

ORDINANCE NO. 26

Series 1996

AN ORDINANCE AMENDING THE "BRECKENRIDGE DEVELOPMENT CODE" BY THE ADOPTION OF PROVISIONS REGULATING THE PLACEMENT OF CERTAIN SATELLITE EARTH STATION ANTENNAS WITHIN THE TOWN OF BRECKENRIDGE

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

Section 1. The definition of "Class C Development" as set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of the following additional provision:

- Placement of a satellite earth station antenna larger than two meters in diameter in Land Use Districts where industrial or commercial uses are recommended, or larger than one meter in diameter in Land Use Districts where any other use is recommended.

Section 2. There is hereby added to Section 9-1-5 of the Breckenridge Town Code a new definition of "Satellite Earth Station Antenna", which shall read in its entirety as follows:

SATELLITE EARTH STATION ANTENNA: Any antenna of any shape or description designed for the purpose of receiving microwave transmissions from satellites.

Section 3. There is hereby added to the Breckenridge Town Code a new Section 9-1-19-41, to be entitled " SATELLITE EARTH STATION ANTENNAS (Absolute)", which shall read in its entirety as follows:

41. (ABSOLUTE) SATELLITE EARTH STATION ANTENNAS: A satellite earth station antenna larger than two meters in diameter in Land Use Districts where industrial or commercial uses are recommended, or larger than one meter in diameter in Land Use Districts where any other use is recommended, may be placed within the Town only when authorized by a Class C development permit. The following provisions shall govern the issuance of such permit:

A. Purpose: The Town Council is cognizant of the provisions of the rule adopted by the Federal Communications Commission on April 17, 1996 codified at 47 C.F.R. §25.104. The Town Council hereby declares that the purpose of the adoption of this policy is to protect the unique aesthetic character of the Town and its neighborhoods, including, but not limited to, the Town's National Historic District area, and the special historic and architectural aspects of the Town, while placing the least possible restrictions or limitations upon the legitimate ability of the residents of and visitors to the Town to avail themselves of the current and future technology represented by satellite signal receiving earth stations. The Town Council has provided in this policy for the regulations of certain aspects of satellite receiving earth stations, including color and location, because those aspects relate directly to aesthetic considerations which are of great importance to all residents of the Town, not just those who choose to avail themselves of the technology of satellite receiving earth stations. Such regulations are found and deemed by the Town Council not to unreasonably interfere with the right of a homeowner or business owner to avail himself or herself of, and to receive, satellite technology. The Town Council further finds that the regulations set forth in this Policy further the stated aesthetic objective without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among communication service providers.

B. Restrictions on Satellite Earth Station Antennas: The placement of a satellite earth station antenna ("antenna") larger than two meters in diameter in Land Use Districts where industrial or commercial uses are recommended, or larger than one meter in diameter in Land Use Districts where any other use is recommended, is subject to the following requirements:

- (1) The antenna shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two inches in height.
- (2) There may be only one antenna placed on each lot.
- (3) No roof mounted antennas are permitted.
- (4) An antenna may not exceed twelve feet in diameter, nor twenty feet in height as installed.
- (5) The placement of an antenna shall comply with Policy 9 (Absolute) of this Section concerning minimum setback requirements. The location of the antenna shall not interfere with on-site pedestrian or vehicular circulation.
- (6) The full visual impact of an antenna shall be reduced by screening. All antennas shall be effectively screened by a fence, wall or dense screening landscaping to a height of six feet. Said fence, wall or landscaping shall otherwise comply with the requirements of this Code.

- (7) An antenna shall be maintained in an operational state with no structural defect or visible damage.
- (8) All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except for those wires or cables which are attached flush with the surface of a building.
- (9) The structure for an antenna, its installation and all electrical wiring associated with an antenna, shall be in conformance with the Town's building and technical codes.
- (10) An antenna shall not be installed with the use of guy wires.

C. In those Land Use Districts where either industrial or commercial and any other use are recommended, the provisions of this policy shall apply only to the placement of a satellite earth station antenna larger than two meters in diameter.

Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

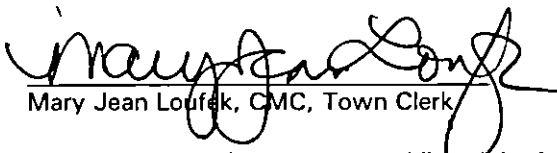
Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by 47 C.F.R. §25.104, Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 7. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 25th day of June, 1996. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 9th day of July, 1996, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


 Mary Jean Loufek, CMC, Town Clerk


 Stephen C. West, Mayor

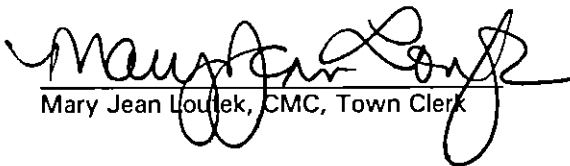
This Ordinance was published in full in *The Summit County Journal*, a newspaper of general circulation within the Town of Breckenridge, on July 3, 1996.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 9th day of July, 1996.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


 Mary Jean Loufek, CMC, Town Clerk


 Stephen C. West, Mayor

APPROVED IN FORM

 7/9/96
 Town Attorney Date

This Ordinance was published by title in *The Summit County Journal*, a newspaper of general circulation within the Town of Breckenridge, on July 17, 1996.