

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING AMENDMENTS TO PORTIONS OF CHAPTER 16,
ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO,
CREATING A NEW R-4 MIXED DENSITY (R-4 MD) ZONE DISTRICT**

**Ordinance No. 04
Series of 2013**

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, and all such amendments shall become a part of the Town Code.

2. At a public hearing held on February 17, 2013, the Planning and Zoning Commission considered the proposed code amendments and considered public comments thereon. At the public meeting on February 17, 2013, the Planning and Zoning Commission heard evidence and testimony from the Town Staff, Town Council, and members of the public. The Planning and Zoning Commission recommended approval with conditions on February 17, 2013

3. At a public hearing on March 26, 2013, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for April 9, 2013, at 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 April 9, 2013, the Town Council heard evidence and testimony from the Town Staff, and members of the public.

5. The Town Council finds and determines that 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:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following policies from the 2007 Basalt Master Plan:

- a. Compact Development. Encourage compact, efficient, pedestrian, and transit-oriented development.
- b. Unit Sizes. Limit house size as part of an effort to preserve small-town character.
- c. Local Resident Housing. Seek to attract and encourage developers to produce local resident housing.
- d. Starter housing. Develop regulations that would encourage small-scale high density starter housing that is affordable.
- e. Neighborhood Typologies. Use neighborhood typologies to provide guidance with consideration allowed for adaptations that are appropriate for a particular neighborhood.

B. **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Basalt Colorado that the following amendments are adopted to the Town Code of the Town of Basalt.

1. Section 16-4/ The following definition is added to the definitions.

Attainable Housing. Shall mean dwelling units which are not deed-restricted but which are designed to be within the financial ability of many residents and workers in the Town of Basalt.

2. Section 16-21. The following language is inserted in the section entitled, Intent of individual districts, Article II, Chapter 16, of the Town Code

(12) R-4 Mixed-Density Residential (R-4 MD). It is the intent of this zone district to promote the creation of affordable community housing or attainable housing. This zone district encourages affordable and attainable housing units through the use of small lots, flexible lot configurations, a mix of lot and home sizes and efficient use of land.

3. Section 16-22, Schedules of uses and requirements, Article II, Chapter 16 is amended as shown on **Exhibit "A"**.

4. A new Section 16-31, in Article II, of Chapter 16 of the Town Code is created entitled Supplemental Requirements for R-4 Mixed Density Residential District. as shown in **Exhibit "B"**.

C. 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.

D. 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 April 9, 2013 by a vote of 5 to 0 on March 26, 2013.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on April 9, 2013.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Bill to: 10-45-390

First Publication: Thursday, April 4, 2013
Final Publication: Thursday, April 18, 2013
Effective Date: Thursday, May 2, 2013

Exhibit “A”

*Note: Light Gray areas reflect current code language and are not proposed to Change. **Bold** areas are additions to the Code.*

Sec. 16-22 Schedule of Uses and Requirements

Schedule of Uses

<i>Use</i>	<i>Public</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-3 TN</i>	<i>R-4</i>	<i>R-4 MD</i>
Single-family dwellings		P	P	P	P	P	P
Single accessory dwelling unit associated with an allowed single-family dwelling					S ¹		S1
Two-family dwellings		S	S	S	X	P	P
Multi-family dwellings, apartment, townhouse, not exceeding six (6) units/lots		X	X	S	X	P	P
Multi-family dwellings, in excess of six (6) units/lot		X	X	X	X	S	P
Mobile home parks		X	X	S	X	S	S
Park and recreation areas		P	P	P	P	P	P
School	P	X	X	X	X	X	X
Fire stations		S	S	S	S	S	S
Churches		S	S	S	S	S	S
Community centers		S	S	S	S	S	S
Governmental uses		S	S	S	S	S	S
Offices		Home occupation only				S	S
Major utility facilities	P	X	X	X	X	X	X
Major utility lines	S	S	S	S	S	S	S
Minor utility facilities	P	S	S	S	S	S	S
Minor utility lines	P	P	P	P	P	P	S
Neighborhood commercial					X		X
Neighborhood convenience stores ²		Part of PUD only		S	X	S	X
Private education or instructional facility	X	S	S	S	X	S	X
Small day care	X	P	P	S	S	S	P
Large day care	X	S	S	S	X	S	S
Small total care	X	P	P	P	S	P	P
Large total care	X	S	S	S	X	S	S
Bed & breakfast establishments	X	S	S	S	X	S	S
Adult entertainment establishments	X	X	X	X	X	X	X

NOTES:

1. See supplemental regulations, Section 16-27(a) **and Section 16-31.**
2. Neighborhood commercial centers shall be limited to a total of ten thousand (10,000) square feet of floor area with no single use greater than two thousand five hundred (2,500) square feet.

Schedule of Requirements Residential Districts						
Use	R-1	R-2	R-3	R-3TN	R-4	R-4 MD
Minimum lot area (square feet)	43,560	14,520	6,000 ¹	6,000 ²	6,000 ³	Note 12
Maximum building height (feet)	24	24	24	24 ⁴	33	Note 12
Highest point of a pitched roof not to exceed (feet)	28	28	28	28 ⁴	35	Note 12
Maximum number of stories		2	2	2	3	Note 12
Minimum lot width (feet)	75	50	50		50	Note 12
Yard requirements: (feet)					25	Note 12
Front yard setback:				Note ⁶		Note 12
Arterial	50	40	25	25	25	Note 12
Major collector	35	25	25	Note ⁷	25	Note 12
Minor collector	25	20	20	Note ⁷	20	Note 12
Local	25	20	20	Note ⁷		Note 12
Side yard	35	20	20	10	20	Note 12
Rear yard	35	20	20	10	20	Note 12
Rivers and other environmentally sensitive areas	Note ¹⁰	Note ¹⁰	Note ¹⁰	Note ¹⁰	Note ¹⁰	Note 10
Maximum floor area ratio	--	--	0.35	0.35 to 0.50 ⁹	.50	Note 12
Maximum lot coverage	20%	30%	-	30%	--	Note 12
Minimum landscaped open space	--	--	20%	20%	30%	--

Note – shaded areas are not proposed to change.

NOTES: ...

12. See Supplemental regulations, Section 16-31

Exhibit "B"

Note: The Following is proposed to be added to the code in its entirety.

Sec. 16-31 Supplemental Requirements for R-4 Mixed Density Residential District

(a) The following supplemental regulations shall apply to development within the R-4 MD District.

(1) Applicability.

a. Any property under one ownership at the time of initial zoning of at least one (1) acre in size and that is appropriate for mixed density residential may be zoned to the R-4 MD District. Only parcels with few development or environmental constraints and where utilities and services are existing or can be affordably provided are appropriate for this zone district because providing affordable or attainable community housing is the primary objective of this zone district. This zone district is best suited for property that is relatively flat and property where adequate fire protection exists or can be established.

b. The initial step in Sketch Plan review shall be a determination of whether the proposed project is appropriate to be zoned R-4 MD. This determination will be made administratively by the Town Planner. The Town Planner's determination of eligibility may be appealed to the Town Council.

(2) Site Plan Review.

a. No new development shall occur in the R-4 MD District without Site Plan Review and Approval. Site Plan review shall be conducted in two stages, these being Sketch Plan review and Final Plan review.

1. Sketch Plan Review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Any project that is determined to be eligible for rezoning to the R-4 MD District pursuant to Section 16-31 (a) (1) b, Supplemental Requirements for R-4 Mixed Density Residential District Applicability, may proceed through Sketch Plan review. The application requirements shall satisfy the application requirements of Section 16-41, et seq., Special Review Application Requirements and Procedures. The the Town Planner may require any additional information reasonably required by the Town staff to review the application and to verify compliance with the provisions of this code. Sketch Plan review shall require a review by the Planning and Zoning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Sketch Plan application following a duly noticed public hearing. The Planning and Zoning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing.

Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.

2. Final Plan Review. Final Plan review is intended to provide the Town with a more detailed description of the proposed development program, to respond to issues raised in the Sketch Plan review and to present additional information required in the Sketch Plan review. Final Plan review shall require a review by the Planning and Zoning Commission at a public hearing. The application shall satisfy the requirements of Section 16-111, et. seq. the Town Planner may require any additional information reasonably required by the Town Staff to review the application and to verify compliance with the provisions of this code. The Planning and Zoning Commission is authorized to recommend approval, approval with conditions, or denial of the Final Plan application. The Commission's review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.

3. Joint Meetings. The Town Planner may schedule a joint meeting of the Planning and Zoning Commission and Town Council at any time during the Site Plan review.

4. Findings. As part of its review of the proposed Site Plan, the Planning and Zoning Commission and the Town Council shall consider the following factors:

- a. Compliance of the application with the Code in general and Section 316-31 in particular.
- b. The site plan review criteria of Article VI.
- c. The compatibility of the proposed use with the character of the surrounding area.
- d. General conformity with the Master Plan.
- e. Ability of the Application to satisfy the intent of the Zone District.

b. If the Applicant for an R-4 MD Project concurrently applies for a subdivision sketch plan approval, the sketch site plan will also be reviewed concurrently with the subdivision if possible. However, it may be more practical to complete the final subdivision after the Final Site Plan approval and the buildings are constructed.

(3) Dimensional Requirements.

a. The dimensional requirements applicable to developments within the R-4 MD District will be established through the site plan review process, and shall be subject to the limitations listed in Table 1 below.

Table 1			
	<u>Single family detached</u>	<u>Attached duplex and Town home</u>	<u>Multifamily</u>
Minimum lot area (in square feet)	2,500	[Note 1]	7,500
Maximum building height (feet)	24	24	33
Highest point to a pitched roof (feet)	28	28	35
Maximum Number of stories	2	3	3
Min. lot width	32	28	70
Front Yard Setback	Applies to Individual lots	Applies to Buildings	Applies to Buildings
• Major collector	10	10	10
• Local	10	10	10
Rear Yard (feet)	10	10	10
Side Yard (feet)	5 for conventional [Note 2]	5	5
Max FAR	[Note 3]	[note 3]	[note 3]
Maximum lot coverage	none	none	none
Minimum landscaped open space	10%	10%	10%
Maximum Unit Size -including garage and any other accessory units or structures Total square feet			
3 bedroom	2,350	1,600	1,385
2 bedroom	2,350	1,600	1,135
1 bedroom	1,200	1,000	965
Efficiency	800	800	800
adu	500 See16-31(c)2	na	na
(in square feet)			
Minimum Unit Size – excluding garage and any other accessory units or structures and not including adus Total square feet			
3 bedroom	na	1,000	1,000
2 bedroom	na	750	750
1 bedroom	na	580	580
Efficiency	na	415	415
adu	300 Sec. 16-31(c)2	na	na
(in square feet)			
Max Garage Size (in square feet)	350	350	NA
Separation between buildings	10	15 down to 5 [see 16-31 (d)]	15 down to 5 [see 16-31 (d)]

Note 1: Lot size will vary and will be approved through the subdivision process but shall not be lower than 1,250 sq. ft.
Note 2: Zero lot line configurations may be approved on one side of the lot with the other side yard at a minimum of 10 feet provided there is a maintenance easement on the adjoining lot at the zero lot line to allow access.
Note 3: The maximum floor area is .5:1. The maximum floor area ratio shall be applied to the overall parcel only. Individual parcels within the master parcel shall receive their floor area allocations from the total floor area authorized for the master parcel during the site plan review process. A maximum floor area for the master parcel may be approved by the Town Council up to .8:1 through the special review process. A higher floor area ratio than .8:1 may be obtained by going through the PUD process.

b General. The following general provisions apply to development in the R-4 MD District:

1. The Code restriction of one (1) principal building on a property shall not apply.

2. Areas zoned R-4 MD are not subject to the Community Priorities Scoring System as this development is determined to satisfy the objectives of Article XXII, establishing the Community Priorities Scoring System, provided the following:

a. No more than 50 dwelling units may receive building permits in the area zoned R-4 MD in any one calendar year.

b. The units are not permitted to be short-term rental units pursuant to Section 16-203 (c), Renting of rooms and housing units: short-term rental of dwelling units.

3. Areas zoned R-4 MD are subject to the affordable housing mitigation requirements included in Article XIX, Housing Mitigation, of this Chapter.

4. Private open space. At least fifty square feet of usable private open space shall be provided per dwelling unit. Private open space includes patios, decks, lawn areas, balconies and common areas with usable recreation facilities or community garden areas. The minimum area requirement of private open space may be reduced through the special review process based on a finding by the Town Council that public recreation areas meeting the needs of the residents can be safely accessed by the residents and that providing additional private open space would hinder the goals of the zone district.

5. The requirements of 16-185, Side yard requirements for corner lots, shall not apply.

c. Single family units are subject to the following:

1. Only lots five thousand (5,000) square feet or larger in size shall be eligible to request special review approval for an accessory dwelling unit. For the purposes of this district, an accessory dwelling unit is owned by the owner of the principle dwelling unit on the lot and an accessory unit is not permitted to be subdivided or condominized from the principal dwelling unit on the parcel. A duplex may be owned by one or more individuals.

2. Accessory dwelling units shall be restricted in size in accordance with the schedule of requirements, and in no case shall be less than 300 square feet or exceed 500 square feet of total floor area.

d. Attached duplex units, town home developments and multi-family development is subject to the following:

1. Residential buildings. The minimum distance between two habitable structures that are not directly attached to each other is fifteen (15) feet. A lesser distance down to a minimum five feet between multi-family buildings that are not

directly attached to each other may be permitted in the site plan review process after review by the Fire District to ensure adequate fire safety. The Site Plan and subdivision plan shall show the building envelopes to establish adequate building separation and ensure compliance with the building and fire codes.

e. Other Development Standards.

1. Building and Site Design. All development shall comply with the following requirements if applicable.

a. The Town of Basalt Complete Streets Design Manual and the typologies from the Town of Basalt Master Plan that the Town of Basalt determines are most applicable to the type of development proposed in the project.

b. Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the public works manual.

c. Standards shall be included in the approvals to provide privacy of residences such special screening, specific design standards limiting window placement, and increasing the separation between the buildings.

d. Standards shall be included in the approvals that address whether fences are permitted and where. The Town Code requirement for fencing shall be used as a minimum in developing a plan for fencing.

e. Standards shall be included in the approvals addressing whether garages and sheds, and other structures are permitted and in what locations.

f. Special attention shall be given in the review process to ensure that children will have adequate play areas.

g. Special attention shall be given in the review process to ensure that safe and pleasant sidewalks and pathways are provided to allow residents to move to and from areas within the neighborhood and to mass transit and other services outside the neighborhood.