

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING AMENDMENTS TO PORTIONS OF CHAPTER 17,
SUBDIVISION, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT,
COLORADO, CONCERNING APPLICATION REQUIREMENTS FOR
SUBDIVISION AND CONDOMINIUM APPLICATIONS**

**Ordinance No. 16
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. At a public hearing held on September 15, 2009 the Planning and Zoning Commission considered the proposed code amendments. At the public meeting, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff. The Planning and Zoning Commission recommended approval of the code amendments.

3. At a continued public hearing on October 13, 2009, the Town Council approved this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for October 27, 2009, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

4. At a continued public hearing and second reading on October 27, 2009, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

6. The Basalt Town Council finds, determines and concludes that it has a legitimate public purpose to protect the health, safety, welfare and quality of life for the citizens of the Town.

7. 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:

1. Section 17-64(b)(13), in Article III, Chapter 17 of the Town Code is added as shown in **Exhibit A**.

2. Section 17-65(2)(d), in Article III, Chapter 17 of the Town Code is amended as shown in **Exhibit B**.

3. Section 17-65(2)(d)(2), in Article III, Chapter 17 of the Town Code is amended as shown in **Exhibit C**.

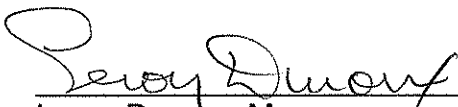
4. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, 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.

5. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

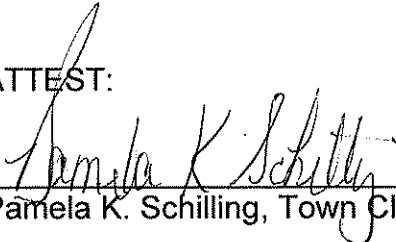
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON October 27, 2009 by a vote of 6 to 0, on October 13, 2009.

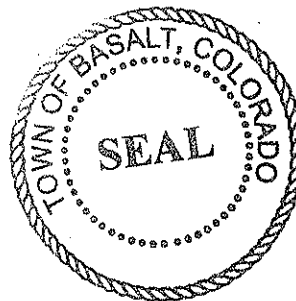
READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0, on October 27, 2009

TOWN OF BASALT, COLORADO

By: 
Leroy Duroux, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk



First Publication: Thursday, October 22, 2009
Final Publication: Thursday, November 5, 2009
Effective Date: Thursday, November 19, 2009

Exhibit A

Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.

Section 17-64(b)(13) is added as follows:

Section 17-64(b)(13)- A copy of all other documents needed to effectuate the development approvals as determined by the Town Attorney including, but not limited to, community housing deed restrictions, declaration of covenants, and an estimation of the annual HOA budget and projected fees for a period of two (2) years from total buildout in current dollars.

The Town will review the documents to ensure that there will be a sufficient capital improvements fund established for the development to aid in reducing the need for special assessments.

Pursuant to the Community Housing Guidelines, the Town will review the documents to ensure that any community housing units in a proposed subdivision will have reasonable initial HOA fees and assessments and that there are regulations ensuring that the fees and assessments will not unreasonably increase, making the units unaffordable.

Exhibit B

Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.

Section 17-65(2)(d) is amended to read as follows:

Section 17-65(2)(d)- A copy of the proposed condominium documents needed to effectuate the approvals as determined by the Town Attorney, including, but not limited to, a copy of the proposed condominium declarations and condominium map, bylaws and rules and regulations of the condominium or homeowners association, and an estimate of the annual budget of the condominium or homeowners association for a period of two (2) years from the conversion or creation of the condominium units. In addition to all other requirements imposed in this section, the developer shall submit a proposed condominium agreement with the Town setting forth, at a minimum:

Exhibit C

Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.

Section 17-65(2)(d)(2) is amended to read as follows:

Section 17-65(2)(d)(2)-The applicant shall state and demonstrate that the supply of low- and moderate-income housing and rental space will not be significantly decreased as a result of condominiumization. The applicant shall also demonstrate that any community housing units in a proposed condominium development will have reasonable initial homeowners association fees and assessments, that the fees and assessments will not unreasonably increase once the project is developed, and that a sufficient capital improvements fund is established for the entire development for the purposes described in Section 17-64(b)(13).