

ORDINANCE NO. 53

Series 2002

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO 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. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of the following two additional definitions:

BUILDING ENVELOPE: See the definition of "building envelope" set forth in Chapter 2 of Title 9 of this Code.

SITE DISTURBANCE ENVELOPE: See the definition of "site disturbance envelope" set forth in Chapter 2 of Title 9 of this Code.

Section 2. Paragraph C of Section 9-1-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. Violations; Penalties: It is a misdemeanor offense for any person to violate any provision of this Chapter. Any person convicted of having violated any provision of this Chapter shall be punished as set forth in title 1, chapter 4 of this code.

Section 3. Section 9-1-18-3 of the Breckenridge Town Code is hereby amended by the addition of a new subparagraph (C)(2)(a.5), which shall read in its entirety as follows:

(a.5) Prior to the call up hearing on the application, the staff shall deliver to the applicant and Planning Commission and make available at the Town Hall their written report on the proposed development, including their conclusion on compliance with absolute policies, allocation of points on all relative policies and the recommended conditions to be attached for approval. If the proposed development implements or has no effect on all relevant absolute policies and is allocated zero or a net positive number of points for the relative policies, the Planning Commission shall approve the proposed development. In addition, the Planning Commission may attach conditions which are reasonably necessary or desirable. If the proposed development does not implement all affected absolute policies (subject to variance), or if it is allocated a net negative number of points for the relative policies, or if the applicant will not agree to comply with all conditions, the Planning Commission shall deny the permit.

No decision of the Planning Commission shall be in conflict with the provisions of this subparagraph. 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 if additional materials are required for a comprehensive review. In the event a final hearing has been continued, the applicant shall submit all additional materials to the Town a minimum of eight (8) days prior to the hearing.

The provisions of this subparagraph shall further apply in the event a Planning Commission decision on a Class C application is called up by the Town Council.

Section 4. Policy 1 (Absolute) of Section 9-1-19 of the Breckenridge Town Code, entitled "Codes", is hereby amended so as to read in its entirety as follows:

1. (ABSOLUTE) CODES; CORRELATIVE DOCUMENTS; AND PLAT NOTES: An application for a Development Permit shall comply with each of the following documents, insofar as they are relevant to the application:

A. All building and technical codes adopted by the Town pursuant to Chapter 1 of Title 8 of this Code.

B. All Correlative Documents enumerated in Section 9-1-21 of this Code.

C. Any applicable plat note or plat restriction pertaining to the real property which is the subject matter of the application. A plat note or plat restriction shall be deemed to be applicable only if it was placed on the plat as part of the Town's plat approval process.

Section 5. Subsection (C)(2)(c)("Exceptions") of Policy 9(Absolute)("Placement of Structures") of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

c. Exceptions: The provisions of this subsection C(2) shall not apply to the development of: 1) any lot with a building or site disturbance envelope described in a subdivision plan approved before January 1, 2003, or created by a subdivision plat recorded before January 1, 2003, or 2) any lot having a building or site disturbance envelope or location established by a development permit.

Section 6. Subsection (D)(2)(c)(“Exceptions”) of Policy 9(Relative)(“Placement of Structures”) of Section 9-1-19 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

c. Exceptions: The provisions of this subsection D(2) shall not apply to the development of: 1) any lot with a building or site disturbance envelope described in a subdivision plan approved before January 1, 2003, or created by a subdivision plat recorded before January 1, 2003, or 2) any lot having a building or site disturbance envelope or location established by a development permit.

Section 7. Paragraph G 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:

G. Scope Of Master Plan: A master plan shall provide: 1) the types of use(s) being proposed; 2) the general character of the proposed development; 3) the density proposed for the development; 4) access to and from the property proposed to be developed; 5) major internal circulation elements (both pedestrian and vehicular); 6) the general configuration of necessary roads, easements and utilities; 7) the sequence of the proposed development; 8) the development concept and design and architectural intent on the proposed development; 9) for the establishment of building and site disturbance envelopes at the time of subdivision or site plan level development; and 10) other factors necessary to determine the general conformance of the proposal with the Town's development policies. Generally, issues pertaining to planning details normally addressed at the site planning level should not be included in a master plan. Such issues will be subsequently addressed through the review of applications for individual development permits to develop the property which is the subject of the master plan. At the election of the developer or the Director, further detail may be proposed to be included within the scope of the master plan. The Director may require concept level planning in order to determine the feasibility of the phasing schedule proposed by the applicant.

Section 8. 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 9. 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.

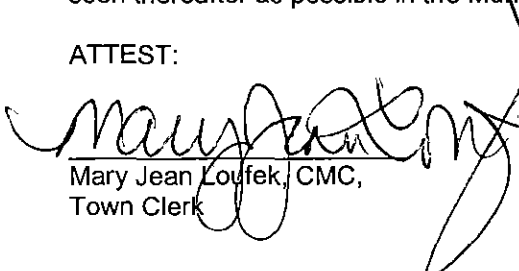
Section 10. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

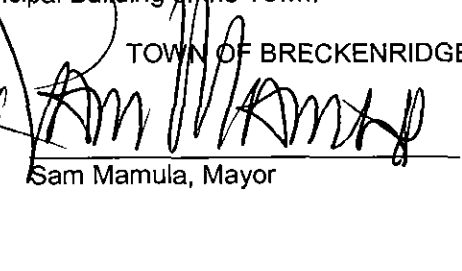
Section 11. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of November, 2002. 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 December, 2002, 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


Sam Mamula, Mayor

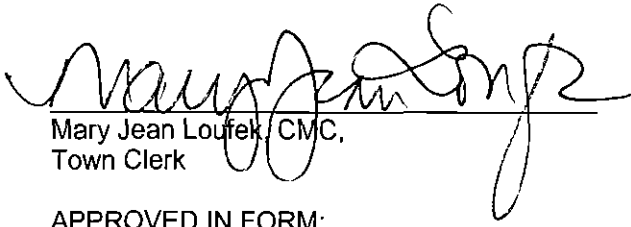
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 22, 2002.

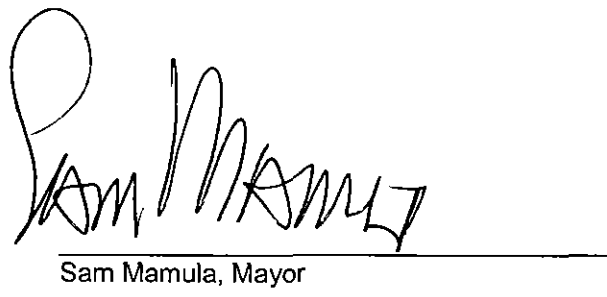
The public hearing on this Ordinance was held on December 10, 2002.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN BY TITLE ONLY, this 10th day of December, 2002. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

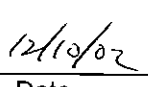
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM:

 
Town Attorney Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on December 20, 2002.