

ORDINANCE NO. 8

Series 2020

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING DEVELOPMENT AGREEMENTS

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

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

9-9-5: DEVELOPMENT AGREEMENTS; GENERAL:

A. The decision by the town council to enter into a development agreement with an applicant is always discretionary; nothing in this code shall be interpreted or construed as requiring the town council to approve a development agreement under any circumstances. There is never an entitlement on the part of the applicant to the approval of a development agreement.

B. An application for a development permit that is based upon a development agreement may not be submitted until the development agreement has been approved by the Town Council.

C. A development agreement may provide for the specific manner in which a development permit application will be treated under the various absolute and relative polices of the development code, or the policies of the subdivision standards. This includes how points will be awarded or assessed under the various relative polices of the development code, and the authority to waive required compliance with any absolute development code policy or policy of the subdivision standards.

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

9-9-8: FEE:

An application for approval of a development agreement shall be accompanied by a nonrefundable fee in an amount equal to the fee for a Class A development permit application. Such fee is determined by the Town Council to reasonably reimburse the Town for the direct and indirect costs incurred by the Town in processing such an application.

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

9-9-9: SUBMITTAL REQUIREMENTS:

A completed application for approval of a development agreement shall be submitted a minimum of twenty eight (28) days prior to the requested work session with the Town Council. The development agreement application, whether included as part of a development permit application or submitted as a separate application, shall include the following information and documentation:

A. Proof of ownership of the land to be included within the development agreement.

B. A properly acknowledged letter of authorization from the owner of the land to be included within the development agreement permitting a designated representative to process the application.

C. A properly acknowledged statement of consent to proceed with the proposed development agreement, executed by all owners of fee title to the land to be included within the development agreement.

D. A narrative description describing the nature of the application's compliance with the applicable threshold criteria under the code section authorizing the execution of the development agreement.

E. A description of the commitments proposed by the applicant as described in section 9-9-4 of this chapter.

F. Such other reasonable information as the Director may require.

Section 4. Section 9-9-12 of the Breckenridge Town Code is amended by the addition of a new subsection J, which shall read as follows:

J. In connection with an application for a development permit to develop the real property that is the subject of a development agreement the application shall not receive an award of positive points under the Development Code for any commitment offered to the Town by the applicant pursuant to Section 9-9-4, or any other obligation or requirement of the applicant under the development agreement.

Section 5. Section 9-9-14 of the Breckenridge Town Code is amended to read as follows:

9-9-14: RECORDING OF DEVELOPMENT AGREEMENT:

Within thirty (30) days of the effective date of the ordinance approving a development agreement, the applicant shall submit a copy of the approved development agreement to the director for execution by the town and subsequent recording, together with the required recordation fees.

Section 6. Chapter 9 of Title 9 of the Breckenridge Town Code is amended by the addition of a new Section 9-9-15, which shall read as follows:

9-9-15: AMENDMENT OF DEVELOPMENT AGREEMENT:

A development agreement may be amended by a written agreement approved by a nonemergency ordinance adopted by the Town Council in accordance with the procedures set forth in section 5.10 of the Town Charter. No notice other than the notice required by subsection 5.10(d) of the Town Charter shall be required in connection with the adoption of an ordinance approving an amendment to a development agreement.

Section 7. 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 8. 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 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 25th day of February, 2020.

This ordinance was published in full on the Town of Breckenridge website on February 27, February 28, February 29, March 1 and March 2, 2020.

A public hearing on this ordinance was held on March 10, 2020.

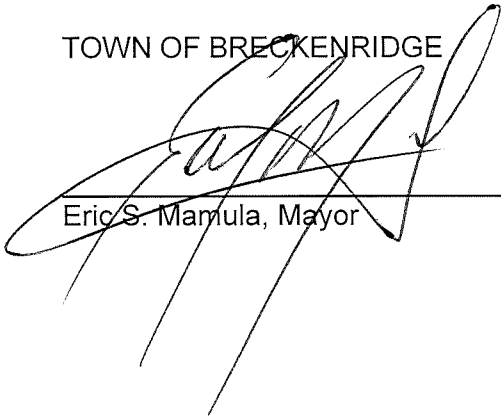
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of March, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

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 March 13, March 14, March 15, March 16 and March 17, 2020. This ordinance shall become effective on April 16, 2020.