

ORDINANCE NO. 32

Series 1999

AN ORDINANCE AMENDING THE BRECKENRIDGE DEVELOPMENT CODE AND THE BRECKENRIDGE SUBDIVISION STANDARDS CONCERNING THE EFFECT OF AN ORDINANCE CHANGE ON A PENDING APPLICATION FOR A DEVELOPMENT PERMIT

WHEREAS, the Colorado legislature recently enacted House Bill 99-1280; and

WHEREAS, House Bill 99-1280 became effective on May 24, 1999; and

WHEREAS, House Bill 99-1280 made changes in the Colorado statutes which pertain to the effect of a change in a municipal ordinance on a pending application for approval of a site-specific development plan; and

WHEREAS, as a result of the enactment of House Bill 99-1280 it is necessary and appropriate for the Town Council to amend the Town's Development Code and Subdivision Standards as hereafter set forth.

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

Section 1. Section 9-1-24 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

9-1-24: EFFECT OF ORDINANCE CHANGE ON PENDING APPLICATIONS:

An application for a development permit under this Chapter which is substantially complete shall be reviewed based upon the Town ordinances which were in effect at the time that such application was initially made; provided, however, that an applicant with a pending application may elect to have such application reviewed based upon a Town ordinance which was adopted between the date of the initial submission of the application and the date of the final hearing on such application. For the purposes of this Section, an application is substantially complete if it meets substantially all of the applicable requirements for a development permit application as provided in this Chapter. Further, in the event that any pending application shall become inactive, such application shall thereafter be reviewed based upon the Town ordinances which are in effect when the application is next heard by the Planning Commission. For the purposes of this Section, a Class A development permit application is inactive if it has not been heard by the Planning Commission for a period of one year; and all other development permit applications are inactive if they have not been heard by the Planning Commission for a period of six (6) consecutive months. Upon the request of the applicant, and for good cause shown, the Director may direct that an application which has become inactive shall still be reviewed based upon the Town ordinances which were in effect at the time that such application was initially made. Notwithstanding the provisions of this Section, the Town may adopt a new or amended law or regulation when necessary for the immediate preservation of the public health and safety and may enforce such law or regulation in relation to an application for a development permit application which is pending at the time such law or regulation is adopted.

Section 2. There is hereby added to Chapter 2 of Title 9 of the Breckenridge Town Code a new Section 9-2-3-8, to be entitled "Effect of Ordinance Change on Pending Applications", which shall read in its entirety as follows:

9-2-3-8: EFFECT OF ORDINANCE CHANGE ON PENDING APPLICATIONS:

An application for a development permit under this Chapter which is substantially complete shall be reviewed based upon the Town ordinances which were in effect at the time that such application was initially made; provided, however, that an applicant with a pending application may elect to have such application reviewed based upon a Town ordinance which was adopted between the date of the initial submission of the application and the date of the final hearing on such application. For the purposes of this Section, an application is substantially complete if it meets substantially all of the applicable requirements for a development permit application as provided in this Chapter. Further, in the event that any pending application shall become inactive, such application shall thereafter be reviewed based upon the Town ordinances which are in effect when the application is next heard by the Planning Commission. For the purposes of this Section, a Class A subdivision development permit application is inactive if it has not been heard by the Planning Commission for a period of one year; and all other subdivision development permit applications are inactive if they have not been heard by the Planning Commission for a period of six (6) consecutive months. Upon the request of the applicant, and for good cause shown, the Director may direct that an application which has become inactive shall still be reviewed based upon the Town ordinances which were in effect at the time that such application was initially made. Notwithstanding the provisions of this Section, the Town may adopt a new or amended law or regulation when necessary for the immediate preservation of the public health and safety and may enforce such law or regulation in relation to an application for a development permit application which is pending at the time such law of regulation is adopted.

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 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.

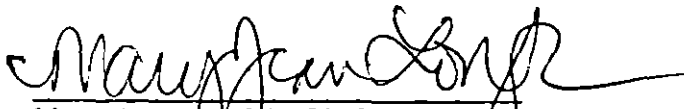
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 24-68-102.5, C.R.S., and the powers possessed by home rule municipalities in Colorado.

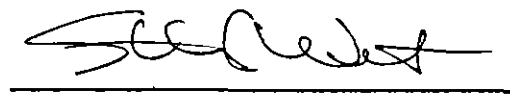
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 23<sup>rd</sup> day of November, 1999. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14<sup>th</sup> day of December, 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

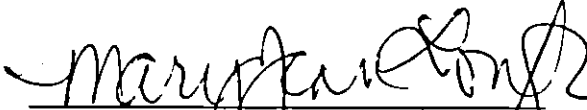
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on December 3, 1999.

The public hearing on this ordinance was held on December 14, 1999.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 14<sup>th</sup> day of December, 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

12/14/99  
\_\_\_\_\_  
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on December 24, 1999.