

ORDINANCE NO. 6

Series 1993

AN ORDINANCE AMENDING CHAPTER 2 OF THE BRECKENRIDGE TOWN CODE,
KNOWN AS THE BRECKENRIDGE SUBDIVISION STANDARDS

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

Section 1. Paragraph A of Section 9-2-1-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. Preliminary Hearings--Class A and B Subdivision Applications. Notice of preliminary hearings 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 eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing.
- c. Notice shall be mailed by first-class mail to all property owners whose property lies within 300 feet of the subject property, not less than eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing.

Section 2. Subparagraph B(2) of Section 9-2-1-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing.
- c. Notice shall be mailed by first-class mail to all property owners whose property lies within 300 feet of the subject property, not less than eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing.

Section 3. Paragraph E of Section 9-2-1-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 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.

Section 4. Paragraph A of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- 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, to 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. An applicant shall provide for review at the Pre-Application Conference a scale drawing indicating proposed lot and block configurations; on and off-site circulation; and other information pertinent to the issues under consideration.

Section 5. There is hereby added to Section 9-2-3-1 of the Breckenridge Town Code a new Paragraph, to be denominated as Paragraph "B" and entitled "Work Sessions", which shall read in its entirety as follows: B. Work Sessions. The need for a work session with the Planning Commission shall be determined by the Director following the Pre-Application Conference. In the event that a work session is held, the applicant shall provide for review at that meeting a scale drawing indicating the proposed lot and block configurations; on and off-site circulation; a topographical map of the property; and other information pertinent to the issues under consideration.

Section 6. That Paragraph of Section 9-2-3-1 of the Breckenridge Town Code, entitled "Preliminary Hearings", is hereby RELETTERED as Paragraph C of said Section 9-2-3-1. Further references in this Ordinance to "Paragraph C" of said Section 9-2-3-1 are to such Paragraph as RELETTERED.

Section 7. The introductory paragraph of Subparagraph (C)(1) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. General. All Class A 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:

Section 8. Subparagraph (C)(1)(c) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- c. To attend subsequent preliminary hearings for all Class A subdivision applications.

Section 9. The introductory paragraph of Subparagraph (C)(3) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- 3. Required Application Materials. The subdivider shall submit the following materials and drawings not later than 9:00 A.M. on the twenty-second (22) day prior the preliminary hearing. The Director shall have the authority to schedule the application at a subsequent hearing if, in his discretion, revisions to the application materials are necessary.

Section 10. Subparagraph (C)(3)(d) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- d. A fee, in the amount of \$115.00, plus \$5.00 per lot;

Section 11. Subparagraph (C)(3)(e) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- e. A list of all property owners whose property lies within 300 feet of the subject property, including their current mailing addresses.

Section 12. Subparagraph (C)(4)(a) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- a. Within seven (7) 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.

Section 13. That Paragraph of Section 9-2-3-1 of the Breckenridge Town Code, entitled "Public Hearings", is hereby RELETTERED as Paragraph D of said Section 9-2-3-1. Further references in this Ordinance to "Paragraph D" of said Section 9-2-3-1 are to such Paragraph as RELETTERED.

Section 14. The introductory paragraph of Paragraph (D) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- D. Public Hearings--Final Subdivision Plan. A public hearing shall be held for each Class A subdivision by the Planning Commission to determine compliance with the policies established within this Chapter, and other applicable Town ordinances, regulations and codes. An application for the public hearing shall not be accepted until the proposed preliminary subdivision plan has been reviewed 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.

Section 15. Subparagraph (D)(1) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. General. The application for a public hearing shall consist of all materials and plans, as specified, all of which shall be submitted not later than 9:00 A.M. on the twenty-second (22) day prior to the public hearing.

Section 16. The introductory paragraph of Subparagraph (D)(2) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety:

2. Required Application Materials. The application shall consist of all materials required in Section 9-2-3-1 (C)(3), Preliminary Hearings, plus the following:

Section 17. Subparagraph (D)(3)(a) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- a. Application. Not later than twenty-two (22) days prior to any scheduled public hearing the subdivider shall submit an application and all materials required for Planning Commission review as provided in Section 9-2-3-1(D)(2), above.

Section 18. Subparagraph (D)(3)(e) of Section 9-2-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- 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 in accordance with a schedule established by the Director.

Section 19. Paragraph A of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- 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. An applicant shall provide for review at the Pre-Application Conference a scale drawing indicating proposed lot and block configurations; on and off-site circulation; and other information pertinent to the issues under consideration.

Section 20. There is hereby added to Section 9-2-3-2 of the Breckenridge Town Code a new Paragraph, to be denominated as Paragraph "B" and entitled "Work Sessions", which shall read in its entirety as follows:

B. Work Sessions. The need for a work session with the Planning Commission shall be determined by the Director following the Pre-Application Conference. In the event that a work session is held, the applicant shall provide for review at that meeting a scale drawing indicating the proposed lot and block configurations; on and off-site circulation; a topographical map of the property; and other information pertinent to the issues under consideration.

Section 21. That Paragraph of Section 9-2-3-2 of the Breckenridge Town Code, entitled "Preliminary Hearings", is hereby RELETTERED as Paragraph C of said Section 9-2-3-2. Further references in this Ordinance to "Paragraph C" of said Section 9-2-3-2 are to such Paragraph as RELETTERED.

Section 22. The introductory paragraph of Subparagraph (C)(3) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

3. Required Application Materials. The subdivider shall submit the following materials and drawings not later than the twenty-second (22) day prior to the Planning Commission hearing. The Director shall have the authority to schedule the application at a subsequent hearing.

Section 23. Subparagraph (C)(3)(b) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

b. A fee, in the amount of \$60.00, plus \$5.00 per lot;

Section 24. Subparagraph (C)(3)(e) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

e. A list of all property owners whose property lies within 300 feet of the subject property, including their current mailing addresses.

Section 25. Subparagraph (C)(4)(a) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

a. Within seven (7) 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.

Section 26. That Paragraph of Section 9-2-3-2 of the Breckenridge Town Code, entitled "Public Hearings--Final Subdivision Plan", is hereby RELETTERED as Paragraph D of said Section 9-2-3-2. Further references in this Ordinance to "Paragraph D" of said Section 9-2-3-2 are to such Paragraph as RELETTERED.

Section 27. Subparagraph (D)(1) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. General. The application for a public hearing shall consist of all materials and plans, as specified, all of which shall be submitted not later than 9:00 A.M. on the twenty-second (22) day prior to the public hearing.

Section 28. The introductory paragraph of Section (D)(2) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. Required Application Materials. The application shall consist of all materials as required by Section 9-2-3- 2(C)(3), above, plus the following:

Section 29. Subparagraph (D)(3)(a) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- a. Application. The subdivider shall submit an application and materials as required for Planning Commission review in Section 9-2-3-2(D)(2), above, no later than 9:00 A.M. on the twenty-second (22) day prior to the public hearing.

Section 30. Subparagraph (D)(3)(e) of Section 9-2-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- 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 in accordance with a schedule established by the Director.

Section 31. The introductory paragraph of Subparagraph (C) of Section 9-2-3-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- C. Application Requirements. The subdivider shall file an application and all required fees and application materials not later than 9:00 A.M. on the twenty-second (22) day prior to the public hearing. The following materials shall be submitted:

Section 32. Subparagraph (C)(2) of Section 9-2-3-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. A fee, in the amount of \$50.00.

Section 33. Subparagraph (D)(4) of Section 9-2-3-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 in accordance with a schedule established by the Director.

Section 34. 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 35. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

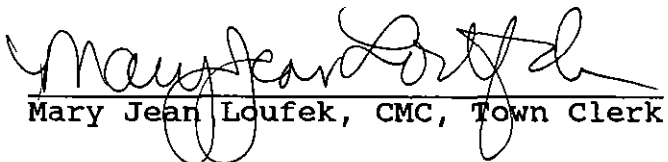
Section 36. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 31-23-214, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 37. This Ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Code, and shall become effective on April 12, 1993.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 23rd day of February, 1993. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of March, 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

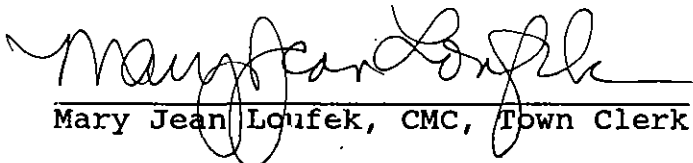
This Ordinance was published in full in the Summit Sentinel, a newspaper of general circulation within the Town of Breckenridge, on March 5, 1993.

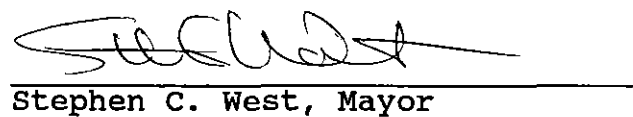
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE with amendments this 23rd day of March, 1993.

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

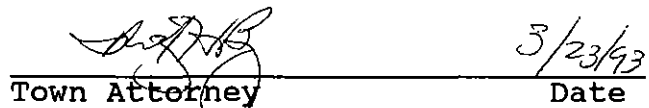
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

3/23/93
Date

This Ordinance was published by title in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on April 1, 1993.

