

ORDINANCE NO. 2

Series 2020

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. Section 9-2-1-2G of the Breckenridge Town Code is amended to read as follows:

G. Assuring that all subdivisions, plats, and dedications of land are in conformance with the Breckenridge comprehensive plan land use guidelines, handbook of design standards, urban design plan, street standards, storm drainage standards, flood damage prevention regulations, water quality and sediment transport control standards, and Breckenridge development code;

Section 2. Section 9-2-1-4A of the Breckenridge Town Code is amended to read as follows:

A. This chapter shall apply to all subdivisions, including resubdivisions, of land and structures located within the corporate limits of the town.

Section 3. Section 9-2-1-5C of the Breckenridge Town Code is amended to read as follows:

C. Separability: If any part or provision of this chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the chapter or the application thereof to other persons or circumstances. The town council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid.

Section 4. Section 9-2-1-8 of the Breckenridge Town Code is amended to read as follows:

9-2-1-8: CONDITIONS:

The Town Council, Planning Commission, and Director have the authority to approve a subdivision plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare, and the subdivider has the duty to comply with all such conditions laid down by the Town for the design, dedication, improvement, and restrictive use of the land so as to ensure the project conforms to the purposes herein, and the Town's comprehensive plan.

Section 5. Section 9-2-1-9C of the Breckenridge Town Code is amended to read as follows:

C. Limitation On Resubdivision: No lot located within a single-family residential subdivision outside of the Conservation District shall be resubdivided if the result would be the creation of more buildable lots than existed prior to the resubdivision. Exception: A resubdivision to create duplexes, townhomes or condominiums is exempt from this prohibition when done pursuant to an approved subdivision plan.

Section 6. Section 9-2-1-11 of the Breckenridge Town Code is amended to read as follows:

9-2-1-11: ENFORCEMENT, VIOLATIONS AND PENALTIES:

A. General: It shall be the duty of the director to enforce this chapter and to bring to the attention of the town attorney any violation or lack of compliance herewith.

B. It is an "infraction", as defined in section 1-3-2 of this code, for any person to violate any of the provisions of this chapter. Every person found liable for violating any provision of this chapter shall be punished as provided in section 1-4-1-1 of this code.

C. Additional Remedies: The town council may further institute, in addition to other remedies provided by law, such equitable proceeding, including, but not limited to, injunctions, mandamus, abatement or other appropriate action or proceedings as may be necessary to effect compliance with the provisions of this chapter. In addition to other remedies available to the town, the town may commence an action pursuant to section 1-8-10 of this code to enjoin the alleged violation of any provision of this chapter.

D. Subdivision In Violation: No development or building permit shall be issued for the construction of any building structure, improvement, or other development located on a lot or parcel which has been subdivided in violation of the provisions of this chapter.

E. Injunctive Relief: The town shall have the authority to bring an action in a court of competent jurisdiction for injunctive relief to enforce any plat restriction, plat note, plat map, master plan, or planned unit development agreement, and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map, master plan or planned unit development agreement

Section 7. Section 9-2-1-12E of the Breckenridge Town Code is amended by the addition of a new section E which shall read as follows:

E. Public notice of a continued public hearing shall be given in the same manner as notice of the original public hearing was given.

Section 8. Section 9-2-1-13A of the Breckenridge Town Code is amended to read as follows:

A. Class C Subdivision: Development permits for class C subdivisions shall be valid for a period of only eighteen (18) months after the date of the approval, unless otherwise authorized by the provisions of this chapter.

Section 9. Section 9-2-1-13B9 of the Breckenridge Town Code is amended to read as follows:

9. Extension Of Vested Property Right: A development permit and the vested property rights for such subdivision may be extended by the planning commission for class A and B applications, and by the director for class C applications. An application for an extension shall be made in writing to the director, and shall include such submittal information as the director may require. Such application must be received at least thirty (30) days prior to the expiration of the development permit. An application for an extension which is received within the specified time period shall extend the development permit and the vested property rights for such subdivision until such application is finally determined, and an application for extension shall be considered even though, at the time of such consideration, the development permit would have otherwise expired. Failure to submit a written request for extension within the specified time period shall cause the development permit and the vested property rights for such subdivision to expire in three (3) years as provided in subsection B4 of this section. An extension application shall be classified and processed one classification lower than the classification of the development permit which gave rise to the vested property rights for the subdivision; provided, however, an application to extend a class C development permit shall be classified as a class C application. The planning commission or the director, as applicable, may approve the requested extension, deny the requested extension or approve the requested extension with conditions. If an extension of a class A or class B development permit is granted, the planning commission shall fix the period of extension, which may be up to and including a period of three (3) years. The director shall fix the period of extension of a class C development permit, which may be up to and including 18 months.

Section 10. The reference to Section 9-2-1-14 of the Breckenridge Town Code,

“Computation of Time,” having been deleted by Ordinance No. 8, Series 2003 is deleted.

Section 11. The following definitions in Section 9-2-2 of the Breckenridge Town Code are amended to read as follows:

ALLEY:	A dedicated right of way providing access to abutting properties.
DIRECTOR:	The town of Breckenridge director of community development, or the director’s authorized representative acting pursuant to Section 1-7-2 of this code.
IMPROVEMENTS:	All things constructed or placed within the subdivision, including, but not limited to, the following: A. Roads, streets, alleys, driveways, accessways, entrances into rights of way, street signs and lights, and other street furniture. B. Grading, creation of slopes, retaining walls and monuments. C. Sidewalks, crosswalks, pedestrian paths, and bicycle paths. D. Curbs, gutters, and curb returns. E. Water mains, utility pipes, and utility conduit lines. F. Sodding, landscaping, tree planting, irrigation improvements, and erosion control measures.
MASTER PLAN:	A land use and development plan as described in section 9-1-19-39A , “Policy 39 (Absolute) Master Plan.”
PERSON:	Has the meaning provided in Section 1-3-2 of this Code.
PLANNING COMMISSION:	The town Breckenridge planning commission.
RESUBDIVISION:	A change in the map of an approved or recorded subdivision or resubdivision, if such change: A. Affects any street or alley layout shown on such map; B. Affects any area reserved thereon for public use; C. Changes the size or dimension of any lot, or creates an additional lot. D. Affects size, configuration, or location of any building envelope, disturbance envelope, or footprint lot. E. Adds or modifies an existing plat note.
SITE DISTURBANCE ENVELOPE:	A space of fixed dimensions within a lot which defines that portion of the lot where all permanent structures on the lot must be located, and within which all construction activities shall occur, except as otherwise provided in this chapter. A site disturbance envelope shall be used to limit the location of development constructed within a lot, and to minimize or contain the disturbance associated with the construction of such development, so as to protect vegetative, geological, hydrological and historic resources, views, and to maintain a visual buffer/separation between the development to be constructed and the development, if any, located or to be located on adjoining lot(s). May also be referred to as disturbance envelope.
STREETS:	A right of way which provides for vehicular, bicycle, and pedestrian circulation. A. Cul-De-Sac: A local street of short length having only one outlet with provision for a turnaround at its termination, and which is not intended to be

	<p>extended or continued to serve future subdivisions or adjacent land. Also known as a dead end street.</p> <p>B. Street Width: The shortest distance between the lines delineating the right of way of streets.</p> <p>C. Stub Street: A dead end local street which provides for eventual extension of a street onto unplatted land.</p> <p>D. Arterial Streets And Highway: Those used primarily for fast or heavy traffic.</p> <p>E. Collector Streets: Those which carry traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within the development.</p> <p>F. Minor Streets (Also Called Local Streets): Those which are used primarily for access to abutting properties.</p>
STRUCTURE:	That which is built or constructed, an edifice or building of any kind. The term structure shall not include: address monuments, signs, retaining walls, fences, paved surfaces, solar arrays, wind turbines, and at or below grade improvements.

Section 12. Section 9-2-2 of the Breckenridge Town Code is amended by the addition of the following definitions:

COMMUNICATION:	A utility that includes, but is not limited to, fiber and telephone.
COMPREHENSIVE PLAN:	The overall long range plan for the future development of the Town which includes goals and policies, future land use, transportation and community facilities plans, as might be adopted and amended from time to time. May also be called the Breckenridge comprehensive plan or the town master plan (see chapter 4, title 9 of this code).
DEVELOPMENT:	Any change in the actual use of land or improvements thereon, including, but not limited to, the construction of any improvements which require a development permit as required in title 9, chapter 1 of this code or a building permit as required in title 8, chapter 1 of this code.

Section 13. Section 9-2-3-1C3 of the Breckenridge Town Code is amended by the addition of a new section (h) which shall read as follows:

h. Clear and legible electronic copy of the document(s) in 8.5" x 11" Adobe (.pdf) format.

Section 14. Section 9-2-3-1D3e of the Breckenridge Town Code is amended to read as follows:

e. Decision: The planning commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The planning commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this chapter and the Breckenridge comprehensive plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The planning commission may also continue the hearing for up to forty five (45) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider

shall submit all additional materials to the town in accordance with a schedule established by the director.

Section 15. Section 9-2-3-2C3 of the Breckenridge Town Code is amended by the addition of a new section (h) which shall read as follows:

h. Clear and legible electronic copy of the document(s) in 8.5" x 11" Adobe (.pdf) format.

Section 16. Section 9-2-3-2D3e of the Breckenridge Town Code is amended to read as follows:

e. Decision: The planning commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The planning commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this chapter and the Breckenridge comprehensive plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The planning commission may also continue the hearing for up to thirty (30) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider shall submit all additional materials to the town in accordance with a schedule established by the director.

Section 17. Section 9-2-3-3C of the Breckenridge Town Code is amended to read as follows:

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, homeowners' association declarations, bylaws, 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. Clear and legible electronic copy of the document(s) in 8.5" x 11" Adobe (.pdf) format.
7. In addition to subsections C1 through C6 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.
8. In addition to subsections C1 through C6 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.
9. In addition to the requirements of subsections C1 through C6, and C7a through C7d of this section, for townhouse and duplex subdivisions, three (3) copies of a final plan indicating the proposed lot lines.

Section 18. Section 9-2-3-3E3 of the Breckenridge Town Code is amended to read as follows:

3. Appeals shall be submitted in writing to the director.

Section 19. Section 9-2-3-5C7 of the Breckenridge Town Code is amended to read as follows:

7. Final plans and specifications for all public utilities including, but not limited to, water, and preliminary plans and cost estimates for all other public utilities including sewer, electrical, gas, communication, and cable television.

Section 20. Section 9-2-3-6A1 of the Breckenridge Town Code is amended to read as follows:

1. Completion Of Improvements: All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required in this chapter, and to dedicate public improvements to the town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit proof of ownership of the property to be subdivided, including a description of all liens, encumbrances, and other title restrictions applicable to such property, prior to conveying any land to the town. The title to the subdivider's property shall be acceptable to the director.

Section 21. Section 9-2-3-7B2 of the Breckenridge Town Code is amended to read as follows:

2. If at any time within the term of the agreement, a development or building permit is issued by the town for the construction of development or improvements upon any adjacent property which results in new improvements on the adjacent property being connected to, or served by, the off site improvements constructed by the subdivider, the town shall collect from the adjacent property owner at the time of the issuance of the building permit an amount which the town determines in the agreement to represent the adjacent property owner's fair and equitable share of the cost of the construction or extension of the subdivider's off site improvements. The amount of such adjacent property owner's share shall be determined using a front footage basis, unless the council determines that some other basis, or combination of basis, would result in a fairer and more equitable determination in a given case.

Section 22. Section 9-2-3-11D1 of the Breckenridge Town Code is amended to read as follows:

1. An application for an affidavit of correction shall be processed administratively by the director and town engineer in consultation with the town attorney.

Section 23. Section 9-2-4-1A of the Breckenridge Town Code is amended to read as follows:

A. Conformance To Applicable Rules And Regulations: In addition to all requirements established herein, all subdivision plans shall comply with the following:

1. All applicable state or federal laws.
2. The Breckenridge comprehensive plan, land use guidelines, handbook of design standards, urban design plan, street standards, storm drainage standards, flood damage prevention regulations, water quality and sediment transport control standards, development code, building code, and all applicable town laws, codes, regulations, and development related policies.
3. The rules of the Colorado Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
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 24. Section 9-2-4-4C of the Breckenridge Town Code is amended to read as

follows:

C. Sanitary Sewer Facilities:

1. Public community sewage systems shall be constructed throughout the subdivision and connected to existing public sewage facilities, i.e., Upper Blue Sanitation District facilities.
2. Sanitary sewers shall be located within street or alley rights of way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. The proposed location of sewer lines shall be shown on the final plan of the subdivision, and easements shall be dedicated to the town or Upper Blue Sanitation District, as determined by the town, and shall be not less than twenty feet (20') in width.
3. Sanitary sewer facilities design shall be in conformance with Upper Blue Sanitation District design criteria and engineering requirements. All sanitary sewage facilities shall be compatible with the long range planning for installing sewers in the entire tributary area.

Section 25. Section 9-2-4-4D of the Breckenridge Town Code is amended to read as follows:

D. Utilities: Communication, Electric, Gas And Cable Television:

1. Utility distribution lines for communication, electric, gas and cable television service shall be placed underground throughout the entire subdivided area and shall serve all lots. Installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the state now or hereafter effective and the subdivider shall be responsible for compliance with the applicable orders, rules, and regulations of the state now or hereafter effective for any public utility whose service will be required for the subdivision with respect to the provisions of such facilities.
2. Underground communication, electric, gas and cable television service shall be placed within easements or dedicated public rights of way dedicated to the town, in a manner that will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Corner markers as required in this chapter shall not be disturbed by the installation of utility markers.

Section 26. Section 9-2-4-5C7 of the Breckenridge Town Code is amended to read as follows:

7. The following standards shall apply to site disturbance envelopes or any modification of existing building or disturbance envelopes:
 - a. Site disturbance envelopes shall be platted for all residential lots at the time of subdivision, including resubdivisions and lot line vacations.
 - b. New site disturbance envelopes:
 - (1) Within the Conservation District, site disturbance envelopes are not required.
 - (2) Outside of the Conservation District, a site disturbance envelope shall be located on a lot in a manner which complies with the following minimum setbacks:
 - (a) Front yard: Twenty five feet (25').
 - (b) Rear yard: Fifteen feet (15').
 - (c) Side yard: Fifteen feet (15'), with combined side yard setbacks on each lot equaling a minimum of fifty feet (50').
 - (3) Site disturbance envelopes shall be located away from significant ridgelines and hillsides.
 - (4) In general, site disturbance envelope lines shall be at right angles. Disturbance envelopes shall take the form of simple geometric shapes, except where topographic conditions require otherwise for an environmentally sensitive design.
 - (5) The location of a site disturbance envelope shall take into consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5) significant trees which will effectively screen future development when viewed from an area of concern. Particular attention shall be given to trees on the downhill side of a site disturbance envelope.

(6) If a lot is subject to a maximum aboveground square footage as stated in Section 9-1-19-4A, "Policy 4 (Absolute) Mass, the allowed square footage shall not be increased.

c. Modification to existing building or site disturbance envelopes:

(1) Requirements in subsection c7a. of this section shall be reviewed when any envelope modification occurs.

(2) Building envelope modifications shall result in the envelope becoming a site disturbance envelope. The creation of new envelopes shall be reviewed by the planning commission unless the application is a class C subdivision.

(3) Modifications to any envelope shall result in both square footage and overall site disturbance equal to or less than the existing envelope.

(4) Any envelope modification or relocation shall be solely for environmental preservation, reduced site disturbance, reduced visibility, or in special cases where there has been a significant change within the envelope from past activity, such as forest management or mining. Enhancing viewsheds is not a valid reason to modify or relocate a site disturbance envelope. If an envelope is proposed to be relocated to another portion of a lot, impact on adjacent properties shall be considered. Consideration will also be given if an envelope is located near another and the proposal is to relocate the envelope further away. Additional information justifying any envelope modification or relocation may be required by the director.

d. Development allowed within a site disturbance envelope:

(1) Except as provided in subsection 7e of this section, the following shall occur within a platted site disturbance envelope: 1) all construction activities, including, but not limited to, grading, excavation, soil disruption (tree cutting and/or the removal of native vegetation unless approved by separate review in connection with an approved fire mitigation and/or a forest management plan); and 2) the construction of all permanent improvements, including buildings, roof overhangs, structures, decks, at grade patios, fences, stairs, window wells, bay windows, parking spaces, parking hammerheads, or other similar improvements and development.

e. Development allowed outside of a site disturbance envelope:

(1) The following may occur outside of a platted site disturbance envelope: 1) construction of approved driveway access and paving (Once a driveway crosses a site disturbance envelope line, the driveway should not again cross the envelope), walkways, necessary driveway retaining walls, utility connections, pedestals and boxes, approved drainage facilities, culverts, public and private trails, street lighting, driveway entrance signage and related lighting, freestanding solar arrays and wind turbines, and soil disturbances related to all such activities; 2) approved tree planting and landscaping; and 3) other activities approved by the director which are consistent with the intent and purpose of the town requirement for the creation of site disturbance envelopes.

Section 27. Section 9-2-4-7 of the Breckenridge Town Code is amended to read as follows:

9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS:

It is the policy of the town to require bicycle and pedestrian paths to be dedicated to the town as a component of the town's alternative transportation network and to provide recreational opportunities. Subdivision proposals shall include, as a component of the required public improvements, a pedestrian and bicycle path system designed to preserve existing paths, integrate with existing improvements and provide service appropriate to the character and magnitude of the proposed development.

At such time as the town has adopted a trails plan, the subdivider shall dedicate to the town those portions of the trails, if any, shown thereon which traverse the property to be subdivided. The town may accept alternative trail alignments and dedications proposed by the subdivider which will implement the town's overall trails plans and policies.

Land dedicated for a trail shall apply toward the subdivider's open space dedication requirements under subsection 9-2-4-13A of this chapter. The town may require dedication of land for open space exceeding ten percent (10%) when such dedication is necessary to implement the town's overall trails plans and policies, and the additional dedication does not create an undue burden on the design and development of the subdivision. Where trail dedications are made

pursuant to the trails plan which result in open space dedications greater than ten percent (10%) of the land area of the subdivision, the town's open space dedication requirements shall be deemed to be satisfied upon making such dedications. Land area for sidewalks adjacent to streets, and land area for internal pedestrian circulation elements shall not be credited toward the ten percent (10%) open space dedication requirement.

Prior to the adoption of a trails plan, the subdivider shall dedicate to the town those trails necessary to implement a townwide trails system. In determining which trails shall be dedicated prior to the adoption of a trails plan the town shall utilize the Breckenridge comprehensive plan, urban design plan, and other relevant documents.

All easements or rights of way for paths dedicated to the town lying within subdivider's property shall be at least fifteen feet (15') in width.

Where possible, a separation between vehicular trafficways and pedestrian/bicycle improvements is encouraged. Bike path and pedestrian ways shall be constructed according to the standards established in the Breckenridge street standards for hard surface paths. Soft surface paths shall be designed to meet current industry standards.

One hundred percent (100%) of the land area required by the town to be dedicated for trail systems outside of the proposed street rights of way shall be credited toward the subdivider's open space requirements, if any.

Section 28. The introductory portion of Section 9-2-4-11A1 of the Breckenridge Town Code is amended to read as follows:

1. Conformance With Master Plan: All streets shall be laid out in conformance with the Breckenridge comprehensive plan. Where such is not shown on the comprehensive plan, the arrangement of streets within a subdivision shall either:

Section 29. Section 9-2-4-11C2 of the Breckenridge Town Code is amended to read as follows:

2. Widening And Realignment Of Existing Streets: Where a subdivision borders an existing street or when the Breckenridge comprehensive plan indicates or the town determines a need for realignment or widening of a street that would require use of some of the land in the subdivision, the subdivider may be required to improve and dedicate at his expense such areas for widening or realignment of such streets. Such frontage streets and other streets shall be improved in accordance with town street standards and dedicated by the subdivider at his own expense to the full width as required by this chapter, provided that if the subdivider owns land on only one side of said street, he need only realign that side and only improve one-half ($\frac{1}{2}$) of the necessary width, including all bridges, crossings and culverts required by the town.

Section 30. Section 9-2-4-13A2 of the Breckenridge Town Code is amended to read as follows:

2. Location: The location and configuration of the site or sites to be dedicated shall be determined by the town in consultation with the subdivider and town staff which shall take into account the Breckenridge comprehensive plan the suitability of the site for park, open space, or recreational purposes, its relationship to population concentrations, and its proximity to other park or recreational lands, including existing and proposed parks adjacent to the Blue River. The town may require that the area be located at a suitable place, such as on the edge of the subdivision so additional land may be added at such time as the adjacent land is subdivided. Land so reserved shall be of a character and location suitable for public purposes, and if consistent with the needs of the town in that particular area, and if proposed for a playground or other similar recreational purposes shall be relatively level and dry.

Section 31. Section 9-2-4-13B1 of the Breckenridge Town Code is amended to read as follows:

1. Cash Contribution In Lieu Of Park, Open Space And Recreational Land

Dedications: A cash contribution equal to ten percent (10%) of the value of the land shall be provided in lieu of park, open space and recreational land dedications and shall be held by the town solely for the acquisition and improvement of park, open space and recreational land within the community. Because of the small size of the community, the provision of a park, open space, or other recreational land anywhere within the Breckenridge comprehensive plan boundary shall be deemed to meet the needs of the proposed subdivision.

Section 32. 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 33. 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 34. The Town Council hereby 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 35. 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 14th day of January, 2020.

This ordinance was published in full on the Town of Breckenridge website on January 17, January 18, January 19, January 20 and January 21, 2020.

A public hearing on this ordinance was held on January 28, 2020.

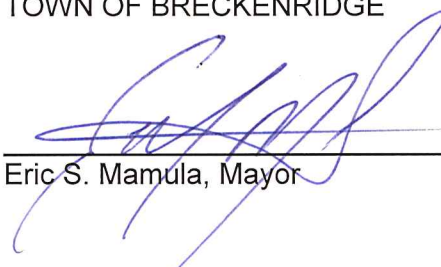
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 28th day of January, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on January 29, January 30, January 31, February 1 and February 2, 2020. This ordinance shall become effective on March 3, 2020.