

**Town of Basalt, Colorado
Ordinance No. 01
Series of 2014**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING A PUD AMENDMENT FOR ADDITIONAL SIGNAGE
AT THE BANK OF COLORADO, 655 EAST VALLEY ROAD, LOT 1B, WILLITS
LANE TOWN CENTER, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant approval of a PUD Amendment to allow for additional signage at the Bank of Colorado, described as Lot 1B, of the Willits Lane Town Center Minor Subdivision/PUD. Bank of Colorado ("Applicant") submitted an application for a PUD Amendment in November of 2013. Said application is for property more particularly described in **Exhibit "A"** attached hereto.

B. At a duly-noticed public hearing held on December 3, 2013, the Planning and Zoning Commission considered the application. At the public hearing on December 3, 2013, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. The Planning and Zoning Commission recommended approval of an amendment to permit four (4) signs, subject to conditions of approval.

C. At a public hearing on January 14, 2014, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for January 28, 2014, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a continued public hearing and second reading on January 28, 2014, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. **FINDINGS.** The Town Council hereby incorporates by reference and conclusively makes the following findings:

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code Article IV, Chapter 16 for the purpose of a PUD amendment:

2. The application conforms to the provisions of Chapter 16 of the Town Code provided that the conditions contained in this ordinance are satisfied.

3. The application will not have an adverse impact or otherwise be detrimental to the general welfare of the community.

4. Based on the evidence, testimony, exhibits, and comments from the public, Applicants, Town Staff; the Town Council finds and determines that the proposed application is generally consistent with the 2007 Basalt Master Plan, subject to compliance with the conditions contained herein.

B. **APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council hereby approves the Bank of Colorado PUD Amendment Application as recommended by the Town Planning and Zoning Commission and Town Staff to allow additional signage at 655 East Valley Road subject to the following conditions:

Representations:

1. The Applicant shall comply with all representations set forth in the Application.
2. The Applicant shall comply with all material representations made in hearings before the Town Council.

Signs Allowed:

3. The signs approved are Signs "A", "B", "C", and "E" on the Sign Drawings prepared by POSS Architecture and Planning, dated 10/11/13.

Sign Permit:

4. The Applicant shall submit a sign permit for review and approval by the Town prior to installation of any of the signs approved herein. A sign

permit has already been issued for Signs "A", "B", and "C" as shown on the sign drawings referenced in Condition No. 3 above.

Sign Dimensions:

5. The size of the signs to be installed shall be consistent with the size of signage shown on the Sign Drawings prepared by POSS Architecture and Planning dated 10/11/13. The signage allowance permitted by this approval shall only be applicable to the existing bank use. Any other use shall comply with the signage regulations in the Willits Lane Town Center PUD and the Town Code.

Vested Rights:

6. Vested property rights shall be granted for the installation of the signage approved herein for a period of three (3) years from the effective date of the ordinance approving this PUD amendment. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a sign permit is not issued within the three (3) year vested rights period or as it may be extended, the site specific approval for the signage included in the Application shall expire.

Amendments:

7. The Town Planner may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner decision on a minor amendment to the Town Council at a public meeting in which (15) days written notice of the public meeting has been provided to the appellants.
- C. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.
- D. This Ordinance, after fully executed, shall be recorded in the office of the Eagle County Clerk and Recorder.
- E. The effective date of this ordinance shall be fourteen days after the final publication of the ordinance.
- F. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection,

sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

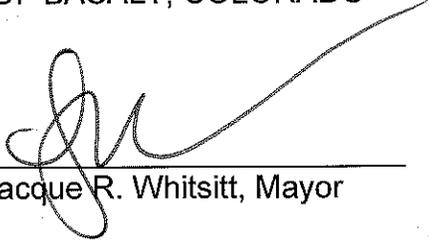
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON January 28, 2014 by a vote of 4 to 2 on January 14, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on January 28, 2014.



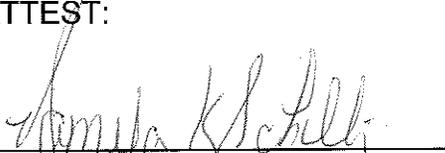
TOWN OF BASALT, COLORADO

By:



Jacquie R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Ord01_BankofColoradoPUDAmendment
Bill to: 10-24-476

First Publication: Thursday, January 23, 2014
Final Publication: Thursday, February 6, 2014
Effective Date: Thursday, February 20, 2014

Exhibit "A"

Legal Description

Lot 1B, Willits Lane Town Center Minor Subdivision/PUD as shown on the Plat recorded at Reception No. 619091 in the Eagle County Records.