

ORDINANCE NO. 18

Series 1999

AN ORDINANCE SETTING APPLICATION FEES UNDER CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE BRECKENRIDGE DEVELOPMENT CODE, AND CHAPTER 2 OF TITLE 9 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. There is hereby added to the Breckenridge Town Code a new Chapter 9 of Title 9, to be known as "Development and Subdivision Application Fees", which shall read in its entirety as follows:

CHAPTER 9

DEVELOPMENT AND SUBDIVISION APPLICATION FEES

Section:

9-9-1: Purpose

9-9-2: Findings

9-9-3: Definitions

9-9-4: Development Permit Application Fees

9-9-5: Subdivision Permit Application Fees

9-9-6: Concurrent Subdivision and Master Plan Application Fees

9-9-7: Fees Not Refundable or Transferable

9-6-8: Reimbursement of Extraordinary Review Fees

9-6-9: Authority of Director to Reduce or Waive Fee

9-9-1: PURPOSE: The purpose of this Chapter is to establish the application fees which must be paid to the Town at the time of the submission of an application for a Development Permit under Chapter 1 of this Title (the Development Code) or a Subdivision Permit under Chapter 2 of this Title (the Subdivision Standards).

9-9-2: FINDINGS: The Town Council finds and determines as follows:

A. The Town is authorized by law to set application fees for permits under the Town's Development Code and Subdivision Standards.

B. The Department of Community Development is the primary Town department charged with the duty to process permit applications under the Town's Development Code and Subdivision Standards; but other Town departments and personnel, such as the Engineering Department and the Town Manager, expend time in connection with the review of such applications. The time expended by all Town personnel in reviewing such applications are part of the present operational cost and future expansion of the Department of Community Development. Such costs are part of the overall costs required to operate such Department.

C. On occasion the Town incurs additional out-of-pocket expenses in connection with the review of an application for a Development or Subdivision Permit. Such expenses may include, without limitation, fees paid by the Town to the Town Attorney and/or fees paid by the Town to special counsel or special consultants. Such fees are part of the overall costs required to process the permit application for which they were incurred.

D. Pursuant to Bainbridge, Inc. v. The Board of County Commissioners of Douglas County, 964 P.2d 575 (Colo. App. 1998)(cert. denied) the application fees which may lawfully be charged by the Town for permits under the Town's Development Code and Subdivision Standards may include both the direct and indirect costs of operating the Town's Department of Community Development, as well as the other Town departments and personnel which assist in the review of Development Permit and Subdivision Permit applications.

E. The application fees for Development Permits and Subdivision Permits established by this Chapter are approximately required to offset some (but not all) of the direct and indirect costs of operating the Department of Community Development and the cost to the Town of actually processing Development and Subdivision Permit applications; such fees do not exceed such direct and indirect costs.-

9-9-3: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise, the following words shall have the following meanings:

SFE One (1) unit of residential density as defined in policy 3 (Absolute) of Section 9-1-19 of this Title; or 1,000 square feet of commercial density.

9-9-4: DEVELOPMENT PERMIT APPLICATION FEES: At the time of the submission of a preliminary application for the issuance of a Development Permit under Chapter 1 of this Title (the Breckenridge Development Code), the following fee shall be paid to the Town:

Type of Application	Fee
Class A Development Permit	\$3,000, plus \$50 per requested SFE*
Class B (Major) Development Permit	\$1,500, plus \$50 per requested SFE*
Class B (Minor) Development Permit form major remodel of a residential structure in the Historic District or the Conservation District	\$425, plus \$50.00 per SFE*
Class B (Minor) Development Permit	\$850, plus \$50 per SFE* (all others)
Class C (Major) Development Permit	\$850
Class C (Minor) Development Permit	\$100
Class D Development Permit	\$25

*the number of SFEs of density described in the Development Permit application.

9-9-5: SUBDIVISION PERMIT APPLICATION FEES: At the time of the submission of a preliminary application for the issuance of a Subdivision Permit under Chapter 2 of this Title (the Breckenridge Subdivision Standards), the following fee shall be paid to the Town:

Type of Application	Fee
Class A Subdivision	\$3,000, plus \$50 per requested lot or tract
Class B Subdivision	\$1,500, plus \$50 per requested lot or tract
Class C Subdivision	\$850

9-9-6: CONCURRENT SUBDIVISION AND MASTER PLAN APPLICATION FEES: If a subdivision application is processed concurrently with an application for a Master Plan under Policy 39 (Absolute) (Master Plan) of Section 9-1-19, the applicant shall pay the full fee for the Master Plan application as set forth in Section 9-9-4, but the subdivision application fee required by Section 9-9-5 shall not exceed \$5000.

9-9-7: FEES NOT REFUNDABLE OR TRANSFERABLE: Once paid, all application fees shall be non-refundable and non-transferable. No portion of any required application fee shall be refunded by the Town if the permit for which such fee is paid is denied or withdrawn by the applicant, or if fewer than the number of requested SFEs is approved.

9-9-8: REIMBURSEMENT OF EXTRAORDINARY REVIEW FEES: An applicant for a Development Permit or a Subdivision Permit shall be required to reimburse the Town for any extraordinary review fees actually and necessarily incurred by the Town in the review of a Development Permit or Subdivision Permit application. Such fees may include, without

limitation, Town Attorney's fees, special counsel fees and the fees of any consultant engaged by the Town to assist in the application review process. Reimbursement for such extraordinary fees may be made a condition of approval of a Development Permit or a Subdivision Permit, and/or such reimbursement may be compelled in a civil action brought by the Town Attorney on behalf of the Town.

9-6-9: **AUTHORITY OF DIRECTOR TO REDUCE OR WAIVE FEE:** Upon written request the Director of the Department of Community Development shall have the authority to reduce or waive any fee required by this Chapter. No required fee shall be reduced or waived unless the Director determines that (i) such reduction or waiver is necessary to avoid payment of an excessive or duplicative application fee and (ii) such reduction or waiver is consistent with the intent of this Chapter.

Section 2. Subparagraph (C)(2)(b)(7) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

(7) A fee in the amount required by Chapter 9 of Title 9 of this Code.

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

B

g. A fee in the amount required by Chapter 9 of Title 9 of this Code.

Section 4. 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 required by Chapter 9 of Title 9 of this Code. 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 each color to be used, keyed to the proposed location of the color on the building as shown on the elevation drawing.

Section 5. Paragraph B of Section 9-1-18-4 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 fee in the amount required by Chapter 9 of Title 9 of this Code, a short description of the proposal, any materials needed to adequately describe the proposal, including, but not limited to material samples, paint chip samples for each color proposed, with location keyed to an elevation drawing, three (3) copies of any maps, drawings, or floor plans, or elevations deemed necessary by staff.

Section 6. Item (12) of Paragraph E of Policy 39 (Absolute) (Master Plan) of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

12)A fee in the amount required by Chapter 9 of Title 9 of this Code:

Section 7. 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 required by Chapter 9 of Title 9 of this Code.

Section 8. 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 required by Chapter 9 of Title 9 of this Code.

Section 9. 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 required by Chapter 9 of Title 9 of this Code.

Section 10. 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 11. 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 12. 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 13. 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 27th day of July, 1999. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of August, 1999, 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 County Journal a newspaper of general circulation within the Town of Breckenridge, on August 6, 1999

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 10th Day of August, 1999.

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

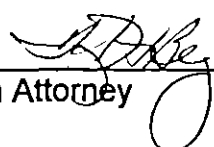
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

8/10/99
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge. on August 20, 1999