

ORDINANCE NO. 37

Series 2007

AN ORDINANCE AMENDING THE "BRECKENRIDGE DEVELOPMENT CODE" AND THE "BRECKENRIDGE SUBDIVISION STANDARDS" CONCERNING NOTIFICATION TO MINERAL ESTATE OWNERS

WHEREAS, Article 65.5 of Title 24, C.R.S., requires special notice to the owner of a mineral estate in connection with certain applications for development; and

WHEREAS, Article 65.5 of Title 24, C.R.S., was recently amended by S.B. 07-237; and

WHEREAS, it is necessary for the Town Council to amend the "Breckenridge Development Code" (Chapter 1 of Title 9 of the Breckenridge Town Code) and the "Breckenridge Subdivision Standards" (Chapter 2 of Title 9 of the Breckenridge Town Code) to incorporate the requirements of S.B. 07-237.

NOW, THEREFORE, 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 addition of a new definition of "Lot Site Plan", which shall read in its entirety as follows:

APPLICATION FOR A LOT SITE PLAN:

As used in Section 24-65.5-102(2)(a), C.R.S., an application for a lot site plan is any application for a site specific development plan for a residential use, except for an application for a master plan under Policy 39(Absolute) of this chapter.

Section 2. Section 9-1-18-1(C)(2)(b)(17) of the Breckenridge Town Code is hereby deleted.

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

c. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in Section 24-65.5-102(4), C.R.S., and if the application has been determined by the Director to be subject to the requirements of Article 65.5 of Title 24, C.R.S., the initial public hearing on the application shall not be convened unless the applicant certifies to the Director that notice has been provided to any mineral estate owner and to the Town not less than thirty days before the date first scheduled for the preliminary hearing as required by Section 24-65.5-103, C.R.S.

Section 4. Section 9-1-18-2(C)(3)(o) of the Breckenridge Town Code is hereby deleted.

Section 5. Chapter 1 of Title 9 of the Breckenridge Town Code is hereby amended by the addition of a new Section 9-1-18-2(C)(4), which shall read in its entirety as follows:

4. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in Section 24-65.5-102(4), C.R.S., and if the application has been determined by the Director to be subject to the requirements of Article 65.5 of Title 24, C.R.S., the initial public hearing on the application shall not be convened unless the applicant certifies to the Director that notice has been provided to any mineral estate owner and to the Town not less than thirty days before the date first scheduled for the preliminary hearing as required by Section 24-65.5-103, C.R.S.

Section 6. Section 9-2-3-1(C)(3)(h) of the Breckenridge Town Code is hereby deleted.

Section 7. Chapter 2 of Title 9 of the Breckenridge Town Code is hereby amended by the addition of a new Section 9-2-3-1(C)(5), which shall read in its entirety as follows:

5. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in Section 24-65.5-102(4), C.R.S., and if the application has been determined by the Director to be subject

to the requirements of Article 65.5 of Title 24, C.R.S., the initial public hearing on the application shall not be convened unless the applicant certifies to the Director that notice has been provided to any mineral estate owner and to the Town not less than thirty days before the date first scheduled for the preliminary hearing as required by Section 24-65.5-103, C.R.S.

Section 8. Section 9-2-3-2(C)(3)(h) of the Breckenridge Town Code is hereby deleted.

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

5. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in Section 24-65.5-102(4), C.R.S., and if the application has been determined by the Director to be subject to the requirements of Article 65.5 of Title 24, C.R.S., the initial public hearing on the application shall not be convened unless the applicant certifies to the Director that notice has been provided to any mineral estate owner and to the Town not less than thirty days before the date first scheduled for the preliminary hearing as required by Section 24-65.5-103, C.R.S.

Section 10. 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 11. 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.

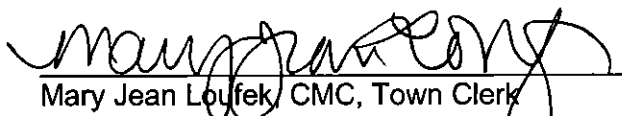
Section 12. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Article 65.5 of Title 24, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 13. 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 13<sup>th</sup> day of November, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27<sup>th</sup> day of November, 2007, 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

  
Ernie Blake, Mayor


This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on November 23, 2007.

The public hearing on this ordinance was held on November 27, 2007.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27<sup>th</sup> day of November, 2007. 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

  
Ernie Blake, Mayor

APPROVED IN FORM

 11/27/07  
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 7, 2007.