

ORDINANCE NO. 21

Series 2004

AN ORDINANCE AMENDING SECTION 9-1-12 OF THE BRECKENRIDGE TOWN CODE  
CONCERNING THE REPAIR OR RECONSTRUCTION OF NONCONFORMING  
STRUCTURES DAMAGED BY FIRE OR OTHER CALAMITY

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

Section 1. Paragraph E of Section 9-1-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

E. A nonconforming structure which is damaged by fire or other calamity to the extent of more than fifty percent (50%) of its replacement cost at the time of the damage may not be repaired or reconstructed in a manner which does not fully comply with the requirements of this chapter, except pursuant to a development permit obtained in accordance with the special requirements of this paragraph E. Such development permit shall be subject to the following special requirements:

1. A development permit shall not be issued pursuant to this paragraph E if the damage to the nonconforming structure was caused by the intentional act or criminal conduct of the owner of the nonconforming structure, or the owner's agent or representative.
2. Before granting an application for a development permit to repair or reconstruct a damaged nonconforming structure, the Planning Commission shall find and determine that:
  - (a) the repair or reconstruction of the damaged nonconforming structure as proposed by the applicant will not result in a greater degree of nonconformity than existed immediately prior to the structure being damaged;
  - (b) the repair or reconstruction of the damaged nonconforming structure as proposed by the applicant will be compatible and consistent with the existing development character in the immediate vicinity of the damaged structure; and
  - (c) the application complies with those absolute and relative policies deemed to be applicable to such application by the Planning Commission.
3. In recognition of the fact that compliance with all of the then-current requirements of this chapter would result in a hardship or burden to the owner of the damaged nonconforming structure, the Planning Commission shall identify those absolute and relative policies of this chapter which shall apply to its review of an application to repair or reconstruct the structure. In making such determination, the Planning Commission shall be guided by the principals that: (i) the repair or reconstruction of a damaged nonconforming structure shall not result in a greater degree of nonconformity than existed immediately prior to the structure being damaged, and (ii) a damaged nonconforming structure should be brought into compliance with the then-current requirements of this chapter to the extent possible. Only those absolute and relative policies of this chapter which are deemed applicable by the Planning Commission shall be used in preparing the point analysis for an application for a development permit to repair or reconstruct a damaged nonconforming structure.
4. A building permit for the repair or reconstruction of a damaged nonconforming structure shall be obtained from the building official. The repair or reconstruction of a damaged nonconforming structure shall be done in accordance with the requirements of the then-current Town building codes as adopted by chapter 1 of title 8 of this code.

A development permit to repair or reconstruct a damaged nonconforming structure shall be classified according to the normal development permit

classification requirements of this chapter, or as a Class B development permit application, whichever classification is higher.

Except where inconsistent with the provisions of this paragraph E, an application for a development permit to repair or reconstruct a damaged nonconforming structure shall be processed in accordance with the applicable requirements for a development permit application of such classification as provided in this chapter. To the extent the provisions of this paragraph E are inconsistent with such requirements, the provisions of this paragraph E shall control.

Section 2. 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.

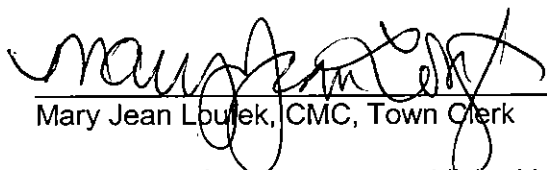
Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

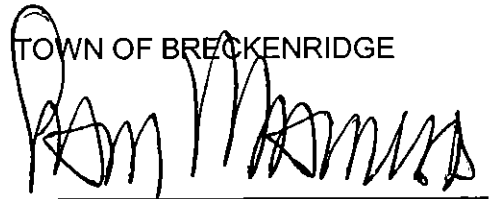
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. 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 9<sup>th</sup> day of March, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23<sup>rd</sup> day of March, 2004, 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

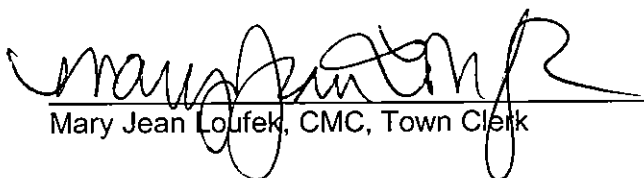
TOWN OF BRECKENRIDGE  
  
Sam Mamula, Mayor

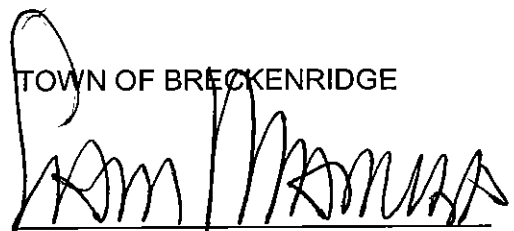
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 19, 2004.

The public hearing on this ordinance was held on March 23, 2004.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 23<sup>rd</sup> day of March, 2004. 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

5/23/04  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 2, 2004.