

**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,
CONCERNING CHANGES TO THE C-2, DOWNTOWN BUSINESS DISTRICT AND
CREATING A SITE PLAN PROCESS FOR DEVELOPMENTS ZONED C-2 AND
AMENDING THE REDUCTIONS IN COMMUNITY HOUSING REQUIREMENTS FOR
COMMUNITY VITALITY USES**

**Ordinance No. 07
Series of 2009**

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. The Town Council held a series of work sessions to consider mechanisms to address what changes to the Town Code they wanted to address during the moratorium and identified that they desired to address vitality in the downtown core. These work sessions were held on: July 8, 2008; August 5, 2008; October 20, 2008; February 10, 2009; and joint worksessions with the Planning and Zoning Commission on December 2, 2008; and April 21, 2009.

3. The Town held three citizen meetings in November of 2008 where they heard from over 150 citizens about the future of Downtown Basalt and how to make the historic downtown core a vibrant place.

4. At a public hearing held on April 28, 2009, the Planning and Zoning Commission considered the proposed code amendments and considered public comments thereon. At the public meeting on April 28, 2009, 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 April 28, 2009

5. At a public hearing on April 28, 2009, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for May 12, 2009, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

6. At a public hearing and second reading on May 12, 2009, the Town Council heard evidence and testimony from the Town Staff, and members of the public.

7. 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 objectives from the 2007 Basalt Master Plan:

- a. Compact Development. Encourage compact, efficient, pedestrian, and transit-oriented development with distinct commercial centers; and,
- b. Live/Work Concepts. Encourage projects that incorporate mixed use and live/work concepts, provided these projects are consistent with the other community goals outlined in the Master Plan; and,
- c. Citizen Involvement. Involve land owners and citizens within the community in the decision making process regarding land use, infrastructure, and service issues; and,
- d. Reinvigoration of Downtown. Promote mixed use of appropriate parcels to encourage energy efficiency and a reinvigoration of the downtown core; and,
- e. Pedestrian Circulation. Pedestrian circulation measures should be emphasized in the downtown core area; and,
- f. Community-building Facilities. Create community building events and the facilities to accommodate them; and,
- g. Unit Sizes. Limit house size as part of an effort to preserve small-town character; and,
- h. RMPIC Recommendations. Honor the recommendations of the River Master Plan Implementation Committee related to preserving and enhancing small-town character; and,

- i. Local Business Ownership. Support existing local business and small-town business character and encourage local ownership of business properties and facilities; and,
- j. Local Cottage Industries. Acknowledge the contribution and value of local cottage industries and pursue measures (including amendments to the Land Use Code) to increase the viability of these uses and accommodate more of such uses; and,
- k. Historic Landmarks. Encourage landmark designation of additional structures by property owners and consider developing additional policies for the preservation of historic structures and places; and
- l. Gathering Places. Retain and enhance significant existing community gathering places.

2. The Town wishes to further the implementation of the Basalt Master Plan and ensure the success of the Downtown Midland Core as desired by the residents of the Town of Basalt by adopting regulations which address the above objectives of the Town of Basalt Master Plan and comments made at the citizen input meetings.

3. The Town commissioned a community profile survey in 2005. The results of the survey were as follows:

- a. Small-Town Character. Preserving small-town character was identified as the most important issue for residents and businesses; and,
- b. Town Appearance. Approximately 87% of voters and property owners ranked the appearance of the Town as an important value to them; and,
- c. Improving Physical Appearance. A majority of business owners identified improving the physical appearance of the commercial corridor as an important way to improve the local business climate; and,
- d. Unit Size Limitation. A majority of the of the property owners, business owners supported limitations on house size; and,
- e. Healthy Economy. A healthy economy was identified as among the most important issues for the Town; and,

4. The Town wishes to further implement the visions of residents and business owners of the Town of Basalt by adopting regulations which address the direction provided in the 2005 community profile survey for the Downtown Midland Core.

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, Definitions in Article I, Chapter 16 of the Town Code is amended to include definitions for "Business Offices", "Personal Services", "Professional Office", "Retail" and "Restaurant", as shown in **Exhibit "A"**.

2. Section, 16-21. Intent of individual districts, Article II, Chapter 16, of the Town Code, subsection 16-21 (6) titled "C-2 Downtown Business District is deleted and the following language inserted:

(6) C-2 Downtown Business District. The intent of the C-2 Downtown Business District is to promote the downtown area as a special activity center by encouraging a mixture of compatible commercial, office, residential, institutional and public uses and interesting street level activity in buildings. The intent of this District is further described in Section 16-29.

3. Section 16-22, Schedules of uses and requirements, Article II, Chapter 16 is amended as follows:

a. In the *Schedule of Uses Commercial Districts* the column "C-2" Downtown is deleted in its entirety. In addition, Note 2 is added to read as follows:

NOTES:

2. For C-2, see Section 29, C-2 Downtown Business District.

b. In the *Schedule of Requirements, Commercial Districts* the column "C-2 Downtown" is deleted in its entirety. In addition, Note 5 is added to read as follows:

NOTES:

5. For C-2, see Section 29, C-2 Downtown Business District.

4. A new Section 16-29, in Article II, of Chapter 16 of the Town Code is created entitled C-2 Downtown Business District as shown in **Exhibit "B"**.

5. Table 1, Schedule of Uses in the C-2 Zone District, and Table 3, Schedule of Dimensional Requirements in the C-2 Zone District, are added to end of the new Section 16-29 as shown in **Exhibit "C"**.

6. Section 16-63 (b) Allowed variations, Article IV, Chapter 16 of the Town Code is amended to add the following language (language underlined is being added to the Code):

The Town Council may, as part of the PUD approval process, allow variations from the schedule of requirements of the underlying zone district (Section 16-22) and some of the dimensional requirements in the C-2 zone district (Table 3 in Section 16-29), the subdivision regulations design standards (Chapter 17, Article II), the PUD design standards set forth in this Article (Section 16-73) and the off-street parking requirements of Chapter 16, Article V (collectively as used in this Article "Variations"). Variations shall not be permitted to the maximum height and maximum number of stories in the C-2 zone district, as specified in Table 3 in Section 16-29.

7. Section 16-417, Commercial Linkage Requirements, Article XIX, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "D"**.

8. Section 16-111, Site Plan Review, Article VI, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "E"**.

9. Section 16-394, Incentives, Article XVIII, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "F"**.

C. Applicability. The regulations shall take affect according to law, except that the Item 6 above concerning allowed variations through the PUD process shall not take affect on the Flying Fish PUD application as that application had received preliminary plan approval before the effective date of this ordinance. The ability of the Flying Fish applicant to make changes to the applications listed in shall be limited solely by those provisions of the Code that were in effect prior to the effective date of these code provision that address amendments to applications that are in process (for example, see the provisions of Section 16-65 (d) (2) (b) which address the changes that are permitted to be made to an application between preliminary and final PUD review). If that application is withdrawn or denied, then any new application for that property would be subject to the these provisions. If the application fails to comply with any subsequent submittal deadlines, the Town Council may require the application to be subject to the new requirements.

D. 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.

E. 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 May 12, 2009 by a vote of 6 to 1 on April 28, 2009.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 1 on May 12, 2009.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord.07-C-2CodeAmendments
Bill to: 10-45-390

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