

ORDINANCE NO. 17

Series 2003

AN ORDINANCE AMENDING 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", CONCERNING THE DEADLINE FOR THE SUBMISSION OF APPLICATIONS FOR DEVELOPMENT PERMITS; AND AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO PROMULGATE ADMINISTRATIVE RULES AND REGULATIONS FOR THE PROPER ADMINISTRATION OF THE "BRECKENRIDGE DEVELOPMENT CODE" AND THE "BRECKENRIDGE SUBDIVISION STANDARDS"

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

Section 1. The seventh and eighth unnumbered paragraphs of the "Introduction" to Chapter 1 of Title 9 of the Breckenridge Town Code are hereby deleted in their entirety.

Section 2. There is hereby added to the "Introduction" to Chapter 1 of Title 9 of the Breckenridge Town Code a new seventh unnumbered paragraph which shall read in its entirety as follows:

The deadlines for the submittal of development permit applications and related materials, and other matters related to the processing of development permit applications, are set forth in administrative rules and regulations promulgated by the Director of the Department of Community Development.

Section 3. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following additional definition:

RULES AND REGULATIONS: The administrative rules and regulations for the administration of this Chapter promulgated by the Director pursuant to the authority granted in Section 9-1-28 of this Chapter.

Section 4. The introductory portion of Paragraph (C)(2)(b) of Section 9-1-18-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

b. Submission Requirements: The applicant shall supply the number of sets as noted of the following drawings and materials not later than the deadline established in the Rules and Regulations. 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:

Section 5. Paragraph (D)(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. A final application shall consist of the following materials and plans, all of which shall be submitted no later than the deadline established in the Rules and Regulations.

Section 6. Paragraph (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 the deadline established in the Rules and Regulations, the applicant shall submit an application and materials as required in subsection 1D of this Section.

Section 7. The chart entitled "Events That A Typical Class A & B Application Would Go Through", located at the end of Section 9-1-18-1 of the Breckenridge Town Code, is hereby deleted in its entirety.

Section 8. Paragraph (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 the deadline established in the Rules and Regulations. 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.

Section 9. Paragraph (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 the deadline established in the Rules and Regulations, the applicant shall submit an application and materials as required in subsection 2D of this Section.

Section 10. The chart entitled "Class 'C' Development Process", located at the end of Section 9-1-18-3 of the Breckenridge Town Code, is hereby deleted in its entirety.

Section 11. The chart entitled "Class 'D' Development Process", located at the end of Section 9-1-18-4 of the Breckenridge Town Code, is hereby deleted in its entirety.

Section 12. There is hereby added to Chapter 1 of Title 9 of the Breckenridge Town Code a new Section 9-1-28, to be entitled "Rules and Regulations", which shall read in its entirety as follows:

9-1-28: Rules and Regulations: The Director shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations governing submittal deadlines and requirements as may be necessary for the proper administration of this Chapter. Such regulations shall be adopted in accordance with the procedures established by Chapter 18 of Title 1 of this Code.

Section 13. Section 9-2-2 of the Breckenridge Town Code is hereby amended by the addition of the following additional definition:

RULES AND REGULATIONS:

The administrative rules and regulations for the administration of this Chapter promulgated by the Director pursuant to the authority granted in Section 9-2-3-9 of this Chapter.

Section 14. Paragraph (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 the deadline established in the Rules and Regulations. 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 15. Paragraph (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 the deadline established in the Rules and Regulations.

Section 16. Paragraph (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 deadline established in the Rules and Regulations. The Director shall have the authority to schedule the application at a subsequent hearing.

Section 17. Paragraph (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 the deadline established in the Rules and Regulations.

Section 18. Paragraph (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 subsection D2 of this section, no later than the deadline established in the Rules and Regulations.

Section 19. There is hereby added to Chapter 2 of Title 9 of the Breckenridge Town Code a new Section 9-2-3-9, to be entitled "Rules and Regulations", which shall read in its entirety as follows:

9-2-3-9: Rules and Regulations: The Director shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations governing submittal deadlines and requirements as necessary for the proper administration of this Chapter. Such regulations shall be adopted in accordance with the procedures established by Chapter 18 of Title 1 of this Code.

Section 20. 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.

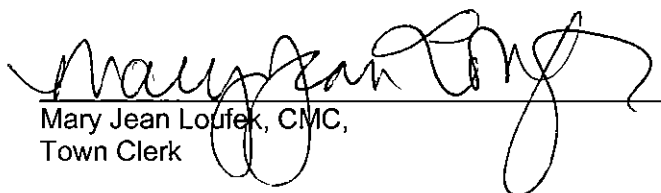
Section 21. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

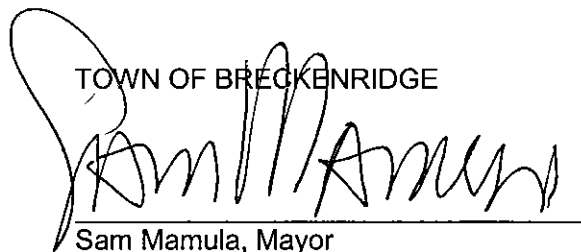
Section 22. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 23. This Ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter, and shall become effective June 1, 2003.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of April, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of May, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

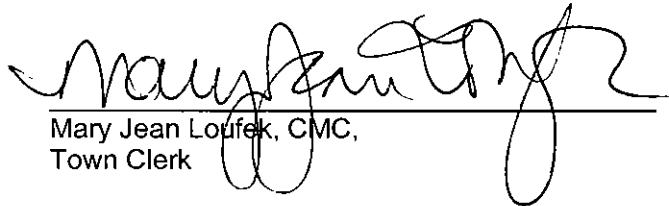
TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

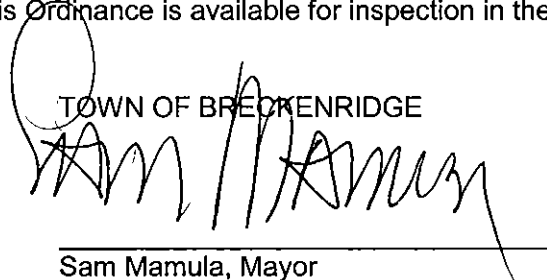
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 2, 2003.

The public hearing on this ordinance was held on May 13, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 13th day of May, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

5/13/03
Date

This ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 23, 2003.

DRAFT May 7, 2003 DRAFT

**ADMINISTRATIVE RULES AND REGULATIONS FOR THE TOWN OF BRECKENRIDGE
DEVELOPMENT CODE AND SUBDIVISION STANDARDS**

1. **Effective Date:** These administrative regulations are effective June 1, 2003, and shall apply to development permit applications filed with the Town on or after such date. Development permit applications filed with the Town prior to June 1, 2003 shall be processed in accordance with the applicable provisions of the Town of Breckenridge Development Code or Town of Breckenridge Subdivision Standards which were in effect at the time that the application was filed.

2. **Authority:** These administrative regulations are issued by the Director of the Department of Community Development of the Town of Breckenridge pursuant to the authority granted by Section 9-1-28 of the Town of Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) and Section 9-2-3-9 of the Town of Breckenridge Subdivision Standards (Chapter 2 of Title 9 of the Breckenridge Town Code).

3. **Adoption Procedures:** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these administrative regulations. Notice of the adoption of these administrative regulations was given in the following manner in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.

4. **Definitions:** As used in these administrative rules and regulations, the following words shall have the following meanings, unless the context clearly requires otherwise:

DEVELOPMENT CODE: The Town of Breckenridge Development Code, codified as Chapter 1 of Title 9 of the Breckenridge Town Code.

DIRECTOR: The Director of the Department of Community Development of the Town of Breckenridge, or such person's designee.

STAFF: The staff of the Department of Community Development of the Town of Breckenridge.

SUBDIVISION STANDARDS: The Town of Breckenridge Subdivision Standards, codified as Chapter 2 of Title 9 of the Breckenridge Town Code.

5. **Submittal Deadlines Under the Development Code and Subdivision Standards:**

5.1 The deadline for the initial submission of Class A and B development permit applications under the Development Code, and for Class A and B subdivision permit applications under the Subdivision Standards, shall be nine o'clock (9:00) A.M. on the fifty (50th) day preceding the Planning Commission meeting at which such application is to be reviewed. If a complete application, including all required submittal materials, is not received by the Director by such date and time, the application shall not be scheduled for the Planning Commission meeting.

5.2 For good cause shown the Director may shorten or lengthen the normal fifty (50) day review schedule for the initial review of any development permit application. If the normal fifty (50) day review schedule is lengthened, the Director shall promptly notify the applicant in writing of the reasons for such action.

5.3 The initial submission of a development permit application shall be processed by the staff substantially in accordance with the applicable chart set forth in Rule 6.

5.4 The second and each subsequent development permit application which is submitted for the same project shall be processed by the staff in accordance with the applicable chart set forth in Rule 6. However, the review schedule for such applications may be shortened by the Director to a time period less than fifty (50) days if Director determines that a shorter review schedule is appropriate for such application taking into consideration all relevant factors, including, without limitation: (i) the

nature and complexity of the project which is the subject of the application ; (ii) the nature and extent of the previous Planning Commission comments concerning the project which is the subject of the application; (iii) the nature and extent of any revisions to the application and related submittal materials requested by the Planning Commission at any prior hearing(s) on the application; and (iv) the amount of time reasonably anticipated to be required in order for the applicant to make any necessary revisions to the application and related submittal materials in order to address the comments made by the Planning Commission at any prior hearing(s). If the normal review schedule is altered for a particular application, the Director shall notify the applicant of the revised review schedule which will apply to the applicant's project.

5.5 Applicants should be aware that the establishment of a review schedule for a development permit application does not necessarily mean that the application will be heard by the Planning Commission on day "zero" of the chart which is contained in Rule 6. Development permit applications are scheduled for presentation to the Planning Commission based on the availability of adequate time on the Planning Commission's agenda. A completed development permit application will be scheduled for presentation to the Planning Commission at the first available Planning Commission meeting.

5.6 This Rule applies to development permit applications submitted under both the Development Code and the Subdivision Standards.

6. Chart of Critical Dates and Events for Class A and B Applications Under the Development Code and Class A and B Applications Under the Subdivision Standards.

The following chart describes the events and deadlines that would typically apply to the processing of Class A and Class B development permit application under the Development Code, and Class A and Class B subdivision permit application under the Subdivision Standards. The chart reflects events and deadlines that would generally apply each time an application is to be reviewed by the Planning Commission. However, applicants should note that the review schedule for an application may be shortened for the second and each subsequent submittal of the same development permit application (see Rule 5.4).

50M	<ul style="list-style-type: none"> • Applicant submits application (by 9:00 A.M.)* • Staff checks application for completeness; staff advises applicant that application is complete and has been accepted for processing • Staff schedules application for Planning Commission meeting • Staff routes application to referral agencies
49T	Staff reviews application/plans
48W	Staff reviews application/plans
47 Th	Staff reviews application/plans
46F	Staff reviews application/plans
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43M	Staff reviews application/plans and writes comments
42T	Staff reviews application/plans and write comments
41W	Staff reviews application/plans and write comments
40 Th	<ul style="list-style-type: none"> • Staff reviews application/plans and write comments • Agenda meeting—project reviewed
39F	Staff reviews application/plans and write comments

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36M	Staff meets with applicant to review comments
35T	Applicant makes revisions to application
34W	Applicant makes revisions to application
33 Th	Applicant makes revisions to application
32F	Applicant makes revisions to application
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29M	<ul style="list-style-type: none"> • Applicant's revisions due • Route to referral agencies • Staff reviews applicant's revisions
28T	Staff reviews applicant's revisions
27W	Staff reviews applicant's revisions
26 Th	<ul style="list-style-type: none"> • Staff reviews applicant's revisions • Agenda meeting—project reviewed
25F	<ul style="list-style-type: none"> • Staff reviews applicant's revisions • Comments of referral agencies due
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22M	Staff prepares draft staff report
21T	Staff prepares draft staff report
20W	Staff prepares draft staff report
19 Th	Staff prepares draft staff report
18F	Staff prepares draft staff report
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15M	Staff prepares draft staff report
14T	Staff prepares draft staff report
13W	Staff prepares draft staff report
12 Th	<ul style="list-style-type: none"> • Agenda meeting—project reviewed • Public Notice for Planning Commission meeting (mailings sent, property posted and information to newspaper)

	<ul style="list-style-type: none"> • Staff prepares draft staff report
11F	<ul style="list-style-type: none"> • Draft staff report due • Copy of draft staff report provided to applicant
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8M	Revise draft staff report; staff accepts applicant comments on draft staff report
7T	Revise draft staff report; staff accepts applicant comments on draft staff report
6W	Revise draft staff report; staff accepts applicant comments on draft staff report
5 th	Revise draft staff report; staff accepts applicant comments on draft staff report
4F	<ul style="list-style-type: none"> • Final staff report due • Agenda packets printed and distributed
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1M	
0T	Planning Commission meeting

* All Preliminary Applications must be preceded by a Pre-Application meeting with Town Planning Staff. (Ord. 7, Series 1993)

7. **Chart of Class C Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class C Development Permit application under the Development Code:

MANDATORY STEPS

POTENTIAL ADDITIONAL STEPS

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time, but will not be scheduled for the next Planning Commission meeting unless filed by 9 A.M. fourteen days prior to the Planning Commission meeting.

DECISION:

The Director shall make a decision within 14 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application.

P.C. CONSENT CALENDAR:

The Director shall forward the decision on the application to the Planning Commission at its

next regularly scheduled meeting. If not called up by the Planning Commission, the Director's decision shall stand.

P.C. CALL UP & HEARING:

If the decision of the Director is called up by the Planning Commission, the Commission shall then review the project in greater detail, and make the final decision. The P.C. may review the application at the meeting in which it was presented, or may continue it for up to 21 days.

T.C. CONSENT CALENDAR:

After the Planning Commission has finished with the application (either by taking no action or calling the Director's decision up and making the decision on the application itself), the application shall be forwarded to the Town Council for its review and final action. If the Town Council does not call up the Planning Commission's action, the Planning Commission's decision on the application is final.

T.C. CALL UP VOTE:

The Town Council may vote to call up the action of the Planning Commission and hold its own de novo hearing on the application.

T.C. HEARING:

If the Planning Commission or Director's decision is called up by the Town Council, the Council must hold its hearing and make a decision on the application within 45 days from the date of the call up. The decision of the Council shall be final.

DEVELOPMENT PERMIT ISSUANCE:

Within 21 days of approval of an application by the Town Council the Town shall issue a development permit for the project.

Because of the shortened review schedule for Class C Development Permit applications, the staff report concerning such application may not be provided to the applicant until the Friday preceding the Planning Commission or Town Council hearing at which the application will be discussed.

8. **Chart of Class D Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class D Development Permit application under the Development Code:

MANDATORY STEPS

ADDITIONAL STEPS – IF APPEALED

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of

the Development Code, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time.

DECISION:

The Director shall make a decision within 7 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application. The Director shall indicate the decision on the application and return it to the applicant. The Director shall forward the decision on the application to the Planning Commission for the Commission's information only.

APPEAL:

The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the applicant shall pay the appropriate fee and the application shall then be processed as a Class C. If not appealed, the decision of the Director is final.

P.C. APPEAL HEARING

If the decision of the Director is appealed, it automatically is treated as a Class C application and is reviewed by the Planning Commission using the Class C process (see chart in Rule 7).

Because Class D Development Permit applications are initially processed by staff only, there is no staff report prepared with respect to such applications. However, if a Class D application is called up and heard as a Class C application by the Planning Commission, staff will provide the applicant with a copy of any draft staff report concerning the application not later than the Friday preceding the Planning Commission hearing at which the application will be discussed.

9. **Conflict Between Charts and Text of Ordinances.** The charts set forth above are presented as a brief summary of the applicable procedures which are to be followed under the Development Code or the Subdivision Standards. If there is any conflict between a chart and the text of either the Development Code or the Subdivision Standards, the text of the ordinance shall control.

Peter Grosshuesch, Director
Department of Community Development
Town of Breckenridge, Colorado