

ORDINANCE NO. 2

Series 2003

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO 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. Paragraph C of Section 9-2-1-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. Public Hearings - Class C Subdivision Applications:

A Class C subdivision application shall be processed as an administrative review conducted by the Director. No public hearing shall be required.

Section 2. The definition of "Class B Subdivision" as set forth in Section 9-2-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

CLASS B SUBDIVISION:

A subdivision of land which will result in less than six (6) lots, parcels and/or tracts, and includes less than six (6) acres of land; any Class C subdivision requiring a variance; or any other subdivision not specifically classified as either a Class A subdivision or a Class C subdivision. Subdivisions that normally fall into this classification include the development of public lands, and development on slopes greater than fifteen percent (15%). Class B subdivisions of an unusual nature may be reclassified as Class A subdivisions at the discretion of the Director.

Section 3. The definition of "Class C Subdivision" as set forth in Section 9-2-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

CLASS C SUBDIVISION:

A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, time-share interests, cooperatives, townhouses, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A Class C subdivision application may be reclassified by the Director as either a Class A or Class B subdivision application within five (5) days following the submission of the completed application if the Director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a Class C application.

Section 4. Section 9-2-3-3 of the Breckenridge Town Code, entitled "Class C Subdivision Application", is hereby amended so as to read in its entirety as follows:

- A. Pre-Application Conference: A conference between the Director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the Town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this Chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision.
- B. Administrative Review: The processing of a Class C subdivision application shall be an administrative review conducted by the Director. No public hearing shall be required.

- C. Application Requirements: The subdivider shall file an application and all required fees and application with the Director. The following materials shall be submitted:
1. An application on forms provided by the Town.
 2. A fee in the amount required by Chapter 10 of this title.
 3. A list of all property owners whose property is adjacent to the real property which is the subject of the application, including their current mailing addresses.
 4. A preliminary copy of all proposed covenants, homeowner's association declarations, by-laws, articles of incorporation. All common elements and their uses shall be defined and identified within the covenants and declarations.
 5. Information, plans and specifications necessary to show compliance with all standards and criteria contained within this Chapter.
 6. In addition to subsections C1 through C4 of this section, for lot line adjustments, three (3) copies of a final plan:
 - a. Drawn on a sheet twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
 - b. That indicates the location of all existing structures and improvements.
 - c. That indicates the location of all existing utilities.
 - d. That indicates the location of all existing easements.
 - e. That indicates any proposed lot line adjustment and the dimensions of all proposed lots.
 7. In addition to subsections C1 through C4 of this section, for condominium plats, three (3) copies of a final plan:
 - a. Drawn on a sheet twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
 - b. A description of any limited or common general elements.
 - c. That indicates the location and description of all proposed land dedications.
 - d. That indicates the location of all proposed easements.
 - e. That indicates the location of all existing utilities.
 - f. That indicates the location of all existing structures.
 8. In addition to the requirements of subsections C1 through C4, and C5a through C5d of this section, for townhouse and duplex subdivisions, three (3) copies of a final plan indicating the proposed lot lines.
- D. Review Procedures:
1. Notice and Right To Comment: Once a completed Class C subdivision application and all accompanying materials have been submitted, the Director shall give notice of the filing of the application by regular mail, postage prepaid, to the record owners of those properties located immediately adjacent to the property which is the subject matter of the application as shown on the list of adjacent property owners supplied by the applicant. Notice of the filing of the application shall likewise be posted in a conspicuous place on the property which is the subject of the application. The required notices shall be mailed and the premises posted not less than eleven (11) days prior to the earliest date upon which the application will be determined by the Director. Such notices shall advise interested parties of the earliest date upon which the application will be determined by the Director, and shall direct such interested parties to file their written comments concerning the application with the Director by such date. For purposes of this section, "interested parties" shall mean and include only owners of properties located immediately adjacent to the property which is the subject

matter of the application. Adjacency shall not be affected by the existence of a public street, alley, easement (public or private) or a right of way.

2. Director Decision: Once a completed Class C subdivision application and all accompanying material have been submitted, the Director shall review the application and either approve the application, with or without conditions, or deny it. The Director shall approve the application if the application (with or without the imposition of conditions) meets the applicable requirements of this Chapter. The Director shall deny the application if it fails to meet any of the applicable requirements of this Chapter. The Director shall render his decision on a Class C subdivision permit application within twenty (20) days of his receipt of a complete application.
3. Notice of Decision To Applicant: Upon rendering his decision on the application the Director shall immediately mail notice of his decision to the applicant. Notice of the decision shall be sent to the applicant at the address contained in the application. A copy of the Director's decision shall simultaneously be sent to any interested party who submitted comments concerning the application.
4. Decision Forwarded to Planning Commission: All of the Director's decisions on Class C subdivision applications which are not appealed shall be forwarded to the Planning Commission for its information only.

E. Appeal:

1. A decision of the Director concerning a Class C subdivision permit application may be appealed to the Planning Commission. An appeal of a Class C subdivision permit application may be filed only by the applicant or an interested party who submitted comments to the Director concerning the application pursuant to paragraph (D)(1) of this section. To appeal the decision of the Director concerning a Class C subdivision permit application, the party taking the appeal must file written notice of appeal with the Department of Community Development and mail a copy of the written notice of appeal to the applicant within five (5) days after the Director has rendered his decision. If no appeal is filed within the five (5) day period, the decision of the Director shall be final.
2. If an appeal is filed, the application shall automatically become a Class B subdivision permit application and shall be reviewed by the Planning Commission and Town Council under the provisions of Section 9-2-3-2 of this Chapter.
3. Appeals shall be in writing on forms provided by the Town.
4. If the applicant has filed the appeal, the applicant, at the time of the filing of the notice of appeal, shall pay an additional fee equal in amount to the applicable application fee for a Class B subdivision permit, less the amount of the Class C subdivision permit fee previously paid by the applicant at the time of the original filing of the Class C subdivision application. No additional application fee shall be required in an appeal of a Class C subdivision permit is filed by an interested party.

Section 5. Paragraph (B)(4) of Section 9-2-3-4 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4. The Council shall have sixty (60) days from the date of the call up to make a final decision on Class A or Class B subdivision applications.

Section 6. Section 9-2-4-1 of the Breckenridge Town Code is hereby amended by the addition of a new subparagraph (A)(4) which shall read in its entirety as follows:

4. Any applicable plat note or plat restriction pertaining to the real property proposed to be subdivided. 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 7. 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.

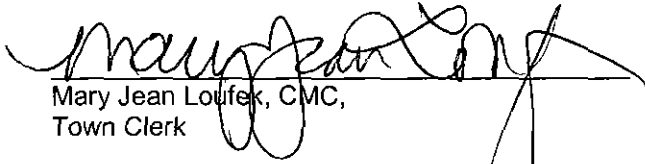
Section 8. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 9. 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.

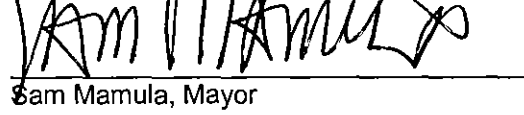
Section 10. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

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 26th day of November, 2002, 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

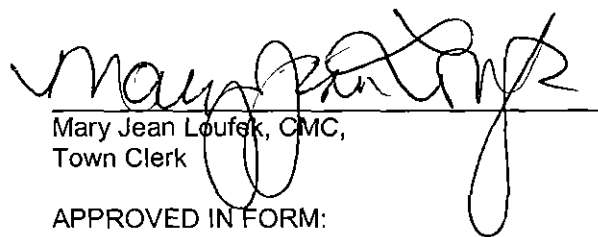

Sam Mamula, Mayor

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

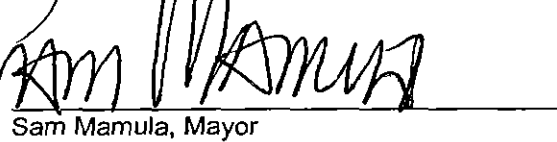
The public hearing on this Ordinance was held on January 28, 2003, the date to which such hearing was lawfully continued.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL, this 28th day of January, 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:

 2/28/03
Town Attorney Date

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 7, 2003.