

ORDINANCE NO. 13

Series 2017

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH
BARBARA CROSS TABB

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

Section 1. Findings. The Town Council of the Town of Breckenridge finds and determines as follows:

A. Barbara Cross Tab (“**Owner**”) owns Lot 2, Block 1, Skyway Ridge Subdivision, Filing No. 2, Town of Breckenridge, County of Summit and State of Colorado; also known as 141 Sawmill Road, Breckenridge, Colorado 80424 (the “**Owner’s Property**”).

B. Owner proposes an addition to Owner’s Property of not more than 800 square feet of density.

C. Without a development agreement Owner’s proposed addition is not possible because the existing improvements on Owner’s Property approach the total density limitation of 2,200 square feet established for Owner’s Property in that Annexation Agreement dated October 13, 1999 and recorded October 22, 1999 at Reception No. 608585 of the records of the Clerk and Recorder of Summit County, Colorado (the “**Annexation Agreement**”).

D. Pursuant to Chapter 9 of the Breckenridge Town Code the Town Council has the authority to enter into a development agreement. Further, there is no process in the Town’s Development Code for: (i) the approval of density on the Owner’s Property in excess of that allowed by the Annexation Agreement; and (ii) the transfer of density to Owner’s Property pursuant to a certificate of development rights (“**TDRs**”) issued in accordance with the Intergovernmental Agreement concerning transfer of development rights between the Town and Summit County, Colorado (“**IGA**”). Therefore, a development agreement provides a means for such an approval and transfer.

E. As one of the commitments encouraged to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Owner has proposed to pay to the Town the sum of \$5,000 to be used for trail acquisition and development.

F. As additional commitments to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code (the “**Additional Commitments**”) the Owner has agreed that the following conditions will be made a part of any development permit issued by the Town for the construction of the proposed improvements to Owner’s Property described above:

2. To exceed the standards in the Town’s Sustainable Building Code in the construction of the proposed addition to Owner’s Property;

3. To install enhanced landscaping and irrigation at the Owner’s Property;

4. To use recycled materials in the construction of the improvements to Owner’s Property to the extent practicable;

5. To use renewable energy at the Owner’s Property in excess of any normal Town requirement where practicable; and

6. To obtain a Home Energy Rating (HERs) Certification.

G. The Town Council has received a completed application and all required submittals for a development agreement, had a preliminary discussion of the application and this Agreement, determined that it should commence proceedings for the approval of this Agreement and, in accordance with the procedures set forth in Subsection 9-9-10(C) of the Breckenridge Town Code, has approved this Agreement by non-emergency ordinance.

H. A proposed development agreement between the Town and the Owner addressing the topics described above has been prepared, a copy of which is marked Exhibit “A”, attached hereto and incorporated herein by reference (“**Development Agreement**”).

I. The Town Council had a preliminary discussion of the development agreement application, and the proposed Development Agreement, as required by Section 9-9-10(A) of the Breckenridge Town Code.

J. The Town Council determined that request for a development agreement need not be referred to the Breckenridge Planning Commission for its review and recommendation.

K. The Town Council has reviewed the Development Agreement.

L. The approval of the Development Agreement is warranted in light of all relevant circumstances.

M. The procedures to be used to review and approve a development agreement are provided in Chapter 9 of Title 9 of the Breckenridge Town Code. The requirements of such Chapter have substantially been met or waived in connection with the approval of the Development Agreement and the adoption of this ordinance.

Section 2. Approval of Development Agreement. The Development Agreement between the Town and Barbara Cross Tabb (**Exhibit "A"** hereto) is approved, and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 3. Notice of Approval. The Development Agreement must contain a notice in the form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code must be published by the Town Clerk one time in a newspaper of general circulation in the Town within fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of Section 24-68-103, C.R.S.

Section 4. Police Power Finding. The Town Council finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 5. Authority. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28th day of March, 2017.

This ordinance was published in full on the Town of Breckenridge website on March 29, March 30, March 31, April 1 and April 2, 2017.

A public hearing on this ordinance was held on April 11, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 11th day of April, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on April 13, April 14, April 15, April 16 and April 17, 2017. This ordinance shall become effective on May 17, 2017.