

**Town of Basalt, Colorado
Ordinance No. 09
Series of 2017**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, REZONING THE PROPERTY AT 441 EAST SOPRIS DRIVE TO R-3 TN AND GRANTING SPECIAL REVIEW APPROVAL TO LEGALIZE AN ACCESSORY DWELLING UNIT (ADU), 441 EAST SOPRIS DRIVE, BASALT, COLORADO (WILKINS APPLICATION)

RECITALS

- A. Dave Wilkins (“Applicant”) filed an Application (“Application”) for Rezoning and Special Review Approval to legalize an Accessory Dwelling Unit at 441 E. Sopris Drive,
- B. At the public hearing held on April 4, 2017, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application, subject to conditions.
- C. At a public hearing held on May 9, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for May 23, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- D. At a public hearing and second reading on May 23, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- E. The Town Council finds that the Applicant’s request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

- a. The Town Council incorporates the above recitals, the representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds 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

Based on the Application, testimony and comments from the public, Applicant and Town Staff, the Town Council hereby rezones 441 East Sopris Drive from the R-3 Zone District to the R-3 TN Zone District and approves of Special Review and a variation from the minimum ADU size in the Community Housing Guidelines to legalize the existing ADU, 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.

Fire District Comments:

3. The Applicant shall install an additional smoke and carbon monoxide detector prior to the issuance of a certificate of occupancy on the ADU.

Basalt Sanitation District Comments:

4. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a certificate of occupancy on the ADU, including the payment of fees for an additional EQR.

Development and Building Fees:

5. The Applicant shall pay all applicable development review fees on the ADU, as calculated by the Town Planner, prior to issuance of a certificate of occupancy, (including the payment of school land dedication fees and water tap fees).

Approval Documents:

6. Before the issuance of a certificate of occupancy on the ADU, the Applicant shall prepare a site plan and draft a deed restriction for review and approval by the Town Planner and Town Attorney. The Applicant shall obtain a

certificate of occupancy within 180 days of the effective date of this approval. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the ADU. The ADU deed restriction designating that one of the two units on the site will be resident-occupied shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the ADU and within 180 days of this approval.

7. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals and pay fees required by this approval. Any such documents shall be executed and recorded and the fees paid prior to the earlier of the issuance of a certificate of occupancy on the ADU or 180 days after the effective date of the final approval ordinance.

If the necessary approval documents are not executed and recorded within 180 days of the final approval and the fees are not paid, the Special Review and ADU Size Reduction approvals granted herein shall be null and void. If after 180 days from the effective date of the final approval ordinance the approval documents are not executed and recorded and/or the fees are not paid, the residence shall be considered in violation of zoning and the second kitchen must be removed within 30 days of the approval expiration. The Town Planner may extend the recording deadline.

Insubstantial Amendments:

8. 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 contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant.
2. The Ordinance 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 the 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 23, 2017 by a vote of 6 to 0 on May 9, 2017.

READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on May 23, 2017.

TOWN OF BASALT, COLORADO

By: 
Jacque R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk



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