

ORDINANCE NO. 22

Series 2016

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO 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"

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

Section 1. Section 9-1-18-1(E)(5) of the Breckenridge Town Code is amended to read as follows:

5. Decision: The planning commission shall have thirty (30) working days after the conclusion of the public hearing to make a decision.

At the final hearing the planning commission shall review and consider the point analysis for the development proposal prepared by the director pursuant to Section 9-1-17-3.

If the planning commission agrees with the point analysis prepared by the director the planning commission shall:

- a. approve the development proposal if the point analysis indicates that the proposed development implements or has no effect on all relevant absolute policies and is allocated zero or net positive number of points for the relative policies; or
- b. deny the development proposal if the point analysis indicates that the proposed development does not implement all relevant absolute policies (subject to variance), or if it is allocated a net negative number of points for the relative policies.

If the planning commission disagrees with the point analysis prepared by the director the point analysis may be changed by affirmative vote of the planning commission. Once the point analysis for the development proposal has been finalized the planning commission shall either approve or deny the proposal using the standards set forth above.

The planning commission's final decision on a development proposal may be made by a single motion which, if approved, has the effect of both approving the point analysis and either approving or denying the development proposal as described in the motion.

Any approval of a development proposal may include such conditions of approval as the planning commission shall approve pursuant to section 9-1-17-7.

No decisions of the planning commission shall be in conflict with the provisions of this section. The planning commission may continue the hearing for good cause, or to allow additional information and materials to be submitted that will allow for a comprehensive review. In the event a final hearing has been continued, the applicant shall submit all additional materials to the town in accordance with the submittal schedule established by the director.

Within the historic district, the town may make the following decisions in addition to the decisions allowed above:

- a. The town may table the application for a period of up to one hundred twenty (120) days to allow for further study of the proposal by the applicant, town and planning commission.

- b. The town may approve the application, but place a condition that the permit not be in effect until a future date not to exceed one hundred eighty (180) days from approval of the development permit.
- c. The town may deny the application based upon a finding that approval of the development permit will have a significant, negative impact upon the historic character of the site, building or community as a whole.

Section 2. Section 9-1-18-2(E)(5) of the Breckenridge Town Code is amended to read as follows:

- 5. Decision: The planning commission shall have thirty (30) working days after the conclusion of the public hearing to make a decision.

At the final hearing the planning commission shall review and consider the point analysis for the development proposal prepared by the director pursuant to Section 9-1-17-3.

If the planning commission agrees with the point analysis prepared by the director the planning commission shall:

- a. approve the development proposal if the point analysis indicates that the proposed development implements or has no effect on all relevant absolute policies and is allocated zero or net positive number of points for the relative policies; or
- b. deny the development proposal if the point analysis indicates that the proposed development does not implement all relevant absolute policies (subject to variance), or if it is allocated a net negative number of points for the relative policies.

If the planning commission disagrees with the point analysis prepared by the director the point analysis may be changed by affirmative vote of the planning commission. Once the point analysis for the development proposal has been finalized the planning commission shall either approve or deny the proposal using the standards set forth above.

The planning commission's final decision on a development proposal may be made by a single motion which, if approved, has the effect of both approving the point analysis and either approving or denying the development proposal as described in the motion.

Any approval of a development proposal may include such conditions of approval as the planning commission shall approve pursuant to section 9-1-17-7.

No decisions of the planning commission shall be in conflict with the provisions of this section. The planning commission may continue the hearing for good cause, or to allow additional information and materials to be submitted that will allow for a comprehensive review. In the event a final hearing has been continued, the applicant shall submit all additional materials to the town in accordance with the submittal schedule established by the director.

Within the historic district, the town may make the following decisions in addition to the decisions allowed above:

- a. The town may table the application for a period of up to one hundred twenty (120) days to allow for further study of the proposal by the applicant, town and planning commission.
- b. The town may approve the application, but place a condition that the permit not be in effect until a future date not to exceed one hundred eighty (180) days from approval of the development permit.

- c. The town may deny the application based upon a finding that approval of the development permit will have a significant, negative impact upon the historic character of the site, building or community as a whole.

Section 3. Section 9-1-18-3(C) of the Breckenridge Town Code is amended to read as follows:

- C. Procedure: Once the application and accompanying material have been submitted, the director shall within five (5) days determine if the public interest would better be served by requiring conformance with the class B development process rather than class C. If the director determines that the application should be processed as a class B, the applicant shall then meet the requirements of the class B process. If not, the director shall process the application as follows:
 1. Within twenty two (22) days of receipt of the complete submittal, the director shall review the proposal and grant or deny it using the standards set forth in subsection 2 of this section, with or without conditions.
 2. In making the decision on the proposal the director shall:
 - a. approve the development proposal if the point analysis indicates that the proposed development implements or has no effect on all relevant absolute policies and is allocated zero or net positive number of points for the relative policies; or
 - b. deny the development proposal if the point analysis indicates that the proposed development does not implement all relevant absolute policies (subject to variance), or if it is allocated a net negative number of points for the relative policies.
 3. The director shall forward his or her decision to the planning commission at its next regularly scheduled meeting. At that meeting the planning commission may, by an affirmative vote of the members present, call up any decision of the director for its own review. If called up, the planning commission shall review the application at the same meeting at which it was called up, unless the applicant consents to another hearing date. In lieu of calling up a director's decision the planning commission may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the director or add any condition of approval.
 4. The director shall then forward the decision to the town council at its next regularly scheduled meeting following the decision having been presented to the planning commission if the director's decision was not called up by the planning commission, or the planning commission's decision on the application if the director's decision was called up, whichever is applicable. At that meeting, the town council may, by an affirmative vote of the members present, call up any decision for its own review. In lieu of calling up the director's decision or the planning commission's decision the council may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the planning commission or add any condition of approval.
 - a. If called up, the town council shall review the application at its next regularly scheduled meeting, unless the applicant consents to another hearing date. The town council after review shall grant or deny the application using the standards set forth in subsection 2 of this section, with or without conditions.
 - b. If the decision forwarded to the town council is not called up or modified, it shall stand as presented.
 5. Once the decision has been finalized, the director shall transmit the final decision to the applicant; and, if the application is approved, shall issue a development permit, with or without conditions.

Section 4. Section 9-1-18-5(A) of the Breckenridge Town Code is amended to read as follows:

9-1-18-5: CALL UP PROCESS:

A. Town Council Action: If a planning commission decision or affirmation by the planning commission of a staff decision on any class A, B or C application is then called up by the town council, the council shall then act on the application as follows:

1. Hearing, Notice And Decision:

- a. Class C applications shall be heard at the council's next regularly scheduled meeting following the vote to call up the application, unless the applicant consents to another hearing date. No notice is required.
- b. Class A and B applications shall be heard at a public hearing conducted at the council's next regularly scheduled meeting following the vote to call up the application, unless the applicant consents to another hearing date. Notice is required in the same manner as for final hearings held before the planning commission.
- c. All hearings conducted under this section shall be conducted as de novo hearings.
- d. The council shall have the right to approve an application as proposed, approve it with conditions, deny it or continue the hearing for good cause.
- e. The council shall have forty five (45) days from the date of the call up to make a final decision on class C applications, and sixty (60) days from the date of the call up to make a final decision on class A or class B applications.
- f. It is not a ground for disqualification that a town council member read or reviewed the minutes of the planning commission with respect to the application that is the subject of the call up hearing.

Section 5. Section 9-2-3-4 of the Breckenridge Town Code is amended to read as follows:

9-2-3-4: CALL UP PROCESS:

A. Town Council Action: If a planning commission decision is called up by the town council, the council shall act on the application as provided in subsection B of this section.

B. Hearing Notice And Decision:

1. All subdivision applications shall be heard within thirty (30) days of the vote to call up the application at a public hearing conducted by the council, unless the applicant consents to another hearing date. Notice of the public hearing shall be required in the same manner as for final hearings held before the planning commission for the class of subdivision proposed.
2. All hearings conducted under this section shall be conducted as de novo hearings.
3. The council shall have the right to approve an application as proposed, approve it with conditions, deny it or continue the hearing for good cause.
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.
5. It is not a ground for disqualification that a town council member read or reviewed the minutes of the planning commission with respect to the application that is the subject of the call up hearing.

Section 6. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 7. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,

Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 8. The Town Council 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 9. 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 9th day of August, 2016.

This ordinance was published in full on the Town of Breckenridge website on August 11, August 12, August 13, August 14 and August 15, 2016.

A public hearing on this ordinance was held on August 23, 2016.

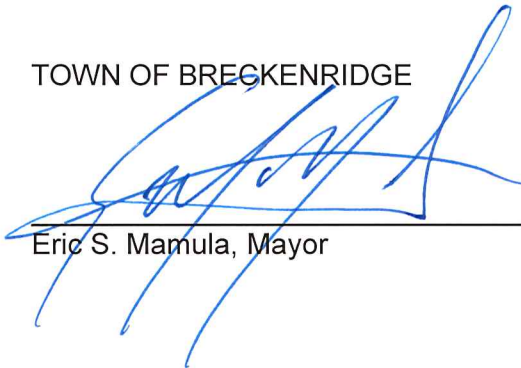
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 23rd day of August, 2016. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

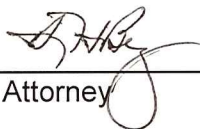


Helen Cospolich, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

8/23/16

Date

This Ordinance was published on the Town of Breckenridge website on August 26, August 27, August 28, August 29 and August 30, 2016. This ordinance shall become effective on September 29, 2016.