium plats, three (3) copies of a final plan.
 - a. Drawn on a sheet of 24x36 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
 - b. A description of any limited or common general elements.
 - c. That indicates the location and description of all proposed land dedications.
 - d. That indicates the location of all proposed easements.
 - e. That indicates the location of all existing utilities.
 - f. That indicates the location of all existing structures.
 7. In addition to the requirements of Sections 1, 2, 3, 4, and 5a, b, c, and d above, for townhouse and duplex subdivisions, three (3) copies of a final plan indicating the proposed lot lines.

D. Review Procedures.

1. Compliance Review. Within seven (7) days after the application has been submitted, the Director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a Planning Commission public hearing shall be scheduled. If the application is not complete, it shall be so noted and the subdivider advised of the deficiencies. Hearings shall not be scheduled for incomplete applications.
2. Referral and Review. The Director shall have the right to transmit a copy of the application to referral agencies for their review and comment, and to review the project for compliance with Town goals and policies.
 - a) The Director may request a meeting with utility providers and other governmental agencies that may be affected by the subdivision.
 - b) Prior to the public hearing, staff shall deliver to the subdivider and Planning Commission, and make available at the Town Hall, their written report on the proposed development, including their conclusions, recommendations and any recommended conditions to be attached for approval.
3. Public Hearing. Not more than thirty (30) days from the date of acceptance and after notice, the Planning Commission shall hold a public hearing on the proposed final subdivision plan.
4. Decision. The Planning Commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The Planning Commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this Chapter and the Town Master Plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The Planning Commission may also continue the hearing for up to thirty (30) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing has been continued, the subdivider shall submit all additional materials to the Town a minimum of eight (8) days prior to the continued hearing.
5. Notice and Council Call Up. The Director shall notify the Council of all Planning Commission decisions on Class C subdivision applications at the Council's next regular meeting after the decision. At that meeting, the Council may, by an affirmative vote of the members present, call up any decision of the Planning Commission for their own review under authority granted in Section 9-2-3-4. All Planning Commission decisions on Class C subdivision applications shall stand as made unless called up by the Town Council.
6. Development Permit Issuance. Once the decision of the Town has been finalized, the Director shall transmit by regular mail, the final decision to the subdivider, and if the application is approved, shall issue a subdivision development permit with those conditions imposed by the Town. The subdivision development permit will not be valid until the subdivider has signed it, indicating his agreement with any and all conditions, and returned it to the Town.
7. Other Permits and Requirements. After approval and prior to construction of the subdivision and sale of the lots, the subdivider shall comply with the requirements of Section 9-2-3-5 concerning the preparation and recordation of a final plat.

9-2-3-4 Call Up Process. Town Council Action. If a Planning Commission decision is called up by the Town Council, the Council shall act on the application as follows:

Hearing, Notice and Decision.

- a. All subdivision applications shall be heard within thirty (30) days of the vote to call up the application at a public hearing conducted by the Council. Notice of the public hearing shall be required in the same manner as for final hearings held before the Planning Commission for the class of subdivision proposed.
- b. All hearings conducted under this section shall be conducted as de novo hearings.
- c. The Council shall have the right to approve an application as proposed, approve it with conditions, deny it, or continue the hearing for good cause.
- d. The Council shall have forty-five (45) days from the date of the call up to make a final decision on the Class C subdivision applications, and sixty (60) days from the date of the call up to make a final decision on Class A or Class B subdivision applications.

9-2-3-5 Subdivision Final Plat Approval and Recordation. Within three (3) years after approval of a Class A or Class B subdivision plan, or eighteen (18) months after the approval of a Class C subdivision plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared and recorded in conformance with the plan as approved, or it shall be deemed expired pursuant to Section 9-1-2-13, Vested Rights. If the subdivider wishes to proceed with the subdivision after the expiration of the time period following the approval of the final plan, the subdivider must resubmit the final plan and reapply for approval under the provisions of this Chapter. Subsequent to final plan approval, but prior to recordation, a final plat shall be submitted to the town planning staff which graphically and legally carries out in technical detail the requirements of the final subdivision plan as approved by the Town. The following requirements and process shall be utilized to ensure compliance with plan approval and Town codes, and to prepare the plat for recordation, with the exception that the Town Engineer may waive the requirements of this section that the Engineer determines are not required for the proper review and filing of the plat for specific Class C subdivision plans.

- A. Form and Scale. Two mylar copies of the final plat shall be submitted to the Town in a form acceptable to the Town. The scale of the final plat shall be one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the legal sized plat of 24x36 inches or 18x24 inches, but in all cases the scale used shall be in multiples of ten (10). If a scale other than 1 inch equals 100 feet is used for the final plat, an accurate drawing of the subdivision shall also be submitted for inclusion in the Town base map system at a 1 inch equals 100 feet scale.
- B. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
 1. The name of the subdivision, the date, scale, north point, legend and existing features such as highways and waterways.
 2. A written legal description of the subdivision boundaries.
 3. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Chapter.

- d. Names of adjoining subdivisions and departing lot lines.
 - e. A statement identifying the basis of bearing and the specific monuments used for determination.
4. The exact location and width of street rights-of-way and easements intercepting the boundary of the tract.
 5. Tract, block and lot boundary lines and street rights-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
 6. The names and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated.
 7. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. (If an easement is not definitely located or recorded, there shall be a written statement of the easement.) The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
 8. Locations and widths of drainage channels, rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.
 9. Numbering of lots shall be as follows:

Lot numbers beginning with the number 1 and numbered consecutively in sequence generally following the same system as sections are numbered in a township. Additions to subdivisions shall begin with number 1 and follow the same pattern as previously described.
 10. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
 11. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the Town.
 12. Such other information as the Town Engineer may reasonably require.
 13. Those certificates as shown in Appendix A.
- C. Supplemental Information with Plat. The following data shall accompany the plat:
1. A title report issued by a title insurance company in the name of the subdivider of the land, showing all parties whose consent is necessary and their interest in the premises. Such report shall have been prepared within thirty (30) days of the submission of the final plat.
 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any (closure sheet).
 - b. The computation of distances, angles and courses shown on the plat.

- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 3. A copy of any existing and proposed restrictive covenants applicable to the subdivision.
 4. A copy of any dedications requiring separate documents.
 5. For any property to be dedicated to the public, proof that all taxes and assessments on the tract have been paid.
 6. If no subdivision improvement agreement is required, a certificate by the Town Engineer that the subdivider has installed all public improvements in accordance with the requirements of this Chapter, the Breckenridge Development Code, and all Town engineering and street standards, and with the action of the Town giving conditional approval of the final plan.
 7. Final plans and specifications for all public utilities including, but not limited to water, and preliminary plans and cost estimates for all other public utilities including sewer, electrical, gas and cable television.
 8. Final street, sidewalk, pedestrian path and bicycle path construction plans in accordance with approved Town specifications.
 9. Final drainage and erosion control plans in accordance with approved Town specifications.
 10. Final grading plans in accordance with approved Town specifications.
 11. Final lighting and signage plans.
 12. A final report outlining any potential environmental hazards within the proposed subdivision and all proposed measures to mitigate their impacts.
 13. Final flood plain study or determination study, if applicable.
 14. Such other information as the Director or Town Engineer may reasonably request.
- D. Survey Requirements. A complete and accurate survey of the land to be subdivided shall be prepared by a professional surveyor in accordance with standard practices and principles of land surveying and as provided in this Chapter and state law.
1. Monuments.
 - a. All monuments shall be set according to the provisions of state law and the requirements of this Chapter.
 - b. In making the survey for the subdivision, the survey shall set all permanent monuments prior to the recording of the final plat so the survey or any part thereof may be retraced. This shall be surveyed to the Town's coordinate system.
 - c. Delaying the placement of interior "post monumentation" may be permitted by approval of the Town at the time of approval of the final plan or upon special request prior to filing the final plat subject to the following:
 - 1) The subdivider has shown that it is necessary and practical to delay the interior monumentation.
 - 2) The subdivider of the plat agrees to furnish a bond or cash deposit in an amount equal to not more than one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monuments.

- 3) The subdivider shall sign an agreement with the subdivider's surveyor and the Town Engineer indicating: a) the amount of the bond or cash deposit to be furnished at the time of submitting the final plat; b) how the surveyor is to be paid for the work of establishing the interior monuments; c) that the rules for post monumentation as provided in Colorado Revised Statutes shall be followed; d) the date when the monumentation will be completed; and e) setting out other particulars that may be necessary to insure the completion of the monumentation at a later date.
2. Utility Markers. Permanent markers shall be provided for all underground water, sewer and utility stubs within the prepared subdivision as approved by the Town Engineer.

E. Dedication Requirements.

1. All parcels of land shown on the final plat intended for public use shall be offered for dedication at the time the plat is filed.
2. All streets, bicycle paths, pedestrianways, drainage channels, detention/retention basins, utility easements and other rights-of-way shown on the final plat intended for general public use shall be offered for dedication for public use at the time the final plat is filed.
3. All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
4. The Town shall have the right to require the subdivider to provide a one (1) foot reserve strip across the end of any stubbed street which adjoins unsubdivided land or along half streets adjoining unsubdivided land. The reserve strip shall be included in the dedication granting to the Town the right to control access over the reserve strip to assure the continuation or completion of the streets.

F. Review and Action Procedures.

1. Upon receipt by the Town, the plat and other data shall be reviewed by the Director and Town Engineer to determine that the subdivision as shown is substantially the same as it appeared on the approved final plan and that there has been compliance with provisions of this Chapter, all applicable Town standards and any additional conditions imposed by the Town Planning Commission or Town Council.
2. The Town may make such checks in the field as are necessary to verify the accuracy of the plat and Town representatives may enter the property for this purpose.
3. If it is determined that the plat and all documents as submitted are not substantially the same as the approved final plan, the Director shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. If it is determined that full conformity has been made, the Director and Town Engineer shall so certify. Approval shall be indicated by the signature of the Chairman of the Planning Commission and Mayor on the plat. The approval of the plat does not constitute or effect any acceptance by the public of the dedication of any street or other easement shown on the plat.

G. Filing of Plat. A subdivider shall submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within the time limits prescribed in Section 9-2-1-13.

H. Supplying Plat to Town. A subdivider shall furnish to the Town a mylar copy of the approved and signed subdivision plat within

fourteen (14) days after the plat has been recorded with the County.

9-2-3-6 Assurance of Completion and Maintenance of Improvements.

A. Improvements and Performance Guarantees.

1. Completion of Improvements. All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required in this chapter, and to dedicate public improvements to the Town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit a Certificate of Title prior to conveying any land to the Town indicating all title restrictions.
2. Subdivision Improvements Agreement. Subsequent to final subdivision plan approval, but prior to recording a subdivision plat, the subdivider shall either install all required improvements or enter into an agreement with the Town which shall obligate the subdivider to install and construct all public improvements within and adjacent to the proposed subdivision as may be required under the provisions of this Chapter. If the subdivider chooses to enter into an agreement, it shall specify the following at a minimum:
 - a. A description of all public improvements required.
 - b. An estimate of the cost of installing all public improvements.
 - c. The timing of public improvements in relation to the development of individual sites.
 - d. A description of all private improvements required by this Chapter, conditions of approval, or other pertinent Town regulations.
 - e. A performance guarantee that the improvements will be installed in accordance with the approved plans.
3. Performance Guarantees.
 - a. If the improvements are not installed prior to filing of the plat, the subdivider shall post an acceptable form of surety or collateral prior to the time of recording the plat in an amount equal to one hundred twenty percent (120%) of the estimated costs of all remaining public improvements not already installed or paid for.
 - b. Such performance guarantee shall be satisfactory to the Town Attorney. The period within which required improvements must be completed shall be incorporated in the guarantee. Said guarantee shall remain in full force and effect until released by the Town.
4. Failure to Complete Subdivision. Where a performance guarantee has been posted and a subdivision improvements agreement signed, and all improvements required by the Town have not been installed as required by such agreement, the Town may thereupon declare the agreement to be in default and may utilize the funds available from the performance guarantee to complete the improvements within the subdivision.
5. Release or Reduction of Performance Guarantees.
 - a. The Town will not accept the required improvements, nor release a performance guarantee until the Town Engineer has indicated that all required improvements have been satisfactorily completed and until the subdivider's engineer has certified to the Town Engineer, through submission of detailed as built plans of the subdivision, that all improvements are in accordance with the approved construction plans for the subdivision and are ready for dedication to the Town.
 - b. A performance guarantee may be reduced by the Town upon

actual completion of public improvements and then only in the ratio that the public improvements completed bears to the total public improvements of the plan. In no event shall a performance guarantee be reduced below twenty percent (20%) of the principal amount until all improvements have been completed and accepted by the Town.

6. Maintenance of Improvements and Maintenance Bonds.

- a. The subdivider shall be required to maintain all public improvements in the subdivision and to provide for snow removal, street cleaning, drainage, and general maintenance on streets and sidewalks prior to acceptance by the Town. In the event the subdivider fails to comply, the Town is authorized, through the Director of Public Works, to perform the necessary work, without incurring any liability, and charge such work to the subdivider. Any such charges shall become a first and prior lien on the subdivision.
- b. The subdivider shall be required to file a maintenance bond with the Town in a form acceptable to the Town Attorney, prior to acceptance of any public improvements, in an amount equal to twenty percent (20%) of the original cost of the public improvements, in order to assure the satisfactory maintenance of the required improvements for a period of two (2) years after the date of their acceptance by the Town. Such bond shall guarantee all public improvements constructed by the subdivider shall remain free from defect for the required two (2) year period.

7. Issuance of Permits.

- a. Prior to the issuance of a building permit for any lot within the subdivision, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire and any other emergency equipment. At a minimum, the street shall be improved with a base course up to that portion of the street which provides direct access onto the lot for which a building permit is requested.
- b. Prior to the issuance of a Certificate of Occupancy for any structure, all public improvements required by the subdivision plan shall be completed. The Town may waive the requirements of this section if in the opinion of the Director and Town Engineer the issuance of a Certificate of Occupancy will not create significant adverse impacts to the community, and the improvements remaining are satisfactorily guaranteed to be completed in a timely manner.

9-2-3-7 Subdivider Reimbursement Agreements.

- A. Prior to the extension or construction of any public improvement or facility that is not entirely within the subdivision and for which the subdivider expects to receive reimbursement for part or all of the costs of the extension or construction (off site improvements), the subdivider shall enter into a public improvement extension agreement with the Town. The agreement shall contain a description of the improvement(s) to be constructed or extended, the legal description of the real property adjacent to the subdivider's improvements (adjacent properties), the names and addresses of the current owners of the adjacent properties from whom reimbursement is sought (adjacent property owners), the terms of the reimbursement to the subdivider, which terms shall not be inconsistent with this section, and an agreement by the subdivider to provide to the Town within sixty (60) days after the date of preliminary construction acceptance by the Town, its actual costs for such work.
- B. The agreement shall also include the following provisions:
 1. The term of the agreement shall be fifteen (15) years from

the date of the agreement, or until the subdivider has received reimbursement for the total reimbursement entitlement established by the agreement (plus any cost of living adjustment as hereinafter described), whichever shall first occur.

2. If at any time within the term of the agreement, a building permit is issued by the Town for the construction of improvements upon any adjacent property which results in new improvements on the adjacent property being connected to, or served by, the off site improvements constructed by the subdivider, the Town shall collect from the adjacent property owner at the time of the issuance of the building permit an amount which the Town determines in the agreement to represent the adjacent property owner's fair and equitable share of the cost of the construction or extension of the subdivider's off site improvements. The amount of such adjacent property owner's share shall be determined using a front footage basis, unless the Council determines that some other basis, or combination of bases, would result in a fairer and more equitable determination in a given case.
 3. The amount due from each adjacent property owner shall be subject to the adjustment to reflect changes in the cost of living between the date of the agreement and date of collection. At the time of collection by the Town, the amount due from each adjacent property owner shall be multiplied by the multiplier, the numerator of which shall be the published Consumer Price Index for All Items, U.S. City Average for All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, most recently released prior to the time of collection, and the denominator of which shall be the Index most recently released prior to the date of the agreement. In the event the Bureau of Labor Statistics shall change the base period (currently 1982-84 = 100) the new Index number for the month in which the agreement was executed shall be substituted for the Index originally used for the denominator as provided for above. In the event the Bureau of Labor Statistics ceases publishing the Consumer Price Index in its current form, the Town shall select a substitute index or shall determine the means for calculating any change in the cost of living between the date of the agreement and the date of collection.
- C. If the subdivider fails to comply with the terms and conditions of the agreement, the subdivider shall forfeit its right to reimbursement.
 - D. Nothing contained in the agreement or this section shall operate to create a lien or encumbrance of any kind upon the adjacent properties.
 - E. The Town shall pay over to the subdivider all sums collected from the adjacent property owners pursuant to the agreement as and when collected. In no event may the actual amounts so paid to the subdivider by the Town exceed the total reimbursement entitlement established by the agreement (plus any applicable cost of living adjustment). After the expiration of the fifteen (15) year term, the agreement shall become null, void and of no further effect.
 - F. The subdivider shall construct such oversized improvements and utilities as the Town determines necessary. If such oversized improvements are determined by the Town not to be required to serve the subdivider's development, the cost of such oversizing shall be included within the agreement, or at the option of the Town, the Town shall reimburse the subdivider for the cost of the oversized portion of such improvements or utilities.
 - G. A person extending or constructing off site utilities or other public improvements, but not actually engaged in a subdivision of property, may also be entitled to reimbursement in accordance with the provisions of this section.

SECTION 9-2-4: REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN STANDARDS

9-2-4-1 General Requirements.

- A. Conformance to Applicable Rules and Regulations. In addition to all requirements established herein, all subdivision plans shall comply with the following:
1. All applicable state or federal laws.
 2. The Town Master Plan, Land Use Guidelines, Handbook of Design Standards for the Historic District, Urban Design Plan, Street Standards, Storm Drainage Standards, Flood Damage Prevention Regulations, Water Quality and Sediment Transport Control Standards, Development Code, building code, and all applicable Town laws, codes, regulations, and development related policies.
 3. The rules of the Colorado State Highway Department if the subdivision or any lot contained therein abuts a state highway.
- B. Unanticipated Field Conditions. Where field conditions require additional construction techniques, such as the need for curtain drains to intercept a previously unknown drainage problem which will interfere with a subdivision improvement, the Town Engineer may require additional measures to be taken. Failure to take corrective action may result in not issuing any further building permits within the subdivision.
- C. Monuments and Markers.
1. Preservation of existing monuments. All United States, State, County, Town or other official benchmarks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of benchmarks, monuments, or stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.
 2. Placement of new monuments.
 - a. The external boundaries of a subdivision shall be marked in the field by concrete monuments, iron pins or drill holes as specified and required by the Town Engineer. These markings shall be placed not more than fourteen hundred (1400) feet apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes radius, and at all angle points in any line.
 - b. All such markings shall be set flush with the proposed finished grade, installed in such a manner that they will not be disturbed, and shall be Town referenced permanent concrete markers with a brass plug identifying the point.
 - c. All markings shall be properly set in the ground and certified by a Colorado registered land surveyor on the as-built drawings.
 - d. The corners of all lots shall be identified with permanent monuments of galvanized iron pipe not less than three-quarter (3/4) inch in diameter and not less than thirty-six (36) inches in length, or with iron pins as approved by the Town Engineer. In no case shall thin-wall pipe or electrical conduit be permitted.
- D. Character of Land. Land which the Town determines to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, adverse visual impacts, or other features which could be harmful to the safety, health and welfare of the inhabitants of the subdivision, its surrounding area, or

the Town in general shall not be subdivided or developed unless adequate methods acceptable to the Town are formulated to solve the problems created by the unsuitable land conditions or development. Development, including the placement of public improvements and the creation of sites for the placement of structures, shall be provided on slopes in excess of fifteen percent (15%) if no other reasonable alternatives exist and the subdivider mitigates the negative impacts created by development on these slopes.

- E. Energy Efficiency. All subdivisions shall be designed to promote energy efficiency, and site design techniques shall include, but not be limited to: 1) building orientation; 2) street and lot layout; 3) vegetation; 4) natural and man-made topographical features; and 5) protection of solar access within the development.
- F. Development Free Areas. Where the subdivision borders a man-made facility such as highway or recreational facility from which the subdivision should be protected, or a natural feature such as a wetland which should be protected from the impacts of development, the Town may require that no structure or infrastructure improvements, including a septic system in the case of a wetland or stream, be constructed within an area or in a manner that would create adverse impacts. In such cases, the Town may also require plantings, berms, screening, the retention of existing vegetation, fencing or other reasonable measures to reduce adverse impacts.

9-2-4-2 Design Compatible with Natural Features.

- A. The design of every subdivision shall be compatible with the existing topography, drainage patterns, and other natural features on the site.
- B. The design of the subdivision should, wherever possible, lower all maintenance costs both public and private through a self maintainable ecological system, to conserve materials, construction labor, construction equipment, land and environmental values; to balance construction costs, amortization costs, operating costs, maintenance costs and replacement costs, thereby minimizing total average annual costs.
- C. The design of every subdivision shall make adequate provision for the use and maintenance of open space.
- D. Every subdivision shall strive to conserve existing features which add value or are of benefit to the development or the Town as a whole, such as trees, water courses, and historic sites, and similar irreplaceable assets.
1. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the plan has been granted and the plat filed, except in those instances where approval to remove trees has been granted pursuant to the requirements of the Town's Development Code prior to filing of the plat. All trees on the plan required to be retained shall be preserved and all trees where required shall be welled and protected against change of grade.
 2. Every subdivision shall strive to preserve the existing natural landscape character of the site to the extent reasonable and feasible. The subdivider shall use best faith effort to preserve significant healthy trees. In determining which trees to preserve, consideration shall be given to preserving those which exhibit the following characteristics:
 - a. Are significant specimen trees;
 - b. Complement the project design including the enhancement of the future architecture and streetscape appearance;
 - c. Can tolerate environmental changes to be caused by development; i.e., increased sunlight, heat, wind, snow loading and alteration of water regime;
 - d. Have strong branching and rooting patterns;
 - e. Are free of disease and insect infestation;
 - f. Complement or do not conflict with stormwater practices;
 - g. Exist in natural groupings including island of trees, or

- are significant singular trees;
- h. Do not conflict with necessary utility, roadway or sidewalk patterns.

Where trees and other vegetation have been removed for the construction of the subdivision including roads, retaining walls, utilities, and other necessary improvements, the subdivider shall implement a landscaping and revegetation plan based on the standards for landscaping established in the Town's Development Code, Section 9-1-19-22.

3. In addition to the landscaping required above, the subdivider of land containing little or no tree cover as determined by the Town shall provide one (1) tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two (2) inches suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted within or immediately adjacent to the subdivision.
4. All landscaping planted in accordance with this Chapter shall be considered as a public improvement and guaranteed for two (2) years in compliance with Section 9-2-3-6(A)6.
- E. No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried in any lot or left or deposited on any lot, street, or other area within the subdivision. Removal of same from the lot shall be required prior to issuance of any certificate of occupancy for a structure on that lot. No such material shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.
- F. The design of every subdivision shall take into account the need to provide adequate fire fighting capabilities and shall strive to lessen fire danger through design and mitigation measures.

9-2-4-3 Drainage, Storm Sewers and Flood Prevention.

A. General Requirements.

1. The Town shall not approve any subdivision which does not make adequate provision for storm or flood water runoff control. The storm water management system shall be separate and independent of any sanitary sewer system and shall, wherever possible, utilize techniques designed to recharge ground water, minimize downstream flooding, and enhance the water quality of the community.
2. Drainage. Lots shall be laid out so as to provide positive drainage away from all possible building sites, individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentrations of storm drainage waters onto adjacent lots. All drainage courses shall be protected by covenants and deed restrictions preventing alteration, building upon, or obstructing of the drainageways.
3. Storm sewers, where required, shall be designed in accordance with the Breckenridge Storm Drainage Standards. A copy of design computations shall be submitted to the Town along with all plans.

B. Nature of Storm Water Facilities.

1. Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may have existed previous to or may result from the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with Breckenridge Storm Drainage Standards.
2. Accessibility to public storm sewers. If a connection to a public storm sewer will eventually be provided, as determined by the Town Engineer, the developer shall make arrangements for future storm water disposal at the time the plan receives

approval. Provision for such connection shall be incorporated in the performance bond required for the subdivision plan.

3. Accommodation of upstream drainage areas. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The Town Engineer shall determine the necessary size of the facility based on applicable construction standards and specifications assuming conditions of maximum potential watershed development permitted by Town or County regulations.
4. Effect on downstream drainage areas. The applicant shall study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated the additional runoff incidental to the development of the subdivision will over load an existing downstream drainage facility, the Town shall require the developer to take steps to minimize the impact on downstream properties.
5. Flood prone areas.
 - a. If a proposed subdivision impacts a flood prone area; 1) it shall be designed to minimize flood damage within the flood prone area; 2) all public utilities and facilities, such as sewer, gas, electric and water systems, shall be located and constructed to minimize and eliminate flood damage; and 3) adequate drainage shall be provided to reduce exposure to flood hazards.
 - b. Flood prone areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

C. Dedication of Drainage Easements.

1. General requirements. Where a subdivision is traversed by a water course or drainageway, a storm water easement or drainage right-of-way shall be required which conforms to the lines of such water course or drainageway and is adequate for retaining potential drainage flows within the easement or right-of-way. Wherever possible, drainage should be contained by an open channel with landscaped, gently sloping banks.
2. Drainage easements.
 - a. Where topography or other conditions make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be dedicated to the Town across property outside the road right-of-way and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.
 - b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights-of-way or easements must be secured and indicated on the plan at no cost to the Town. In the event the subdivider, after using best efforts to acquire the necessary easements, fails to acquire said easements and the Town obtains the easements, then subdivider shall reimburse the Town for all costs born by the Town to acquire the easements.
 - c. Where necessary for drainage or protection of water courses, the Town may require the applicant to grant drainage or conservation easements to the Town along water courses.
 - d. Low lying lands along water courses subject to flooding or overflowing during storm periods, and wetlands whether or not included in areas for dedication, shall be preserved and retained in their natural state as

drainageways.

- D. Blue River. Where a subdivision is located adjacent to the Blue River, the subdivider shall dedicate all land located within the 100-year flood plain of the river to the Town.

9-2-4-4 Utilities.

A. General. All utilities shall be installed underground and utility stubs provided from mains and laterals to all lots within the subdivision prior to the completion of the finished road surface. Utility mains and laterals should not be placed directly under street pavement when alternative locations within the proposed road right-of-way exist. Utility placement under road shoulders, snow stack easements, or independent utility corridors which can provide utility service to all individual lots while being accessible to maintenance equipment are preferred. The removal of trees outside of the road right-of-way for the installation of utilities is discouraged. Where it becomes necessary to remove trees for the installation of utility lines, the subdivider shall design the line in such a way as to minimize the tree removal, and if required to lessen the visual impact of the line, shall vary the direction of the line when necessary. No subdivision shall be approved by the Town unless adequate public facilities are provided in accordance with this Chapter.

B. Water Supply Facilities.

1. Subdivisions within the Town shall be served with a water supply system built to Town specifications as required by the Town's Water Ordinance.
2. A subdivision water distribution system shall have adequate pipe sizes, water for domestic use, and sufficient fire hydrants to provide fire protection. Should existing water facilities be inadequate, the subdivider shall provide at his expense all facilities to meet required flows. All public water lines provided for new subdivisions shall extend through the subdivision to allow for extension to adjacent properties.
3. Fire hydrants shall be located per Town and Red, White and Blue Fire District standards and shall be installed along with all utility improvements necessary for them to operate prior to the completion of the finished road surface.

C. Sanitary Sewer Facilities.

1. Public community sewage systems shall be constructed throughout the subdivision and connected to existing public sewage facilities, i.e., Breckenridge Sanitation District facilities.
2. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. The proposed location of sewer lines shall be shown on the final plan of the subdivision, and easements shall be dedicated to the Town or Breckenridge Sanitation District, as determined by the Town, and shall be not less than twenty (20) feet in width.
3. Sanitary sewer facilities design shall be in conformance with Breckenridge Sanitation District design criteria and engineering requirements. All sanitary sewage facilities shall be compatible with the long range planning for installing sewer in the entire tributary area.

D. Utilities: Telephone, Electric, Gas and Cable Television.

1. Utility distribution lines for telephone, electric, gas and cable television service shall be placed underground throughout the entire subdivided area and shall serve all lots. Installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the state of Colorado now or hereafter effective and the subdi-

vider shall be responsible for compliance with the applicable orders, rules, and regulations of the state of Colorado now or hereafter effective for any public utility whose service will be required for the subdivision with respect to the provisions of such facilities.

2. Underground telephone, electric, gas and cable television service shall be placed within easements or dedicated public rights-of-way dedicated to the Town, in a manner that will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Corner markers as required in this Chapter shall not be disturbed by the installation of utility markers.

E. As-Built Construction Drawings. As a condition for releasing construction bonding on public improvements, the developer shall submit as-built drawings of all main, primary, secondary, and service utilities installed as part of the project.

9-2-4-5 Lot Dimensions, Improvements and Configuration.

A. Political Boundaries. No lot shall be laid out so it crosses a political boundary.

B. Arrangement. The lot arrangement shall be such that there will be little difficulty in securing development permits and building permits in compliance with the Breckenridge Development Code and Building Codes and in providing driveway access to buildings on such lots from an approved street at a grade in compliance with all Town ordinances and standards.

C. Lot Dimensions and Standards.

1. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a single family or duplex master plan or planned unit development, which are exempt when the lot and project as a whole is in general compliance with the Town comprehensive planning program and have little or no adverse impacts on the neighborhood.
2. The depth and width of lots shall be adequate to provide for sufficient ingress and egress, for parking facilities as required by the proposed use, and to avoid lot depth greater than twice the width.
3. In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall not be permitted.
4. Where lots are more than double the minimum required area for the zoning district, the Town may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this Chapter.
5. The depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated.
6. Building setback reservations, non-buildable and tree preservation easements may be required to protect significant environmentally sensitive areas, significant stands of mature trees and comply with the plan required in Section 9-2-4 (D)2, sites of historical significance, recreation areas including golf courses, parks, significant views or other special areas that in the opinion of the Town are necessary

for the protection of the health, safety and welfare of the community.

7. Building envelopes may be utilized to protect views, historic resources, and natural features, but shall not be platted solely to establish general building setbacks for the subdivision.
 8. Lots abutting a water course, drainageway, channel, streams or steep slopes shall have a minimum width and depth required to provide an adequate building site and the minimum usable area for front, side and rear yards, as required in the Breckenridge Development Code.
- D. Lot Configuration. The configuration of each lot shall be laid out generally to approximate a rectangular shape.
- E. Access.
1. All lots shall abut a publicly dedicated street or alley, or have access to a publicly dedicated street through a permanent access easement adequate to serve the property with regular Town and emergency services. In cases where proposed lot design and layout results in marginal service to lots, the Town may deny the subdivision if deemed in the public interest.
 2. Lots shall not, in general, derive access from highways, arterials, or major collectors. Where driveway access from a highway, arterial or major collector is necessary because a lot or combination of lots cannot be served from an interior minor collector or local street, the Town may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets or cross property access easements for nonresidential uses to reduce traffic congestion and turning movements off of such streets. In addition, the Town may place access restrictions on lots which abut highways, arterials or major collectors. The Town may also require screening or a buffer between lots and arterials, collectors, or public spaces, including recreational areas for visual and safety purposes.
 3. Access to lots shall be discouraged across steep slopes, open space, or areas of natural hazard.
 4. Double frontage, triple frontage and reversed frontage lots should be avoided, except where necessary to provide separation of residential development from traffic thoroughfares or to overcome specific disadvantages of topography and orientation.
- F. Driveway Locations. In general, driveways shall be located so adequate sight distance is provided onto the abutting road, avoiding locations along the inside curve or below the crown of a hilltop. The center line of any driveway shall be located per the specifications adopted in the Breckenridge Street Standards.

9-2-4-6 Blocks.

- A. Design. The length, width and shape of blocks shall be determined with due regard to the following:
1. Provisions for adequate building sites suitable to the special needs of the types of uses contemplated.
 2. Needs for convenient access, circulation, control and safety of the street traffic.
- B. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block standard shall be permitted when deemed appropriate by the Town. Blocks adjacent to arterials, major collectors, water courses, or steep slopes are examples where exceptions might be appropriate.
- C. In long blocks, the Town may require the reservation of easements through the block to accommodate utilities, drainage facilities,

pedestrian or bicycle traffic. Such easements shall not be less than fifteen (15) feet wide and shall be improved by the subdivider and dedicated to the Town.

- D. Blocks designed for industrial or commercial uses shall be of such length and width as determined suitable by the Town for the proposed uses.

9-2-4-7 Pedestrian and Bicycle Circulation Systems. It is the policy of the Town of Breckenridge to require bicycle and pedestrian paths to be dedicated to the Town as a component of the Town's alternative transportation network and to provide recreational opportunities. Subdivision proposals shall include, as a component of the required public improvements, a pedestrian and bicycle path system designed to preserve existing paths, integrate with existing improvements and provide service appropriate to the character and magnitude of the proposed development.

At such time as the Town has adopted a trails master plan, the subdivider shall dedicate to the Town those portions of the trails, if any, shown thereon which traverse the property to be subdivided. The Town may accept alternative trail alignments and dedications proposed by the Subdivider which will implement the Town's overall trails plans and policies.

Land dedicated for a trail shall apply toward the subdivider's open space dedication requirements under Section 9-2-4-13A. The Town may require dedication of land for open space exceeding ten percent (10%) when such dedication is necessary to implement the Town's overall trails plans and policies, and the additional dedication does not create an undue burden on the design and development of the subdivision. Where trail dedications are made pursuant to the trails master plan which result in open space dedications greater than ten percent (10%) of the land area of the subdivision, the Town's open space dedication requirements shall be deemed to be satisfied upon making such dedications. Land area for sidewalks adjacent to streets, and land area for internal pedestrian circulation elements shall not be credited toward the ten percent (10%) open space dedication requirement.

Prior to the adoption of a trails master plan, the subdivider shall dedicate to the Town those trails necessary to implement a Town-wide trails system. In determining which trails shall be dedicated prior to the adoption of a trails master plan, the Town shall utilize the Town's existing Master Plan, Urban Design Plan, and other relevant documents.

All easements or rights-of-way for paths dedicated to the Town lying within subdivider's property shall be at least a fifteen (15) feet in width.

Where possible, a separation between vehicular trafficways and pedestrian/bicycle improvements is encouraged. Bike path and pedestrianways shall be constructed according to the standards established in the Breckenridge Street Standards for hard surface paths. Soft surface paths shall be designed to meet current industry standards.

One hundred percent (100%) of the land area required by the Town to be dedicated for trail systems outside of the proposed street rights-of-way shall be credited toward the subdivider's open space requirements, if any.

9-2-4-8 Street Lighting. Street lights shall be installed for every subdivision and shall meet the requirements of the Breckenridge Street Standards. The type of lighting fixture shall be determined by the Planning Commission and shall be a fixture compatible with the character of the neighborhood and Town as a whole. For example, Welsbach or other similar fixtures approved by the Town shall be utilized throughout the historic district and areas adjacent to it, while other areas may utilize fixtures compatible with quality mountain architecture.

9-2-4-9 Traffic Control Devices and Signs. The subdivider shall provide at his expense, and install, all traffic control devices and signs required by the Town prior to acceptance of the street by the Town. Street name signs are to be furnished and installed by subdivider at all intersections within or abutting the subdivision, the type and location of which are to be approved by the Director of Public Works.

9-2-4-10 Subdivision and Street Names. The proposed name of the subdivision or streets therein, shall not duplicate or too closely approximate the names of other streets or subdivisions in the Town or upper Blue Valley. The Town shall have final authority to designate the name of the subdivision and streets therein.

9-2-4-11 Existing and Proposed Streets.

A. General.

1. All streets shall be laid out in conformance with the Breckenridge Master Plan. Where such is not shown on the Master Plan, the arrangement of streets within a subdivision shall either:
 - a. Provide for the continuation or projection of existing arterials or major collector streets in adjacent areas.
 - b. Conform to a plan for the area or neighborhood recommended by the Town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
2. Access to Accepted Streets.
 - a. All subdivisions shall have frontage on and vehicular access from an existing dedicated street or highway.
 - b. Such street or highway shall be suitably improved so as to provide for safe circulation and shall be capable of accommodating the increased traffic generated by the subdivision.
 - c. When land fronting on an existing street or an unaccepted street is proposed for subdivision and the street does not meet the construction standards and right-of-way width required by Town standards, the Town may require dedication of additional right-of-way and construction of improvements by the subdivider.
3. Topography and Arrangement.
 - a. Streets that are appropriately related to the general topography of the land are encouraged. Steep grades and sharp curves shall be avoided. Specific standards which shall be followed are contained in the Breckenridge Street Standards.
 - b. All streets shall be properly related to specific traffic generators, such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.
 - c. Minor collectors and local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
 - d. The gridiron street pattern need not be adhered to, and the use of curvilinear streets and loop streets is encouraged where such use will result in a more desirable layout. In general, dead end streets are discouraged because of problems with snow plowing and the provision of emergency services.

- e. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Town, such extension is not necessary or desirable for the coordination of the layout of the subdivision's streets with existing or proposed streets.
- f. Where the Town determines the street pattern for a proposed development should connect to an existing, proposed or previously laid out street or right-of-way, the Town may require the extension and construction of the street or right-of-way by the subdivider to assure a safe, efficient circulation system.
- g. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, and the provision of alleys, walks, parking areas and truck loading and maneuvering areas, and so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Location of Roads and Dead End Roads.

- a. Arrangement of roads. The arrangement of streets shall provide for the continuation of existing or proposed streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and/or where such continuation is compatible with the Breckenridge Comprehensive Plan.
- b. Temporary dead end roads. A temporary cul-de-sac or hammerhead turn around meeting Town standards shall be provided on all temporary dead end streets, with the notation on the subdivision plan that land outside the normal street right-of-way shall revert to the abutting property wherever the permanent street is constructed. The Town may limit the length of temporary dead end streets in the interest of public health, safety and general welfare, and shall discourage temporary dead end streets in excess of six hundred (600) feet.
- c. Permanent dead end roads.
 - 1) Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Town for access to adjoining property, the Town may require the reservation of appropriate easements to adjacent property to accommodate drainage facilities, snow stacking areas, pedestrian or bicycle traffic, or utilities.
 - 2) Where cul-de-sac or dead end roads are allowed, the design and length of the street shall be in compliance with the Breckenridge Street Standards.

5. Bridges, Crossings, Culverts and Other Public Improvements. All bridges, crossings, culverts and other public improvements of primary benefit to the subdivider, as determined by the Town, shall be constructed at the expense of the applicant.

B. Classification and Design. All streets shall be designed and constructed by the subdivider at no cost to the Town in accordance with the classifications and design standards in the Breckenridge Street Standards.

C. Street Dedications and Reservations.

- 1. Reservations. The Town may require the reservation of the full right-of-way for any existing or proposed street and may require the construction of all or part of the facilities within the right-of-way required for the appropriate classification.

2. Widening and realignment of existing streets. Where a subdivision borders an existing street or when the Master Plan indicates or the Town determines a need for realignment or widening of a street that would require use of some of the land in the subdivision, the subdivider may be required to improve and dedicate at his expense such areas for widening or realignment of such streets. Such frontage streets and other streets shall be improved in accordance with Town Street Standards and dedicated by the subdivider at his own expense to the full width as required by this Chapter, provided that if the subdivider owns land on only one side of said street, he need only realign that side and only improve one half ($\frac{1}{2}$) of the necessary width, including all bridges, crossings and culverts required by the Town.
3. Perimeter streets. No new perimeter half streets shall be permitted in new subdivisions.

9-2-4-12 Nonresidential Subdivisions.

- A. General. A nonresidential subdivision shall be subject to all the requirements of this Chapter.
- B. Standards. The subdivider shall demonstrate to the satisfaction of the Town that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.
 1. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon and special requirements may be imposed by the Town with respect to street, curb, gutter and sidewalk design and construction.
 2. Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer and storm water drainage.
 3. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent, existing or potential residential areas.

9-2-4-13 Dedication of Park Lands, Open Space and Recreational Sites or the Payment of Fees in Lieu Thereof. All subdividers, including subdividers of structures, shall provide land for open space purposes, or cash contributions in lieu of land, or a combination of both, at the option of the Town, to serve the needs specifically and uniquely attributable to the subdivision. Where a structure is subdivided within any subdivision which has previously dedicated open space land in compliance with this Chapter, it shall not be required to provide additional open space land. This land dedication or cash or combination thereof shall be provided in accordance with the following criteria and formula.

- A. Criteria for Park, Open Space and Recreational Land Dedications.
 1. Land dedication requirements. All subdividers shall be required to dedicate to the Town ten percent (10%) of the land area of the proposed subdivision for use by the Town for parks, open space, or other similar recreational purposes, or to provide cash in lieu of the dedication in an amount equal to ten percent (10%) of the value of the land prior to subdivision.
 2. Location. The location and configuration of the site or sites to be dedicated shall be determined by the Town in consultation with the subdivider and town staff which shall take into account the Master Plan of the Town, the suitability of the site for park, open space, or recreational purposes, its relationship to population concentrations, and its proximity to other park or recreational lands, including existing and proposed parks adjacent to the Blue River. The Town may require that the area be located at a suitable place, such as on the edge of the subdivision so additional

land may be added at such time as the adjacent land is subdivided. Land so reserved shall be of a character and location suitable for public purposes, and if consistent with the needs of the Town in that particular area, and if proposed for a playground or other similar recreational purposes shall be relatively level and dry.

3. Minimum size. The minimum size of any land to be dedicated for park, open space and recreational purposes generally shall be not less than ten thousand (10,000) square feet, one dimension of which should not be less than one hundred (100) feet, except that the Town may approve dedications of a smaller size, when required by the specific plans of the development and when the usefulness of the smaller area for park or recreational purposes is demonstrated.
4. Use of detention areas for required dedications. Detention areas for storm water control shall not qualify as land for park, open space and recreational purposes, unless the use of the property for active recreational purposes is clearly demonstrated.

B. Criteria for Requiring a Contribution in Lieu of Park, Open Space or Recreational Sites. Where the development is small and the resulting land dedication is below the suggested minimum requirement or when the available land is inappropriate for park, open space or recreational purposes, as determined by the Town, the subdivider shall pay a cash fee to the Town in lieu of the land dedication required.

1. Cash contribution in lieu of park, open space and recreational land dedications. A cash contribution equal to ten percent (10%) of the value of the land shall be provided in lieu of park, open space and recreational land dedications and shall be held by the Town solely for the acquisition and improvement of park, open space and recreational land within the community. Because of the small size of the community, the provision of a park, open space, or other recreational land anywhere within the Town master plan boundary shall be deemed to meet the needs of the proposed subdivision.
2. Refund of cash contribution. If any portion of a cash contribution in lieu of park, open space, and recreational land dedications is not expended by the Town for the purposes set forth herein seven (7) years from the date of receipt, it shall be refunded to the subdivider who made such contribution, along with any accrued interest earned on such funds.
3. Fair market value. The cash contribution in lieu of a land dedication shall be based on the fair market value of the undeveloped land that otherwise would have been dedicated as a park, open space or recreational site. The fee shall be based on the value of the land as determined by utilizing the most recent Summit County Assessor's "actual value."

In the event of any objection to the fair market value, including an objection by the Town, the objecting party shall submit an appraisal showing the fair market value of said undeveloped land. The final determination of the fair market value of said undeveloped land shall be made by the Town based upon such information submitted by the objecting party, along with any responses thereto by the subdivider or Town staff.

4. Criteria for requiring dedication and a fee. A combination of land dedication and a cash contribution in lieu of land shall be required when:
 - a. The subdivision or development does not have sufficient or adequate land to meet the dedication requirements hereunder. That portion of the land within the subdivision or development which is adequate or sufficient for the park, open space or recreation area shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

- b. A major part of a park, open space, or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.
- C. Combining with Adjoining Developments. Park, open space or recreational land dedications may be combined with dedications from adjoining subdivisions and developments in order to produce usable recreational areas without hardship on a particular developer.
- D. Topography and Grading. The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites for park and recreational uses shall not differ greatly from surrounding natural or man-made features.
- E. Dedication at Time of Approval of Final Plat. All dedications or fees in lieu of shall be made prior to or concurrent with filing and recording of the final plat.

Appendix A

Plat Certificates

The following certificates and notices shall be shown on the face of the Final Plat. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission.

Owner's Certificate.

KNOW ALL MEN BY THESE PRESENTS:

That _____, a Colorado Corporation, being the owner of _____, located in Section _____, Township Range _____ West of the Sixth Principal Meridian, Town of Breckenridge, County of Summit, State of Colorado, more particularly described as follows:

(Legal Description)

Have laid out, subdivided and platted the same into lots, tracts, streets, and easements as shown hereon under the name and style of _____ and by these presents, do hereby set apart and dedicate to the perpetual use of the public all of the streets, alleys and other public ways and places as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. (and/or other purposes)

IN WITNESS WHEREOF, _____ and _____ have caused their names to be hereunto subscribed this _____ day of _____, A.D., _____.

ATTEST: _____
Secretary

(Corporate Seal) _____
President

Breckenridge Planning Commission Certificate.

Approved this _____ day of _____, A.D., _____, Town Planning Commission, Breckenridge, Colorado.

Chairman

Breckenridge Town Council Certificate.

Approved this _____ day of _____, A.D., _____, Town Council, Breckenridge, Colorado. This approval does not guarantee that the size of soil or flooding conditions of any lot shown hereon are such that a building permit may be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Breckenridge.

ATTEST: _____
Town Clerk

Mayor

Notice.

Public notice is hereby given that acceptance of this platted subdivision by the Town of Breckenridge does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said Town.

Until such roads and rights-of-way meet Town road specifications and

are specifically accepted by the Town, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within this subdivision.

Clerk's Certificate.

State of Colorado)
) ss.
Town of Breckenridge)

I hereby certify that this instrument was filed in my office at _____ o'clock, _____, A.D., _____, and is duly recorded.

Town Clerk

Acknowledgement.

State of Colorado)
County of Summit) ss.
Town of Breckenridge)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., _____, by _____ as President and _____ as Secretary of _____, a Colorado corporation.

Witness my hand and official seal.

Notary Public
My commission expires: _____

Surveyor's Certificate.

I, _____, being a registered land surveyor in the State of Colorado, do hereby certify that this Plat of _____ was prepared by me and under my supervision from a survey made by me and under by supervision, that both this Plat and the survey are true and accurate to the best of my knowledge and belief, and that the monuments were placed pursuant to CRS 136-24.

Dated this _____ day of _____, A.D., _____.

Name

Engineer's Certificate.

All road and drainage improvements are to be constructed according to road and drainage plans that have been approved for construction by the Breckenridge Town Engineer.

Name

Title Company Certificate.

_____ does hereby certify that we have examined the title to all lands shown hereon and all lands herein dedicated by virtue of this Plat and title to all such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

Dated this _____ day of _____, A.D., _____.

Agent

Clerk and Recorder's Certificate.

State of Colorado)
) ss.
County of Summit

I hereby certify that this instrument was filed in my office at _____, this _____ day of _____, A.D., _____, and filed under reception no. _____.

Summit County Clerk and Recorder

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 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, improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.


Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Sections 31-23-213, 31-23-214 and 29-20-104, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 5. 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 8th day of September, 1992. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22nd day of September, 1992, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, Town Clerk

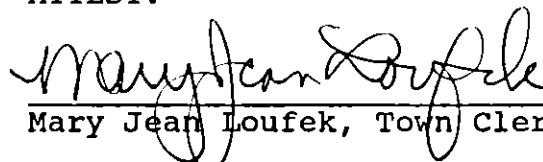

Stephen C. West, Mayor

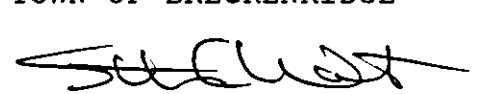
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE, WITH AMENDMENTS, this 22nd day of September, 1992.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM

 9/22/92
Town Attorney Date

This Ordinance was published by title, with amendments, in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on October 1, 1992.