

**Town of Basalt, Colorado
Ordinance No. 02
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AMENDMENTS TO THE SOPRIS MEADOWS
MULTI-FAMILY DESIGN GUIDELINES AND ESTABLISHING A PHASING
PLAN FOR SUBPARCELS 4C AND 4D, PARCEL 4, SOPRIS MEADOWS
SUBDIVISION/PUD, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant PUD amendments. Nadineco, LLC. ("Applicant") applied to the Town in August of 2010, requesting approval for amendments to the Sopris Meadows Multi-Family Design Guidelines and to establish a phasing plan for the approved multi-family development on Sub-Parcels 4C and 4D, Parcel 4 of the Sopris Meadows Subdivision/PUD.

B. Seven (7) years of vested rights were originally granted for Sub-Parcels 4C and 4D pursuant to Ordinance No. 17, Series of 1996 and Section 7(n) of the Sopris Meadows PUD and Amended Annexation Agreement recorded at Reception No. 585757 in the records of the Eagle County Clerk and Recorder's Office. The vested rights for parcels within the Sopris Meadows PUD were established as seven (7) years from the date of the recording of a final plat on each individual parcel or sub-parcel in Sopris Meadows.

C. The Final Plat of Sopris Meadows Two, Filing No. 3 of Parcel 4C was recorded at Reception No. 834226 in the Office of the Eagle County Clerk and Recorder's Office on May 21, 2003, starting the seven (7) year vested rights period for Parcel 4C.

D. The Final Plat of Sopris Meadows Two, Filing No. 4 of Parcel 4D was recorded at Reception No. 830146 in the Office of the Eagle County Clerk and Recorder's Office on April 16, 2003, starting the seven (7) year vested rights period for Parcel 4D.

E. A one-year extension of vested rights on Parcels 4C and 4D was granted pursuant to Ordinance No. 5, Series of 2010. Ordinance No. 4, Series of 2011 further extended the vested rights by an additional two (2) months.

F. The Planning and Zoning Commission considered the PUD amendment application to amend the Sopris Meadows Multi-Family Design Guidelines and to establish a phasing plan for the approved multi-family development on Sub-Parcels 4C and 4D, Parcel 4, Sopris Meadows Subdivision/PUD at public hearings initially held on November 16, 2010 and continued to December 7, 2010. Throughout the meetings, evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the Multi-Family Design Guideline amendments and the phasing plan with conditions on December 7, 2010.

G. At a public meeting held on January 25, 2011, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public. At a public meeting held on January 25, 2011, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for February 22, 2011, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado. The public hearing was continued multiple times through April 26, 2011.

H. At a continued public hearing and second reading on April 26, 2011, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public and the Town Council approved of this ordinance.

I. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. The Town Council finds and determines this Ordinance is reasonable and consistent with the Town Code. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. FINDINGS. The Town Council hereby incorporates by reference and conclusively makes the findings provided herein.

1. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions identified in this Ordinance.
2. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town staff, the Town Council finds and

determines as follows in accordance with Sections 16-63(d), 16-65(d)(6) and 16-72, Town Code.

- a. Pursuant to Sections 16-65(d)(6) and 16-65(d)(2)b, Town Code, the Town Planner determined the modification to the PUD Plan is not substantial.
- b. The PUD Plan as proposed to be amended is consistent with the Town Master Plan.
- c. The PUD Plan as proposed to be amended conforms with the provisions of Article 16 of the Town Code.
- d. The PUD development as proposed to be amended will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.
- e. The PUD development as proposed to be amended will complement and be integrated with the existing development and with the approved but not yet existing development in the area.
- f. The PUD development as proposed to be amended will provide community benefits.
- g. The variances from the strict requirements of the Town Code and original PUD plan are designed to improve the efficiency of the development pattern, preserve existing natural assets, or encourage the use of open space.
- h. The variances from strict compliance with the Code requirements are justified because the PUD Plan as proposed to be amended exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.
- i. The PUD Plan as proposed to be amended satisfies one or more of the purposes set forth in Section 24-67-102(1), C.R.S.
- j. The modification, removal or release of the current Development Approval is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

B. CONDITIONS.

1. Amendments to the Sopris Meadows Multi-Family Design Guidelines and the establishment of a phasing plan for multi-family development on Sub-Parcels 4C and 4D, Parcel 4 of the Sopris Meadows Subdivision/PUD are hereby approved, subject to the following conditions:

Representations:

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 Planning and Zoning Commission and Town Council.

Changes to the Proposed Design Guideline Language and Approval Documents:

3. The Sopris Meadows Multi-Family Design Control Guidelines are amended as attached hereto as **Exhibit "A"**. The TRC shall have the ability to approve minor modifications to the guidelines to effectuate the intent of the approvals granted herein. The Applicant shall record the revised Site Specific Development Plan and Final PUD Plan Agreement within 180 days of the effective date of this ordinance.

Prior to or simultaneous with the recording of the revised Site Specific Development Plan and Final PUD Plan Agreement, the Applicant shall execute and deliver to the Town for recording, other documents necessary to effectuate the intentions of these approvals as determined by the Town Planner and the Town Attorney. The TRC and the Town Attorney may approve insubstantial changes to the revised Site Specific Development Plan and Final PUD Agreement attached hereto to effectuate the intentions of the conditions of approval contained herein. The TRC may also extend this recording deadline if the Applicant proves that they are making reasonable progress towards recording.

Parcel 4D Secondary Access:

4. The access options described as Options 1 and 2 (Options attached hereto as **Exhibit "B"**) on the sample site plan for Parcel 4D dated October 20, 2010, are approved as long as they are designed to meet the minimum width and load requirements of the Basalt and Rural Fire Protection District and do not contain drive-over barriers such as landscaping or bollards.

Secondary Access Option 1, if implemented, shall include a rollover curb along the west side of Willow Lane and the fire lane shall be constructed of colored concrete. If Option 1 is implemented by the Applicant, Fire Lane indicator signage shall be erected on the emergency access plaza prior to the issuance of the first CO on Sub-Parcel 4D. The fire lane indicator signage shall face both Willow Drive and the internal portion of Sub-Parcel 4D and shall read "Fire Lane, No Parking" and "Emergency Vehicles Only".

Secondary Access Option 2, if implemented, shall include a speed table or speed hump located at the boundary between Parcel 4D and Parcel 5 of Sopris Meadows and contain the same fire lane signage identified for Secondary Access Option 1 outlined above. If Option 2 is implemented by the Applicant, the Applicant shall obtain an emergency access easement across Sopris Meadows Parcel 5 prior to the issuance of the first building permit on Parcel 4D. Option 2 shall also include a gravel road comprised of material acceptable to the Fire District from Willits Lane to the boundary between Parcel 4D and Parcel 5 of Sopris Meadows, after which the secondary access may become asphalt as it enters Parcel 4D. The intent behind defining the parameters of the design of the emergency access is to discourage the access being used as a primary vehicular access by visitors and residents of the residential units to be built on Parcel 4D.

Final design of the secondary access option to Parcel 4D shall be reviewed and approved by the TRC prior to the issuance of the first building permit on Parcel 4D. The TRC may review and approve other secondary access options for Parcel 4D proposed by the Applicant that do not provide an additional curb cut on Willits Lane and avoid another vehicular crossing of the Willits Lane Bicycle Trail.

Phasing and Construction Management:

5. The phasing plan submitted by the Applicant attached hereto as **Exhibit "C"** is approved subject to the following requirements:

- a. If the Applicant fails to satisfy the building phasing plan requirements, the Town can consider it to be a zoning violation pursuant to Chapter 16 of the Basalt Town Code and the Town may rectify the violations pursuant to the enforcement procedures set forth in Chapter 16 of the Town Code and additionally reserves the ability to unilaterally rezone the property and rescind the vested property rights provided by the approval of the 2010 phasing plan.
6. The Applicant shall submit a construction management and site control plan for Parcels 4C and 4D for review and approval by the Town's Building Official prior to commencing any development activities on the parcels. In reviewing the construction management and site control plan, the Town's Building Official will consider whether the site control plan limits the construction impacts of the buildings to be actively under construction to the minimum disturbance area practical in order to ensure that the site in its entirety is maintained in a good condition or is proposed to make the site more visually pleasing to the neighboring developments.

As part of the site control plan, the Applicant shall provide a phasing plan for utility installation and grading for approval by the Town's Building Official prior to commencing development activities on the parcels.

7. Individual construction management plans shall also be submitted for each individual building as part of the building permits for review and approval by the Town's Building Official. The construction management plans shall describe, at a minimum, the proposed construction staging, parking, and phasing. The Applicant shall also submit an updated visual mitigation plan with each individual building permit for review and approval by the TRC to ensure that the areas of the parcels visible from the public rights-of-way and the adjacent properties are maintained in a clean, orderly, and visually appealing state.
8. The Applicant shall also comply with the more restrictive of the Town's construction management policies at the time of issuance of individual building permits in Parcels 4C and 4D or the following individual construction management practices of the Town:
 - a. The Applicant shall be required to provide a recycled asphalt or other hard surface spinoff area on the site to help knock dirt off of tires on trucks hauling away dirt before they reach the Town streets. The installation of the hard surface spinoff area shall be

completed and approved by the Town's Building Official prior to commencing construction activities on the site.

- b. The Applicant shall be required to provide a truck tire wash trench on the site that is cleaned regularly. The installation of the truck tire wash trench shall be completed and approved by the Town's Building Official prior to commencing construction activities on the site.
- c. The Applicant shall contract with a private company with a water truck to control dust and wash down adjacent streets during construction as needed at the discretion of the Town's Building Official.
- d. The Applicant shall contract with a private company or the Town to sweep the streets adjacent to the project during construction as needed at the discretion of the Town's Building Official.
- e. The Applicant shall provide financial security in an amount of 110% of the costs as approved by the Town Engineer to reclaim the site in the event that the project is started but not completed. The security for reclamation shall be provided prior to commencing construction activities on the site. Reclamation related to this requirement shall be defined as filling in any excavation that has occurred and revegetating the site with native grass seed and installation of irrigation as approved by the Town Horticulturist. The form of the financial security shall be reviewed and approved by the Town Attorney.
- f. The duration of the time requirement for each of the construction management provisions described herein shall be at the discretion of the Town's Building Official. The Town's Building Official may approve minor changes to the construction management practices described herein to effectuate the intent of these conditions.

Lion's Club Cabin:

9. The Applicant shall cooperate with the Town in any Town effort to relocate the existing cabin that is leased by the Lion's Club. The Applicant's cooperation with the Town shall include dedicating it to the Town. The Town or the Town's designee may relocate the cabin off the site if the Town or other entity designated by the Town finds a suitable site approved by the Town Council to which to relocate the cabin within 60 days of a complete and accepted building permit application ("deadline") submittal for development on Parcel 4D.

However, this deadline is extended to June 15th if winter weather conditions prevent the relocation or to a later date if the Applicant agrees to extend it. The cost of relocating the cabin will be borne by the Town or the Town's designee. If the cabin is not relocated prior to the deadlines described herein, the Applicant may dispose of the cabin at their discretion.

Technical Considerations:

10. The Applicant shall submit a geotechnical report for review by the Town's Building Official prior to commencing development activities and prior to the earlier of filing amended plats on Parcels 4C and 4D or obtaining the first building permit on Parcels 4C and 4D. The geotechnical report shall address whether there are special foundation protection measures that may be necessary for construction of buildings containing a partially underground garage due to the proximity of the water table to the finished floor elevations identified in the application.

Amendments to Building Envelopes:

11. Any amendments to the platted building envelopes that are necessary to implement the proposed development typologies permitted under the amended Multi-Family Design Guidelines shall be reviewed through the TRC review process and requirements of Section 1.11(d), of the Willits Town Center PUD Control Document that was referenced to apply to parcels 4B, 4C, and 4D, Sopris Meadows TRC Certificate No. 10, Series of 2004, recorded in the Eagle County Clerk and Recorders Office at Reception No. 893076.

Prior Approvals:

12. Unless amended by this approval, compliance with all of the conditions set forth in TRC Certificate No.1, Series of 2010 shall be required in addition to compliance with all other provisions of the Sopris Meadows PUD Approval Documents, and other Town Ordinances currently in effect or as may be adopted by the Town, as they apply to the development. Compliance with the conditions of TRC Certificate No. 1, Series of 2010 shall include the requirement that the Applicant prepares and submits a Subdivision Improvements Agreement (SIA) and cost estimates for the public improvements and post a letter of credit or cash bond approved by the Town Attorney for 110% of the estimated cost of said public improvements prior to the issuance of the first building permit.

Applicability of Amended Design Guidelines:

13. The amended Sopris Meadows Design Guidelines shall only be applicable to Parcels 4C and 4D of the Sopris Meadows Subdivision/PUD.

Water table Information:

14. The Applicant shall continue to monitor the ground water elevations on Parcels 4C and 4D on a monthly basis until a building permit is issued on the last building to be constructed on said properties and provide such data to the Town for evaluation when requested. In the event that the continued monitoring shows there to be an increase in the ground water elevation demonstrated on the site sections provided by Sopris Engineering in the October 25, 2010 Application Addendum, the Town may require at its sole discretion, the lowest floor elevations of future buildings to be located at an elevation high enough to avoid ground water issues. If a significant increase in the ground water elevation is observed, the Town may also at its sole discretion, choose not to permit basements. The ongoing ground water monitoring may be suspended earlier if the Applicant and the Town agree that the data previously collected adequately demonstrates what the annual fluctuations in groundwater levels are, if any, and that further data collection would be of little value.

HOA Establishment:

15. The dwelling units to be constructed on Parcels 4C and 4D of Sopris Meadows shall not be incorporated into the existing Homeowner's Associations. The Applicant shall submit Covenants, Conditions, and Restrictions (CC&R's) for Parcels 4C and 4D for review and approval by the Town Attorney that establish a new HOA for Parcels 4C and 4D prior to the issuance of the first building permit on said parcels.

Community Benefits:

16. Dwelling units and land on Parcels 4C and 4D which sell for \$600,000 or more shall have an additional 1% RETA so that the RETA is a total of 2% for these units and land. Any additional funds collected as a result of this RETA will be deposited in a restricted fund specifically for use in funding the arts.
17. The Applicant shall meet the more restrictive of the International Code Congress' (ICC) National Green Building Standard or the Town's Efficient Building Code in affect at the time the Applicant submits for a

building permit for each individual building. In the event that the Town has not adopted the National Green Building Standard within two (2) years of the effective date of this ordinance, the Applicant shall comply with whatever green building standards are in affect within the Town at the time of building permit on individual buildings.

18. The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicants shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential	
Detached	\$.85 per square foot of habitable space
Attached (Includes duplexes)	\$.70 per square foot of habitable space
RO	
Detached	\$.80 per square foot of habitable space
Attached (Includes duplexes)	\$.65 per square foot of habitable space
Community Housing	
Detached	\$.45 per square foot of habitable space
Attached (Includes duplexes)	\$.35 per square foot of habitable space

C. MISCELLANEOUS.

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

2. This Ordinance, after fully executed, 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 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.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON February 22, 2011 by a vote of 5 to 0 on January 25, 2011. Second Reading was continued through April 26, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 3 to 2 on April 26, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord02-Parcel4C_4DExtensionVestedRights1stRead.doc

Bill to: 24--219

First Publication: Thursday, February 3, 2011

Final Publication: Thursday, May 5, 2011

Effective Date: Thursday, May 19, 2011

Exhibit "A" to Ordinance No. 2, Series of 2011

MULTI-FAMILY P.U.D. DESIGN CONTROLS FOR PARCELS 4C AND 4D

1. Maximum Use: Up to 18 dwelling units per building
2. Floor Area Ratio: .5:1
3. Basements will be allowed.
4. Lot coverage by building; per building envelopes shown on the Plat documents
5. Lot coverage by all impervious surfaces: per paved area shown on the Plat documents.
6. Setbacks: per building envelopes shown on the Plat documents, and a minimum of 15 feet of separation required between separate building envelopes.
7. Fencing is subject to review of the Design Review board, with the following maximum height limitations:
 - a. Front yard fence height limited to 3'
 - b. Rear yard fence height limited to 5'
 - c. Side yard fence height limited to 3', and 6' behind front set back line
 - d. The 5-foot open rail fence standard will be used along the Linear Park and Willits Lane. Along public rights-of-way, picket-style fences that are consistent with the design of the adjacent buildings may be used for privacy, subject to approval by the Design Review Board
8. Parking, including spaces within garages:
 - a. Efficiency or 1-bedroom 1.5 spaces per unit
 - b. 2 bedrooms 2.0 spaces per unit
 - c. 3 bedrooms 2.5 spaces per unit
 - d. 4 or more bedrooms 3 spaces per unit
 - e. Additional requirements for Multi-family residential and mobile home parks with 6 or more units (guest parking) .25 spaces for each unit
9. Building Heights:
 - a. Maximum building height limitation is 33' and as further limited by Architectural Controls.
 - b. Building height will be measured to the parapet of flat roofs, or to the mid-point of pitched roofs. However, no element of the pitched roofs can be more than 6' above the maximum height limit.
 - c. Maximum plate height for exterior walls at the eave of a sloped roof shall be 22-feet. Third Story rooms shall be allowed only under pitched roof, and may include dormer windows.

- d. Maximum plate height for exterior walls at the eave of a sloped roof shall be exempt from the 22 foot height and third story rooms shall be allowed, provided 35% of the exterior façade contains 1-story elements in the form of porches with a minimum depth of 8'-0" and or bays with a minimum depth of 3'-0".
- e. Chimneys, mechanical enclosures, bulkheads for stairs and elevators, railings, screen walls, and solar and wind power generating equipment and special events (architectural elements with or without a specific function) not individually exceeding 100 square feet in area, may extend as much as 3-feet above the maximum roof ridge and have any roof form. The TRC may vary the 100 square foot maximum identified above for bulkheads, elevators, and enclosed stairs if it is demonstrated that there is a need for a larger facility and that the visual impacts are minimized to the extent possible. Installation of solar and wind power generating equipment on the roof shall require review and approval of the location of such equipment by the TRC to ensure that the equipment is in compliance with the criteria for renewable energy devices set forth in Town Code Section 16-182, *Maximum Height Requirement Exceptions*.
- f. When hidden flat roofs are used to infill between pitched roofs, they are permitted up to 36 feet high as measured from the lower of Established Height Grade ("EHG") or Finished Grade but shall not extend beyond the height of the adjacent ridges.
- g. Building heights shall be the lower of the height as measured from the EHG identified in Exhibit A-1 attached hereto that is based on the chart prepared by Lipkin Warner Architects dated December 7, 2010 or Finished Grade. Minor variations to the EHG may be approved by the TRC if determined necessary to satisfy the following criteria:
 - i. Positive drainage of 5% or greater shall be provided within 10 feet of buildings; and,
 - ii. The final grading plan shall work appropriately from site drainage and runoff perspectives; and,
 - iii. The final grading of the site shall reflect a reasonable grade necessary to meet the water and sewer line slope requirements for tying the water and sewer service lines into the grade of the water and sewer mains in the surrounding streets.

The EHG means the grade from which the maximum building height is measured and does not necessarily conform to a finished floor grade, although it can conform to a finished floor grade in certain cases.

An areaway, light well or basement stairwell of less than 100 square feet that is enclosed on all four (4) sides to within 18 inches of finished grade shall not be counted towards maximum allowable height. Additionally, exterior ventilation shafts for common parking garages as determined to be necessary by the Town's Building Official shall not be counted in calculating finished grade. The TRC shall review and approve of a final grading plan prior to the issuance of a building permit on Parcels 4C and 4D.

10. Floor Area means the gross area of the unit measured along the outside walls of building including each habitable floor level and interior mezzanines but excluding the following:

- a. Interior courtyards.
- b. The first five hundred (500) square feet per unit for individual garages
- c. Mechanical or utility areas.
- d. One-half (1/2) of the area used exclusively for storage on habitable stories
- e. Open-air porches.
- f. Shared parking garages and storage space will be considered "non-habitable" and exempted from square footage, if it only provides, subject to compliance with applicable building code, limited lighting, limited heat, no floor coverings, concrete or gravel floors, has limited access and is used solely for the use of residents in the building.

Additionally, shared parking garages or storage spaces shall comply with the following design considerations:

i. At least 42 inches of the exterior wall above the finished floor of the parking garage shall be made of opaque material to block headlight glare in all areas around the perimeter of the parking garage except for the area of the vehicular entrance to the garage; and,

ii. A visual break in the exterior wall of the common parking garage shall be provided at least every 30 linear feet. This may be achieved by providing an architectural element, column, a one story element as described above, or a differentiation in the vertical plane of the exterior wall; and,

iii. At least 30 inches of the exterior wall from the garage ceiling downward shall be made of opaque materials to shield the interior light emanating from the light fixtures in the garage. The TRC may waive or reduce this requirement if it is demonstrated that the interior lighting fixtures are downcast and fully shielded in a manner that the point light source is not visible from outside the

structure and that the interior light from the garage does not create a light box and that the openings are not inconsistent with the residential character of the surrounding residential area; and,

iv. No vehicular entrances to common parking garages shall face Willits Lane or Evans Road, except if they are behind an intervening building; and,

v. No more than 75% of the wall surface area of the story that includes the parking garage can be unenclosed without being covered with exterior walls, doors, or grade. Additionally, no more than 10% of the wall surface of walls facing Evans Road can be unenclosed without being covered with exterior walls, doors, or grade unless shielded by an intervening building. In calculating the exposed exterior wall area of the common parking garage, the surface wall area between the floor of the parking garage and the ceiling of the parking garage shall be utilized at the perimeter of the structure.

The exterior surface area of the exterior walls of the common parking garage and storage space shall have at least 50% of the height of the story covered with grade or satisfy the following additional design considerations in order to qualify for an exemption from floor area for the common parking garages:

i. At least 35% of the linear footage on the perimeter of the garage shall include one story elements, in the form of porches with a minimum depth of eight (8) feet and/or bays with a minimum depth of three (3) feet.

One story elements must have a floor level within 6 feet of finished grade. Open balconies that include required railing up to 43 inches high may be located on top of the one story porches and bays and still satisfy this requirement. Sunshades of up to 3 feet in depth are allowed above one story elements.

The options of covering 50% of wall with grade or meeting the additional guidelines identified above must be applied in increments equal to or greater than 25% of the façade that they are being applied to unless varied by the TRC. For example, the TRC may allow a variance from the 50% wall coverage requirement for elements that wrap around the corner of the building.

MULTI-FAMILY ARCHITECTURAL DESIGN CONTROLS

1. The architecture of linear multi-family buildings of four units or more should read as 1 building -1 large house – rather than articulate individual units.
2. The facades of multi-family structures will be punctuated at least every 60' by either a bay, dormer, or porch.
3. Materials for out-buildings and accessory structures to conform to that of the primary structure.
4. All meter and trash receptacle locations to be approved by the Design Review Board. All reasonable efforts must be given to screen them from public right-of ways.
5. Exterior materials shall include but not be limited to wood, wood like siding, fiber cement, metal, and brick. Stucco is an acceptable material as an accent, but not for more than 50% of the building surface.
6. Open Space under wood decks or steps to be enclosed.
7. Roofs are to be either shake asphalt shingles, corrugated metal, or standing seem metal. Colors are to be selected from a group approved by the Design Review Board that are compatible with the surrounding development.
8. Hipped roofs and gable roofs will have a pitch between 8' and 12' and 12' and 12'. Subordinate roofs may have slopes ranging from 2:12 to 12:12.
9. Simple sheds will have a pitched of between 2' and 12' and 14' and 12' against a principal building.
10. Reflective glass is not allowed.
11. Appropriate materials for fences in each residential neighborhood will be determined by the Design Review Board.
12. All exterior materials and colors, including window trim, gutters, fences, etc., and landscape plans specific to materials to be approved by the Design Review Board.

MULTI-FAMILY LANDSCAPE AND SITE DESIGN CONTROLS

A. Introduction

1. Site improvements should focus on complementing the architectural style of the Multi-Family residence and enhancing the neighborhood as a whole.
2. Sopris Meadow's residential neighborhoods are modeled after Americas traditional towns built in the early 1900's. Parks and open space serve as focal pints in the community, forming recreational centers and pedestrian links between residential and commercial neighborhoods. Tree lined streets, parking courts and sidewalks function as transportation corridors as well as public spaces for community interaction. The design intent for the outdoor spaces in the multi-family area is to have a pleasing street façade of buildings and landscape, an urban parking court made pleasing through the use of trees in planting island between garages, and "park-like" Campus Commons between private sides of multi-family buildings.
3. The "Campus Commons" areas are a blend of private and neighborhood spaces, and should be used as functional and recreational areas. Patios and play areas are appropriate uses in this zone.
4. Landscaping, site improvements, and maintenance directly impact neighboring property, and community character. All members of this community should respect their neighbors' rights to beautiful views, sun exposure, and enjoyment of their property.

B. Landscaping

1. Landscape Planting plans address the following issues: appropriateness of plant material to this climate, the scale of buildings, public vs. private areas, and long term maintenance.
2. Plant species adapted to the site's climate and altitude shall be used in landscaping, to ensure vigorous and healthy open space areas. Lustrife, Lythurum species, will not be allowed because it becomes an invasive weed in wet sites.
3. The Multi-Family Homeowner's Association shall be required to maintain grounds, including landscaped common areas, internal parking courts and roadways. Maintenance of the plant material shall be determined by the requirements of the individual species. Areas left "native" with tall grass or wildflowers must be maintained to eliminate weeds that could spread to parks or neighboring lots.

C. Site Improvements

1. Site improvements include exterior elements not considered landscape vegetation. These elements can be addressed in terms of their relationship to the parking courts and the commons.
2. Elements in Parking Courts and Internal Roadways:
 - a. Hardscape surfaces: Color and material should compliment site architecture. Front entry wall shall be maintained as primary access to house and shoveled in the winter.
 - b. Grading and landforms: Grading shall be **natural in character. Berming and grading around garage and storage level access shall appear natural in form and slope.**
 - c. Drainage: The grading and drainage plans are outlined in the Final Plat documents.
 - d. Site walls and fencing: Site walls and fencing are not allowed in parking courts and roadways.

2004 TRC

4.d.iv: For buildings with a building length of more than 180 feet, the building footprint and building facade shall shift at least one time, approximately 8 feet, in a manner similar to that shown in the Applicant's submittals for the western most building adjacent to Evans Road in Sub-Parcel 4B. Final approval from the Town Planner and the Willits Design Review Board shall be required regarding the dimensions, location and design of the facade shift for each building where it is required.

Exhibit A-1 to Ordinance No. 2, Series of 2011

Building	Established Height Grade ("EHG")
4C1	6463.5
4C2	6465.5
4D1	6466
4D2	6467
4D3	6467.25
4D4	6466.5
4D5	6468.5

Exhibit "B" to Ordinance No. 2, Series of 2011

Parcel 4D Secondary Access Options

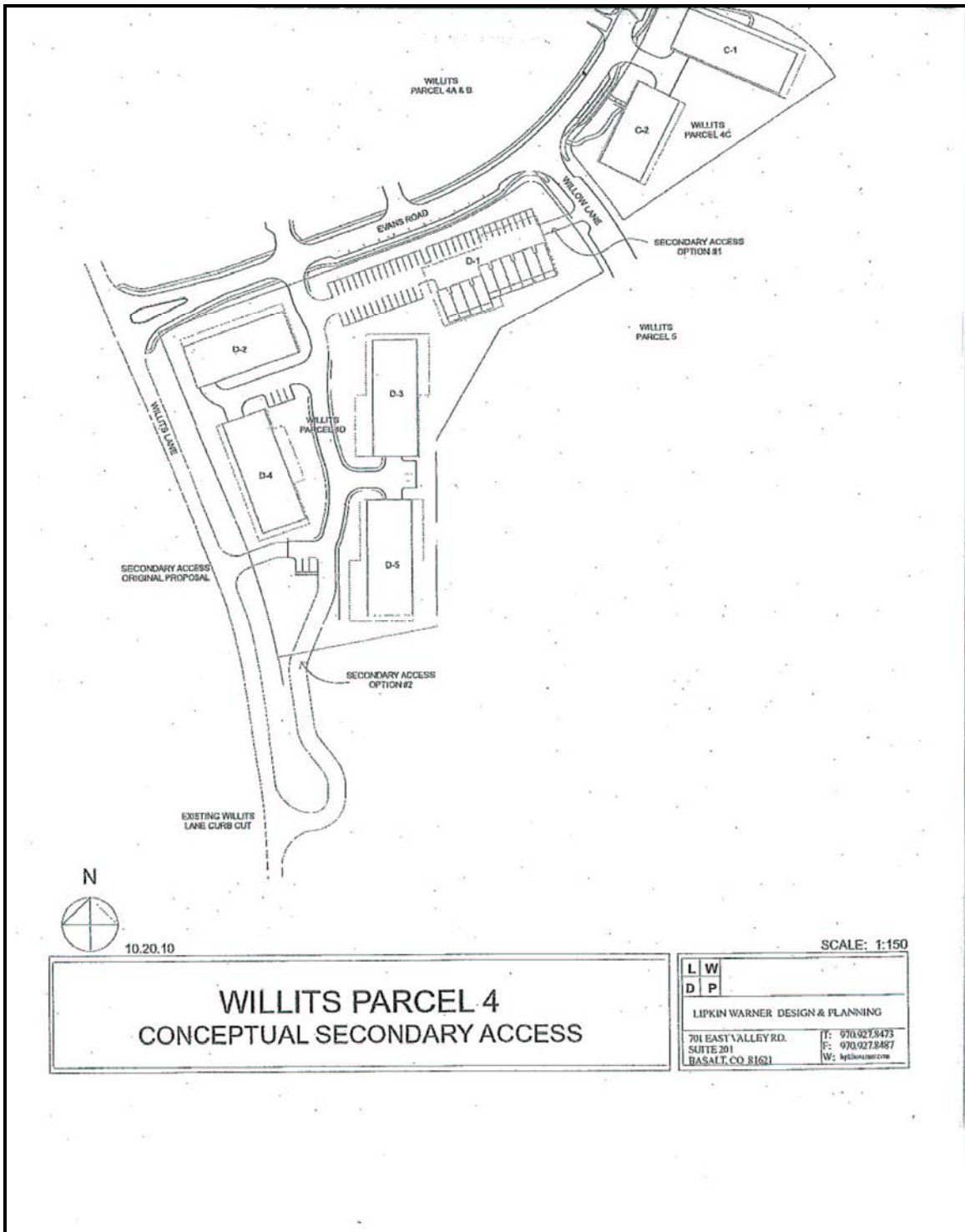


Exhibit “C” to Ordinance No. 2, Series of 2011

Phasing Plan

1. A building permit on the first building on the subject properties shall be obtained within three (3) years of approval of the effective date of Ordinance No. 2, Series of 2011, approving the amendment application; and,
2. No more than two (2) building permits for any two (2) buildings on the property shall be obtained within any 12-month period starting from the effective date of this ordinance; and,
3. No more than three (3) years shall elapse between obtaining a building permit on the subject properties; and,
4. Within ten (10) years of obtaining the amendment approval, building permits shall be obtained and construction will be commenced on each of the seven (7) buildings proposed on the subject parcels; and,
5. Once a building permit is received from the Town on a building, the Applicants shall pursue construction with no cessation or lapse in construction of greater than six (6) months.