

ORDINANCE NO. 26

Series 2008

AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) ("ARCHITECTURAL COMPATIBILITY") OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING PROVISIONS CONCERNING SOLAR PANELS; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE DEVELOPMENT CODE

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

Section 1. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following definitions:

NON-PRIMARY ELEVATION:	The portion of a structure which does not front on a public street or other public right of way. If a corner lot, the primary elevation is the elevation where the primary entrance is located.
SOLAR PANEL:	An electrical device consisting of an array of connected solar cells which converts solar energy into electricity or hot water/liquid for space heating or domestic hot water production. Also referred to as photovoltaic (PV) panel or solar array.
SOLAR DEVICE:	Solar membranes, solar shingles, solar in glass, non-PV technology, and solar hot water systems, and similar solar technology.

Section 2. The definition of "Class C - Minor Development" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following item:

- Installation of solar panel or solar device within the Conservation District

Section 3. The definition of "Class D Development" set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following item:

- Installation of solar panel or solar device outside the Conservation District

Section 4. Policy 5 (Absolute)("Architectural Compatibility") of Section 9-1-19 of the Breckenridge Town Code is hereby amended by the addition of a new subsection D, to be entitled "Solar Panels and Solar Devices", which shall read in its entirety as follows:

D. Solar Panels and Solar Devices

(1) Within the Conservation District: The preservation of the character of the Conservation District and the historic structures and sites within the Conservation District are of the utmost importance. The Town encourages the installation of solar panels and solar devices as an alternative energy source. However, there may be instances where solar panels or solar devices are not appropriate on a particular building or site if such a device is determined to be detrimental to the character of the Conservation District.

(2) Within the Conservation District, no solar devices shall be installed on a structure or site without first obtaining a Class C minor development permit. Solar panels and solar devices are encouraged to be installed on a non-historic building or building addition and integrated into the building design. To ensure that the character of the Conservation District and its historic structures and sites are protected, an application for a development permit to install a solar panel or solar device within the Conservation District will be reviewed under the following requirements:

- (a) Solar panels or other solar devices on roofs shall be placed on a non-character defining roofline of a non-primary elevation (not readily visible from

public streets). Solar panels and solar devices shall be setback from the edge of a flat roof to minimize visibility and may be set at a pitch and elevated if not highly visible from public streets. On all other roof types, solar panels and solar devices shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys. All solar panels and solar devices shall run parallel the original roofline and shall not exceed nine inches (9") above the roofline.

Applications for new structures within the Conservation District are encouraged to include building integrated solar panels and other solar devices into the initial design, including a similar roof color, rather than as a later addition. Solar panels and solar devices which contrast with the color of the roof of new or historic structures are inappropriate if found to be detrimental to the character of the Conservation District.

(b) Detached arrays of solar panels and solar devices at a historic site may be located in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character defining aspects of the site. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(c) Character defining elements such as historic windows, walls, siding or shutters, which face public streets or contribute to the character of the building, shall not be altered or in connection with the installation of solar panels or solar devices. Solar devices in non-historic windows, walls, siding or shutters which do not face public streets are encouraged.

(2) Outside the Conservation District: The Town encourages the installation of solar panels and solar devices on structures or sites located outside the Conservation District as an alternative energy source. The following regulations shall apply to the installation of solar panels or solar devices outside the Conservation District:

(a) No solar panel or solar devices shall be installed on a structure or site without first obtaining a Class D development permit. The director shall have the right to reclassify an application as a Class C minor application, and to require review by the Planning Commission, if he feels the purpose of this code would be best served by the reclassification. Reclassification shall be done pursuant to the definition of "Classification" in Section 9-1-5 of this chapter.

(b) Solar panels and solar devices shall run closely parallel to the roofline and shall not exceed nine inches (9") above the roofline. New structures are encouraged to include building integrated solar panels and solar devices into the initial design, rather than as a later addition.

(c) Detached arrays of solar panels and solar devices may be located in the rear or side yard if not highly visible from the public streets. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access. Detached solar arrays which serve the residence on the site may be located outside of the building or disturbance envelope if no significant existing vegetation must be removed for the installation and an adequate buffer is provided to adjacent properties.

Section 5. 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 6. 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 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to

home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

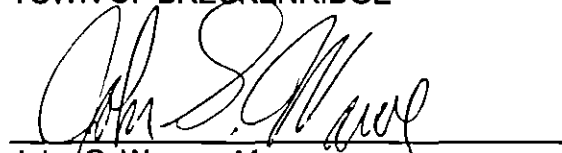
Section 8. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of May, 2008. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of June, 2008, 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


John G. Warner, Mayor


This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on June 6, 2008.

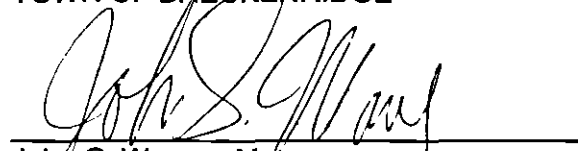
The public hearing on this ordinance was held on June 10, 2008.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 10th day of June, 2008. This ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

6/10/08
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on June 20, 2008.