

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE  
TOWN OF BASALT, COLORADO, AMENDING TOWN CODE SECTION 16-29, C-2  
DOWNTOWN BUSINESS DISTRICT TO INCLUDE MEDICAL MARIJUANA CENTER  
AS A COMMUNITY VITALITY USE**

**Ordinance No. 22  
Series of 2017**

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 September 5 2017, the Planning and Zoning Commission considered proposed code amendments submitted by 175 Midland Unit 10 LLC. and public comments thereon. At the public hearing on September 5, 2017, 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 of the proposed code amendments.

3. At a public hearing on September 26, 2017 the Town Council approved this Ordinance on first reading and continued and set the second reading and public hearing for this Ordinance for October 10, 2017, at a meeting beginning no earlier than 6:30 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

4. At a public hearing and second reading on October 10, 2017, the Town Council heard evidence and testimony from the Town Staff and members of the public.

5. 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:

A. Table 1, Section 16-29, in Chapter 16 of the Town Code, titled *Schedule of Uses in the C-2 Zone District* is hereby amended as shown in Exhibit "A".

B. 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.

C. 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 October 10, 2017 by a vote of 4 to 0 on September 26, 2017, with one abstention.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on October 10, 2017, with 2 abstentions.

TOWN OF BASALT, COLORADO

By:

  
Jacquie R. Whitsitt, Mayor

ATTEST:

  
Pamela K. Schilling, Town Clerk

Ord No. 22- C-2CodeAmendment

First Publication: Thursday, October 5, 2017  
Final Publication: Thursday, October 19, 2017  
Effective Date: Thursday, November 2, 2017



**Exhibit A- Excerpt from Table 1- Remainder of Table 1 Remains Unchanged**  
 Text Added is Underlined and Text to be Removed is ~~Strikethrough~~

<p align="center"><b>TABLE 1</b>  <b>SCHEDULE OF USES IN THE C-2 ZONE DISTRICT</b>                      (See Note 1)</p>	
<b>Use</b>	<b>Use-Specific Standards</b>
<b><i>Permitted Uses</i></b>	
Retail business	Community vitality use; See Sec. 16-29 C
Restaurant	Community vitality use; See Sec. 16-29 C
Hotel and motel	Community vitality use; See Sec. 16-29 C
Personal services	Community vitality use; See Sec. 16-29 C
Movie and other theaters, pool hall and game room	Community vitality use; See Sec. 16-29 C
Professional offices	
Business offices	See Note 2, below, for real estate offices.
Banking and mortgage lending	
Offices for public and non-profit uses	See Sec. 16-28 (3)
Parking garage	See Sec. 16-29 E.4.d.2
One or two apartments in conjunction with a business	Permitted only on the upper floor(s) of the building; limited to no more than 1,400 total sq. ft. per unit (see Note 3). Apartments shall not be separated in ownership from the business use and may be used to satisfy community housing requirements for the business use with appropriate deed restrictions.
Single family residential units	Permitted only where the residential unit fronts along Homestead Drive; limited to no more than 2,500 total sq. ft. per unit (See Note 3)
Small day care or small total care	
Parks and recreation areas	
Temporary outdoor uses and vendors	See Sec. 6-14 and 16-181
<b><i>Uses Permitted by Special Review</i></b>	
Bed and breakfast establishment	Community vitality use; See Sec. 16-29 C
Medical Marijuana Center	<u>Community vitality use</u> ; See Sec. 16-29 C