

ORDINANCE NO. 24

Series 2020

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION

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

Section 1. Section 9-1-19-33R, "Policy 33 (Relative) Energy Conservation," of the Breckenridge Town Code is amended to read in its entirety as follows:

9-1-19-33R: POLICY 33 (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.

A. Residential Structure Three Stories Or Less: For new construction, positive points will be awarded for the percentage of energy use reduction of the new residential structure compared to the same building built to the minimum standards of the Town's most recently adopted residential provisions of the International Energy Conservation Code<sup>1</sup> or the SSBC<sup>2</sup>, whichever code is the most restrictive. As subsequent editions of the IECC and the SSBC are adopted by the Town, the percent energy use reduction shall be compared to the baseline ERI score required established in that code.

For existing residential development, including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) as compared to the energy consumption of the proposed structure remodel.

Positive points will be awarded according to the following point schedule for new construction:

Points	New Structures; Percent Energy Saved Beyond IECC and SSBC Standards <sup>2</sup> , Whichever Code Is The Most Restrictive
+2	20% - 39%
+3	40% - 59%
+4	60% - 79%
+5	80% - 99%
+6	100+%

Note:

2. See residential provisions of the IECC and SSBC

Positive points will be awarded according to the following point schedule for structures that existed on July 14, 2020 which undergo major exterior remodels or additions:

Points	Existing Residential (Prior To July 14, 2020); Percentage Improvement Beyond Existing HERS/ERI Index <sup>3</sup>
+1	10-19%

<sup>1</sup> The International Energy Conservation Code adopted and amended by title 8, chapter 1 of this code (IECC).

<sup>2</sup> The Summit Sustainable Building Code referenced in title 8, chapter 1 of this code (SSBC).

+2	20 - 39%
+3	40 - 59%
+4	60 - 79%
+5	80 - 99%
+6	100+%

Note:

3. Existing HERS/ERI Index shall be for the structure prior to any modifications. Where an existing HERS/ERI score exceeds 125, a maximum score of 125 shall be assigned to the existing structure as a baseline to compare energy improvements to.

Commercial, Lodging And Multi-Family In Excess Of Three Stories In Height: New and existing commercial, lodging, and multi-family developments are strongly encouraged to take advantage of the positive points that are available under this policy by achieving demonstrable and quantifiable energy use reduction within the development. For new construction, positive points will be awarded for the percentage of energy use reduction of the performance building when compared to the same building built to the minimum standards of the IECC or the SSBC, whichever code is the most restrictive. The percentage of energy use saved shall be expressed as MBh (thousand BTUs/hour).

For modifications to existing buildings including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) compared to the energy consumption of the proposed structure remodel. Points shall be awarded in accordance with the following point schedule:

Points	New Structures; Percent Energy Saved Beyond The IECC or SSBC Minimum Standards, Whichever Code is the Most Restrictive	Existing Structures July 14, 2020; Percent Improvement Beyond Existing Energy Consumption
+1	10% - 19%	10% - 19%
+2	20% - 29%	20% - 29%
+3	30% - 39%	30% - 39%
+4	40% - 49%	40% - 49%
+5	50% - 59%	50% - 59%
+6	60% - 69%	60% - 69%
+7	70% - 79%	70% - 79%
+8	80%+	80%+

Positive points will be awarded only if an energy analysis has been prepared by a registered design professional as required by subsection F1 of this section, using an approved simulation tool in accordance with simulated performance alternative provisions of the IECC or the SSBC, whichever code is the most restrictive.

B. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

Point Range	Design Feature
0	If the Planning Commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed.
-1	1 - 500 square feet heated driveway, sidewalk, plaza, etc.
-2	501 - 999 square feet heated driveway, sidewalk, plaza, etc.
-3	1,000 - 2,499 square feet heated driveway, sidewalk, plaza, etc.
-4	2,500 – 5,000 square feet heated driveway, sidewalk, plaza, etc.
-1	For each additional 5,000 square feet, or portion thereof, of heated driveway, sidewalk, plaza, etc. over 5,000 square feet
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace).
-1	101-500 square feet of outdoor heated pool and/or hot tub in a commercial or multifamily development
-1	For each additional 500 square feet, or portion thereof, of outdoor heated pool and/or hot tub in a commercial or multifamily development over the first 500 square feet
0	Water features powered completely by a renewable energy source (e.g., solar, wind).
-1	Water features powered by conventional energy sources utilizing less than 4,000 watts or less than 5 horsepower.
-2	Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or 5 horsepower motor or greater.

C. Other Design Features:

1x(-4/+4) 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. However, positive points may not be assessed under this subsection D if the project has been awarded positive points under subsection A or B of this section. Higher positive point awards will be given to larger scaled projects that conserve a significant amount of energy. Larger projects that consume large amounts of energy will be assessed more negative points.

D. EV Capable and EVSE Installed Spaces: Positive points may be awarded for additional Electric Vehicle (EV) Capable and Electronic Vehicle Supply Equipment (EVSE) installed spaces over the required minimum as determined in the IECC, as follows:

Points	EV Capable	Points	EVSE Installed
+1	10 additional spaces	+1	1 additional space
+2	20 additional spaces	+2	2 additional spaces
+3	30 or more additional spaces	+3	3 or more additional spaces

E. General Provisions:

(1) A projected analysis shall be submitted at the time of development permit application if positive points are requested as well as submittal of a confirmed

analysis prior to the issuance of a certificate of occupancy or certificate of completion. A HERS/ERI analysis shall be performed by a certified HERS/ERI rater. An analysis of energy saved beyond the IECC or the SSBC, whichever code is the most restrictive, shall be performed by the licensed Colorado engineer of record for the project.

(2) No development approved with required positive points under this policy shall be modified to reduce the HERS/ERI index, percentage of improvement, 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.)

(3) 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 or the SSBC, whichever code is the most restrictive. The required confirmed certification for a residential development three (3) stories or less in height shall be submitted by a certified HERS/ERI rater. The required confirmed certification for a residential development taller than three (3) stories, and for all commercial development, shall be submitted by a licensed Colorado engineer and accompanied by balance and commissioning reports.

Section 2. 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 3. 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 4. 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 5. 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 26th day of May, 2020.

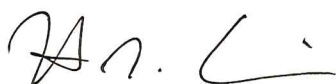
This ordinance was published in full on the Town of Breckenridge website on May 28, May 29, May 30, May 31 and June 1, 2020.

A public hearing on this ordinance was held on June 9, 2020.

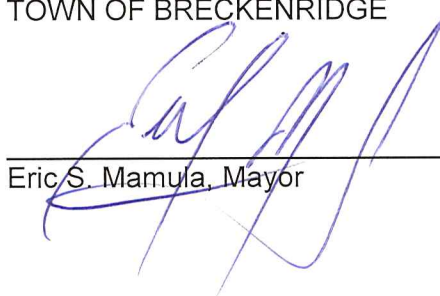
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE  
TOWN'S WEBSITE this 9th day of June, 2020. A copy of this Ordinance is available for  
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

  
Town Attorney

6/9/20  
Date

This Ordinance was published on the Town of Breckenridge website on June 12, June 13, June 14, June 15 and June 16, 2020. This ordinance shall become effective on July 16, 2020.