

ORDINANCE NO. 16

Series 2012

AN ORDINANCE AMENDING BRECKENRIDGE DEVELOPMENT CODE POLICY 4 (ABSOLUTE), ENTITLED "MASS", AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED TO SUCH AMENDED DEVELOPMENT POLICY

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

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

- Application for a renewable energy mechanical system under Policy 9-1-19-4A

Section 2. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of the following new definition of "Renewable Energy Mechanical System":

RENEWABLE ENERGY
MECHANICAL SYSTEM:

A mechanical system required to process onsite renewable energy from natural resources such as sunlight, wind, and geothermal heat.

Section 3. Section 9-1-19-4A of the Breckenridge Town Code, entitled "Policy 4 (Absolute) Mass", is amended by the addition of the following new subsection F:

F. Mass Allowance for Onsite Renewable Energy Mechanical System in Multi-family and Commercial Uses: The goal of this subsection F is to encourage renewable energy production in existing multi-family and commercial structures. This subsection is not applicable to new construction. This subsection seeks to improve energy efficiency by permitting existing nonconforming structures to install appropriate onsite renewable energy mechanical systems to help protect the health, safety, and welfare of the community.

1. Any existing multi-family residential or commercial structure constructed pursuant to a development permit issued prior to May 8, 2012 may be permitted additional aboveground mass square footage to for the installation of a renewable energy mechanical system, even if the structure already exceeds applicable mass limitations. The additional square footage shall be the lesser of the following:
 - a. the space necessary for an efficiently designed mechanical room; or
 - b. 350 square feet, or 2% of the existing mass square footage, whichever is less.

2. Design Standards

a. An onsite renewable energy mechanical system shall be located based upon the following order of preference. Preference 1 is the highest and most preferred; preference 4 is the lowest and least preferred. An onsite mechanical energy mechanical system shall be located as follows: (1) within the existing building footprint; (2) out of view from the public right of way and adjacent properties and screened; (3) partly visible from the public right of way or adjacent property and screened and; (4) highly visible from the public right of way or adjacent properties. An application for a system to be located in a least preferred location must adequately demonstrate why the system cannot be located in a more preferred location.

b. Any structural modifications or additions made for a renewable energy mechanical system shall meet the intent of Policy 5/A (Architectural Compatibility) and Policy 5/R (Architectural Compatibility), in addition to all other applicable policies of this Code.

Section 4. Except as specifically amended by this ordinance, 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 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 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.

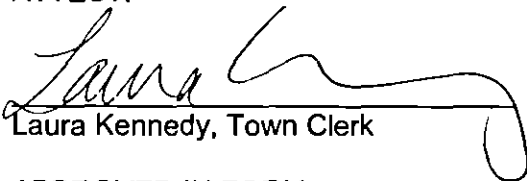
Section 7. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

This Ordinance was published in full on the Town of Breckenridge website on April 26, April 27, April 28, April 29 and April 30, 2012.

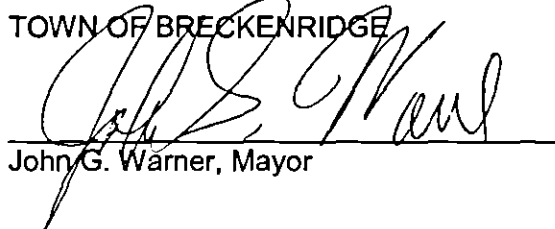
A public hearing on this ordinance was held on May 8, 2012.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS ON THE TOWN'S WEBSITE this 8th day of May, 2012. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:



Laura Kennedy, Town Clerk

TOWN OF BRECKENRIDGE


John G. Warner, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on May 10, May 11, May 12, May 13 and May 14, 2012. This ordinance shall become effective on June 13, 2012.