

ORDINANCE NO. 2

Series 2011

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING ENERGY CONSERVATION; 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 amended by the addition of the following definitions:

HERS: A scoring system (or index) established by the Residential Energy Services Network (RESNET) in which a home built to the specifications on the HERS Reference Home (based on the 2006 edition of the International Energy Conservation Code) score a HERS Index of 100, while a net zero energy home scores a HERS Index of zero.

LARGE OUTDOOR WATER FEATURE: A water feature, such as a large fountain, waterfall, pond or series of ponds, powered by a motor with 4,000 watts or 5 horsepower or greater. Recreational and leisure amenities, such as outdoor hot tubs, swimming pools and associated features, are not considered water features under this definition.

Section 2. Policy 33 (Relative) of Section 9-1-19 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-1-19-33R: (RELATIVE)(ENERGY CONSERVATION):

The goal of this policy is to incentivize energy conservation and renewable energy systems in new and existing development at a site plan level. This policy is not applicable to an application for a master plan. This policy seeks to reduce the community's carbon footprint and energy usage and to help protect the public health, safety and welfare of its citizens.

(1) Residential Structure 3 Stories or Less.

All new and existing residential developments are strongly encouraged to have a Home Energy Rating Survey (HERS) to determine potential energy saving methods and to reward developments that reduce their energy use. Positive points will be awarded according to the following point schedule:

Points	HERS index for residential
+1	Obtaining a HERS index
+2	61-80
+3	41-60
+4	19-40
+5	1-20
+6	0

(2) Commercial, Lodging And Multifamily In Excess Of Three (3) Stories In Height.

New and existing commercial, lodging, and multifamily developments are strongly encouraged to take advantage of the positive points that are available under this policy by achieving demonstrable and quantifiable energy saving within the development. Positive points will be awarded for the percentage of energy saved beyond the minimum standards of the IECC¹ in accordance with the following point schedule:

Points	% energy saved beyond the IECC minimum standards
+1	10%-19%

¹ The International Energy Conservation Code adopted and amended by Chapter 1 of Title 8 of this Code.

+3	20%-29%
+4	30%-39%
+5	40%-49%
+6	50%-59%
+7	60%-69%
+8	70%-79%
+9	80%+

Positive points will be awarded only if an energy analysis has been prepared by a registered design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code.

Development approval will be subject to conditions requiring third party balancing and design professional certification of the performance building prior to building permit and a certificate of occupancy/completion.

(3) Excessive Energy Usage.

Developments with excessive energy components are discouraged. However, if the Planning Commission determines that any of the following design features are required for the health, safety and welfare of the general public, then no negative points shall be assessed. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

Point Range	Design Feature
1x(-3/0)	Heated driveway, sidewalk, plaza, etc.
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace)
1x(-1/0)	Large outdoor water features (per feature)

(4) Other Design Features.

1x(-2/+2) Other design features determined by the Planning Commission to conserve significant amounts of energy may be considered for positive points. Alternatively, other features that use excessive amounts of energy may be assigned negative points.

(5) General Provisions:

- a. No development approved with required positive points under this policy shall be modified to reduce the HERS index or percentage of energy savings above the IECC standards in connection with the issuance of such development permit. ("Required positive points" means those points that were necessary for the project to be approved with a passing point analysis.)
- b. Prior to the issuance of a certificate of occupancy each development for which positive points are awarded under this policy shall submit a letter of certification showing compliance with the projected energy rating or percentage of energy savings in comparison to the IECC. The required certification for a residential development three stories or less in height shall be submitted by a registered Colorado engineer, or a qualified HERS rater. The required certification for a residential development taller than three stories, and for all commercial development, shall be submitted by a licensed balancer and commissioner.

(6) Sliding Scale Examples*

- a. Heated outdoor spaces 1x(0/-3)
 - Zero points - for public safety concerns, systems which are 100% powered by alternative energy source such as solar, wind or geothermal, or small areas on private property which are part of a generally well designed plan that takes advantage of southern exposure and/or specific site features.
 - Negative Points - assessed based on the specific application of heated area. (For example, a heated driveway of a single family home compared to a driveway apron only; a heated patio). The points warranted are dependent on the specific project layout such as safety concerns, amount of heated area, design issues such as north or south facing outdoor living spaces, etc.
- b. Water Features 1x(0/-1)
 - Zero Points – no water feature or features powered by an alternative energy source or feature utilizing a less than 4,000 watts or less than 5 horsepower.

- Negative Points – based on the amount of energy (watts) utilized for the feature (large features of 4,000 watts or more, or 5 horsepower motor or greater).

*Footnote: Examples set forth in this policy are for purpose of illustration only, and are not binding upon the Planning Commission. The ultimate allocation of points shall be made by the Planning Commission pursuant to section 9-1-17-3 of this Chapter.

Section 3. 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 4. 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 5. 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 6. 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 11th day of January, 2011. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 25th day of January, 2011, 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

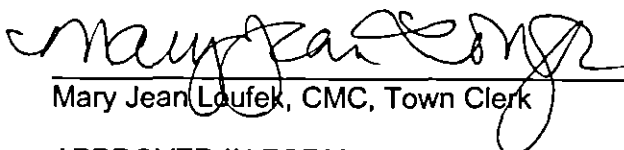
This Ordinance was published in full on the Town of Breckenridge website, on January 13, January 14, January 15, January 16, and January 17, 2011.

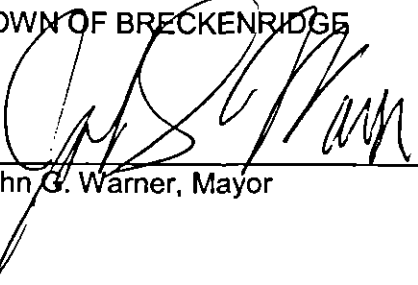
The public hearing on this ordinance was held on January 25, 2011.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 25th day of January, 2011. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

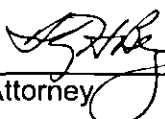
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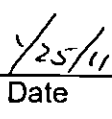
TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, 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, 2011. This ordinance shall become effective on March 2, 2011.