

AS APPROVED ON FIRST READING

Additions To The Ordinance As Reviewed At Worksession on March 12, 2013 Are Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

COUNCIL BILL NO. 3

Series 2013

AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL COMPATIBILITY”) OF SECTION 9-1-19-5A OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

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 inclusion of the following definitions:

ALLEY:	The entire width of every dedicated public alley owned or controlled by the Town.
STREET:	The entire width of every dedicated public street owned or controlled by the Town.

Section 2. Section 9-1-19-5A(E)(1) of the Breckenridge Town Code is amended to read in its entirety as follows:

E. 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 devices as an alternative energy source. It is a goal of this policy to balance sustainability and historic preservation goals of the Town.

There may be instances where solar devices are not appropriate on a particular building or site if such a device is determined by the town to be detrimental to the character of the conservation district or would result in a reduced state, federal or local historic rating of a historic structure or district.

The town allows for solar device placement that is sensitive to the character of the conservation district and located away from the public street.

Within the conservation district a solar device shall be located to reduce the visibility of the solar device from a public street (as opposed to an alley) to the greatest extent practical and to reduce negative impacts to historic structures. In most cases, preference 1 will reduce visibility and is the highest and most preferred; preference 6 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device within the conservation district is as follows, unless a less visual option is available on site: 1) as a building integrated photovoltaic device; 2) on nonhistoric structures or additions; 3) on an accessory structure; 4) on the primary structure; 5) highly visible from the public street; and 6) as a detached solar device in the rear or side yard not visible from any public street or alley within a 1 block radius or 400 feet (whichever is greater).

Section 3. Section 9-1-19-5A(E)(2) of the Breckenridge Town Code is amended to read in its entirety as follows:

(2) Class C Minor Development Permit: Within the conservation district, no solar device shall be installed on a structure or site without first obtaining a class C minor development permit. The application must include photographic and/or 3 dimensional visual aspects from public streets and alleys within a 1 block radius or 400 feet (whichever is greater) of the building or site. Solar devices are encouraged to be installed on a nonhistoric 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 device within the conservation district will be reviewed under the following requirements:

a. General Requirements for All Installations: Solar devices on roofs shall be placed on a noncharacter defining roofline of a nonprimary elevation (not highly visible from a street). For lots which have exhausted the preferred placement options as set forth above, solar devices that are visible from the right of way may be appropriate if they are designed to have minimal visual impacts from the right of way and do not result in detrimental character to the conservation district, or a reduced state, federal or local historic rating for the structure or surrounding structures, as determined by the town.

Solar devices and related mechanical equipment and mounting structures shall be nonreflective such as an anodized finish. Mechanical equipment associated with the solar device such as invertors, convertors and tubing attached to the building fascia shall be painted to match the building color to blend into the building. Solar devices shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys and shall be setback a minimum of one foot (1') from the roof edge.

b. Sloped Roof Installations: All solar devices on sloped roofs must run parallel to the roofline. Roof mounted solar devices shall not break the existing ridgeline of the roof to which the solar device is mounted. All solar devices shall run parallel to the original roofline and shall not exceed six inches ("6") above the roofline as measured from the bottom of the panel **extend beyond the edge of the roof on which the device is installed.**

c. Flat Roof Installations: Solar devices and mounting structures shall not be visible from any public street or alley within the Conservation District.

d. Applications for new structures within the conservation district are encouraged to include building integrated solar devices into the initial design, including a similar roof color, rather than as a later addition. Solar devices which contrast with the color of the roof of new or historic structures are inappropriate and are not allowed if found to be detrimental to the character of the conservation district.

e. **Detached arrays of solar devices are prohibited.** ~~may be located in the rear or side yard if the arrays are not highly visible from a public right of way do not detract from other major character defining aspects of the site. The location of detached arrays of solar devices shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.~~

f. On historic buildings, character defining elements such as historic windows, walls, siding or shutters which face a public street or contribute to the character of the building shall not be altered in connection with the installation of solar devices. Solar devices in nonhistoric windows, walls, siding or shutters which are not visible from a public street are encouraged.

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: (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.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of March, 2013. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of March, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____/s/_____
John G. Warner, Mayor

ATTEST:

_____/s/_____
Town Clerk