

Town of Basalt, Colorado
Ordinance No.18
Series of 2016

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
REZONING TO R-3TN AND SPECIAL REVIEW FOR AN ACCESSORY DWELLING
UNIT (ADU) AT 309 EAST SOPRIS DRIVE, LOT 1B, OF THE OSMAN SUBDIVISION,
BASALT, COLORADO**

RECITALS

- A. Kai Peterson and Bethany Card (“Applicants”) filed an Application (“Application”) for Rezoning and Special Review to add an Accessory Dwelling Unit at 309 E. Sopris Drive.
- B. At a public hearing held on May 3, 2016, the public hearing was continued to June 21, 2016.
- C. At the continued public hearing held on June 21, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and continued the public hearing to July 5, 2016.
- D. At the continued public hearing held on July 5, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public recommended approval of the Application.
- E. At a public meeting held on July 26, 2016, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for August 9, 2016 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- F. At a public hearing and second reading on August 9, 2016, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- G. The Town Council finds that the Applicants’ request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicants adheres to the conditions identified in this Ordinance.

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

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicants and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicants, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code, provided applicants adheres to the conditions identified in this Ordinance.

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicants and Town Staff, the Town Council hereby rezones 309 East Sopris Drive to the R-3 TN Zone District and approves of Special Review for an ADU, subject to the following conditions:

Representations:

1. The Applicants shall comply with all representations set forth in the Application.
2. The Applicants shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

Common Driveway No Parking Signage:

3. The Applicants shall install "no parking" signs in the common driveway in locations approved by the Town Police Chief prior to the issuance of a building permit on the proposed residence.

Parking:

4. Four (4) off-street parking spaces shall be provided as shown on the site plan dated 6/26/16. Additionally, the Applicant shall include in the rental lease agreement for the ADU a requirement that the individual renting the ADU and their guests cannot have more than one vehicle on the site at a time.

Pedestrian Path:

5. The Applicants shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be delineated from the driveway with buried landscaping timbers that extend approximately two (2) inches above the grade of the driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. The pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

Additionally, the Applicants shall dedicate a four (4) foot wide public pedestrian access easement along the southern lot line for the width of the property. The pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

Non-Conforming Shed:

6. The Applicants shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the earlier of:
 - a. The issuance of a building permit on the new residence; or,
 - b. Thirty (30) days from approval of this ordinance.

Construction Fence:

7. The Applicants shall install a six (6) foot tall construction fence on the 309 E. Sopris Drive property along the common driveway prior to commencing construction. The Applicants shall obtain a fence permit prior to installing the fence. The fence shall start at the northernmost wall of the new residence and run south to the southernmost property line. The final location of the fence shall be approved by the Town Planner.

Construction Management Plan:

8. The Applicants shall comply with the final construction management plan submitted on 6/26/16, including the additional on-site construction parking shown on the revised construction management plan. Additionally, the Applicants shall comply with the allowable construction hours as established in the Town Code. The Applicants shall provide a copy of the approved construction management plan to neighbors with contact information for the

general contractor prior to commencing construction. In the event that the Applicants are determined to be out of compliance with terms and conditions of the Construction Management Plan or the Town's Building Regulations, the Town shall notify the Applicants of the violation. Recurring violations will result in a citation into Municipal Court and fines.

Fire District Comments:

9. The Applicants shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated February 24, 2016, prior to the issuance of a certificate of occupancy on the new residential unit.

Basalt Sanitation District Comments:

10. The Applicants shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a building permit, including the payment of fees for an additional EQR.

Development and Building Fees:

11. The Applicants shall pay all applicable development review fees on the new residence, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.
12. The Applicants shall post a construction deposit of twice the standard construction deposit totaling \$8,000 prior to the issuance of a building permit. The construction deposit shall not be returned until the issuance of a certificate of occupancy as an encouragement to complete the construction of the project in a timely manner.

Approval Documents:

13. The Applicants shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied and that the existing house will be the ADU shall be recorded at the Eagle County Clerk and

Recorder's Office prior to the issuance of a certificate of occupancy on the new residence.

14. The Applicants shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Vested Rights:

15. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicants may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit for the new residential unit is not issued within the three (3) year vested rights period or as it may be extended, the Special Review approval for the ADU granted for this amendment shall expire.

Insubstantial Amendments:

16. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicants shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

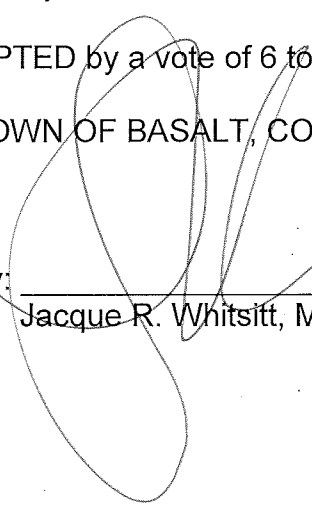
C. MISCELLANEOUS

1. The approvals contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant.
2. The Ordinance shall be recorded in the Office of the Clerk and Recorder of Eagle County.
3. If any part, section, subsection, sentence, clause or phrase of the 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 August 9, 2016 by a vote of 5 to 0 on July 26, 2016.

READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on August 9, 2016

TOWN OF BASALT, COLORADO

By: 

Jacques R. Whitsitt, Mayor

ATTEST:

By: 

Pamela K. Schilling, Town Clerk

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