

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING MISCELLANEOUS AMENDMENTS TO BASALT
MUNICIPAL CODE CHAPTER 16, ZONING INCLUDING SECTION 16-183,
SETBACK EXCEPTIONS; SECTION 16-184, ACCESSORY BUILDINGS AND
USES; SECTION 16-265, BOARD OF ZONING ADJUSTMENT; AND ADDING
SECTION 16-11, PROCEDURES FOR CODE INTERPRETATIONS AND
APPEALS AND SECTION 16-207, HEATING AND AIR CONDITIONING
EQUIPMENT AND SIMILAR DEVICES; AND TO CHAPTER 17, SUBDIVISION
INCLUDING SECTION 17-83, LOT LINE ADJUSTMENT PROCESS, TOWN OF
BASALT, COLORADO**

**Ordinance No. 06
Series of 2014**

RECITALS

1. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code.

2. At public hearings held on January 21, 2014 and February 4, 2014, the Planning and Zoning Commission considered the proposed code amendments. At the public hearings, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff and members of the public. The Planning and Zoning Commission recommended approval of the code amendments.

3. At a public hearing on February 25, 2014, the Town Council approved this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for March 11, 2014, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

4. At a public hearing and second reading on March 11, 2014, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

5. The Basalt Town Council finds, determines and concludes that the proposed code amendments are necessary to protect the health, safety, welfare and quality of life for the citizens of the Town.

6. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

1. Chapter 16, Zoning is hereby amended as shown in **Exhibit A**.
2. Chapter 17, Subdivision is hereby amended as shown in **Exhibit B**.
3. 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.
4. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON March 11, 2014 by a vote of 5 to 2 on February 25, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0, on March 11, 2014.



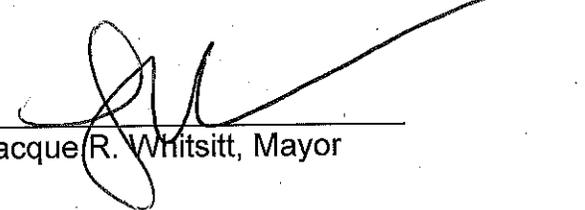
ATTEST:



Pamela K. Schilling, Town Clerk

TOWN OF BASALT, COLORADO

By:



Jacques R. Whitsitt, Mayor

First Publication: Thursday, March 6, 2014
Final Publication: Thursday, March 20, 2014
Effective Date: Thursday, April 3, 2014

Language underlined is being added to the current code and language struck through is being deleted.

Exhibit A

Changes to Chapter 16, Zoning.

Council Appeal Process Amendment, Amend Section 16-265(c) and 16-265(d) and adding Section 16-11, as follows:

The Board shall have the following duties and powers:

(1) *Board of Zoning Adjustment: Duties and Powers.* To hear and consider requests for variances from the determinations of the Zoning Enforcement Officer. ~~To meet at the call of the Chairman, by his or her request, by the request of the Zoning Enforcement Officer or by any party wishing to appeal the decision of the same.~~

(2) To adopt any rules necessary to transact the Board's business or to expedite its functions or powers, so long as they are not inconsistent with the provisions of this Chapter.

(3) The concurring vote of four (4) members of the Board shall be necessary to decide in favor of any appeal, ~~interpretation request or variance request.~~

(4) To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Board, which may designate the Enforcement Officer to keep such files, which files shall be of public record.

(5) To permit the public to attend and to be heard at all of its meetings.

~~(6) To notify, in writing, the Enforcement Officer, the owner involved and the Planning and Zoning Commission of all decisions made, resolutions passed, hearings scheduled or permits authorized.~~

~~(7)~~ (6) To provide notice of all public hearings for consideration of appeals, ~~interpretation requests or variance requests~~ in accordance with the notice requirements contained in Section 16-269.

~~(8)~~ (7) To provide notice of all public hearings for consideration of appeals, ~~interpretation requests or variance requests~~ in accordance with the notice requirements contained in Section 16-269.

~~(8) To interpret this Chapter, including any uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of the Chapter.~~

Section 16-265(d)- *Board of Zoning Adjustment: Duties and Powers.* All appeals, ~~interpretation requests or variance requests~~ shall be in writing and on such an application form as shall be prescribed by the Board. Every application shall indicate what provision of this Chapter is involved and what relief from these provisions is being sought. The Chairman of the Board shall then, within thirty (30) days, or as soon thereafter as reasonably practical, call a meeting of the Board for the purpose of the review of the application. At the same time, a copy of the application shall be transmitted to the Planning and Zoning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the application. Failure of the Planning and Zoning Commission to return the requested opinion shall be considered as its approval of the Board's granting of the requested ~~appeal, interpretation request or variance request.~~

Section 16-11, *Procedures for Code Interpretations and Appeals*

1. The Town Council shall have the authority to hear and decide requests for code interpretations and appeals as provided in this section.

2. At the request of any affected person, the Town Council may make an interpretation to the text of this Chapter or the boundaries of the zone district map and consider an appeal of such interpretation made by the Town Planner. Any such request shall require a public meeting with written notice being provided to the interested parties as they are determined by the Town Planner.

3. The Council may consider any other appeal for which specific authority is not granted to another board or commission as established by this Chapter. An appeal of this nature shall be a public meeting with written notice being provided to the interested parties as they are determined by the Town Planner.

Setback Exception for Mechanical, Add Subsections 16-183(5), 16-183(6), and 16-207 as follows:

Section 16-183(5)- Below-grade heating or cooling conduit or infrastructure such as a ground-source heat pump system, below-grade dry wells or other at-grade or below-grade drainage and similar infrastructure. The minimum projection necessary to accommodate exterior mounted utility junctions, meters, cable boxes, vent flues, standpipes, and similar apparatus and including any protective structure as may be required by the utility provider.

Section 16-183(6)- Heating and air conditioning equipment as provided below.

(a) For single-family, duplex, and multi-family residential development receiving a certificate of occupancy on or before March 11, 2014, heating and air conditioning equipment and other similar mechanical equipment proposed in the required setbacks shall meet the following requirements:

- 1) Not exceed forty (40) inches above or below finished grade, but may be up to forty (40) inches above and below finished grade simultaneously; and,
- 2) Be placed within non-street facing setbacks; and,
- 3) If the manufacturer's specifications for a heating or air conditioning unit exceed 50 decibels, a noise mitigation plan shall be submitted and approved to the satisfaction of the Town Building Official and implemented upon the installation of the equipment.

Acceptable types of noise mitigation may include, but not be limited to, the installation of sound blankets or enclosures that are reasonable in size as determined by the Town Building Official.

Exceptions to the requirements herein may be considered pursuant to the procedures set forth in Section 16-44, *Special Review application procedures*. Heating and air conditioning equipment and similar mechanical equipment that is proposed in conformance with the setback requirements is regulated pursuant to Town Code Section 16-207, *Heating and Air Conditioning Equipment*. For clarification, portable devices such as window units are not considered equipment and may be located in windows.

- (b) For new single-family, duplex, and multi-family residential development that has not received a certificate of occupancy on or before March 11, 2014, heating and air conditioning equipment shall comply with the required setbacks and Town Code Section 16-207, *Heating and Air Conditioning Equipment*. For clarification, portable devices such as window units are not considered equipment and may be located in windows.

Section 16-207- Heating and Air Conditioning Devices and Equipment. Heating and air conditioning equipment shall be maintained in good working order as determined by the Chief Building Official so as not to become a nuisance to neighboring property owners and tenants. In such cases where equipment is not in good working order and is making significant noise, enforcement may be conducted under Town Code Section 10-21(a)(3), *Offenses Against Public Peace, Order, and Safety*. Violations of the requirements set forth in this Section shall be punishable as outlined in Section 16-266 regarding violations and Section 16-268 regarding fines.

Shed Amendment, Add Section 16-184(g) as follows:

(g) A non-habitable structure, regardless of whether it requires a building permit or not, requires a review and approval of a site plan by the Town Building Official to ensure that it complies with the zoning requirements.