

Series 1993

AN ORDINANCE AMENDING CHAPTER 1 OF  
TITLE 9 OF THE BRECKENRIDGE TOWN  
CODE, KNOWN AS THE BRECKENRIDGE DEVELOPMENT CODE

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

Section 1. The first paragraph of the "Introduction" to Chapter 1 of Title 9 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

The Town of Breckenridge adopted this "Development Code" ("Code") in 1978. The Code is a combination of traditional zoning and performance zoning. Unlike traditional zoning, it reviews a proposed project against its potential impacts, rather than against a strict set of standards and criteria, considering not only the proposed project's physical impacts, but also its social, aesthetic and historic impacts as well.

Section 2. The eighth paragraph of the "Introduction" to Chapter 1 of Title 9 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

Class A and B applications require a pre-application meeting with staff; review by a development committee, which includes representatives of public and private agencies, such as the utility companies; a preliminary review by the Planning Commission; and a final hearing before the Planning Commission. Approval takes a minimum of seven (7) weeks depending upon the project's complexity.

Section 3. The definition of "Class A Development" contained in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the DELETION of the following provision:

Any item not regulated by a Class C or Class B permit, except the Director may classify any development not listed in whatever classification he deems appropriate.

Section 4. The definition of "Class D Development" contained in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of the following additional provision:

Any development proposal not included in the lists above for Class A, B, C or D Development may be classified as the Director deems appropriate based upon the nature, size and location of the proposed development; the apparent impacts of the proposed development; and other relevant factors.

Section 5. The definition of "Minor Remodel" set forth below the definition of "Class D Development" in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

\* Minor- Additional residential square footage of ten percent (10%) or less of the existing structure's square footage and no change of character to the exterior of the structure.

Section 6. The definition of "Master Plan" contained in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

\* Master Plan - A land use and development plan for an individual parcel or multiple parcels of land which indicates the type of uses being proposed, the general character of the proposed development, the general configuration of roads, easements, and utilities, and other factors necessary to determine the general conformance of the proposal with Town development

policies. No building permits will be issued until a final development plan or subdivision is approved for the parcel or parcels of land. The development of all property covered by the Master Plan shall be in compliance with the terms of the Master Plan.

Section 7. Paragraph A of Section 9-1-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- A. It shall be the duty of the Director to administer and enforce the provisions of this Chapter. Notwithstanding any provisions of this Chapter to the contrary, the Director or Planning Commission may modify or waive any of the submission 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 development proposal in question.

Section 8. The title of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows: "Notice of Planning Commission Meetings."

Section 9. Subparagraph (A)(2)(b) of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- b. The notice shall be posted on the property not less than eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing. All public street frontages shall be posted with at least one notice of public hearing.

Section 10. Subparagraph (A)(2)(c) of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- c. Notice shall be mailed by the Town 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 for all Class A and B development permit applications.

Section 11. Subparagraph (B)(2)(b) of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- b. The notice shall be posted on the property not less than eleven (11) days, nor more than eighteen (18) days, prior to the Planning Commission hearing. All public street frontages shall be posted with at least one notice of public hearing.

Section 12. Subparagraph (B)(2)(c) of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- c. Notice shall be mailed by the Town 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 for all Class A and B development permit applications.

Section 13. Paragraph D of Section 9-1-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- D. General Notice Procedures.
  - 1. Notice shall not be required prior to the review of any Class C or Class D application, nor for a preliminary hearing for a Class B application outside of the Historic District.

2. Failure of a person to receive the notice described in this Section shall not impair the validity of the hearing, or any action taken on the application by the Planning Commission or Town Council following such hearing.
3. The notice provisions of this Section shall not restrict the giving of notice by other means.
4. A Planning Commission decision which is called up by the Town Council shall be noticed in the same manner as required for review by the Planning Commission for final hearings, except that notice shall also be published once in a newspaper of general circulation in the Town not less than four (4) days prior to the date of the hearing.
5. Notice to multi-unit properties that are represented by a condominium or homeowners' association or management agency may be given to the association or management agency, rather than to each individual unit owner.

Section 14. Subparagraph (C)(5) of Section 9-1-17-8 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 landowner, or the landowner's designated agent or representative, shall execute and return the development permit and a signed mylar site plan of the approved development to the Director. Failure to execute and return the development permit and the signed mylar 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 Paragraph (B) of this Section.

Section 15. Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. Pre-Application Conference.

Purpose. A conference between the Director and other staff (including any referral agencies deemed appropriate) and the applicant shall take place prior to the submission of any materials for review. The purpose of this conference is to acquaint the Town with the applicant's intentions; to acquaint the applicant with the substantive and procedural requirements of this Chapter; and to identify policies which create opportunities and pose significant constraints for the proposed development. Applicants shall provide for review at the pre-application conference a drawing to scale of: the proposed building locations; on and off-site circulation; a topographical map of the subject property; and other information pertinent to the proposed development as requested by the Director.

Section 16. There is hereby added to Section 9-1-18-1 of the Breckenridge Town Code a new Paragraph, to be denominated as Paragraph "B" and entitled "Work Session", which shall read in its entirety as follows:

B. Work Session.

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 to be held, the applicant shall provide the following for review at that meeting: a drawing to scale of the proposed building locations; on and off-site circulation; a topographical map of the subject property; a vicinity map; and other information pertinent to the proposed development as requested by the Director.

Section 17. That Paragraph of Section 9-1-18-1 of the Breckenridge Town Code, entitled "Preliminary Hearing", is hereby RELETTERED as Paragraph C of said Section 9-1-18-1. Further references in this Ordinance to "Paragraph C" of said Section 9-1-18-1 are to such Paragraph as RELETTERED.

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

1. All Class A applications shall be required to be submitted to the Planning Commission for review at a minimum of one preliminary hearing. In addition, the applicant may be requested:
  - a. To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed project are of such magnitude as to require review by the referral agencies at this stage of the review process.
  - b. To schedule an on-site inspection with members of the Planning Commission and staff some time after the preliminary hearing. Color and texture samples of proposed building materials of a size and quantity as requested by the Director shall be provided for this site visit and building corners shall be marked.

Section 19. Subparagraph (C)(2) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. Purpose of Preliminary Hearing; Submission Requirements For Preliminary Hearing.
  - a. Purpose. The purpose of the preliminary hearing is to acquaint the Planning Commission with the applicant's intentions, and the general scope of the project. The preliminary hearing should be utilized to discuss the general concept of the project and to determine if the proposed use, density, mass, scale, general site layout, and the relationship of the project within the neighborhood, are consistent with Town policies.
  - b. Submission requirements. The applicant shall supply the number of sets as noted of the following drawings and materials not later than 9:00 A.M. on the twenty-second (22) day preceding the scheduled Planning Commission hearing. Within seven (7) days after the application has been submitted the Director shall determine whether the application is complete and all required materials have been submitted. If the application is complete, it shall be "accepted" and a preliminary hearing scheduled. If the application is not complete, it shall be so noted, the applicant advised of the deficiencies, and if the deficiencies are of a significant nature, the Director may determine that the application may not be scheduled for Planning Commission review until the deficiencies are corrected. The Director shall have the discretion to require additional submittal materials, including, but not limited to, more detail on each of these submission requirements.

- (1) Five (5) copies of a site plan map indicating the general site design of the application, including all existing and proposed improvements. The site plan map shall provide adequate detail to evaluate the preliminary landscaping; circulation; parking; snowstacking; location of all buildings and their entrances, uses, and height; walls; fences; loading points; refuse container locations; location of all public rights-of-way; all existing and proposed easements; drainage facilities; finished grade elevations; dimension lines where appropriate; and direction of storm-water runoff flows.

The site plan shall be drawn at a scale of 1 inch = 20 feet, or 1 inch = 10 feet for sites of 10,000 square feet or less; shall be drawn on 24" x 36" size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include tabulation in square feet of building mass and density [broken down by uses if more than one use is proposed, and accompanied by a statement of density used by this plan, and any density remaining for this site.]); a tabulation in square feet of the total sign area allowed on the site, the sign area previously used, the sign area used by this application, and the sign area remaining following the approval of this permit; the land area of site; dwelling area; common area; open space area, lot coverage, and impervious surface area to be expressed in square feet and percent of site; parking, both required and provided; the land use district; name of master plan, if applicable; the number and type of fireplaces; and the number of dwelling units and bedrooms.

The signature block shall contain a statement stating:

"Upon the issuance of a development permit by the Town of Breckenridge, this site plan shall be binding upon the applicant, and the applicant's successors and assigns, until such time as the Town has issued a final Certificate of Occupancy or a Certificate of Compliance. Prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance, this plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction location, use, occupancy and operation of all land and structures within this plan to all conditions, requirements, locations and limitations set forth herein and in the development permit for this site. Abandonment, withdrawal or amendment of this plan may be permitted only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density remaining on this site."

One colored copy of the site plan map shall be submitted by the applicant and shall be used as an exhibit for the Planning Commission preliminary hearing.

- (2) Existing topography of the site at two foot intervals to be shown on a separate map which is to include significant views; natural features and vegetation; names of adjacent subdivisions; departing lot lines of adjacent subdivisions; and footprints of adjacent existing and approved buildings. (Five (5) sets)

- (3) Floor Plans (five (5) sets)
- (4) All building elevations at a scale of  $1/4" = 1'0"$ , indicating the general architectural character of the building with heights referenced to USGS and Town of Breckenridge datum. The Director may allow for a more appropriate scale depending on the size of the building. (Five (5) sets)
- (5) Vicinity map. Within the Historic District, the scale shall be 1:16, consisting of all structures; lot lines and set back dimensions to lot lines; public rights of way, road, and water features on both sides of the street for the entire block, or within hundred (400) feet on each side of the property, whichever is greater. (Five (5) sets)
- (6) An application on a form provided by the Director, signed by the property owner of record, or an agent having power of attorney.
- (7) A fee in the amount of \$190.00, plus \$15.00 per dwelling unit for a proposed residential use; or \$190.00, plus \$0.05 per gross square foot for a proposed commercial use.
- (8) Proof of ownership of the site current within one hundred twenty (120) days of submittal.
- (9) A list of property owners whose property lies within three hundred (300) feet of the subject property and their last known address as shown on the most recent county assessor's records. (One (1) set)
- (10) A shadow projection showing the shadow cast by the proposed structure(s) between the hours of ten o'clock (10:00) A.M. and two o'clock (2:00) P.M. on the winter solstice, and the effects thereof on adjacent structures and properties. (One (1) set)
- (11) Four (4) photographic panoramic views showing the site from the perimeter of the property on ninety degrees (90°) compass intervals, or as otherwise specified by the Director. (One (1) set)
- (12) Identical panoramic views to those specified above with the addition of the building structure(s) superimposed to scale on the photographs. (One (1) set)
- (13) In the Historic District, photographs of: 1) all existing buildings on site, including elevations and detail, and 2) pictures of those adjacent properties and 3) any other properties that may be affected. (One (1) set)
- (14) Within the Historic District, a cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, site, or the Historic District in general. (One (1) set)
- (15) Within the Historic District, an architectural impact statement which describes the design intent and how the project meets the Breckenridge Design Standards. One (1) set)
- (16) Within the Historic District, a streetscape elevation for each side of the street, at a scale of 1:16, that indicates the height and width for all buildings in existence and to be constructed, with windows and door openings included. The drawing shall encompass the entire block, or an area within four hundred (400) feet on each side of the property, whichever is greater. (Five (5) sets)

Section 20. That Paragraph of Section 9-1-18-1 of the Breckenridge Town Code, entitled "Final Application", is hereby RELETTERED as Paragraph D of said Section 9-1-18-1. Further references in this Ordinance to "Paragraph D" of said Section 9-1-18-1 are to such Paragraph as RELETTERED.

Section 21. Paragraph D of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. Final Application: A final hearing shall be held for each Class A project by the Planning Commission to determine compliance with the policies established within this Chapter, and other applicable Town ordinances and Codes. A final application shall not be requested until the project has been reviewed as a preliminary application before the Planning Commission, and has been authorized by the Commission to proceed to final hearing. In no instance shall a final application be accepted by the Town if more than ninety (90) days have elapsed since the preliminary hearing, in which case the applicant shall appear before the Planning Commission at a another preliminary hearing before proceeding.

1. A final application shall consist of the following materials and plans, all of which shall be submitted no later than 9:00 A.M. on the twenty-second (22) day preceding the Planning Commission meeting.

a. An application signed by the property owner of record, or an agent having power of attorney, and an evidentiary package on forms provided by the Town. Any variances applied for shall be on the policy evidentiary package and included in the application.

b. The number of sets as noted of the following drawings and materials.

For Planning Commission Review:

(1) Five (5) copies a site plan map shall depict the following details of the site information required for preliminary applications, revised in accordance with the input received from the Town's review of the preliminary application: all existing and proposed improvements; on and off-site circulation; parking; snowstacking; location of all buildings and their entrances, uses, and height; walls; fences; loading points; location of all public rights-of-way; all existing and proposed easements; drainage facilities; finished grade elevations; dimension lines where appropriate; and direction of storm-water runoff flows. In addition, the final site plan shall include the following: dimensions of building setbacks; dimensions of all public rights-of-way; types of surfacing; finished floor elevations for all proposed structures; lighting plan; sign locations and design (including lighting, materials and color); location of existing and proposed utilities (including sewer, water, drainage, telephone, power, gas and cable television, and refuse container location); and names of adjacent subdivisions depicting their departing lot lines from the boundary of the subject property.

The site plan shall be drawn at a scale of 1 inch = 20 feet, or 1 inch = 10 feet for sites of 10,000 square feet or less; shall be drawn on 24" x 36" size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include tabulation in square feet of

building mass and density [broken down by uses if more than one use is proposed, and accompanied by a statement of density used by this plan, and any density remaining for this site.]; a tabulation in square feet of the total sign area allowed on the site, the sign area previously used, the sign area used by this application, and the sign area remaining following the approval of this permit; the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area, and impervious surface area to be expressed in square feet and percent of site; snow stack area; parking, both required and provided; the land use district; name of master plan, if applicable; the number and type of fire places, and the number of dwelling units and bedrooms.

The signature block shall contain a statement stating:

"Upon the issuance of a development permit by the Town of Breckenridge, this site plan shall be binding upon the applicant, and the applicant's successors and assigns, until such time as the Town has issued a final Certificate of Occupancy or a Certificate of Compliance. Prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance, this plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction location, use, occupancy and operation of all land and structures within this plan to all conditions, requirements, locations and limitations set forth herein and in the development permit for this site. Abandonment, withdrawal or amendment of this plan may be permitted only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density remaining on this site."

SIGNED MYLAR (One (1) set). Prior to issuance of the development permit, the applicant shall submit a mylar copy of the final site plan as approved by the Planning Commission at the final hearing. The mylar shall reflect any changes required by the Planning Commission at the final hearing. The name of the architect shall appear on the signed mylar. The mylar shall be signed by the property owner of record, or an agent having the power of attorney.

- (2) Four (4) sets of elevations of the proposed structure(s), hardline drafted to scale with the elevation referenced to USGS datum of the following features: existing ground surfaces; finished grade; top of foundation; floor elevation; roof-line; and the highest point of the structure. The elevations shall further specify the proposed building materials; exterior lighting; colors; roof top mechanical units; and scale of drawing. One (1) set of colored architectural elevation(s) from the predominant street frontage shall be submitted for exhibition at the Planning Commission hearing.
- (3) Five (5) sets of a separate landscaping plan at a scale of one inch equals twenty feet (1" = 20'), or larger, containing the following:
  - (a) Property lines.
  - (b) Dimensions.
  - (c) Structures.
  - (d) Existing natural features.
  - (e) Final grading plan with existing and proposed topography.
  - (f) Location of landscape materials to be planted.



A plant specification list must also be submitted which contains the following information:

Key to the plan.  
Botanical names.  
Common names.  
Sizes and number of the specimens.  
How transplanted (container stock, bare root, balled and burlapped, etc.).  
Estimated sizes at planting and maturity.  
Quantity of each.  
Method of irrigation.

One copy of the colored landscape plan map shall be submitted by the applicant for use as an exhibit for the Planning Commission hearing.

At the discretion of the Director, depending on the size of the site and the complexity of the site plan, the landscaping information specified in this section may be combined with the site plan.

- (4) A preliminary drainage and water quality mitigation plan, including an estimate of anticipated flows; all structures required to mitigate the anticipated impacts; and all other materials as may be required by the Town Engineer. (Five (5) sets)
- (5) Floor plans -- preferred scale 1/4" = 1'0" (needed only if changed from preliminary application). (Three (3) sets)
- (6) Typical building section(s). Two sections depicting one view each on perpendicular axes to each other (i.e., side to side and front to back) are to be provided - - Preferred scale 1/2" = 1'0" (Three (3) sets)
- (7) A scale model of the proposed development - preferred scale 1/8" = 1'0" (one model). The Director shall have the discretion to waive this requirement in situations where mass and scale issues are not significant.
- (8) Special details, stairs, fireplace, location of construction trailer and construction staging area, (if any), special and/or unusual construction techniques, materials, and design. (Three (3) sets)
- (9) Color and texture samples of all exterior materials with combinations of materials and colors shown as they will appear in the finished building. (One (1) set)
- (10) A certificate signed by a registered land surveyor attesting that the subject property corners have been established and monumented in the field. (One (1) set)

Section 22. That Paragraph of Section 9-1-18-1 of the Breckenridge Town Code, entitled "Final Hearing Procedure", is hereby RELETTERED as Paragraph E of said Section 9-1-18-1. Further references in this Ordinance to "Paragraph E" of said Section 9-1-18-1 are to such Paragraph as RELETTERED.

Section 23. Subparagraph (E)(1) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. Application. No later than 9:00 A.M. on the twenty-second (22) day preceding the Planning Commission hearing, the applicant shall submit an application and materials as required in Section 9-1-18-1(D), above.

Section 24. Subparagraph (E)(2) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. 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, it shall be "accepted" and a final hearing scheduled. If the application is not complete, it shall be so noted, the applicant advised of the deficiencies, and if the deficiencies are of a significant nature, the application may not be scheduled for Planning Commission review until the deficiencies are corrected.

Section 25. The fourth unnumbered subparagraph of Subparagraph (E)(5) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

No decisions of the Planning Commission shall be in conflict with the provisions of this Section. If the Planning Commission cannot agree upon the point analysis, the Planning Commission may vote on the point analysis prior to voting on the project. The Planning Commission may also continue the hearing for good cause, or to allow additional information and materials to be submitted that will allow for a comprehensive review. In the event a final hearing has been continued, the applicant shall submit all additional materials to the Town in accordance with the submittal schedule established by the Director.

Section 26. The chart depicting the "Class A Development Permit Process" set forth at the end of Section 9-1-18-1 of the Breckenridge Town Code is deleted in its entirety and replaced with the following chart:

	Events That A Typical Class A & B Application Would Go Through
50 M	Submit Prelim (by 9:00 AM) *
49 T	
48 W	Staff's Planning Commission Agenda Meeting
47 T	
46 F	
--	
--	
43 M	Comments To Applicant On Prelim Submittal **
42 T	
41 W	
40 T	
39 F	Notice Deadline Posting Prop And Letters To Adjacent Prop Owners For Prelim
--	
--	
36 M	Revised Prelim plans Due (9:00 AM)
35 T	
34 W	Staff Meeting To Finalize Agenda
33 T	
32 F	Staff Report For Prelim Applicant; Publication Deadline For Prelim
--	
--	
29 M	
28 T	Planning Commission Prelim Hearing
27 W	Staff Post Meeting Review
26 T	Staff Meets With Applicant
25 F	
--	
--	
22 M	Revised Final Application Due (9:00 A.M.)
21 T	
20 W	Staff's Planning Commission Agenda Meeting
19 T	
18 F	
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15 M	Comments On Final To Applicant **
14 T	
13 W	
12 T	
11 F	Notice Deadline Posting Prop And Letters To Adjacent Prop Owners For Final
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--	
8 M	Revised Final Plans Due (9:00 A.M.)
7 T	
6 W	Staff Meeting To Finalize Agenda
5 T	
4 F	Staff Report For Final Adoption Publication Deadline For Final
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1 M	
0 T	Planning Commission Final Hearing

\* All Preliminary Applications must be preceded by a Pre-Application meeting with Town Planning Staff.



Section 27. Paragraph A of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. Pre-Application Conference.

Purpose. A conference between the Director and other staff (including any referral agencies deemed appropriate) and the applicant shall take place prior to the submission of any materials for review. The purpose of this conference is to acquaint the Town with the applicant's intentions; to acquaint the applicant with the substantive and procedural requirements of this Chapter; and to identify policies which create opportunities and pose significant constraints for the proposed development. Applicants shall provide for review at the pre-application conference a drawing to scale of the proposed building locations; on and off-site circulation; a topographical map of the subject property; and other information pertinent to the proposed development as requested by the Director.

Section 28. There is hereby added to Section 9-1-18-2 of the Breckenridge Town Code a new Paragraph, to be denominated as Paragraph "B" and entitled "Work Session", which shall read in its entirety as follows:

B. Work Session.

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 to be held, the applicant shall provide the following for review at that meeting: a drawing to scale of the proposed building locations; on and off-site circulation; a topographical map of the subject property; a vicinity map; and other information pertinent to the proposed development as requested by the Director.

Section 29. That Paragraph of Section 9-1-18-2 of the Breckenridge Town Code, entitled "Preliminary Hearing", is hereby RELETTERED as Paragraph C of said Section 9-1-18-2. Further references in this Ordinance to "Paragraph C" of said Section 9-1-18-2 are to such Paragraph as RELETTERED.

Section 30. Subparagraph (C)(2) of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. Purpose. The purpose of the preliminary hearing is to acquaint the Planning Commission with the applicant's intentions and general scope of the project. The preliminary hearing should be utilized to discuss the general concept of the project and determine if the proposed uses, density, mass, scale, general site layout, and the relationship of the project within the neighborhood are consistent with Town policies.

Section 31. Subparagraph (C)(3) of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

3. Submission requirements. The applicant shall supply the number of sets as noted of the following drawings and materials not later than 9:00 A.M. on the twenty-second (22) day preceding the scheduled Planning Commission hearing. Within seven (7) days after the application has been submitted the Director shall determine whether the application is complete and all required materials have been submitted. If the application is complete, it shall be "accepted" and a preliminary hearing scheduled. If the application is not complete, it shall be so noted, the applicant advised of the deficiencies, and if the

deficiencies are of a significant nature, the Director may determine that the application may not be scheduled for Planning Commission review until the deficiencies are corrected. The Director shall have the discretion to require additional submittal materials, including, but not limited to, more detail on each of these submission requirements.

- a. Five (5) copies of a site plan map indicating the general site design of the application, including all existing and proposed improvements. The site plan map shall provide adequate detail to evaluate the preliminary landscaping; circulation; parking; snowstacking; location of all buildings and their entrances, uses, and height; walls; fences; loading points; refuse container locations; location of all public rights-of-way; all existing and proposed easements; drainage facilities; finished grade elevations; dimension lines where appropriate; and direction of storm-water runoff flows.

The site plan shall be drawn at a scale of 1 inch = 20 feet, or 1 inch = 10 feet for sites of 10,000 square feet or less; shall be drawn on 24" x 36" size paper; and shall depict the property corners and all permanent survey monuments. It shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include: tabulation in square feet of building mass and density [broken down by uses if more than one use is proposed, and accompanied by a statement of density used by this plan, and any density remaining for this site.]); a tabulation in square feet of the total sign area allowed on the site, the sign area previously used, the sign area used by this application, and the sign area remaining following the approval of this permit; the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area, and impervious surface area to be expressed in square feet and percent of site; snowstack area; parking, both required and provided; the land use district; name of master plan, if applicable; the number of dwelling units and bedrooms; and the number and type of fire places.

The signature block shall contain a statement stating:

"Upon the issuance of a development permit by the Town of Breckenridge, this site plan shall be binding upon the applicant, and the applicant's successors and assigns, until such time as the Town has issued a final Certificate of Occupancy or a Certificate of Compliance. Prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance, this plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction location, use, occupancy and operation of all land and structures within this plan to all conditions, requirements, locations and limitations set forth herein and in the development permit for this site. Abandonment, withdrawal or amendment of this plan may be permitted only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density remaining on this site."

One colored copy of the site plan map shall be submitted by the applicant and shall be used as an exhibit for the Planning Commission preliminary hearing.

- b. Existing topography of the site at two foot intervals to be shown on a separate map which is to include significant views; natural features and vegetation; names of adjacent subdivisions; departing lot lines of adjacent subdivisions; and footprints of adjacent existing and approved buildings. (Five (5) sets)
- c. Floor Plans (Five (5) sets)
- d. All building elevations at a scale of  $1/4" = 1'0"$ , indicating the general architectural character of the building with heights referenced to USGS and Town of Breckenridge datum. (Five (5) sets)
- e. Vicinity map. Within the Historic District, the scale shall be 1:16, consisting of all structures; lot lines and setback dimensions to lot lines; public rights of way, roads and water features on both sides of the street for the entire block, or within four hundred feet (400') on each side of the property, whichever is greater. (Five (5) sets)
- f. An application on a form provided by the Director, signed by the property owner of record or an agent having power of attorney.
- g. A fee in the amount of \$50.00, plus \$15.00 per dwelling unit for a proposed residential use; or \$50.00, plus \$0.05 per square foot for a proposed commercial use.
- h. Proof of ownership of the site current within one hundred twenty (120) days of submittal.
- i. A list of property owners whose property lies within three hundred (300) feet of the subject property, and their last known address as shown on the most recent county assessor's records. (One (1) set)
- j. A shadow projection showing the shadow cast by the proposed structure(s) between the hours of ten o'clock (10:00) A.M. and two o'clock (2:00) P.M. on the winter solstice, and the effects thereof on adjacent structures and property. (One (1) set)
- k. In the Historic District, photographs of all existing buildings on site, including elevations and detail; photographs of properties adjacent to the site; and photographs of any other properties that may be affected. (One (1) set)
- l. Within the Historic District, a cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, site, or the Historic District in general. (One (1) set)
- m. Within the Historic District, an architectural impact statement which describes the design intent and how the project meets the Breckenridge Design Standards (One (1) set)
- n. Within the Historic District, a streetscape elevation for each side of the street, at a scale of 1:16, that indicates the heights and width of all buildings in existence and to be constructed, with windows and door openings included. The drawing shall encompass the entire block, or an area within four hundred feet (400') on each side of the property, whichever is greater. (Five (5) sets)

Section 32. That Paragraph of Section 9-1-18-2 of the Breckenridge Town Code, entitled "Final Application", is hereby RELETTERED as Paragraph D of said Section 9-1-18-2. Further references in this Ordinance to "Paragraph D" of said Section 9-1-18-2 are to such Paragraph as RELETTERED.

Section 33. Subparagraph(D)(1) of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

D. Final Application: A final hearing shall be held by the Planning Commission for each Class B project to determine compliance with the policies established within this Chapter, and other applicable Town ordinances and Codes. A final application shall not be requested until the project has been reviewed as a preliminary application before the Planning Commission, and has been authorized by the Commission to proceed to final hearing. In no instance shall a final application be accepted by the Town if more than ninety (90) days have elapsed since the preliminary hearing, in which case the applicant shall appear before the Planning Commission at another preliminary hearing before proceeding.

1. A complete final application shall consist of the following materials and plans, all of which shall be submitted no later than 9:00 A.M. on the twenty-second (22) day preceding the Planning Commission hearing.

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, it shall be "accepted" and a final hearing scheduled. If the application is not complete, it shall be so noted, the applicant advised of the deficiencies, and if the deficiencies are of a significant nature, the Director may determine that the application may not be scheduled for planning commission review until the deficiencies are corrected.

- a. An application signed by the property owner of record, or an agent having power of attorney and evidentiary package on forms provided by the Town. Any variance applied for shall be on the policy evidentiary package and included in the application.
- b. The number of sets as noted of the following drawings and materials.

For Planning Commission review:

- 1. Four (4) sets of elevations of the proposed structures hardline drafted to scale with the elevation referenced to USGS datum of the following features: existing ground surfaces; finished grade; top of foundation; floor elevation; roof-line; and the highest point of the structure. The elevations shall further specify the building materials; colors; roof top mechanical units; and scale of drawing. One (1) set of the colored architectural elevation(s) from the predominant street frontage shall be submitted for exhibit at the Planning Commission hearing.
- (2) Five copies of a site plan map shall depict the following details of the site information required for preliminary applications, revised in accordance with the input received from the Town's review of the preliminary application: all existing and proposed improvements; on and off-site circulation; parking; snowstacking; location of all buildings and their entrances, uses, and height; walls; fences; loading points; location of all public rights-of-way; all existing and proposed easements;



drainage facilities; finished grade elevations; dimension lines where appropriate; and direction of storm-water runoff flows. In addition, the final site plan shall include the following: dimensions of building setbacks; dimensions of all public rights-of-way; names of all adjacent subdivisions depicting their departing lot lines from the boundary of the subject property; types of surfacing; finished floor elevations for all proposed structures; lighting plan; sign locations and design (including lighting, materials and color); location of existing and proposed utilities (including sewer, water, drainage, telephone, power, gas and cable television, and refuse container location).

The site plan shall be drawn at a scale of 1 inch = 20 feet, or 1 inch = 10 feet for sites of 10,000 square feet or less; shall be drawn on 24" x 36" size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include: tabulation in square feet of building mass and density [broken down by uses if more than one use is proposed, and accompanied by a statement of density used by this plan, and any density remaining for this site]; a tabulation in square feet of the total sign area allowed on the site, the sign area previously used, the sign area used by this application, and the sign area remaining following the approval of this permit; the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area, and lot coverage, total site disturbance area, and impervious surface area to be expressed in square feet and percent of site; parking, both required and provided; snow stack area; the land use district; name of master plan, if applicable; the number and type of fire places, the number of dwelling units and bedrooms.

The signature block shall contain a statement stating:

"Upon the issuance of a development permit by the Town of Breckenridge, this site plan shall be binding upon the applicant, and the applicant's successors and assigns, until such time as the Town has issued a final Certificate of Occupancy or a Certificate of Compliance. Prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance, this plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction location, use, occupancy and operation of all land and structures within this plan to all conditions, requirements, locations and limitations set forth herein and in the development permit for this site. Abandonment, withdrawal or amendment of this plan may be permitted only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density remaining on this site."

SIGNED MYLAR (1 Set). Prior to issuance of the development permit, the applicant shall submit a 24" x 36" mylar copy of the final site plan as approved by the Planning Commission at the final hearing. The mylar shall reflect any changes required by the Planning Commission at the final hearing. The name of the architect shall appear on the signed mylar. The mylar shall be signed by the property owner of record, or an agent having the power of attorney.

(3) Five (5) sets of a separate landscaping plan at a scale of one inch equals twenty feet (1" = 20'), or larger, containing the following:

- (a) Property lines.
- (b) Dimensions.
- (c) Structures.
- (d) Existing natural features.
- (e) Final grading plan with existing and proposed topography.
- (f) Location of landscape materials to be planted.

A plant specification list must also be submitted which contains the following information:

Key to the plan.  
Botanical names.  
Common names.  
Sizes and number of the specimens.  
How transplanted (container stock, bare root, balled and burlapped, etc.).  
Estimated sizes at planting and maturity.  
Quantity of each.  
Method of irrigation.

One copy of the colored landscape plan map shall be submitted by the applicant to be used as an exhibit for the Planning Commission hearing.

At the discretion of the Director, depending on the size of the site and the complexity of the site plan, the landscaping information specified in this section, may be combined with the site plan.

- (4) A preliminary drainage and water quality mitigation plan, including an estimate of anticipated flows; all structures required to mitigate the anticipated impacts; and all other materials as may be required by the Town Engineer. (Five (5) sets)
- (5) Floor plans - preferred scale 1/4" = 1'0" (needed only if changed from preliminary application.) (Three (3) sets)
- (6) Typical building section(s). Two sections depicting one view each on perpendicular axes to each other (i. e., side to side and front to back are to be provided). Preferred scale 1/2" = 1'0". (Three (3) sets)
- (7) Special details, stairs, fireplace, location of construction trailer and construction staging area, (if any), special and/or unusual construction techniques, materials, and design. (Three (3) sets)
- (8) Color and texture samples of all exterior materials with combinations of materials and colors shown as they will appear in the finished building. (One (1) set)
- (9) A certificate signed by a registered land surveyor attesting that the subject property corners have been established and monumented in the field. (One (1) set)

Section 34. That Paragraph of Section 9-1-18-2 of the Breckenridge Town Code, entitled "Final Hearing Procedure", is hereby RELETTERED as Paragraph E of said Section 9-1-18-2. Further references in this Ordinance to "Paragraph E" of said Section 9-1-18-2 are to such Paragraph as RELETTERED.

Section 35. Subparagraph (E)(1) of Section 9-1-18-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. Application. No later than 9:00 A.M. on the twenty-second (22) day preceding the Planning

Commission hearing, the applicant shall submit an application and materials as required in Section 9-1-18-2(D), above.

Section 36. The chart of the "Class B Development Permit Process" set forth at the end of Section 9-1-18-2 of the Breckenridge Town Code is hereby deleted in its entirety and replaced to as to read as follows:

#### Class B Development Permit Process

Please refer to the review calendar following Section 9-1-18-1 for an overview of the Class A and B development permit application review process.

Section 37. Paragraph B of Section 9-1-18-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. Application Requirements. The applicant shall file an application, a short description of the proposal, and three (3) copies of any maps, drawings or materials needed to adequately describe the proposal. All drawings and maps shall be to scale. The application shall be accompanied by a fee in the amount of: \$20.00 for a sign application; \$40.00 for a Master Sign application; and \$10.00 for all other Class C applications. The Director may require the following materials to be submitted as a part of a complete application:

1. Site plan;
2. Landscaping plan;
3. All elevations of the proposed building or modification;
4. Preliminary drainage and utility plans; and
5. A sample paint chip of reach color to be used, keyed to the proposed location of the color on the building as shown on the elevation drawings.

Section 38. There is hereby added to Chapter 1 of Title 9 of the Breckenridge Town Code a new Section 9-1-22, which shall read in its entirety as follows:

#### 9-1-22 LEGAL EFFECT OF THE PERMIT.

A development permit, and the terms and conditions thereof, shall govern and control the development and use of the property described in the permit until such time as the Town has issued a final Certificate of Occupancy or a Certificate of Compliance. During such time the permit shall be binding upon and shall be enforceable against the permittee and all owners of the property subsequent to the issuance of the permit, unless the permit is revised, modified or superseded by another development permit issued pursuant to this Chapter. The provisions of a development permit shall be specifically enforceable in an action brought by the Town under section 1- 8-10 of this Code or under other applicable law. Failure to keep or maintain a property in compliance with the terms and conditions of a development permit, including an approved site plan, shall constitute sufficient grounds for the revocation of the certificate of occupancy or certificate of compliance for any improvements located on the property. A development permit which is issued for property on which one or more valid development permits already exists shall be deemed to supersede all prior permit(s) to the extent of any conflict.

Section 39. There is hereby added to Chapter 1 of Title 9 of the Breckenridge Town Code a new Section 9-1-23, which shall read in its entirety as follows:



9-1-23 ABANDONMENT OF DEVELOPMENT PERMIT.

A development permit may be abandoned within the time period established by Section 9-1-17-8 where no development activity authorized by the permit has been commenced. The abandonment of a permit shall be accomplished by the delivery to the Director of a properly signed and acknowledged statement evidencing the property owner's decision to abandon the permit. The abandonment of the permit shall become effective and irrevocably upon the Director's receipt of the owner's statement of abandonment.

Section 40. 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.

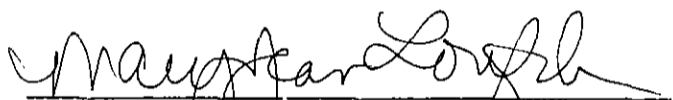
Section 41. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 31-23-301, C.R.S., and the powers possessed by home rule municipalities in Colorado.

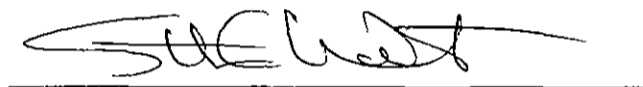
Section 42. This Ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Code, and shall become effective April 12, 1993.

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

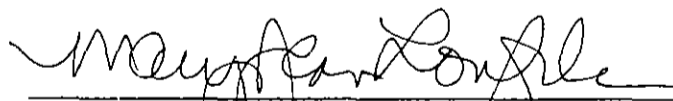
This Ordinance was published in full in the Summit Sentinel, a newspaper of general circulation within the Town of Breckenridge, on March 5, 1993.

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.

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