

**Town of Basalt, Colorado
Ordinance No. 01
Series of 2017**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, REZONING THE PROPERTY AT 150 W. HOMESTEAD DRIVE FROM R-3 TN TO R-4 MD, APPROVING THE ELICE MINOR SUBDIVISION CREATING THREE (3) LOTS, AND GRANTING FINAL SITE PLAN APPROVAL FOR LOT B OF THAT SUBDIVISION, BASALT, COLORADO.

RECITALS

- A. Mark and Kris Elice ("Applicants") filed an Application ("Application") for Rezoning to R-4 MD, and a Minor Subdivision to subdivide the property at 150 W. Homestead Drive into three lots to be developed consistent with the R-4 MD Zone District requirements. The Application also requests R-4 MD Final Site Plan approval to construct a residence of approximately 1,200 square feet with a 350 square foot garage on Lot B of the proposed subdivision.
- B. The Town Council approved Resolution No. 05, Series of 2016, granting R-4 MD Sketch Site Plan approval for the project.
- C. At a public hearing held on January 17, 2017, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application.
- D. At a public meeting held on February 14, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for February 28, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- E. At a public hearing and second reading on February 28, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.
- F. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant 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 Applicant 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 applicant 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 grants approval for Rezoning 150 W. Homestead Drive to R-4 MD, a Minor Subdivision to subdivide the property into three lots to be developed consistent with the R-4 MD Zone District requirements, and a R-4 MD Final Site Plan to construct a residence of approximately 1,200 square feet with a 350 square foot garage on Lot B of the proposed subdivision, 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.

Dimensional Requirements:

3. The dimensional requirements approved for the sketch site plan are as follows:

Dimensional Requirement	Elice Minor Subdivision
Min. Lot Area	Lots A & B- 3,223 sf Lot C- 5,839 sf
Building Height	24 Feet to Midpoint

Ridge Height	28 Feet
# of Stories	2
Lot Width	Lots A & B- 47' 9" and Lot C- 43'3"
Front Yard Setback	10 Feet
Rear Yard Setback	10 Feet
Side Yard Setback	5 Feet
FAR	.5:1on each individual lot
Max Lot Coverage	NA
Min Landscape	>10%
Parking	2 Spaces for Each 2-Bedroom or 3-Bedroom Unit
Max. Unit Size	<p>1,200 sf (2-Bedroom Unit proposed on Lot B)</p> <p>1,385 sf (Existing 3-Bedroom Unit on Lot A) and any unit to be constructed to replace the existing unit shall be required to meet the maximum units size as set forth in the R-4 MD Zone District as it may be amended</p> <p>Future Development on Lot C shall be required to meet the maximum unit size as set forth in the R-4 MD Zone District as it may be amended</p>

R-4 MD Site Plan Review:

- Each new dwelling unit in the subdivision shall require review by the Planning and Zoning Commission for a Final Site Plan approval as set forth in Town Code Section 16-31(a)(2), *Supplemental Requirements for the R-4 Mixed Density Residential District*, prior to applying for building permits on each

individual residence. Final Site Plan Review for the residence to be constructed on Lot B is approved herein.

5. Modular construction may be permitted within the subdivision.

Non-Conforming Sheds/Outbuildings:

6. The Applicants shall move or remove the non-conforming sheds/outbuildings on the site to bring them into compliance with the R-4 MD setback requirements as they relate to the new lot lines created by the minor subdivision prior to recording the final subdivision plat. The exception is that the largest existing shed will be maintained and used as a construction trailer for the construction of the residence on Lot B. The shed to be used as the construction trailer that is located on Lot C, shall be required to be removed prior to the issuance of the first certificate of occupancy on either of Lots B or C.

Parking:

7. At least two (2) off-street parking spaces shall be provided on each of Lot B and Lot C when the lots are developed. Upon redevelopment of Lot A, two (2) off-street parking spaces will be provided. Redevelopment for the purpose of this requirement is defined as removal and replacement of the existing dwelling unit or a significant remodel to the existing residence as determined by the Town Planner.

Construction Management Plan:

8. The Applicants shall comply with the construction management plan submitted with the Final Plan Application for construction of the residence on Lot B. Additionally, a construction management plan shall be submitted for review with each final site plan review application for an individual residence to be constructed within the subdivision. The construction management plans shall include construction parking and dust mitigation measures and a representation that the Applicants will comply with the allowable construction hours as established in the Town Code.

Basalt Sanitation District Comments:

9. The Applicants shall demonstrate compliance with Basalt Sanitation District's rules and regulations and compliance with Basalt Sanitation District Engineer, Wyatt Popp's comments dated December 12, 2016 for each individual

residence prior to the issuance of building permit on the individual residences in the subdivision. The Applicants shall also pay tap fees for each individual residence at the time of building permit issuance for each individual residence.

Development and Building Fees:

10. The Applicants shall pay all applicable development review fees on each 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 on each individual residence in the subdivision.

Approval Documents and Vested Rights:

11. The Minor Subdivision Plat and the Subdivision Improvements Agreement shall be executed and recorded within 180 days of the effective date of the final plan approval and prior to issuance of the first building permit in the subdivision. If the Subdivision Plat and Subdivision Improvements Agreement are not recorded within 180 days, the approvals for the minor subdivision are null and void. The Town Planner may approve an extension to the recording deadline. The Minor Subdivision Plat, Subdivision Improvements Agreement shall be reviewed and approved by the Town Attorney and Town Planner prior to execution and recordation. Additionally, the Applicants shall post financial security in a form approved by the Town Planner and Town Attorney for any public improvements to be installed concurrently with executing the Subdivision Improvements Agreement.
12. All documents necessary to dedicate the utility easements shown on the utility plan in the Final Plan Application shall be filed within 180 days of the effective date of the final approval. The necessary easement documents shall require review and approval by the Town Planner and Town Attorney prior to execution and recording.
13. The vested property rights for the final site plan approval shall be three (3) years from the effective date this ordinance.
14. The Applicants shall obtain a building permit on the residence to be constructed on Lot B within three (3) years of the effective date on the final site plan approval or the final site plan approval for Lot B will be null and void.

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 Applicants.
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 February 28, 2017 by a vote of 6 to 0 on February 14, 2017.

READ ON SECOND READING AND ADOPTED by a vote of 7 to 0 on February 28, 2017.

TOWN OF BASALT, COLORADO

By: 
Jacques R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk

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