

**Town of Basalt, Colorado
Ordinance No. 14
Series of 2017**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, GRANTING
SPECIAL REVIEW APPROVAL TO CONSTRUCT AN ACCESSORY DWELLING
UNIT (ADU) OVER A DETACHED GARAGE AT 124 HOMESTEAD DRIVE, BASALT,
COLORADO (SCHEER APPLICATION)**

RECITALS

- A. Suzanne Scheer ("Applicant") filed an Application ("Application") for Special Review Approval to construct an Accessory Dwelling Unit of approximately 480 square feet above a proposed detached garage at 124 Homestead Drive.
- B. The subject property is zoned R-3 TN and contains approximately 11,250 square feet.
- C. At the public hearing held on June 6, 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.
- D. At a public hearing held on June 27, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for July 11, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- E. At a public hearing and second reading on July 11, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- F. 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 approves of a Special Review Application to construct an ADU over a proposed detached garage at 124 Homestead Drive, 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.

ADU Parking:

3. Any occupancy of the ADU by other than the Applicant shall, by lease agreement, be restricted to a maximum of one automobile.

Water Service:

4. The Applicant shall connect to the 8" water main line in Tucker Lane for water service to the ADU. The Applicant shall submit for review and approval by the Town Public Works Director, a revised utility plan showing the water line connection to the 8" water main in Tucker Lane as part of the building permit submittal for the ADU.

Construction Management Plan:

5. The Applicant shall submit a final construction management plan for review and approval by the Town Planner and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant will comply with the

allowable construction hours as established in the Town Code. The construction parking and staging shall be completely on the site and the Tucker Lane right-of-way shall not be obstructed during construction.

Fire District Comments:

6. The Applicant shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated May 22, 2017, prior to the issuance of a certificate of occupancy on the ADU. The unit shall contain fire sprinklers and materials meeting the requirements of the Basalt and Rural Fire Protection District.

Basalt Sanitation District Comments:

7. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a building permit, including the payment of fees for an additional EQR.

Development and Building Fees:

8. The Applicant shall pay all applicable development review fees on the ADU, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

Approval Documents:

9. The Applicant shall prepare a site plan for review and 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 the issuance of a building permit.
10. 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. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Sustainable Building Regulations:

11. The Applicant shall comply with the Town's applicable Sustainable Building Regulations on both the single-family residence and the ADU. Additionally,

the Applicant shall comply with the building code and energy codes in effect at the time of building permit submittal.

Vested Rights:

12. 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 a building permit for the new residential unit is not issued within the three (3) year vested rights period or as it may be extended, the approvals granted by this special review shall expire.

Insubstantial Amendments:

13. 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 July 11, 2017 by a vote of 5 to 0 on June 27, 2017.

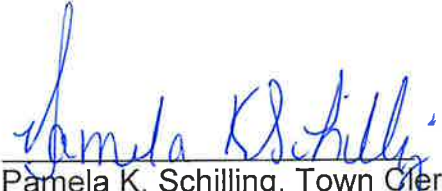
READ ON SECOND READING AND ADOPTED by a vote of 5 to 0 on July 11, 2017.

TOWN OF BASALT, COLORADO

By: 

Jacques R. Whitsitt, Mayor

ATTEST:

By: 

Pamela K. Schilling, Town Clerk

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First Publication: Thursday, July 6, 2017
Final Publication: Thursday, July 20, 2017
Effective Date: Thursday, August 3, 2017