

ORDINANCE NO. 3

Series 2022

**AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE
CONCERNING TOWN ENGINEERING REGULATIONS**

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

Section 1. That Title 10, entitled "Engineering Process and Regulations", of the Breckenridge Code is hereby repealed and replaced in its entirety as follows:

TITLE 10: ENGINEERING PROCESS AND REGULATIONS

CHAPTER 1 ADOPTION OF ENGINEERING REGULATIONS AND AUTHORITY OF TOWN ENGINEER

SECTION:

10-1-1 PURPOSE

10-1-2 AUTHORITY

10-1-3 AUTHORITY OF TOWN ENGINEER

10-1-4 ACCESS TO STANDARDS

10-1-5 POLICY SUMMARY

10-1-1 PURPOSE

The purpose of Title 10 is to adopt regulations entitled the "Town of Breckenridge Engineering Regulations" that cover design and construction standards applicable to all private and public development within the Town of Breckenridge to ensure that the design and construction protects the health, safety and welfare of the community.

10-1-2 AUTHORITY

Title 10 is adopted pursuant to the authority granted by the applicable provisions of the Breckenridge home rule charter, the Constitution of the State of Colorado, and the laws of the State of Colorado.

10-1-3 AUTHORITY OF TOWN ENGINEER

The Town Engineer, as the administrative authority for these regulations, shall formulate such rules, procedures, interpretations, design criteria, and guidelines as may be necessary to administer these regulations. Such requirements, interpretations, and guidelines shall be published in the form of an administrative document titled "Engineering Design Standards and Construction Specifications". The Town Engineer has the authority to administratively formulate, update, amend, and add regulations to the Engineering Design Standards and Construction Specifications. The "Town of Breckenridge Engineering Regulations" and the "Town of Breckenridge Engineering Design Standards and Construction Specifications" are collectively referred to in the Town of Breckenridge Code as "Engineering Regulations".

10-1-4 ACCESS TO STANDARDS

The Breckenridge Engineering Standards and Regulations and the Engineering Design Standards and Construction Specifications shall be made available to the public. Copies of the standards are available to the public through the Town website and printed copies shall be available at the Town of Breckenridge Engineering Office.

10-1-5 POLICY SUMMARY

Title 10 shall apply to all public and private development within the jurisdictional boundaries of the Town of Breckenridge, including, but not limited to, new development and redevelopment as defined in this code, subdivisions and resubdivisions, street and stormwater infrastructure, grading and excavation, impacts to Town right-of-way, and public and private construction. The Engineering Regulations shall also apply to Town rights-of-way and Town-owned infrastructure located outside the jurisdictional boundaries of the Town of Breckenridge.

The Town Engineer will evaluate engineering designs submitted to the Town based on the standards set forth in the Engineering Regulations. To provide consistency in the design of infrastructure within the Town, these Engineering Regulations follow criteria or design methodology that are in conformance with applicable state and federal laws including: the American Association of State Highway and Transportation (AASHTO), Colorado Department of Transportation (CDOT), Federal Americans with Disabilities Act (ADA) Regulations, Federal Highway Administration (FHWA), Mile High Flood District (MHFD), National Cooperative Highway Research Program (NCHRP), U.S. Department of Transportation, Manual of Uniform Traffic Control Devices (MUTCD), United States Access Board (PROWAG and ADAAG), and National Cooperative Highway Research Program (NCHRP).

CHAPTER 2 ENGINEERING REGULATIONS

SECTION:

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10-2-1-1 STREET MONUMENTS

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10-2-5 CONSTRUCTION SPECIFICATIONS

10-2-1 STREET STANDARDS

10-2-1-1 STREET MONUMENTS

The corners of lots, tracts or other parcels of land, and any line points of reference shall, when established on dredge tailings by a land survey, be solidly embedded in concrete per details approved by the Town Engineer and shall be in addition to the minimum standards for surveys set forth in the Colorado Revised Statutes.

10-2-1-2 ENCROACHMENT LICENSE AGREEMENT

Private structures, landscaping, and other private improvements are generally not permitted to be installed in the Town right-of-way or easements. Requests for private improvements in the Town right-of-way and easements shall be submitted in writing to the Town Engineer. If the Town Engineer approves a request, a revocable encroachment license shall be submitted to the Town per Section 11-6 of this code.

10-2-1-3 TRAFFIC IMPACT STUDY REQUIREMENTS

Proposed developments expected to generate greater than 10 vehicle trips per hour shall require a traffic impact study to be submitted to the Town Engineer. Study requirements and submittals shall be per the Engineering Design Standards and Construction Specifications and as determined by the Town Engineer.

10-2-1-4 TRAFFIC MITIGATION

Where a development will cause traffic impacts, mitigation will be required. Acceptable mitigation measures may include capacity and access improvements, signalization, signal operation improvements, street widening, additional connections, or other physical improvements. Where existing conditions prevent physical improvements (i.e., steep terrain, adjacent buildings, limited right-of-way, etc.), a project may be required to reduce density, implement transportation demand management (TDM) measures to minimize the demand for vehicle trips and encourage alternate mode use, and/or provide cash-in-lieu of the improvement. Cash-in-lieu fee amounts will be determined based on the development's generated trips and the scope of the mitigation proposed.

10-2-1-5 IMPROVEMENTS TO EXISTING STREETS

The Town Engineer may require improvements to existing streets, due to development impacts to the streets, increased demand on existing improvements, or existing streets serving new developments not meeting current standards. Improvements may include, but are not limited to, intersection improvements, sight distance improvements, street widening, adjustments to horizontal and vertical street geometry, drainage improvements, vehicle and pedestrian lighting, signage, pedestrian routes, acceleration lanes, deceleration lanes, clear zone widening, shoulder improvements, and transit improvements.

Existing streets providing access to a new development must be upgraded to current standards if both of the following conditions are met:

1. The existing street does not meet current Town of Breckenridge Engineering Standards.
2. The proposed development will increase the Average Daily Traffic (ADT) of the street by 25% or more.

Existing streets must also be upgraded to current standards if a development changes the street classification or as directed by the Town Engineer.

10-2-1-6 STANDARDS FOR CONSTRUCTION OF STREETS

All street construction, whether new construction or upgrading of existing infrastructure, shall be built in accordance with the Engineering Design Standards and Construction Specifications.

Private and public streets shall both be built in accordance with the engineering standards.

Developers shall be required to pay for all street construction costs for new developments, including, but not limited to, utilities, street lighting, pavement, sidewalks, transit improvements, and signage. The Town Engineer may require additional improvements to existing roadways, pedestrian routes, transit facilities, and other infrastructure that is adjacent to the development or will experience increased use from the development.

10-2-1-7 ACCESS CONTROL

Private accesses and driveways shall meet spacing, width, grading, geometry, sight distance, surfacing, and all other requirements of the Engineering Design Standards and Construction Specifications. Only one access shall be allowed per lot. Access shall be from the lowest classification street abutting a property. Additional access control requirements may be determined by the Town Engineer to provide safe ingress and egress to the property.

10-2-1-8 SIGNAGE

Stop signs or other traffic control devices shall be installed at the intersections of all public and private streets (access serving four or more units) and shall meet MUTCD requirements. Stop signs are not required at driveways serving three or less units. All signage shall meet the requirements of Title 7 of the Breckenridge Town Code, entitled Vehicles and Traffic, Title 11 of the Breckenridge Town Code, entitled Public Ways and Property, and the Engineering Design Standards and Construction Specifications. No private signage shall be permitted within the right-of-way. No private signage shall be permitted on private property which attempts to direct traffic or parking. Business name signs and address signs may be installed outside of the right of way per requirements in Title 9 of this code.

10-2-2 RIGHT-OF-WAY AND EASEMENT DEDICATION

Right-of-ways and easements shall be dedicated to the Town through a right-of-way plat, subdivision plat or other instrument acceptable to the Town Attorney per the requirements below. Unless otherwise provided in this code, the Engineering Design Standards and Construction Specifications, or by an agreement with the Town, the Town shall be responsible for maintenance of Town Right-of-Way.

10-2-2-1 RIGHT-OF-WAY FOR PUBLIC STREETS

All streets located within a subdivision shall be dedicated to the Town as public rights-of-way for access, utilities, snow storage, drainage, and related infrastructure uses. Right-of-way dedications for public streets shall conform to the Engineering Design Standards and Construction Specifications, including sufficient width to include all street improvements,

drainage improvements, associated cut and fill slopes, utilities, intersections, curb returns, snow storage, retaining walls, transit infrastructure, and other roadway infrastructure.

10-2-2-2 UPGRADING EXISTING RIGHT-OF-WAY

Where the area to be subdivided or developed includes an existing right-of-way and the existing right-of-way is insufficient to meet Town standards or where additional right-of-ways are required to provide connections to adjacent right-of-ways and properties, the developer must dedicate the necessary right-of-way to meet Town standards. Where additional right-of-way is required to upgrade existing streets between the development and adjacent streets or highways due to increased traffic, the developer must obtain the necessary rights-of-way for these improvements and dedicate such right-of-way to the Town.

10-2-2-3 REQUIRED EASEMENTS

Easements required by Title 9 of the Town Code and by the Engineering Design Standards and Construction specifications shall be dedicated to the Town and other utility providers, public agencies, and other parties as applicable. Easements shall be dedicated for all public utilities and infrastructure or private utilities and infrastructure serving multiple properties. Access easements shall be dedicated for any private alleys or common driveways two or more properties.

10-2-2-4 RIGHT-OF-WAY DEDICATION PLAT

Right-of-way and easements shall be dedicated to the Town through a right-of-way dedication plat or subdivision plat meeting Title 9 of the Town Code or other instrument acceptable to the Town Attorney. The rights-of-way depicted on the plat shall be of sufficient width, alignment, and location to allow construction of roadways and infrastructure meeting the Engineering Design Standards and Construction Specifications. Lots resulting from the right-of-way dedication shall be in compliance with all regulations of Title 9 of the Town Code. All plats shall contain all required language and elements required in Title 9 of the Town Code and shall follow the development review process of Title 9 of the Town Code.

10-2-3 STORMWATER STANDARDS

10-2-3-1 DETENTION AND WATER QUALITY

The policy of the town shall be to direct runoff from new developments into historic and natural drainageways, to require detention storage of stormwater runoff to limit peak discharges from newly developed areas to historical rates, and to control drainage and pollutants so as not to degrade the quality of surface and ground water. Runoff from a development shall not be allowed to increase flooding problems to any downstream properties. All drainage from new developments shall be designed and constructed to comply with stormwater standards section of the Engineering Design Standards and Construction Specifications.

10-2-3-2 STORMWATER MASTER PLAN

The town shall prepare a master plan for drainage within the town. New development within the master plan boundary shall be required to incorporate flows as specified in the master plan by the town engineer until such plan is completed. Additionally, the Town Engineer may require recommendations for drainage improvements contained in the master plan to be implemented by the developer.

10-2-3-3 FLOODPLAIN MANAGEMENT

The town has adopted flood hazard mapping for the major streams within its corporate limits. The town is part of the national flood insurance program administered by the federal emergency

management agency (FEMA). As part of this program, the town has adopted the "Breckenridge flood damage prevention ordinance". All drainage plans must show compliance with regulations contained in the flood prevention ordinance.

10-2-3-4 PREPARATION BY PROFESSIONAL ENGINEER

All drainage plans shall be prepared by or under the direct supervision of a professional engineer registered in the State of Colorado. The engineer preparing or supervising the preparation of the plan shall verify that the proposed drainage facilities will meet the standards and criteria of this code, Engineering Design Standards and Construction Specifications, CDPHE regulations, and all other related regulations.

10-2-3-5 STORMWATER EXEMPTIONS

Detention and water quality requirements may be exempted by the Town Engineer if one of the following conditions are met:

- A. Residential developments of two (2) units or less are exempted, unless they are situated on slopes in excess of fifteen percent (15%), in or adjacent to a wetlands area, or are located within twenty-five feet (25') of the top of the banks of a lake, pond, perennial or intermittent stream. Residential units built as part of a larger development greater than two (2) units are not exempted.
- B. The town engineer may exempt other small projects or projects of short duration. Small projects shall be those that do not disturb more than five hundred (500) square feet of ground surface. Projects of short duration include those which will be completed within ten (10) days. Landscaping and/or recreational trails which do not involve or are not associated with other development activity may be similarly exempted from the requirements of this policy, if the work can be completed and the site stabilized within ten (10) days.
- C. Redevelopment of sites which do not increase the impervious area by more than .10 acres (4,356 Square Feet). See the Engineering Design Standards and Construction Specifications for definitions of redevelopment.

10-2-4 GRADING AND EXCAVATION STANDARDS

10-2-4-1 RETAINING WALLS

The maximum slope of unretained finished grades shall be 2H:1V. Slopes with proposed grading that will result in grades steeper than 2H:1V will require retaining walls. All retaining walls taller than 4 feet (measured from finished grade at bottom of wall to top of wall) shall be engineered. Engineered walls require the following from a professional engineer licensed in the State of Colorado:

1. Detailed plan by Colorado professional engineer showing retaining wall details and stamped.
2. Inspections during construction certifying all aspects of retaining wall construction meet plan requirements and good engineering practices.
3. Final certification of the retaining wall construction by Colorado professional engineer.

10-2-4-2 SITE STABILIZATION

All disturbed areas shall be stabilized and revegetated per the requirements of the Engineering Design Standards and Construction Specifications prior to final acceptance.

10-2-4-3 SETBACKS

No structures or soil disruption shall be located closer than twenty-five feet (25') from environmentally sensitive areas (ESA). ESA is defined as the top of the banks of all lakes, ponds, and perennial and intermittent streams, as well as wetlands, Cucumber Gulch Wildlife Preserve, and other special environmental or wildlife habitat areas. The setback requirements shall also apply to all channels draining twenty (20) acres or more. Exceptions to the setback requirement may be allowed when acceptable measures to either isolate the stream or otherwise prevent the increase of unfiltered runoff and sediments in excess of historical rates are submitted to and approved by the town engineer. Exemptions and variances to the setback shall be approved per the Engineering Design Standards and Construction Specifications criteria and as determined by the Town Engineer.

10-2-4-4 SETBACK EXEMPTIONS

Exemptions to the setback requirements may be allowed by the Town Engineer if one of the following conditions is met:

- A. Development sites with the most recent plat being recorded prior to January 1, 1986 and platted in a manner which does not allow a feasible development option meeting the 25-foot disturbance setback. This exception only applies if the disturbance setback prohibits any feasible development and the developer demonstrates there are no feasible alternatives to eliminate disturbance within the setback. Additionally, sites that were platted prior to January 1, 1986, but that were re-platted after January 1, 1986, do not qualify for this exemption.
- B. The area has previously been mined or extensively disturbed in the area adjacent to the proposed development, resulting in dredge tailings in the area. In this case, the setback may be waived if the developer submits a plan to implement channel, wetland, environmental, or other water body improvements which serve to reclaim, stabilize, revegetate, or enhance the area.
- C. Work is proposed in the 25-foot setback area but not within the ESA, the work is considered minor (no permanent structures) in the setback area, and acceptable measures are implemented to prevent an increase of sediment or other contaminants that exceeds historical rates as determined by the Town Engineer.
- D. Areas where there are no other feasible methods for development without encroachment into the setback and the encroachment is necessary for critical infrastructure. To meet this exemption, the developer must demonstrate there are no feasible alternatives to eliminate disturbance within the setback. Only infrastructure critical to the development, such as roads and utilities, will be considered within the setback. Residences and structures will generally not be granted an exemption to be constructed within the setback.
- E. The wetlands have encroached into a detention, stormwater quality, or another type of stormwater feature since the development of the feature. Maintenance activities within the stormwater feature shall be allowed in these cases.

10-2-4-5 WETLAND DELINEATION SURVEYS

Wetland boundaries shall be shown on all subdivision plats within the Town of Breckenridge. If the Town believes there is any evidence that a site subject to disturbance may contain wetlands, either not shown on the plat or with an incorrect boundary, the Town may require the developer to obtain and submit a wetlands delineation survey by an independent third party consultant specializing in wetlands delineations as recognized by the USACE.

Wetland delineation surveys shall be valid for a period of five years and shall be updated at time of development permit application if the current wetland delineation is more than five years old in order to reflect current wetland conditions. Wetland boundaries shown on plats and other locations will be considered outdated after five years and will require a new delineation.

10-2-4-6 WETLAND DISTURBANCE AND MITIGATION

Wetlands disturbance is prohibited unless the developer submits a variance request per Section 10-4-8 which is duly approved by the Town Engineer showing that developer meets the criteria for exemption set forth in Section 10-2-4-4. If a variance is approved, all wetlands disturbance will require wetlands mitigation per the Engineering Design Standards and Construction Specifications.

10-2-5 CONSTRUCTION SPECIFICATIONS

The construction specifications listed in the Engineering Design Standards and Construction Specifications are hereby adopted for all public projects in the Town of Breckenridge, as well as all private projects constructing public infrastructure to be owned by the Town. The Town Engineer may require additional specifications for unique or project-specific conditions. Where construction specifications listed in the Engineering Design Standards and Construction Specifications conflict, the more stringent specification shall apply.

CHAPTER 3 FLOOD DAMAGE PREVENTION

SECTION:

10-3-1: TITLE

10-3-2: STATUTORY AUTHORIZATION

10-3-3: FINDINGS

10-3-4: STATEMENT OF PURPOSE

10-3-5: METHODS OF REDUCING FLOOD LOSSES

10-3-6: DEFINITIONS

10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES

10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

10-3-10: COMPLIANCE

10-3-11: ABROGATION AND GREATER RESTRICTIONS

10-3-12: INTERPRETATION

10-3-13: WARNING AND DISCLAIMER OF LIABILITY

10-3-14: SEVERABILITY

10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

10-3-17: PERMIT PROCEDURES

10-3-18: VARIANCE PROCEDURES

10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

10-3-21: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

10-3-22: FLOODWAYS

10-3-23: ALTERATION OF A WATERCOURSE

10-3-24: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL

10-3-25: STANDARDS FOR SUBDIVISION PROPOSALS

10-3-26: STANDARDS FOR CRITICAL FACILITIES

10-3-27: VIOLATIONS; PENALTIES

10-3-1: TITLE:

This chapter is entitled and may be cited as the 2018 BRECKENRIDGE FLOOD DAMAGE PREVENTION ORDINANCE.

10-3-2: STATUTORY AUTHORIZATION:

The Town Council finds, determines, and declares that it has the power to adopt this chapter pursuant to: a) the Local Government Land Use Control Enabling Act, article 20 of title 29, Colorado Revised Statutes; b) part 3 of article 23 of title 31, Colorado Revised Statutes (concerning Municipal zoning powers); c) section 31-15-103, Colorado Revised Statutes (concerning Municipal police powers); d) section 31-15-401, Colorado Revised Statutes (concerning Municipal police powers); e) the authority granted to home rule municipalities by article XX of the Colorado Constitution; and f) the powers contained in the Breckenridge Town Charter.

10-3-3: FINDINGS:

A. The flood hazard areas of the Town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, and extraordinary public expenditures for flood protection and relief, all which adversely affect the health, safety, and general welfare of the public.

B. These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

10-3-4: STATEMENT OF PURPOSE:

A. It is the purpose of this chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure, and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

10-3-5: METHODS OF REDUCING FLOOD LOSSES:

A. In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development that may increase flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands.

10-3-6: DEFINITIONS:

A. When used in this chapter, the following words have the following meanings unless the context clearly requires otherwise:

ADDITION: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING: A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions, and other stream processes.

AREA OF SHALLOW FLOODING: A designated Zone AO or AH on the Town's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD: The flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

BASE FLOOD ELEVATION (BFE): The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

BASEMENT: Any area of a building having its floor subgrade (below ground level) on all sides.

CHANNEL: The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION: The artificial creation, enlargement, or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR): The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into fifty (50) titles that represent broad areas subject to Federal regulation.

CONDITIONAL LETTER OF MAP REVISION (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY: A structure or related infrastructure, but not the land on which it is situated, as specified in section 10-3-26 of this chapter, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during, and after a flood. See section 10-3-26 of this chapter.

DFIRM DATABASE: Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DEVELOPMENT: Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM): FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

EFFECTIVE DATE OF THIS CHAPTER: The effective date of this chapter is November 15, 2018.

ELEVATED BUILDING: A non-basement building: 1) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor

of the water; and 2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FEDERAL REGISTER: The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

500-YEAR FLOOD: A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

FLOOD CONTROL STRUCTURE: A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD INSURANCE RATE MAP (FIRM): The Town's official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the Town. Such map is adopted by reference and is part of this chapter.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

FLOODPLAIN ADMINISTRATOR: The Town Engineer of the Town of Breckenridge, or the Town Engineer's designee acting pursuant to section 1-7-2 of this Code.

FLOODPLAIN DEVELOPMENT PERMIT: A permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within the Town, the Town requires permits for all proposed construction or other development in the Town including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning/land use ordinances and regulations, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of the police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated as the result of a flood, including the area of land over that floodwater would flow from the spillway of a reservoir.

FLOODPROOFING: Any combination of structural and/or non- structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado Statewide standard for the designated height to be used for all newly studied reaches is one-half foot (1/2') (6 inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FREEBOARD: The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

4. Landmarked structures pursuant to title 9, chapter 11 of this Code that have been certified either:

a. By an approved State program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's modification of the special flood hazard area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LEVEE: A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM: A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes that includes working, storage, sleeping, cooking and eating, recreation, or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home, or business. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program Regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MATERIAL SAFETY DATA SHEET (MSDS): A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the Town's Flood Insurance Rate Map are referenced.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION: The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility that has been totally destroyed.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

NO-RISE CERTIFICATION: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

100-YEAR FLOOD: A flood having a recurrence interval that has a one percent (1%) chance of being equaled or exceeded during any given year (1 percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood". The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

PHYSICAL MAP REVISION (PMR): FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

PLANNING COMMISSION: The Planning Commission of the Town of Breckenridge.

RECREATIONAL VEHICLE: A vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA: The land in the floodplain within the Town subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION: The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: Has the meaning provided in section 1-3-2 of this Code.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. The value of the structure shall be determined by the Floodplain Administrator. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications that have been identified by the local code enforcement official and that are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

THRESHOLD PLANNING QUANTITY (TPQ): A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

TOWN: Has the meaning provided in section 1-3-2 of this Code.

TOWN COUNCIL: Has the meaning provided in section 1-3-2 of this Code.

VARIANCE: A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the National Flood Insurance Program Regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

B. Unless specifically defined in subsection A of this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES:

This chapter applies to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based On Fill (LOMR-F) within the jurisdiction of the Town.

10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA:

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Summit County, Colorado and Incorporated Areas", dated November 16, 2018 with accompanying Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any revisions thereto are adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by the Floodplain Administrator. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit is required to ensure conformance with the provisions of this chapter.

10-3-10: COMPLIANCE:

No structure or land shall be located, altered, or have its use changed within the special flood hazard area without full compliance with the terms of this chapter and other applicable regulations. Nothing in this chapter prevents the Town from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

10-3-11: ABROGATION AND GREATER RESTRICTIONS:

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

10-3-12: INTERPRETATION:

A. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Town; and
3. Deemed neither to limit nor repeal any other powers granted under State Statutes or other applicable law.

10-3-13: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the Town or any Town official or employee for any flood damages resulting from reliance on this chapter or any administrative decision lawfully made pursuant to this chapter.

10-3-14: SEVERABILITY:

Section 1-2-4 of this Code applies to this chapter.

10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:

The Town Engineer is appointed as Floodplain Administrator to administer, implement, and enforce the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

A. Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by section 10-3-17 of this chapter.
2. Review, approve, conditionally approve, or deny all applications for floodplain development permits required by adoption of this chapter.
3. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC section 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When base flood elevation data has not been provided in accordance with section 10-3-8 of this chapter, the Floodplain Administrator shall obtain, review and reasonably utilize any

base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of sections 10-3-19 through 10-3-26, inclusive, of this chapter.

8. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Town's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot (1/2') at any point within the Town.

9. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, on the Town's FIRM that increases the water surface elevation of the base flood by more than one-half foot (1/2') only if the Town first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of section 65.12, and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State coordinating agency (the Colorado Water Conservation Board), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

10-3-17: PERMIT PROCEDURES:

A. An application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

3. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 10-3-20A2 of this chapter;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. Maintain a record of all such information in accordance with section 10-3-16 of this chapter.

B. Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the Town's master plan for that area.

10-3-18: VARIANCE PROCEDURES:

A. The Planning Commission shall initially hear and render judgment on requests for variances from the requirements of this chapter.

B. The Planning Commission shall also hear and render judgment on an appeal when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

C. Any Planning Commission decision made pursuant to this chapter is subject to the call up provisions of title 9, chapter 1 of this Code.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or landmarked structures under title 9, chapter 11 of this Code without regard to the procedures set forth in the remainder of this chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 10-3-17 of this chapter have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as described in section 10-3-4 of this chapter.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, fraud on or victimization of the public, or conflict with existing Town laws.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsections A through I, inclusive, of this section are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

A. In all special flood hazard areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:

A. In all special flood hazard areas where base flood elevation data has been provided as set forth in: 1) section 10-3-8 of this chapter, 2) subsection 10-3-16A7 of this chapter, or 3) section 10-3-25 of this chapter, the following provisions are required:

1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot (1') above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction: With the exception of critical facilities, outlined in section 10-3-26 of this chapter, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot (1') above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot (1') above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as required by section 10-3-17 of this chapter.

3. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot (1') above grade; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes: All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the Town's FIRM on sites: a) outside of a manufactured home park or subdivision; b) in a new manufactured home park or subdivision; c) in an expansion to an existing manufactured home park or subdivision; or d) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot

(1') above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the Town's FIRM that are not subject to the provisions of the above section, shall be elevated so that either:

a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot (1') above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles: All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Town's FIRM either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of section 10-3-17 of this chapter, and the elevation and anchoring requirements for "manufactured homes" in subsection A4 of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Prior Approved Activities: Any activity for which a floodplain development permit was issued by the Town or a CLOMR was issued by FEMA prior to the effective date of this chapter may be completed according to the standards in place at the time of the permit or CLOMR issuance, and will not be considered in violation of this chapter if it meets such standards.

10-3-21: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

A. Located within the special flood hazard area established in section 10-3-8 of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential Construction: All new construction and substantial improvements of residential structures have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot (1') above the depth number specified in feet on the Town's FIRM (at least 3 feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction: With the exception of critical facilities, outlined in section 10-3-26 of this chapter, all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork),

elevated above the highest adjacent grade at least one foot (1') above the depth number specified in feet on the Town's FIRM (at least 3 feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot (1') above the base flood level with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as established in section 10-3-17 of this chapter are satisfied.

Within Zones AH or AO adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

10-3-22: FLOODWAYS:

A. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of floodway in section 10-3-6 of this chapter).

Located within special flood hazard area established in section 10-3-8 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the Town during the occurrence of the base flood discharge.

2. If subsection A1 of this section, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 10-3-19 through 10-3-26, inclusive, of this chapter.

3. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations only if the Town first applies for a CLOMR and floodway revision through FEMA.

10-3-23: ALTERATION OF A WATERCOURSE:

A. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and Town floodplain rules, regulations and ordinances.

4. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Town floodplain requirements and regulations.

6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00 foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification, unless the Town first applies for a CLOMR and floodway revision in accordance with section 10-3-22 of this chapter.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

10-3-24: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL:

A. A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based On Fill (LOMR-F), unless such new structure or addition complies with the following:

1. Residential Construction: The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot (1') above the base flood elevation that existed prior to the placement of the fill.

2. Nonresidential Construction: The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot (1') above the base flood elevation that existed prior to the placement of the fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot (1') above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

10-3-25: STANDARDS FOR SUBDIVISION PROPOSALS:

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 10-3-9, 10-3-17 of this chapter; and the provisions of sections 10-3-19 through 10-3-26, inclusive, of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions that are greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 10-3-8 or 10-3-16 of this chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-3-26: STANDARDS FOR CRITICAL FACILITIES:

A. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

1. Classification Of Critical Facilities: It is the responsibility of the Floodplain Administrator to identify and confirm that specific structures in the Town meet the following criteria:

Critical facilities are classified under the following categories: a) essential services; b) hazardous materials; c) at-risk populations; and d) vital to restoring normal services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

(1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

(2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

(3) Designated emergency shelters;

(4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(6) Air transportation lifelines (airports [Municipal and larger], helicopter pads and structures serving emergency functions), and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of sections 10-3-19 through 10-3-26, inclusive, of this chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood.

Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (3) Refineries;
- (4) Hazardous waste storage and disposal sites; and
- (5) Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty six (356) chemicals listed under 40 CFR section 302 (2010), also known as extremely hazardous substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 CFR section 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification", 40 CFR section 302 (2010), and OSHA regulation "Occupational Safety and Health Standards", 29 CFR section 1910 (2010), are incorporated herein by reference and include the regulations in existence at the time of the adoption of this chapter, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

- (1) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use;
- (2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public; and
- (3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in sections 10-3-19 through 10-3-26, inclusive, of this chapter.

c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- (1) Elder care (nursing homes);
 - (2) Congregate care serving twelve (12) or more individuals (day care and assisted living); and
 - (3) Public and private schools (pre-schools, K - 12 schools), before-school and after-school care serving twelve (12) or more children.
- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- (1) Essential government operations (public records, courts, jails, building permitting and inspection services, Town administration and management, maintenance and equipment centers); and
- (2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

2. Protection For Critical Facilities: All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protection shall include one of the following:

- a. Location outside the special flood hazard area; or
- b. Elevation or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet (2') above the base flood elevation.

3. Ingress And Egress For New Critical Facilities: New critical facilities shall, when practicable as determined by the Floodplain Administrator, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

10-3-27: VIOLATIONS; PENALTIES:

It is a misdemeanor offense for any person to violate any provision of this chapter. Any person convicted of a violation of this chapter shall be punished as set forth in title 1, chapter 4 of this Code.

CHAPTER 4 SUBMITTALS, PENALTIES AND ENFORCEMENT

SECTION:

10-4-1 FEES AND DEPOSITS

10-4-2 PERMITS

10-4-3 PERMIT PROCEDURES

10-4-4 PERMIT MODIFICATIONS

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- 10-4-6 ACCESS
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 - 10-4-7-1 PUBLIC IMPROVEMENTS
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 - 10-4-7-3 WARRANTY GUARANTEE
- 10-4-8 INSPECTION AND ACCEPTANCE PROCESS
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- 10-4-9 VARIANCES
- 10-4-10 ENFORCEMENT
 - 10-4-10-1 CONSTRUCTION TIMING LIMITATIONS
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 - 10-4-10-3 SNOW AND ICE
 - 10-4-10-4 RIGHT TO ENFORCE OTHER STANDARDS
 - 10-4-10-5 ENFORCEMENT AND PENALTIES

10-4-1 FEES AND DEPOSITS

The Town Engineer shall assess the following fees and deposits:

- A. Engineering Plan Review Fee: Each individual application for a building permit shall be accompanied by a nonrefundable engineering plan review fee. Fee amount shall be determined and adopted annually by Town Council through the annual budget adoption.
- B. Right-of-Way Permit Fee: Each individual application for a right-of-way permit shall be accompanied by a nonrefundable permit and inspection fee. Fee amount shall be determined and adopted annually by Town Council through the annual budget adoption.
- C. Right-of-Way Deposits: Prior to the issuance of a permit, a deposit in the form of a surety, shall be assessed by the Town Engineer to cover the cost of restoring the right-of-way. The amount of the deposit shall be determined and adjusted by the Town Engineer and based on disturbance area and other conditions and circumstances of the project. If after issuance of a permit, any deposit is determined to be less than sufficient to pay all costs, the contractor shall, upon demand, no later than ten (10) days after being billed by the Town, or prior to the issuance of any further permits, pay to the Town an amount equal to the deficiency. If the contractor fails or refuses to pay the deficiency, the Town may institute an action to recover the amount in any court of competent jurisdiction and refuse to issue any subsequent permits. Until the deficiency is paid in full, no additional permits shall be issued.

10-4-2 PERMITS

Permits must be obtained from the Breckenridge Engineering Division whenever a developer, contractor, property owner, or other individual proposes to undertake earth-disturbing activities, construction of infrastructure, development in or near a floodplain, and for any encroachments into the right-of-way. The Engineering Division issues infrastructure permits, floodplain

development permits, and right-of-way permits. Permits must be obtained prior to beginning any grading, demolition, earth-disturbing, or other construction activities.

Single family home construction with no encroachments in the right-of-way may be exempt from an engineering permit. Town development permits and buildings permits are still required prior to beginning construction when engineering permits are not required.

Town Engineer to determine permitting requirements based on proposed construction activities. The Town requires the following permits. Additional Town, County, State, or Federal permits may be required in addition to the permits listed below.

- A. Right-of-Way Permit: It shall be unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause, or permit any construction in, on, under, or within a public right-of-way of the Town unless such person first obtains a Right-of-Way (ROW) Permit from the Town Engineer. All work in the ROW shall be performed in conformity with the permit and the terms and provisions of this chapter. For all work within the ROW, the contractor is responsible for obtaining utility locates and any other permits and approvals necessary to complete the work.
- B. Infrastructure Permit: An Infrastructure Permit is required for projects that occur within public right-of-way, projects that disturb one acre or more, and for private developments that involve public roadways, sidewalks, trails, stormwater infrastructure, potable water infrastructure, sanitary sewer infrastructure, lighting, irrigation, fiber optic cable and conduit, other utilities, stormwater management, transit facilities, retaining walls, signage, and any other infrastructure improvements.
- C. Floodplain Development Permit: A floodplain development permit is required for projects located near special flood hazard areas. Permit requirements are per section 10-3 of this code.

10-4-3 PERMIT PROCEDURES

- A. Applicant to meet all Town Planning requirements. See Title 9 of this code.
- B. Applicant to contact Engineering Division and schedule pre-application meeting.
- C. Applicant to submit application and engineering submittals. Engineering Division to review and provide comments to Applicant.
- D. Applicant to revise submittals and resubmit.
- E. Approval of permits to be granted only if the proposed activity meets Town Code and Standards.
- F. Construction may begin once all permits are approved and signed.

10-4-4 PERMIT MODIFICATIONS

Work shall be completed per approved permit plans and specifications. If a permit holder desires to amend the approved work, they must apply for a new permit or permit modification. Work not in conformance with approved plans shall not begin until a new or amended permit is issued to the permit holder.

10-4-5 SUBMITTALS

Applicants to submit all information listed in the Engineering Design Standards and Construction Specifications and additional information as deemed necessary by the Town Engineer.

10-4-6 ACCESS

The Town Engineer and their representatives shall be allowed access to all sites with an active development permit, infrastructure permit, right-of-way permit, floodplain permit, or building permit.

10-4-7 PUBLIC IMPROVEMENTS AND FINANCIAL GUARANTEES

10-4-7-1 PUBLIC IMPROVEMENTS

The Town Engineer shall require private development to design, construct, and pay for all associated costs of streets, utilities, and other public and private infrastructure associated with the development. The Town Engineer shall also require improvements to adjacent infrastructure expected to experience increased demand from the development, adjacent infrastructure which does not meet current standards, or to construct new infrastructure to serve or be adjacent to the proposed development. Examples of public improvements include, but is not limited to, intersection improvements, acceleration lanes, deceleration lanes, lane widening, drainage improvements, storm sewer infrastructure, street lights, broadband infrastructure, pavement improvements, roadway striping, roadway signage, sidewalks, curb and gutter, shared use paths, trails, landscaping, transit stop improvements, retaining walls, park improvements, and other infrastructure improvements as determined by the Town Engineer.

10-4-7-2 PERFORMANCE GUARANTEES

Per Section 9-3 of this code, subdividers shall either install all required improvements prior to recording a subdivision plat or enter into a subdivision improvement agreement with the Town, per Title 9 of this Code, which shall obligate the subdivider to install and construct all public improvements within and adjacent to the proposed subdivision.

A letter of credit, surety, cash deposit or other acceptable security in an amount determined by the town engineer and in a form approved by the town attorney shall be deposited with the town to guarantee construction and performance. The deposit shall be made prior to recording of a final plat or issuance of a building permit. Performance guarantee shall be 125% of the total costs to construct the improvements. The construction cost amount shall be submitted to the Town Engineer for their review and approval.

Performance guarantee amounts may be reduced after one year after acceptable completion of improvements. Determination of the amount of guarantee after one year shall be by the Town Engineer.

10-4-7-3 WARRANTY GUARANTEE

Following completion of all public improvements, a letter of credit, surety, cash deposit or other acceptable security in an amount determined by the Town Engineer and in a form approved by the town attorney shall be deposited with the Town to guarantee the improvements for a period of 24 months from final acceptance. The warranty guarantee shall be 25%-100% of the construction costs; the percentage determination shall be based on replacement costs and

determined by the Town Engineer. The developer may elect to submit only one guarantee to the Town which satisfies the requirements of both sections 10-4-7-2 and 10-4-7-3.

10-4-8 INSPECTION AND ACCEPTANCE PROCESS

10-4-8-1 INSPECTIONS

Permit holders shall be required to contact the Town Engineer for inspections per the Engineering Design Standards and Construction Specifications and the permit requirements. The Town Engineer may temporary halt or revoke active permits if an inspection is not obtained by the permit holder or if the inspection is not passed. The Town Engineer may require work to be repaired, removed, replaced, or modified if it is not satisfactory and then re-inspected. The Town Engineer may also assess fines, penalties, or financial compensation for work that is not satisfactory or for improvements that are completed without the required inspections being obtained from the Town Engineer.

10-4-8-2 CORRECTION OF DEFICIENCIES

If the Town Engineer finds any improvements not to be in compliance with this code, the Engineering Design Standards and Construction Specifications, plans, specifications, or any agreements, the Engineering Division will notify the permit holder who then must correct the deficiencies and notify the Engineering Division when the site is ready for another inspection. If the Town Engineer determines it is not feasible or preferable to the Town to correct deficiencies for infrastructure that will become property of the Town, the Town Engineer may assess financial compensation for the deficiencies.

10-4-8-3 RECORD DRAWINGS

The permit holder shall submit record drawings to the Town Engineer per the requirements of the Engineering Design Standards and Construction Specifications.

10-4-8-4 ACCEPTANCE OF IMPROVEMENTS

The permit holder shall repair all deficiencies and complete all requirements of this code, the engineering standards, and all other relevant codes and project documents prior to issuing acceptance of improvements. The Town Engineer may withhold signature for certificates of occupancy, withhold closeout of active permits, withhold release of financial guarantees, and withhold approval of new permits until all requirements of permit are completed satisfactorily to the Town Engineer.

10-4-8-5 WARRANTY PERIOD

All work in Town right-of-way, public infrastructure, and other improvements to be accepted and owned by the Town shall require a two-year warranty period. During the warranty period, the improvements shall be guaranteed and warranted free from defects. During the two-year warranty period, any defect determined to exist with respect to such improvements shall be repaired or the improvement replaced at the sole cost of the permit holder.

10-4-8-6 FINAL ACCEPTANCE

The permit holder shall request a final acceptance inspection from the Town Engineer at the expiration of the warranty period. If repair or replacement of public infrastructure is required, the permit holder shall complete repair or replacement within 30 calendar days. If all work is completed satisfactorily, the Town Engineer shall issue a written notice of final acceptance of improvements and shall release the warranty surety.

10-4-9 VARIANCES

All work shall meet the requirements of this code and the Engineering Design Standards and Construction Specifications. Any deviations from the code and standards shall be submitted to the Town Engineer for their review and approval through a written variance application. The variance request must be prepared by a Colorado-license professional engineer and shall meet the requirements of the Engineering Design Standards and Construction Specifications. The Town Engineer shall review the application and issue a determination of the variance.

10-4-10 ENFORCEMENT

10-4-10-1 CONSTRUCTION TIMING LIMITATIONS

- A. Work authorized by the Right-of-Way Permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday (except holidays), unless the contractor obtains written consent from the Town Engineer to work earlier or later than the stated hours or on a weekend or holiday.
- B. Street pavement cuts will not be allowed between November 1 and April 30, except when one of the following conditions is met.
 - 1. There is a public utility emergency with notification and approval by Town Engineer.
 - 2. Special or unforeseen circumstances arise as determined by the Town Engineer.

If the Town Engineer approves a pavement cut between November 1 and April 30 due to one of the conditions above, a special provision memo shall be prepared and submitted for review to the Town Engineer to accommodate pavement patching during winter conditions. Pavement repairs completed during this period shall be considered temporary and be removed and replaced as soon as conditions permit after April 30. The Town Engineer may require the applicant to post an additional deposit to cover additional costs associated with the winter condition street cut.

10-4-10-2 ENCROACHMENTS, LITTER PROHIBITED

- A. No person shall place an encroachment upon any town public way or other public place except as authorized by town council or town ordinance.
- B. No person shall litter, track, deposit, or cause to be littered, tracked, or deposited, sand, gravel, rocks, mud, dirt, or any other debris upon any public way or any portion thereof.
- C. No person owning or operating trucks and other vehicles shall fail to clean such vehicles to eliminate their tracking or depositing, sand, gravel, rocks, mud, dirt, or any other debris or material, except snow, upon any public way or any portion thereof.
- D. If the director of public works finds that any person has violated the provisions of subsection B or C of this section, the director of public works shall direct the person to remove any sand, gravel, rocks, mud, dirt, or any other debris or material so deposited within twenty-four (24) hours from the date of the notice. Notice under this subsection is sufficient if hand delivered to the person or an employer of such person. No such notice shall be required if the director of public works determines that an emergency exists.

- E. If the person so notified fails to remove debris as required by the notice prescribed by subsection D of this section, or if the director of public works determines that an emergency exists, the director of public works may remove the debris or cause it to be removed and charge the costs thereof, plus a penalty of fifty percent (50%) of such costs, to the person violating the provisions of this section. Such costs and penalty shall be in addition to any fine imposed by the municipal court for the violation of this section.

10-4-10-3 SNOW AND ICE

- A. The owner, occupant, manager or agent of the owner of real property abutting or fronting on a paved sidewalk shall remove and clear away any snow and ice from such sidewalk within eighteen (18) hours after each snowfall. The responsibility of such owner, occupant, manager or agent for compliance with this subsection shall be joint and several.
- B. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant.
- C. No person shall plow, shovel, or otherwise deposit, or cause to be deposited, any snow upon any public way or any portion thereof. It is a specific defense to a charge of violating this subsection that the snow was shoveled or swept directly from a sidewalk in front of a residence in a residential area, and that the snow so deposited did not impair the use of the street by vehicular traffic. The provisions of this subsection do not apply to persons brushing off snow which has accumulated naturally upon a motor vehicle parked on or driven upon a public way.
- D. If the director of public works finds that any person has violated the provisions of this section, the director of public works shall notify the person to correct such violation within twenty-four (24) hours from the date of the notice. Notice under this subsection is sufficient if hand delivered. No such notice shall be required if the director of public works determines that an emergency exists. If the person so notified fails to correct such violation as required by the notice given by the director of public works or if the director of public works determines that an emergency exists, the director of public works may remove the accumulated snow and ice and charge the costs thereof, plus a penalty of fifty percent (50%) of such costs, to the person violating the provisions of this section. Such costs and penalty shall be in addition to any fine imposed by the municipal court for violation of this section.

10-4-10-4 RIGHT TO ENFORCE OTHER STANDARDS

The engineering standards may not include all requirements necessary for future development. Special site conditions, project types, or other conditions may warrant the use of additional standards and criteria not included in these Standards. The Town reserves the right, in the Town's best interest, to issue and enforce more stringent criteria when appropriate as determined by the Town Engineer.

10-4-10-5 ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Town Engineer to administer and enforce the provisions of Title 10.

- B. Every person convicted of a violation of any provision of Title 10 shall be punished as provided in section 1-4-1 of this code.
- C. It is unlawful to erect, construct, reconstruct, alter, or use any structure or to use any land in violation of Title 10.
- D. It is an infraction, as defined in section 1-3-2 of the Code, for any person to conduct construction work without an approved permit. Each person shall be liable for a separate offense for each and every day which work is continued without an approved permit and shall be punished accordingly.
- E. The Town Engineer may suspend or revoke work authorized to be done pursuant to the permit if it is determined that any terms or conditions of the permit have been violated.
- F. Right-of Way Fines: The following fee schedule will be assessed to Right-of-Way (ROW) Permit holders with the following violations. The Town Engineer may assess additional fines depending on project specific conditions and circumstances.
 1. \$300/day for any work occurring in the Right-of-Way after the completion date listed on the approved permit.
 2. \$300/day for inadequate traffic control.
 3. \$500/day for any work occurring in the Right-of-Way between October 31st and April 30th.
 4. \$100/day for any violations of the approved pavement restoration.
 5. \$150/day for any violations of reopening street closures and detours by 7:00 pm.
 6. \$100/hour for any debris not removed from streets or sidewalks.
- G. Monument Fines: If any person shall damage, destroy or remove any corner or line point monument of any type without having first made satisfactory arrangement with the town engineer for reconstruction of said monument, said person shall be liable for any and all costs of replacement of said monument and in addition is subject to a fine of not more than three hundred dollars (\$300.00) and/or imprisonment for a term not to exceed ninety (90) days for each offense.
- H. In addition or as an alternative to such fine and/or imprisonment, the town may seek other remedies provided in law or equity including, but not limited to, injunction, mandamus, or abatement.
- I. The Town Engineer may stop work, halt, or revoke Town permits, withhold approval of additional permits, assess fines, and other remedies in response to violations of Title 10.
- J. If any person fails or refuses to pay when due any charge imposed under this section, the town manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Summit County treasurer for collection.

Section 2. That subsection C. of section 9-1-18-1 CLASS A DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended by adding the language underlined, to read as follows:

9-1-18-1 C. CLASS A DEVELOPMENT PERMIT PROCESS:

Preliminary Hearing:

1. General: All Class A applications shall be required to be submitted to the Planning Commission for review at a minimum of one preliminary hearing. In addition, the applicant may be requested to:

a. Appear at a meeting of referral agencies if the Director determines that the impacts of a proposed project are of such magnitude as to require review by the referral agencies at this stage of the review process. The Town Engineer shall review all Class A applications.

b. Schedule an on site inspection with members of the Planning Commission and staff sometime after the preliminary hearing. Color and texture samples of proposed building materials of a size and quantity as requested by the Director shall be provided for this site visit and building corners shall be marked.

Section 3. That subsection D. of section 9-1-18-1 CLASS A DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-1 D. CLASS A DEVELOPMENT PERMIT PROCESS:

Final Application: 1 c. (4) A preliminary drainage and water quality mitigation plan, including an estimate of anticipated flows; all structures required to mitigate the anticipated impacts; and all other materials as may be required by the town engineer as listed in the submittal requirements of the Engineering Regulations (5 sets).

Section 4. That subsection E. of section 9-1-18-1 CLASS A DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-1 E. CLASS A DEVELOPMENT PERMIT PROCESS:

Final Hearing Procedure:

8. Other Permits: After approval and prior to construction, applicant shall be responsible for obtaining all necessary permits.

9. Town Engineer Approval: Applicant shall receive approval the Town Engineer per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include, but are not limited to, an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 5. That subsection C. of section 9-1-18-2 CLASS B DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-2 C. CLASS B DEVELOPMENT PERMIT PROCESS:

Preliminary Hearing:

1. Requirements: All Class B applications shall be required to be submitted to the Planning Commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the applicant may be requested:

a. To appear at a meeting of referral agencies if the Director determines that the impacts of a proposed project are of such magnitude as to require review by referral agencies at this stage of the review process. The Town Engineer shall review all Class B Applications.

Section 6. That subsection D. of section 9-1-18-2 CLASS B DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-2 D. CLASS B DEVELOPMENT PERMIT PROCESS:

Final Application: 1. D.

(7) A preliminary drainage and water quality mitigation plan, including an estimate of anticipated flows; all structures required to mitigate the anticipated impacts; and all other materials as may be required by the town engineer (5 sets). See the Engineering Regulations for additional engineering submittals.

Section 7. That subsection E. of section 9-1-18-2 CLASS B DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-2 E. CLASS B DEVELOPMENT PERMIT PROCESS:

Final Hearing Procedure:

8. Other Permits: After approval and prior to construction, applicant shall be responsible for obtaining all necessary permits.

9. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 8. That subsection C of section 9-1-18-3: CLASS C DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-18-3 C.: CLASS C DEVELOPMENT PERMIT PROCESS:

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 C2 of this section, with or without conditions. The director shall also refer application to Town Engineer for review.

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 C2 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.

6. Other Permits: After approval and prior to construction, applicant shall be responsible for obtaining all necessary permits.

7. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 9. That section 9-1-18-4: CLASS D MINOR DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended by adding the language underlined, to read as follows:

9-1-18-4: CLASS D MINOR DEVELOPMENT PERMIT PROCESS:

A. Application Requirements: The applicant shall file an application, a fee in the amount required by chapter 10 of this title, a short description of the proposal, any materials needed to adequately describe the proposal, including, but not limited to, material samples, paint chip samples for each color proposed, with location keyed to an elevation drawing, three (3) copies of any maps, drawings, or floor plans, or elevations deemed necessary by staff.

B. Procedure:

1. Once a completed application and all accompanying material have been submitted, the Director shall review the proposal and approve it with or without conditions, or deny it. The director may refer the application to the Town Engineer for review. In addition, the Director shall have the right to reclassify any Class D minor application as a Class D major or a Class C and process it accordingly.

2. The Director shall then indicate the decision on the application and return it to the applicant.

3. All decisions shall be forwarded to the Planning Commission for its information only.

4. If the applicant agrees with the decision of the Director, he shall so indicate by signing the appropriate signature block on the application form; and if the decision was for approval, the application form shall become the development permit, and the applicant may proceed with his project after obtaining any other necessary permits.

C. Appeal:

1. A decision of the Director concerning a Class D minor application may be appealed by the applicant to the Planning Commission within five (5) days after the Director has rendered his decision by filing written notice with the Department of Community Development. If no appeal is filed within the five (5) day period, the decision of the Director shall be final.

2. If an appeal is filed, the application shall automatically become a Class C development permit application and shall be reviewed by the Planning Commission and Town Council under the provisions of section 9-1-18-3 of this chapter.

3. Appeals shall be in writing on forms provided by the Town. In addition, the applicant shall be responsible for paying any additional fees required for the review of a Class C item, over and above those fees already paid for review of a Class D minor application.

D. Town Engineer Approval

1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 10. That section 9-1-18-4-1: CLASS D MAJOR DEVELOPMENT PERMIT PROCESS: of the Breckenridge Development Code shall be amended by adding the language underlined, to read as follows:

9-1-18-4-1: CLASS D MAJOR DEVELOPMENT PERMIT PROCESS:

A. Preapplication Conference: A preapplication conference with a member of the Community Development staff shall be held prior to the submittal of an application.

B. Application Requirements: The applicant shall file an application, a short description of the proposal and three (3) copies of any maps, drawings or materials needed to adequately describe the proposal. All drawings and maps shall be to scale. The application shall be accompanied by a fee in the amount required by chapter 10 of this title. The director may require the following materials to be submitted as a part of a complete application:

1. Site plan;
2. Landscaping and defensible space plan;
3. All elevations of the proposed building or modification;
4. Floor plans;
5. Preliminary drainage and utility plans;
6. A sample paint chip of each color to be used, keyed to the proposed location of the color on the building as shown on the elevation drawing; and
7. Electronic copy of plans.

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 D minor or the class C development process rather than class D major. If the director determines that the application should be processed as either a class D minor or a class C, the applicant shall then meet the requirements of the applicable development permit 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 as he deems appropriate, with or without conditions. The director may refer the application to the Town Engineer for review.

2. All decisions shall be forwarded to the planning commission for its information only.

3. 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.

D. Appeal:

1. A decision of the director concerning a class D major application may be appealed by the applicant to the planning commission within five (5) days after the director has rendered his decision by filing written notice with the department of community development. If no appeal is filed within the five (5) day period, the decision of the director shall be final.

2. Appeals shall be in writing on forms provided by the town. In addition, the applicant shall be responsible for paying any additional fees required for the review of a class C item, over and above those fees already paid for review of a class D major application.

3. If an appeal is filed, the application shall automatically become a class C development permit application and shall be reviewed by the planning commission and town council under the provisions of section 9-1-18-3 of this chapter.

E. Town Engineer Approval

1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 11. That section 9-1-19-9A: POLICY 9 (ABSOLUTE) PLACEMENT OF STRUCTURES: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-9A: POLICY 9 (ABSOLUTE) PLACEMENT OF STRUCTURES:

A. Clear Vision Area: No structure or foliage shall extend into a clear vision area between the height of three feet (3') and eight feet (8') measured from the top of the curb, or where no curb exists, from the established street centerline grade. The clear vision areas shall be as follows:

(1) Intersection of driveways and public rights-of-way: A triangle having two (2) sides ten feet (10') long, running along the driveway and public right-of-way said length beginning at their intersection, and the third side formed by a line connecting the two (2) ends.

(2) Intersection of two (2) public rights-of-way:

Sight distance shall meet requirements of the Breckenridge Engineering Regulations.

Section 12. That section 9-1-19-16A: POLICY 16 (ABSOLUTE) INTERNAL CIRCULATION: of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

9-1-19-16A: POLICY 16 (ABSOLUTE) INTERNAL CIRCULATION:

A. Emergency Access: All developments shall provide adequate access for emergency vehicles and for those persons attempting to render emergency services.

B. Standards: All roadways located totally or partially within a development shall be constructed or upgraded according to the provisions of the Engineering Regulations.

C. Drive-Through Window Operations:

(1) No drive-through window operations of any kind shall be allowed within Districts 11, 17, 18, 182, and 19 of the Town, as specified in the Town's land use guideline district map.

(2) Outside of Districts 11, 17, 18, 182, and 19 of the Town, as specified in the Town's land use guideline district map, drive-through window operations which create the need for additional curb cuts onto any public street over and above those required to serve the project without the drive-through operation will not be allowed.

Section 13. That section 9-1-19-17A: POLICY 17 (ABSOLUTE) EXTERNAL CIRCULATION: of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

9-1-19-17A: POLICY 17 (ABSOLUTE) EXTERNAL CIRCULATION:

A. Vehicular Circulation: The type and arrangement of all roadways shall be in compliance with the Breckenridge Engineering Regulations.

B. Ingress And Egress: Points of intersection between internal and external circulation systems shall be in compliance with the Breckenridge Engineering Regulations, and shall be arranged so that both systems function in a safe and efficient manner. (Access onto the State highway is controlled by the State, and any proposal onto the State highway shall be accompanied by correspondence or a permit from the State concerning the proposed access.)

C. Trip Generation: Developments which will generate a volume of vehicular trips which exceed or disproportionately consume the capacity of the external circulation system may have conditions imposed which address the need to provide sufficient traffic carrying capacity to meet this excess demand per the Engineering Regulations. This may include a requirement to either provide the necessary improvements at time of development or at some later date, including participating in Improvement Districts, if applicable.

D. Pedestrian Circulation: Development and installation of pedestrian systems which integrate with existing and future Town pedestrian systems and with the systems of adjacent developments is required. This will include the provision of sidewalks, where required, and the provision of pedestrian walkways pursuant to the Town trails plan, Town sidewalk master plan, and the Engineering Regulations.

Section 14. That section 9-1-19-18A: POLICY 18 (ABSOLUTE) PARKING: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-18A: POLICY 18 (ABSOLUTE) PARKING:

On and Off Street Parking: All developments within the Town shall comply with chapter 3, "Off Street Parking Regulations", of this title. On Street Parking shall comply with the Engineering Regulations.

Section 15. That section 9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE: of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE:

A. Streets And Roadways: All developments shall be served by adequately sized and constructed public roadways in compliance with the Engineering Regulations.

(1) Public Streets And Roadways: Public streets and roadways which lie wholly or substantially within a development and those which are adjacent to the development shall be either constructed or brought into compliance with the Engineering Regulations and policies of the Town. This shall include the installation of street lighting and street signs, as well as the repair of existing curb cuts that are no longer required, the installation of sidewalks, and all other required improvements.

(2) Private Streets And Roadways: Private streets, roadways and driveways which intersect or connect with public streets and roadways shall comply with the provisions of the Engineering Regulations.

(3) Right-Of-Way Rehabilitation: Whenever disturbed, rights-of-way along public streets shall be rehabilitated and landscaped according to the provisions of the Town and the Engineering Regulations.

B. Water: All developments must connect to the Municipal water system or to another central water system which is approved by the Town. The system utilized must have ready reserves in order to meet the consumptive uses of treated water and the fire flow requirements of the development without reducing the level of service to existing customers.

C. Sanitary Sewer: All developments shall be served by adequately sized and constructed sewer systems.

(1) Central System: All developments shall be served by a centralized sewer system under an effective national pollution discharge elimination system. Septic tanks, sanitary leach fields or filter fields, sewage lagoons, or other forms of noncentralized sewage disposal are prohibited in all cases, except where a centralized system cannot be provided. The Town shall solely determine this issue, with input from the Upper Blue Sanitation District and Summit County Environmental Health Department.

D. Costs: All costs associated with the development as required herein shall be the responsibility of the applicant.

Section 16. That section 9-1-19-27A: POLICY 27 (ABSOLUTE) DRAINAGE: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-27A: POLICY 27 (ABSOLUTE) DRAINAGE:

A. Drainage Improvements: It shall be the responsibility of the applicant to provide drainage improvements as required by the Engineering Regulations, including downstream improvements necessary to adequately serve the project. The applicant shall provide engineered data, sufficient to indicate that the drainage from the proposed development will not adversely affect any downstream properties or the community as a whole.

B. Permits: Acquisition of any and all permits required by State and Federal authorities for work to be done within and/or adjacent to an established waterway or drainage system is the sole responsibility of the applicant. A copy of these permits shall be attached to the application for building or construction permit, or shall be submitted prior to the start of work when a building permit will not be issued.

Section 17. That section 9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE:

- 3 x (0/+2) Municipal Drainage System: All developments are encouraged to provide drainage systems that exceed the minimum requirement of the Town and, if they so choose, to provide drainage improvements that are of general benefit to the community as a whole and not solely required for the proposed development.
- 1 x (-1/+1) Stormwater Detention Ponds: Where stormwater detention ponds are included in developments, it shall be the goal to have aesthetically attractive detention ponds. The use of vegetation, including xeriscaping and native grass-lined ponds and swales is encouraged, provided they do not interfere with detention and maintenance functions. Detention ponds which include minimal vegetation and large amounts of rocks, boulders, and unvegetated surfaces are discouraged.

Section 18. That section 9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION ACTIVITIES: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION ACTIVITIES:

It is the policy of the Town to regulate construction activities and their disruption of rights-of-way, private property and property survey monuments among other items, and thus require the following:

A. Right-of-Way Permit: If construction activities to be performed on an applicant's private property shall in any way encroach upon a public right-of-way, including staging of vehicles and materials, or subject said right-of-way to any subsequent damage, or if an applicant proposes to construct in, on, or beneath any public right-of-way the applicant shall obtain right-of-way permit prior to beginning the work. Permit application and an accompanying engineered sketch plan shall be submitted to the Town Engineer for approval of any excavation in the public right-of-way including the installation of water, sewer, electrical, natural gas, telephone, and cable television mains or service laterals.

B. Disruptions: Whenever it becomes necessary to physically disrupt the surface or subsurface of any public street, or through the course of construction the surface of the road is significantly deteriorated, the roadway shall be restored to its original condition or an improved condition by the developer in accordance with the provisions of the Engineering Regulations and the specific requirements of the Town right-of-way permit issued for the project.

C. Surface Rehabilitation: All surface disruptions associated with the installation of utilities shall be returned to the natural or naturally appearing grade, shall be properly treated for the surface discharge of water, and shall be revegetated with grasses or other suitable ground cover at a minimum. Paved and other similar surfaces shall be returned to their prior condition.

D. As Built Construction Drawings: As built construction drawings of all utility installations which are located in Municipally owned areas or in areas to be dedicated to the Town shall be submitted to the Town in both .pdf and .dwg formats prior to issuance of a certificate of occupancy by the Town.

E. Property Survey Monuments: Prior to submitting an application for final review, the applicant shall submit a certificate signed by a registered land surveyor attesting that the subject property corners have been established and monumented in the field. These property corners shall be shown on the final site plan map and the structure or structures shall be referenced from at least one of these corners. Said reference corner shall be established as the vertical

control bench mark for the entire project. All property corners shall be in place prior to issuance of a certificate of occupancy.

F. Public Right-Of-Way Survey Monuments: Prior to submitting an application for a building permit, the applicant shall verify with the Town Engineer that any primary or secondary monuments (e.g., right-of-way monuments, permanent subdivision corners, etc.) which exist in the construction vicinity, and which may be disturbed during any phase of the construction process, have been located in the field and have been cross referenced by a registered land surveyor. The applicant shall submit a certificate signed by a registered land surveyor that the monuments have been located in the field and stating the cross reference data being used by the surveyor. If in fact a monument has been disturbed, the replacement of the disturbed monument shall be at the expense of the developer.

G. Periodic Compliance Review: The Department of Community Development or any other Town department may elect to require site compliance inspections during the course of Building Department inspections. These inspections may be required prior to the finalization of a particular construction phase and shall be incorporated into the Building Department inspection process.

H. Construction: Storage of all construction material and parking of employee vehicles shall be within the legal boundaries of the project or an approved alternate site. None of the aforementioned shall be placed on public right-of-way without an approved right-of-way permit, or block access to the project, particularly access by emergency vehicles. A plan shall be submitted, indicating compliance with this requirement prior to issuance of a building permit.

I. Temporary Construction Trailers: Temporary construction trailers may be utilized for storage or office uses during the construction of a permanent project within the Town. The construction trailer's location, size and general design shall be disclosed to the Town as a component of the construction staging plan as required by this section. Construction trailers shall not be placed on site prior to the issuance of a building permit and shall be removed upon issuance of a certificate of occupancy.

Section 19. That section 9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY:

All drainage systems, grading, or earth disturbances shall be so designed and maintained as not to increase turbidity, sediment yield, or the discharge of any other harmful substances which will degrade the quality of water. All developments shall comply with the requirements of the Breckenridge Engineering Regulations. The Town may require ongoing water quality monitoring as a condition of development approval.

Section 20. That section 9-1-19-31R: POLICY 31 (RELATIVE) WATER QUALITY: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-31R: POLICY 31 (RELATIVE) WATER QUALITY:

3 x Water Criteria: The provision of measures over and above those required by the
(0/+2) Breckenridge Engineering Regulations are encouraged. Measures which are effective over the long term are preferred.

Section 21. That section 9-1-19-39A: POLICY 39 (ABSOLUTE) MASTER PLAN: of the Breckenridge Development Code shall be amended to read as follows:

9-1-19-39A: POLICY 39 (ABSOLUTE) MASTER PLAN:

F. Approval Of Master Plan: Approval of an application for a master plan shall be by development permit as otherwise provided in this chapter. Such approval may be made subject to conditions as otherwise provided in this chapter. At the time of initial approval, each master plan proposal shall: 1) comply with all absolute policies set forth in this section, 2) obtain a score of zero or more with respect to all relative policies set forth in this section, and 3) comply with all other applicable development policies of the town as of the date of such approval. The Town Engineer shall review master plans, but approval of a master plan shall not be construed to be evidence of the town's determination of the engineering feasibility of the proposed development.

Section 22. That section 9-1-21: CORRELATIVE DOCUMENTS: of the Breckenridge Development Code shall be amended to read as follows:

9-1-21: CORRELATIVE DOCUMENTS:

- Town of Breckenridge land use guidelines.
- Town of Breckenridge design standards 1.
- Town of Breckenridge Engineering Design Standards and Construction Specifications.
- Breckenridge 2009 transit operations plan.
- Town of Breckenridge off street parking regulations 2.
- Town of Breckenridge landscaping guide (revised May 2012).
- American standard for nursery stock.
- Town of Breckenridge goals and objectives report.
- Town of Breckenridge Capital Improvements Program.
- Wildfire hazards: guidelines for their prevention in subdivision and developments.
- Town of Breckenridge flood damage prevention ordinance 3.
- Breckenridge subdivision ordinance 4.
- Blue River walkway improvements plan.
- Town of Breckenridge trails plan (revised August 2008).
- Upper Blue Nordic master plan (revised 2011).
- Cucumber Gulch recreation master plan.
- The Arts District of Breckenridge master plan.
- The Breckenridge Public Art Program master plan plus policy 2016.

1. See chapter 5 of this title.
2. See chapter 3 of this title.
3. See title 10, chapter 3 of this Code.
4. See chapter 2 of this title.

Section 23. That section 9-2-1-2: PURPOSE: of the Breckenridge Development Code shall be amended to read as follows:

9-2-1-2: PURPOSE:

The purpose of this chapter is to promote and protect the community's public health, safety, and welfare by providing the Town with an efficient and orderly mechanism for:

- A. Regulating the subdivision, platting, and replatting of land and structures within the Town;

B. Reviewing, approving and recording plats associated with the subdivision of land or structures;

C. Providing assurances for the completion and maintenance of subdivision improvements;

D. Assuring that all public improvements are completed or guaranteed to be complete prior to the sale of any lots or parcels;

E. Approving and accepting fees in lieu of dedications of land for public purposes where provided for by this chapter;

F. Reviewing, approving, and accepting the location and dedication of land for public uses;

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~~ Engineering Regulations, and Breckenridge development code;

H. Ensuring that the community has the ability to provide adequate public services to the property including access, utilities, police and fire protection;

I. Ensuring that proper public access is provided to all subdivisions; and thereby securing for the present and future residents of the town the beneficial effects of the subdivision of land and structures, while protecting the community against actions that would deteriorate the quality of the natural and manmade environment.

Section 24. That subsection C. of section 9-2-3-1: CLASS A SUBDIVISION APPLICATION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-3-1 C: CLASS A SUBDIVISION APPLICATION:

Preliminary Hearings:

1. General: All class A subdivision applications shall be required to be submitted to the planning commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested to:

a. Appear at a meeting of referral agencies if the director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process. The Town Engineer shall review all Class A subdivision applications.

Section 25. That a new subsection i. is added to section 9-2-3-1: CLASS A SUBDIVISION APPLICATION: of the Breckenridge Development Code to read as follows:

9-2-3-1 D (3): CLASS A SUBDIVISION APPLICATION:

i. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per Section 10-4-2 of the Town Code prior to issuance of a building permit, beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 26. That subsection C. of section 9-2-3-2: CLASS B SUBDIVISION APPLICATION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-3-2 C.: CLASS B SUBDIVISION APPLICATION:

C. Preliminary Hearings:

1. General: All class B subdivision applications shall be required to be submitted to the planning commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested to:

a. Appear at a meeting of referral agencies if the director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process. The Town Engineer shall review all Class B Subdivision applications.

Section 27. That section 9-2-3-2: CLASS B SUBDIVISION APPLICATION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-3-2: CLASS B SUBDIVISION APPLICATION:

i. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per Section 10-4-2 of the Town Code prior to beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 28. That section 9-2-3-3: CLASS C SUBDIVISION APPLICATION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-3-3: CLASS C SUBDIVISION APPLICATION:

B. Administrative Review: The processing of a class C subdivision application shall be an administrative review conducted by the director. No public hearing shall be required. The Town Engineer shall review all Class C subdivision applications.

Section 29. That section 9-2-3-3: CLASS C SUBDIVISION APPLICATION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-3-3: CLASS C SUBDIVISION APPLICATION:

F. Town Engineer Approval:

1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code prior to beginning any construction, or beginning any grading work. Permits that may be required from the Town Engineer include an infrastructure permit, a floodplain development permit, and right-of-way permit.

Section 30. That section 9-2-4-1: GENERAL REQUIREMENTS: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-1: GENERAL REQUIREMENTS:

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, Engineering Regulations, 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 or if the subdivision modifies an access to a state highway.

Section 31. That section 9-2-4-2: DESIGN COMPATIBLE WITH NATURAL FEATURES: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-2: DESIGN COMPATIBLE WITH NATURAL FEATURES:

A. The design of every subdivision shall be compatible with the existing topography, drainage patterns, and other natural features on the site.

B. The design of the subdivision should, wherever possible, lower all maintenance costs both public and private through a self-maintainable ecological system, to conserve materials, construction labor, construction equipment, land and environmental values; to balance construction costs, amortization costs, operating costs, maintenance costs and replacement costs, thereby minimizing total average annual costs.

C. The design of every subdivision shall make adequate provision for the use and maintenance of open space.

D. Every subdivision shall strive to conserve existing features which add value or are of benefit to the development or the town as a whole, such as trees, watercourses, ridgelines and hillsides visible from an area of concern, historic sites, and similar irreplaceable assets.

1. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the plan has been granted the plat filed, and the Town Engineer has issued engineering permits per Title 10 of the Town Code, except in those instances where approval to remove trees has been granted pursuant to the requirements of the town's development code prior to filing of the plat. All trees on the plan required to be retained shall be preserved and all trees where required shall be welled and protected against change of grade. All disturbed areas shall be revegetated with native ground cover.

Section 32. That section 9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD PREVENTION: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD PREVENTION:

A. General Requirements:

1. Drainage, Storm Sewers, and Flood Prevention shall meet all requirements of the Engineering Regulations.

2. Runoff: The Town shall not approve any subdivision which does not make adequate provision for storm or flood water runoff control. The stormwater management system shall be separate and independent of any sanitary sewer system and shall, wherever possible, utilize techniques designed to recharge groundwater, minimize downstream flooding, and enhance the water quality of the community.

3. Drainage: Lots shall be laid out so as to provide positive drainage away from all possible building sites, individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentrations of storm drainage waters onto adjacent lots. All drainage courses shall be protected by covenants and deed restrictions preventing alteration, building upon, or obstructing of the drainageways.

4. Storm Sewers: Storm sewers, where required, shall be designed in accordance with the Breckenridge Engineering Regulations. A copy of design computations shall be submitted to the Town along with all plans.

B. Nature Of Stormwater Facilities:

1. Location: The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may have existed previous to or may result from the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with Breckenridge Engineering Regulations.

2. Accessibility To Public Storm Sewers: If a connection to a public storm sewer will eventually be provided, as determined by the town engineer, the developer shall make arrangements for future stormwater disposal at the time the plan receives approval. Provision for such connection shall be incorporated in the performance bond required for the subdivision plan.

3. Accommodation Of Upstream Drainage Areas: A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The applicant shall determine the necessary size of the facility based on applicable construction standards and specifications assuming conditions of maximum potential watershed development permitted by town or county regulations.

4. Effect On Downstream Drainage Areas: The applicant shall study the effect of the subdivision on existing, downstream drainage facilities outside the area of the subdivision. The applicant shall design facilities to prevent any adverse impacts on downstream properties. Where it is anticipated the additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility, the town shall require the developer to take steps to minimize the impact on downstream properties.

5. Flood Prone Areas:

a. If a proposed subdivision impacts a flood prone area: 1) it shall be designed to minimize flood damage within the flood prone area; 2) all public utilities and facilities, such as sewer, gas, electric and water systems, shall be located and constructed to minimize and eliminate flood damage; and 3) adequate drainage shall be provided to reduce exposure to flood hazards.

b. Flood prone areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

c. All subdivisions shall comply with the requirements of title 10, chapter 3 of this code.

Section 33. That subsection D. of section 9-2-4-4: UTILITIES: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-4: UTILITIES:

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.

3. All utility work shall comply with Title 11, Chapter 9 of the Town Code (TOWN OF BRECKENRIDGE 2018 DIG ONCE ORDINANCE).

Section 34. That section 9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS: of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, 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 Engineering Regulations for hard surface paths. Soft surface paths shall be designed to meet current industry standards and the Town of Breckenridge Trail 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 35. That section 9-2-4-8: STREET LIGHTING: of the Breckenridge Development Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

9-2-4-8: STREET LIGHTING:

Streetlights shall be installed for every subdivision and shall meet the requirements of the Engineering Regulations. The type of lighting fixture shall be determined by the planning

commission and shall be a fixture compatible with the character of the neighborhood and town as a whole. For example, Welsbach or other similar fixtures approved by the town shall be utilized throughout the historic district and areas adjacent to it, while other areas may utilize fixtures compatible with quality mountain architecture.

Section 36. That section 9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS:

The subdivider shall provide at his expense, and install, all traffic control devices and signs required by the town prior to acceptance of the street by the town. Street name signs are to be furnished and installed by subdivider at all intersections within or abutting the subdivision, the type and location of which shall comply with the Engineering Regulations and be approved by the director of public works.

Section 37. That section 9-2-4-11: EXISTING AND PROPOSED STREETS: of the Breckenridge Development Code shall be amended to read as follows:

9-2-4-11: EXISTING AND PROPOSED STREETS:

A. General:

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:

a. Provide for the continuation or projection of existing arterials or major collector streets in adjacent areas.

b. Conform to a plan for the area or neighborhood recommended by the town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

2. Access To Accepted Streets:

a. All subdivisions shall have frontage on and vehicular access from an existing dedicated street or highway.

b. Such street or highway shall be suitably improved so as to provide for safe circulation, comply with the Engineering Regulations, and shall be capable of accommodating the increased traffic generated by the subdivision.

c. When land fronting on an existing street or an unaccepted street is proposed for subdivision and the street does not meet the construction standards and right of way width required by town standards, the town may require dedication of additional right of way and construction of improvements by the subdivider.

3. Topography And Arrangement:

a. Streets that are appropriately related to the general topography of the land are encouraged. Steep grades and sharp curves shall be avoided. Large cut and fill areas shall be avoided through alternative placement or retaining walls if necessary. The use of retaining structures is encouraged when they will significantly reduce the grading and other site disturbance including tree removal. In cases where retaining structures are used they must be constructed from sturdy, dark natural materials, such as boulders, or engineered structures faced with natural rock or other material, which will blend with the surrounding area. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the

visibility of such structures when viewed from off site. Specific standards which shall be followed are contained in the Breckenridge Engineering Regulations.

b. All streets shall be properly related to specific traffic generators, such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.

c. Minor collectors and local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.

d. The gridiron street pattern need not be adhered to, and the use of curvilinear streets and loop streets is encouraged where such use will result in a more desirable layout. In general, dead end streets are discouraged because of problems with snowplowing and the provision of emergency services. If approved, dead end streets shall include a circular or hammerhead turnaround complying with the Engineering Regulations.

e. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the town, such extension is not necessary or desirable for the coordination of the layout of the subdivision's streets with existing or proposed streets.

f. Where the town determines the street pattern for a proposed development should connect to an existing, proposed or previously laid out street or right of way, the town may require the extension and construction of the street or right of way by the subdivider to assure a safe, efficient circulation system.

g. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, and the provision of alleys, walks, parking areas and truck loading and maneuvering areas, and so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Location Of Roads And Dead End Roads:

a. Arrangement Of Roads: The arrangement of streets shall provide for the continuation of existing or proposed streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and/or where such continuation is compatible with the Breckenridge comprehensive plan.

b. Temporary Dead End Roads: A temporary cul-de-sac or hammerhead turnaround complying with the Engineering Regulations shall be provided on all temporary dead end streets, with the notation on the subdivision plan that land outside the normal street right of way shall revert to the abutting property wherever the permanent street is constructed. The town may limit the length of temporary dead end streets in the interest of public health, safety and general welfare, and shall discourage temporary dead end streets in excess of six hundred feet (600').

c. Permanent Dead End Roads:

(1) Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the town for access to adjoining property, the town may require the reservation of appropriate easements to adjacent property to accommodate drainage facilities, snow stacking areas, pedestrian or bicycle traffic, or utilities.

(2) Where cul-de-sac or dead end roads are allowed, the design and length of the street shall be in compliance with the Engineering Regulations.

5. Bridges, Crossings, Culverts And Other Public Improvements: All bridges, crossings, culverts and other public improvements of primary benefit to the subdivider, as determined by the town, shall be constructed at the expense of the applicant.

B. Classification And Design: All streets shall be designed and constructed by the subdivider at no cost to the town in accordance with the classifications and design standards in the Engineering Regulations.

C. Street Dedications And Reservations:

1. Reservations: The town may require the reservation of the full right of way for any existing or proposed street and may require the construction of all or part of the facilities within the right of way required for the appropriate classification.

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 the Engineering Regulations 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 (1/2) of the necessary width, including all bridges, crossings and culverts required by the town.

3. Perimeter Streets: No new perimeter half streets shall be permitted in new subdivisions.

Section 38. That section 9-3-2: PURPOSE: of the Breckenridge Development Code shall be amended to read as follows:

9-3-2: PURPOSE:

The purpose of this chapter is to: a) encourage the provision of adequate off street parking in connection with the development of real property within the town; b) establish standards and criteria pertaining to required off street parking in connection with the development of real property within the town; c) preserve and protect the air quality within the town; d) minimize the disruptions to traffic flow and pedestrian safety resulting from poorly designed or inadequate amounts of off street parking; e) provide the developer of commercial property located within a portion of the town's commercial core the option to satisfy the town's off street parking requirement by payment of a parking fee in lieu of providing required off street parking; f) establish the rules governing the accounting and use of all in lieu fees collected by the town; and g) generally implement the town's master plan and land use ordinances by requiring that new development provide its fair share of off street parking facilities. On street parking requirements are listed in the Engineering Regulations.

Section 39. That section 9-3-5: APPLICABILITY: of the Breckenridge Development Code shall be amended to read as follows:

9-3-5: APPLICABILITY AND EXCEPTIONS:

A. Applicability. The provisions of this chapter shall apply to all new development of real property (as that term is defined in the town's development code) which: a) involves new

construction for which a development permit is required; or b) involves a change of use which causes an increase in the parking requirement; or c) involves a remodel of an existing building or structure for which a development permit is required; provided, however, that compliance with the requirements of this chapter is required for a remodel or change of use only to the extent additional off street parking is required (using the requirements of this chapter to determine the parking requirement for a preexisting use) as a result of the remodeling or change of use of the existing building or structure or d) involves a remodel or redevelopment of an existing structure for which a Class D Major Development Permit or higher is required.

B. Exceptions for certain major remodels:

1. Major remodels, as defined by Title 9, Chapter 1, which retain 50% or more of the original structure, shall be exempted from the driveway grade and slope provisions of this chapter.
2. Major remodels, as defined by Title 9, Chapter 1, for which compliance with the provisions of this chapter would cause excessive disturbance of existing features on the site such as environmentally sensitive areas, vegetation, geologic, hydrologic, or historic resources, or cause unreasonable disturbance of infrastructure, retaining walls, or other features, as determined by the Director, shall be exempted from those provisions of this chapter which would result in the excessive disturbance.

Section 40. That section 9-3-9: DESIGN STANDARDS FOR OFF STREET PARKING FACILITIES: of the Breckenridge Development Code shall be amended to read as follows:

9-3-9: DESIGN STANDARDS FOR OFF STREET PARKING FACILITIES:

Each off street parking facility constructed pursuant to the requirements of this chapter shall conform to the following design standards:

A. Compliance With Codes Required: The design and structural quality of all off street parking spaces and facilities required by this chapter shall conform to: 1) all applicable standards contained in this chapter; 2) the development code; 3) the Engineering Regulations; and 4) other applicable town ordinances. Drainage facilities shall be constructed pursuant to the Engineering Regulations.

B. Width Of Parking Aisles: The following minimum aisle widths shall apply to all off street parking facilities within the town:

Angle Of Parking Stall	Aisle Width
45°	12'
60°	16'
75°	22'
90°	24'

C. Size Of Parking Stalls: The following minimum sizes shall apply to all off street parking stalls within the town:

	Length	Width	Height
30° - 90° parking	18'	9'	n/a
Parallel parking	25'	8'	n/a
Enclosed parking	18'	9'	n/a
Stacked parking	18'	9'	6'5"

D. Ingress And Egress: The ingress and egress provisions for off street parking spaces shall conform to the Engineering Regulations.

E. Lighting: All parking facilities containing ten (10) or more parking spaces shall submit a photometric plan.

1. The parking lot lighting shall not exceed IESNA recommended foot-candle levels and applications are encouraged to use the lower end of the range. This information shall be provided by a registered Colorado engineer.

2. All fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property's designated lighting zone per section 9-12-11 of this title.

3. All lights shall be level mounted and eighty five degrees (85°) full cut off fixtures.

4. All fixtures shall be a minimum of half the distance of the length of the pole (e.g., an 18 foot pole shall be a minimum of 9 feet from the property line).

5. Lighting fixtures shall not exceed 3000 kelvin. LEDs shall use filtered LEDs for a warm white color to minimize blue light emission.

6. Foot-candle levels shall not exceed two-tenths (0.2) foot- candle at a property line, unless for safety ingress/egress as determined by the Director.

7. Parking lots are encouraged to be greater in number and lower to grade than have a reduced number and increased height.

F. Grades: The sustained surface grades for parking areas shall not exceed a minimum of one-half percent (0.5%) or a maximum of four percent (4%). Driveway grades shall not exceed a maximum grade of eight percent (8%). The first five feet (5') of a driveway shall be graded to match the cross slope of the connecting street. For downhill sites, a twenty foot (20') staging area with a maximum grade of negative four percent (-4%) is required (section 9-3-19, attachment B of this chapter). For uphill sites, a twenty foot (20') staging area with the first five feet (5') matching the cross slope of the connecting road and the next fifteen feet (15') at a maximum grade of four percent (4%) is required (section 9-3-19, attachment C of this chapter). Grades shall comply with all requirements of the Engineering Regulations.

G. Heated Driveways: Driveway heat systems shall terminate at the property line. If the system extends into the public right-of-way, a separate zone must be created for that portion of the system and accommodations must be made to reduce the impacts of the melted drainage at the snow/melted interface. A revocable license agreement acceptable in form and substance to the Town Attorney must be approved by the Town and executed prior to the issuance of a certificate of occupancy. Heated driveways shall comply with all requirements of the Engineering Regulations.

H. Drainage: All off street parking facilities shall be graded for proper drainage so that all surface discharge is channeled to a natural or improved drainageway without causing nuisance or damage to other properties or the improvements thereon.

I. Location: The location of all required off street parking facilities shall be as follows:

1. Residential Uses: For residential uses, except residences located in buildings adjacent to the "Riverwalk" as defined in section 9-1-19-37A, "Policy 37 (Absolute) Special Areas", of this title, all required off street parking spaces shall be provided on the same property as the residential units they are intended to serve.

2. Nonresidential Uses: Off street parking for nonresidential uses shall be placed totally on the same parcel of land as the use, unless a fee in lieu is paid to the Town as provided in section 9-3-12 of this chapter.

3. Parking Space Location: No parking space shall be located closer than five feet (5') from any public street, public alley, public pedestrianway or public right-of-way or three feet (3') from any property line.

J. Landscaping: A minimum of twenty five (25) square feet per parking stall shall be utilized for landscaping purposes. Any parking facility containing more than two (2) side by side loading spaces shall contain at least two hundred (200) square feet of landscaped area raised a minimum of six inches (6") above the parking surface for each two (2) side by side loading spaces. Landscaping shall be maintained according to the standards contained in the Development Code.

K. Snow Stacking:

L. Signs: Appropriate signage directing traffic shall be placed in any off street parking facility pursuant to the Breckenridge Sign Code 4 .

M. Paving:

1. Off Street Parking Spaces: All off street parking spaces shall be paved.

2. Driveways: All driveways shall be paved; provided, however, that any unpaved driveway which exists at the time of the adoption of this subsection M shall be paved as a condition of the issuance of a development permit for future development of the subject property in accordance with the following schedule: a) within the Conservation District, whenever a Class B minor development permit or higher is issued; and b) outside the Conservation District, whenever a Class D major development permit or higher is issued.

Section 41. That section 9-12-8: EXEMPTIONS: of the Breckenridge Development Code shall be amended to read as follows:

9-12-8: EXEMPTIONS:

The provisions of this chapter shall not apply to the following:

A. Emergency Lighting: Temporary lighting required for public safety in the reasonable determination of public safety officials with authority.

B. Decorative Lighting: In all lighting zones decorative lighting is permitted only from November 1 through end of ski season at Breckenridge Ski Resort. At all other times decorative lighting is unlawful.

C. Street Lighting: Lighting required for public safety installed by a public entity or private utility company along a public right-of-way. Lighting in the right-of-way shall comply with the requirements of the Engineering Regulations.

D. Temporary Lighting: Lighting for festivals, celebrations, or other public activities as approved by the Town.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 11th day of January, 2022.

This ordinance was published in full on the Town of Breckenridge website on January 13,
January 14, January 15, January 16 and January 17, 2022.

A public hearing on this ordinance was held on January 25, 2022.

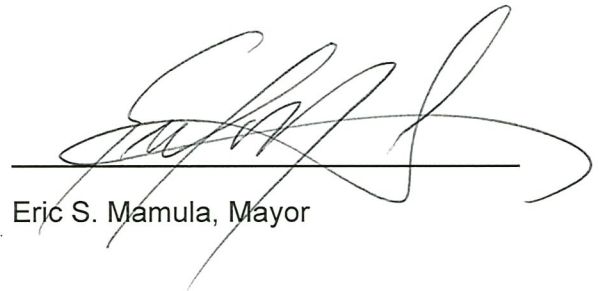
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
TOWN'S WEBSITE this 25th day of January, 2022. A copy of this Ordinance is available for
inspection in the office of the Town Clerk.

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 27,
January 28, January 29, January 30 and January 31, 2022. This ordinance shall become
effective on March 2, 2022.