

Series 1993

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF
THE BRECKENRIDGE TOWN CODE, KNOWN AS THE
"BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING
PROVISIONS CONCERNING THE TRANSFER OF DENSITY

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

Section 1. There are hereby added to the list of definitions set forth in Section 9-1-5 of the Breckenridge Town Code the following additional definitions:

SENDING PARCEL THE LOT OR PARCEL OF REAL PROPERTY FROM WHICH DENSITY IS TRANSFERRED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9-1-17-12.

RETURNING PARCEL THE LOT OR PARCEL OF REAL PROPERTY TO WHICH DENSITY IS TRANSFERRED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9-1-17-12.

Section 2. There is hereby added to the Breckenridge Town Code a new Section 9-1-17-12, to be entitled "Transfer of Density", which shall read in its entirety as follows:

9-1-17-12: Transfer of Density.

A. Compliance with Section Mandatory: Density may be transferred only in accordance with the provisions of this section. Any attempt to transfer density except in compliance with the provisions of this section shall be null, void and of no effect whatsoever. The Town shall not recognize any density transfer except pursuant to this section.

B. Development Permit Required: Any person desiring to transfer density from one lot or parcel of real property within the Town to another such lot or parcel must obtain a Development Permit authorizing and approving such transfer

C. Application: An application for a development permit to transfer density shall be classified and processed as a class B application, unless the director determines that such application shall be classified as a class a application. An application shall be made on forms provided by the director and, notwithstanding the requirements of section 9-1-18-2 of this code, such application shall include the following information:

1. The legal description of the proposed receiving parcel.
2. The legal description of the proposed sending parcel.
3. The amount of density which exists on the proposed receiving parcel at the time of the submission of the application.
4. The amount of density which exists on the proposed sending parcel at the time of the submission of the application.
5. The amount of density proposed to be transferred from the sending parcel to the receiving parcel.
6. An explanation of how the transferred density will be used on the proposed receiving parcel.
7. Such other information as may be requested by the director concerning the proposed transfer.

D. Joint application required: An application for a development permit to transfer density shall be submitted jointly by the owners of the sending and receiving parcels.

E. Approval Criteria: In determining whether to approve or deny an application to transfer density, the planning commission shall adhere to the following guidelines:

1. No density shall be transferred from a lot or parcel which is not subject to a maximum density limitation.

2. No density shall be transferred if the increase in density of the receiving parcel: (i) will conflict with the applicable design standards described in chapter 5 of this title; (ii) will result in incompatible density with the land areas surrounding the receiving parcel; or (iii) will exceed the carrying capacity of the receiving parcel, or the public infrastructure serving the land area surrounding such parcel.

F. Density Transfer Covenant: If an application to transfer density is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: (i) the amount of density transferred; (ii) the total amount of density remaining on the sending parcel; (iii) the new total amount of density on the receiving parcel; and (iv) an acknowledgement by the owner of the receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with a separate development permit obtained in accordance with the requirements of this chapter. The applicant shall reimburse the Town for its reasonable attorney's fees incurred in connection with the preparation of the covenant. The covenant shall be recorded with the Clerk and Recorder of Summit County, and shall conclusively establish the amount of density on both the sending and receiving parcels as of the date of such covenant.

G. Master Planned Areas: Density may be transferred to or from a development which has an approved and current master plan.

H. Adjustment of Town Records: Upon the execution of the density transfer covenant described above, the owners of both the sending and receiving parcels shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density for both parcels.

Section 3. 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 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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 12th day of October, 1993. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of October, 1993 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, CMC, Town Clerk


Stephen C. West, Mayor

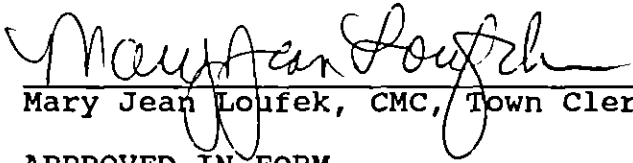
This Ordinance was published in full in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on October 19, 1993.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 26th day of October, 1993.

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


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

10/26/93
Date

This Ordinance was published by title in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on November 4, 1993.