

**Town of Basalt, Colorado  
Ordinance No. 17  
Series of 2017**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING AN  
INSUBSTANTIAL PUD AND SUBDIVISION AMENDMENT IN ORDER TO AMEND  
THE BUILDING ENVELOPE ON LOT 6 OF THE KOTZ-STONE LOT LINE  
ADJUSTMENT MINOR SUBDIVISION AT 133 RIDGE ROAD**

**RECITALS**

- A. Tim McMahon ("Applicant") has filed an application ("Application") requesting an insubstantial PUD and subdivision amendment to amend the platted building envelope for the property located at 133 Ridge Road. The Application requested approvals for that property ("Property") described as Lot 6, Kotz-Stone Lot Line Adjustment Minor Subdivision, according to the plat thereof recorded at reception number 820244, in the records of the Clerk and Recorder's Office of Eagle County, Colorado.
- B. At a meeting held on July 11, 2017, the Town Council considered the Application on first reading, and set a public hearing and second reading for this ordinance for July 25, 2017, at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- C. At a public hearing and second reading on July 25, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public. The Town Council continued the public hearing and second reading to August 8, 2017.
- D. At a continued public hearing and second reading on August 8, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- E. The Town Council finds that the Applicant's 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. The Town Council incorporates the above recitals, the representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

2. The Town Council finds that the Applicant's requests are consistent with the applicable provisions of the Town Code, provided Applicant adheres to the conditions identified in this Ordinance.
3. 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 Section 16-65 of the Town Code, that the Application complies with the Town regulations regarding an insubstantial PUD amendment. The Town Council finds that the modification is consistent with the efficient development and preservation of the entire planned unit development; the modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the planned unit development or the public interest; the modification does not confer a special benefit upon any person, provided the Applicant adheres to the conditions contained in this ordinance.
4. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant and Town Staff; the Town Council finds and determines that the Application complies with the provisions of Section 17-32 of the Town Code, with the conditions contained in this Ordinance.

#### B. APPROVAL AND CONDITIONS

The Town Council hereby grants approval for an insubstantial PUD and subdivision amendment to amend the building envelope on Lot 6, Kotz-Stone Lot Line Adjustment Minor Subdivision as shown on the site plan by SGM, dated July 6, 2017, subject to the following conditions:

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.
3. The Applicant shall prepare and record with the Eagle County Clerk and Recorder's Office, an amended plat for Lot 6, Kotz-Stone Lot Line Adjustment Minor Subdivision showing the revised building envelope prior to issuance of a CO for the residence.
4. Approval of this application does not grant any variances and the site will be required to maintain compliance with all of the provisions of the Town's Zoning Code, including compliance with the allowable floor area and building height requirements.
5. The Applicant shall obtain a tree removal permit for any trees to be removed in accordance with the Town's tree removal ordinance.

#### C. MISCELLANEOUS

1. The approvals and the conditions contained herein shall be binding on and insure to the benefit of the heirs, successors and assigns of the Applicant.

2. The Ordinance, after fully being executed and after appropriate publication, 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 July 25, 2017 by a vote of 5 to 0 on July 11, 2017. ON JULY 25, 2017, THE TOWN COUNCIL CONTINUED THE PUBLIC HEARING AND SECOND READING TO August 8, 2017.

READ ON SECOND READING AND ADOPTED by a vote of 5 to 0 on August 8, 2017.

TOWN OF BASALT, COLORADO

By:   
Jacquie R. Whitsitt, Mayor

ATTEST

By:   
Pamela K. Schilling, Town Clerk



First Publication: Thursday, July 20, 2017  
Final Publication: Thursday, August 17, 2017  
Effective Date: Thursday, August 31, 2017

Code # 24-169