

**Town of Basalt, Colorado
Ordinance No. 07
Series of 2017**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING SPECIAL REVIEW APPROVAL FOR A MEDICAL
MARIJUANA CENTER AT 174 MIDLAND AVENUE, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Special Review approvals. Neat Things LLC. ("Applicant") on behalf of the Property Owners Norman and Laura Clasen applied to the Town for approval of Special Review for a Medical Marijuana Center in the Three Bears Building at 174 Midland Avenue, Basalt, Colorado, as more specifically described in **Exhibit A** attached hereto.

B. The Planning and Zoning Commission considered the application at a public hearing held on April 4, 2017. Throughout the meeting, 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 proposed application with conditions.

C. At a public hearing held on April 25, 2017, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public. At the public hearing held on April 25, 2017, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for May 9, 2017, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on May 9, 2017, 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.

E. 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.

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

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. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Town Council finds and determines that in accordance with Sections 16-44(e) and 16-190, of the Town Code, that the Applicant's request is consistent with the applicable provisions of the Town Code, provided applicant adheres to the conditions identified in this Ordinance.

B. CONDITIONS.

Special Review to permit a Medical Marijuana Center in the Three Bears Building is 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.

Visibility of Marijuana and Accessories:

3. Marijuana and accessories shall not be visible from adjacent public sidewalks and pedestrian alley. The Applicant shall provide a window display plan for approval by the TRC prior to commencing operations.

Signage:

4. The Applicant shall submit and receive approval of a sign permit prior to installing any signage. Signage shall be limited as follows:
 - a. Only one (1) sign is permitted per premises, inclusive of any signage located in a window or on the exterior doors, roof and walls of the facility; and
 - b. No sign shall be larger than six (6) square feet. No temporary signage is permitted, including but not limited to sandwich boards,

signs in or on windows and signs on cars parked in the Town limits. No off-premises signage is permitted and no signage shall be installed in the public alleyway except as attached to the building in compliance with the marijuana center sign regulations and all other Town signage regulations.

Compliance with Town Code Section 16-190:

5. The Applicant shall comply with the requirements of Town Code Section 16-190, *Medical marijuana facilities and retail marijuana establishments*.

License Requirements:

6. This action only grants the land use approvals for the medical marijuana center. The Applicant must obtain necessary state and local licenses prior to commencing operations. There is a separate process for licensing through the Town that includes various other restrictions which must be satisfied by the Applicant.

Exterior Changes to Building:

7. The Applicant shall obtain approval of a site plan exemption from the Town Planner pursuant to Town Code Section 16-29(E) prior to making minor exterior changes to the building.

Approval Documents:

8. The Applicant shall prepare a special review site plan for approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to commencing operations and within 180 days of this approval. If the necessary approval documents are not executed and recorded within 180 days of the final approval, the Special Review approval shall be null and void. The Town Planner may extend the recording deadline.

Vested Rights:

9. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If the medical marijuana center does not commence operations in this location within the three (3) year vested rights period or as it may be extended, the approvals granted for this Special Review shall expire. Additionally, if the medical

marijuana center commences operations and then ceases to operate for a period of nine (9) months or more, a new Special Review approval would be necessary to reopen a medical marijuana center on the property.

Insubstantial Amendments:

10. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

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.

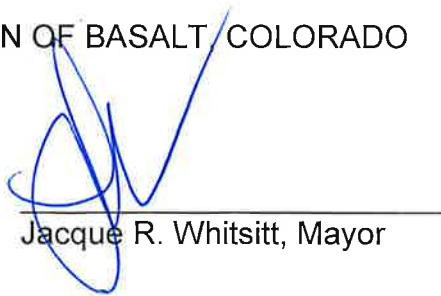
3. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, 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 May 9, 2017 by a vote of 4 to 1 on April 25, 2017.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 0 on May 9, 2017, with one abstention.

TOWN OF BASALT COLORADO

By:



Jacquie R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Ord07-174MidlandSpecialReview.doc

Bill to: 24-475

First Publication: Thursday, May 4, 2017
Final Publication: Thursday, May 18, 2017
Effective Date: Thursday, June 1, 2017



Exhibit A

Legal Description

Lot 2, Block 22 as shown on the deed recorded at Book 575 and Page 233 in the Eagle County Clerk and Recorder's Office.