

MEMORANDUM

To: Mayor and Council
From: Susan K. Philp, AICP Planning Director
Date: May 12, 2009
Re: Adoption of Code Amendments affecting the Midland Core Area

Purpose/Action:

The purpose is for the Council to consider adoption of an ordinance making changes to the zoning regulations applicable to the Midland Core Area.

Current Status:

The P&Z and the Council held a joint public hearing on April 28th. At that meeting the P&Z made recommendations on the proposal and the Council approved an ordinance on first reading and continued and scheduled the second reading and public hearing for May 12th.

The ordinance included in your packet has been revised. Some of the changes were minor corrections. Other, more substantive changes are described below:

Body of Ordinance; Exhibits E and F

1. We made a correction to B.6 on page 5. This language references the allowed variances that an applicant can ask for in the PUD process. Because we had removed the C-2 requirements out of Section 16-22 we needed to add the reference to the dimensional requirements in Table 3 of the new Section 16-29.
2. We added B.8 on page 5 to in order to amend the existing site plan review section so that users know that the site plan review section for properties zoned C-2 district is addressed in Section 16-29. Exhibit E was added to show the new language.
3. We also added B.9 on page 5 to allow historic landmark properties to ask for variances in the dimensional requirements, which as in No. 1 above results from moving the C-2 requirements out of Section 16-22. Exhibit F was added to show the new language.

Exhibit A - Definitions

4. In Exhibit A, which includes definitions, "computer services and training" was added to the uses included in the business definition and removed from being a separate use on Table 1. It's better there because business services can get permission to be in the vitality zone where computer services could not as provided in the April 28 version. The term "and similar uses" was added to the definition of business offices to be more inclusive. Some of the uses in retail were reordered in the paragraph to group more similar items together.

Exhibit B Section 16-29, C-2 Downtown Business District

5. In Exhibit B, which includes special provisions for the C-2 zone district, we added encouragement for small play features and public art that is attractive and appropriate for use by young children as discussed during the public comment period at the last meeting (see page 9).
6. On pages 9 and 10 we added a new paragraph to address the appropriate pull backs on a third floor to be reviewed in the special review process. The review criteria allows applicants to reduce the 25 foot setback, adds some additional criteria, and provides that the Council can ask for the third story to set back along the building's other facades.
7. On page 10, the definition for "signature building" was refined per the discussion at the last meeting. However, Staff ended up not adding reference to the typologies after reflection since the typologies currently do not show a signature building as described in the provision. We will include amendments to the typologies in the post moratorium phase and can then add reference to typologies into the Code.
8. Regarding historic preservation, we incorporated Scenario B (outlined in the memorandum from Susannah Reid presented at the 4-28-09 meeting) for historic landmark buildings per the P&Z and Council direction at the last meeting. This was the less aggressive option.

Revisions were made to the Scenario B language to make it clearer what is intended in the site plan process, particularly for new development to be permitted on the site, and to reference the corresponding historic landmark regulations in Article XVIII of the Zoning Chapter which include the provisions for designation, zoning incentives, and demolitions. A major goal of the review criteria is to emphasize the importance of ensuring the prominence of the landmark and to make sure that the new development compliments and does not overwhelm the historic building. A couple of the 'shalls' were changed to 'shoulds' and a couple qualifiers as, "to the extent practical" and "to the extent possible" were added.

We advertised the potential to make other changes on Landmark provisions but after further consideration decided against including additional changes at this time.

In looking at the package of code changes during the moratorium, we gave Landmark properties some significant benefits: Landmark properties can ask for a third story through special review that is not limited to community housing or a hotel; new development on landmark properties is exempt from needing to compete with the Community Priorities Scoring system and obtaining dwelling unit allotments; and new development on Landmark properties have significantly lower Community housing requirements than other properties. Further, the other incentives in Article XVIII Historic Preservation are retained. New development on Landmark properties do not need to pay school land impact fees and may ask for a reduction in parkland dedication and improvement fees. The parking requirement for new commercial development on Landmark properties is waived, and reduced for new residential development. We did not change the other zoning incentives available to Landmark properties such as ability to ask for other zoning variance so owners can still ask for additional stories, height and setback and other variances from the code through that section of the Code.

It is important to realize that the regulations are not designed to discourage innovation on Landmark properties. For example the 104 Midland Property (where Saxy's is) would be consistent with the requirements included here, but earlier proposed versions of re-development on that property such as building a new building over the historic structure would not be.

Exhibit C Tables 1 and 3

9. On Table 1, a correction was made to remove the fast food reference allowed by special review as the Council included fast food in the definition of restaurant and specifically prohibited fast food with drive in.
10. On Table 3, the building height to the top of a parapet can go up to 38 ft. for a signature building.
11. We took out the third floor minimum building setback from the front façade (25 feet) and made reference to the review criteria. (See item No. 6 above.)
12. Also, Staff is proposing a change to the April 28 version to allow an applicant to request a floor area increase through the PUD process which we were not doing before. (See amended Note 1 on Table 3).

Discussion for Meeting:

After the public hearing, we will check in with the Council to make sure that the changes are in line with the Council's vision. In addition we would like to check in with the Council regarding the maximum size of units in areas zoned as C-2 as

allowed by Table 1 (1,400 total sq. ft. for multi-family units and 2,500 total sq. ft. for single family units allowed off Homestead Dr.). The question before the Council is to determine whether these items could be varied through a PUD process. As written, they could not be varied. If the Council wanted to vary the house sizes, the reference could be added to the dimensional table. One of the things to keep in mind, is that we were trying to reduce the items that people could ask for in the PUD process. Staff is comfortable as written, but the dwelling unit limitation was raised during the public comment period at the last meeting.

Further, based on public input at the May 12th meeting, the Council can identify items for further discussion.

Motion:

If the Council is comfortable, the Council could adopt the ordinance at second reading subject to any changes made at the meeting.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING AMENDMENTS TO PORTIONS OF CHAPTER 16,
ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO,
CONCERNING CHANGES TO THE C-2, DOWNTOWN BUSINESS DISTRICT AND
CREATING A SITE PLAN PROCESS FOR DEVELOPMENTS ZONED C-2 AND
AMENDING THE REDUCTIONS IN COMMUNITY HOUSING REQUIREMENTS FOR
COMMUNITY VITALITY USES**

**Ordinance No. 07
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. The Town Council held a series of work sessions to consider mechanisms to address what changes to the Town Code they wanted to address during the moratorium and identified that they desired to address vitality in the downtown core. These work sessions were held on: July 8, 2008; August 5, 2008; October 20, 2008; February 10, 2009; and joint worksessions with the Planning and Zoning Commission on December 2, 2008; and April 21, 2009.

3. The Town held three citizen meetings in November of 2009 where they heard from over 150 citizens about the future of Downtown Basalt and how to make the historic downtown core a vibrant place.

4. At a public hearing held on April 28, 2009, the Planning and Zoning Commission considered the proposed code amendments and considered public comments thereon. At the public meeting on April 28, 2009, the Planning and Zoning Commission heard evidence and testimony from the Town Staff, Town Council, and members of the public. The Planning and Zoning Commission recommended approval with conditions on April 28, 2009

5. At a public hearing on April 28, 2009, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for May 12, 2009, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

6. At a public hearing and second reading on _____, 2009, the Town Council heard evidence and testimony from the Town Staff, and members of the public.

7. The Town Council finds and determines that 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:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following objectives from the 2007 Basalt Master Plan:

- a. Compact Development. Encourage compact, efficient, pedestrian, and transit-oriented development with distinct commercial centers; and,
- b. Live/Work Concepts. Encourage projects that incorporate mixed use and live/work concepts, provided these projects are consistent with the other community goals outlined in the Master Plan; and,
- c. Citizen Involvement. Involve land owners and citizens within the community in the decision making process regarding land use, infrastructure, and service issues; and,
- d. Reinvigoration of Downtown. Promote mixed use of appropriate parcels to encourage energy efficiency and a reinvigoration of the downtown core; and,
- e. Pedestrian Circulation. Pedestrian circulation measures should be emphasized in the downtown core area; and,
- f. Community-building Facilities. Create community building events and the facilities to accommodate them; and,
- g. Unit Sizes. Limit house size as part of an effort to preserve small-town character; and,
- h. RMPIC Recommendations. Honor the recommendations of the River Master Plan Implementation Committee related to preserving and enhancing small-town character; and,

- i. Local Business Ownership. Support existing local business and small-town business character and encourage local ownership of business properties and facilities; and,
- j. Local Cottage Industries. Acknowledge the contribution and value of local cottage industries and pursue measures (including amendments to the Land Use Code) to increase the viability of these uses and accommodate more of such uses; and,
- k. Historic Landmarks. Encourage landmark designation of additional structures by property owners and consider developing additional policies for the preservation of historic structures and places; and
- l. Gathering Places. Retain and enhance significant existing community gathering places.

2. The Town wishes to further the implementation of the Basalt Master Plan and ensure the success of the Downtown Midland Core as desired by the residents of the Town of Basalt by adopting regulations which address the above objectives of the Town of Basalt Master Plan and comments made at the citizen input meetings.

3. The Town commissioned a community profile survey in 2005. The results of the survey were as follows:

- a. Small-Town Character. Preserving small-town character was identified as the most important issue for residents and businesses; and,
- b. Town Appearance. Approximately 87% of voters and property owners ranked the appearance of the Town as an important value to them; and,
- c. Improving Physical Appearance. A majority of business owners identified improving the physical appearance of the commercial corridor as an important way to improve the local business climate; and,
- d. Unit Size Limitation. A majority of the of the property owners, business owners supported limitations on house size; and,
- e. Healthy Economy. A healthy economy was identified as among the most important issues for the Town; and,

4. The Town wishes to further implement the visions of residents and business owners of the Town of Basalt by adopting regulations which address the direction provided in the 2005 community profile survey for the Downtown Midland Core.

B. **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Basalt Colorado that the following amendments are adopted to the Town Code of the Town of Basalt.

1. Section 16-4, Definitions in Article I, Chapter 16 of the Town Code is amended to include definitions for "Business Offices", "Personal Services", "Professional Office", "Retail" and "Restaurant", as shown in **Exhibit "A"**.

2. Section, 16-21. Intent of individual districts, Article II, Chapter 16, of the Town Code, subsection 16-21 (6) titled "C-2 Downtown Business District is deleted and the following language inserted:

(6) C-2 Downtown Business District. The intent of the C-2 Downtown Business District is to promote the downtown area as a special activity center by encouraging a mixture of compatible commercial, office, residential, institutional and public uses and interesting street level activity in buildings. The intent of this District is further described in Section 16-29.

3. Section 16-22, Schedules of uses and requirements, Article II, Chapter 16 is amended as follows:

a. In the *Schedule of Uses Commercial Districts* the column "C-2" Downtown is deleted in its entirety. In addition, Note 2 is added to read as follows:

NOTES:

2. For C-2, see Section 29, C-2 Downtown Business District.

b. In the *Schedule of Requirements, Commercial Districts* the column "C-2 Downtown" is deleted in its entirety. In addition, Note 5 is added to read as follows:

NOTES:

5. For C-2, see Section 29, C-2 Downtown Business District.

4. A new Section 16-29, in Article II, of Chapter 16 of the Town Code is created entitled C-2 Downtown Business District as shown in **Exhibit "B"**.

5. Table 1, Schedule of Uses in the C-2 Zone District, and Table 3, Schedule of Dimensional Requirements in the C-2 Zone District, are added to end of the new Section 16-29 as shown in **Exhibit "C"**.

6. Section 16-63 (b) Allowed variations, Article IV, Chapter 16 of the Town Code is amended to add the following language (language underlined is being added to the Code):

The Town Council may, as part of the PUD approval process, allow variations from the schedule of requirements of the underlying zone district (Section 16-22) and some of the dimensional requirements in the C-2 zone district (Table 3 in Section 16-29), the subdivision regulations design standards (Chapter 17, Article II), the PUD design standards set forth in this Article (Section 16-73) and the off-street parking requirements of Chapter 16, Article V (collectively as used in this Article "Variations"). Variations shall not be permitted to the maximum height, maximum number of stories and maximum floor area limitations in the C-2 zone district, as specified in Table 3 in Section 16-29.

7. Section 16-417, Commercial Linkage Requirements, Article XIX, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "D"**.

8. Section 16-111, Site Plan Review, Article VI, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "E"**.

9. Section 16-394, Incentives, Article XVIII, of Chapter 16 of the Town Code is amended to add the language as shown in **Exhibit "F"**.

C. Applicability. The regulations shall take affect according to law, except that the Item 6 above concerning allowed variations through the PUD process shall not take affect on the Flying Fish PUD application as that application had received preliminary plan approval before the effective date of this ordinance. The ability of the Flying Fish applicant to make changes to the applications listed in shall be limited solely by those provisions of the Code that were in effect prior to the effective date of these code provision that address amendments to applications that are in process (for example, see the provisions of Section 16-65 (d) (2) (b) which address the changes that are permitted to be made to an application between preliminary and final PUD review). If that application is withdrawn or denied, then any new application for that property would be subject to the these provisions. If the application fails to comply with any subsequent submittal deadlines, the Town Council may require the application to be subject to the new requirements.

D. 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.

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E. 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 May 12, 2009 by a vote of 6 to 1 on April 28, 2009.

READ ON SECOND READING AND ADOPTED, by a vote of __ to __ on _____, 2009.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord.07-C-2CodeAmendments
Bill to: 10-45-390

First Publication: Thursday, May 7, 2009
Final Publication: Thursday, _____
Effective Date: Thursday, _____

The following language is being added to the Town Code in Section 16-4
Definitions

Exhibit A

Business Offices means a building, or portion thereof, used for the transaction of business services and products, including real estate sales office, travel or adventure agency, advertising or marketing agency, insurance agency, computer services and consulting, event planner and similar businesses.

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Personal Services means a commercial establishment engaged in providing personal services and products to the general public including barber and beauty shop, tattoo parlor, dry cleaner, laundromat, tailor, repair shop for small appliances, electronics, sporting goods and similar items, art/martial arts/dance studios, health and fitness facility, spa and similar uses.

Professional Office means a building or portion thereof used as the office of a doctor, dentist, lawyer, architect, landscape architect, engineer, planner, accountant and similar professionals.

Retail means commercial establishments engaged in the selling or renting of consumer goods and merchandise. The sale or rental of products manufactured or enhanced on-premises and the rendering of services incidental to the sale or rental of such products shall be permitted. Retail includes food markets, clothing, sporting equipment, jewelry, books, videos, prescription drugs, liquor, hardware, furniture, flowers, gifts, art, motor-driven cycles and motorized bicycles, non-motorized vehicles such as bicycles, and similar uses and activities. Retail shall not include office uses, sale or rental of motorized vehicles or motorcycles.

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Restaurant means a commercial establishment engaged in the preparation and serving of food and drink to the general public. The sale of products manufactured or enhanced on premises shall be permitted. Restaurant uses shall include restaurant, fast food, nightclub and bar, neighborhood café and other similar uses and activities.

Exhibit B

Section 16 - 29, C-2 Downtown Business District

- A. Zone District Intent.** The intent of the C-2 Downtown Business District is to promote the downtown area as a special activity center by encouraging a mixture of compatible commercial, office, residential, institutional and public uses and interesting street level activity in buildings. This is accomplished by identifying certain uses and activities that help to create community vitality and ensuring that these uses remain a dominant element of the downtown area. The C-2 zone district also provides for site plan review for certain types of development activities to ensure that the downtown area is developed with special concern for the needs of the pedestrian, that there is continuity in the design and visual appearance of the district, and that development furthers the 2007 Basalt Master Plan.
- B. Schedule of Uses.** The uses that are permitted by right or by special review and the uses that are prohibited in the C-2 zone district are listed in Table 1 which is provided at the end of this Section. Any use that is not specifically listed as permitted by right or by special review shall be deemed to be a prohibited use.
- C. Community Vitality Uses and Vitality Zone.** Table 1 also identifies certain uses permitted by right or permitted by special review that the Town classifies as "Community Vitality Uses". The Town seeks to promote a continuous, pedestrian friendly frontage of community vitality uses within the downtown core. Therefore, the Town hereby establishes an area to be known as the "vitality zone". Uses within the vitality zone shall be limited to those that are classified in Table 1 as community vitality uses.
1. Vitality Zone Defined. The vitality zone includes the first twenty-five feet (25') in depth of the ground floor space of a property with frontage along the following roads:
 - a. Midland Avenue (from Town Hall to Riverside Drive);
 - b. Two Rivers Road (from Fire Access Lane in Ute Center to Midland Spur); and
 - c. Basalt Center Circle (commonly referred to as the "Clark's Market area").
 2. Minimum Depth May Be Reduced. The minimum depth of the vitality zone on a property may be reduced from twenty-five (25) feet to eighteen (18)

feet if the resulting space within the building provides a minimum of five hundred (500) square feet of leasable area for community vitality uses.

3. Existing Uses May Remain. Existing uses that are located within the vitality zone but are not classified in Table 1 as community vitality uses shall be permitted to remain. Such uses are not considered to be non-conforming uses and are not subject to Article XI of these Regulations. Instead, these uses shall be subject to the following limitations:
 - a. The use shall not be permitted to expand into the vitality zone but shall be permitted to expand into other areas of the property such as a second floor space or a space that is behind the vitality zone.
 - b. If the use changes to a different use category in Table 1, the new use shall be a use that is classified in Table 1 as a community vitality use unless the use receives an exception pursuant to use review, as described in sub-section 5, below.
 - c. If the use is discontinued for a period of nine (9) months or if the portion of the building in which the use is located is destroyed by fire or any other cause, the space shall only be filled with a use that is classified in Table 1 as a community vitality use.
4. Exemption for Certain Uses. The following uses are exempt from the requirement that uses within the vitality zone be devoted to community vitality uses: church or other religious assembly; school; public and non-profit facilities; community center; and transportation facilities/terminal.
5. Exception Pursuant to Use Review. Business offices, professional offices and banking and mortgage lending institutions may obtain an exception from the requirement that spaces within the vitality zone be devoted to community vitality uses. An applicant seeking this exception shall submit an application for use review. The use review process involves the following steps:
 - a. The Town hereby establishes the inventory shown in Table 2, which represents the total linear frontage of business offices, professional offices, and banking and mortgage lending institutions located in the vitality zone as of June 10, 2008. This inventory represents the maximum linear footage of each of these uses that the Town will permit to be established in each of the identified geographic areas in the future.

TABLE 2 INVENTORY OF CERTAIN COMMERCIAL USES IN THE VITALITY ZONE			
	Midland Avenue	Two Rivers Road	Basalt Center Circle
Business offices	85 linear feet	25 linear feet	220 linear feet
Professional offices	70 linear feet	0	100 linear feet
Banking and mortgage lending institutions	145 linear feet	70 linear feet	0

- b. For an applicant to establish a new business office, professional office, or a banking or mortgage lending institution in the vitality zone, or to expand any of these existing uses in the vitality zone, the applicant shall demonstrate to the Planning and Zoning Commission that at least an equivalent amount of linear footage of that particular type of use has been removed from the inventory in that particular geographic area, and therefore, the proposed new use would not cause the resulting total linear footage of that use in that geographic area to exceed the amounts listed in Table 2. The applicant shall also demonstrate to the Planning and Zoning Commission that the use satisfies the site plan criteria under Sec. 16-29 E.4.g. and 4.i. to the extent possible even if site plan review is not required.
- c. In lieu of submitting an application for use review as described above, an applicant may instead submit a petition to the Town Council for an exemption from the limitation on the total amount of linear footage of each of these uses that is permitted in the vitality zone.
- (1) To obtain this exemption, the applicant shall demonstrate to the Council that filling the space with a community vitality use is not economically feasible based on objective factors at the current time as determined by the Town Council. One example of how this demonstration could be made would be by showing that the space had not been able to be rented at market rates for an extended period of time. Applicants may use other methods to demonstrate to the Town Council that

filling the space with a community vitality use is not feasible at the current time.

- (2) In granting an exemption on this basis, the Town Council may place limitations on the duration of the tenancy of the exempted use and may require that during the permitted tenancy the applicant shall continue to advertise the space for occupancy by community vitality uses.
- (3) The Town Council may also consider the location and relative prominence of the particular space along the street, the effect the exemption would have on adjacent uses; the level of pedestrian interest that is proposed to be provided; and the level of pedestrian activity that could be anticipated from the use that is proposed to occupy the space.
- (4) At a minimum, applicants for use exemptions will be required to demonstrate to the satisfaction of the Town Council that the use satisfies the site plan criteria under Sec. 16-28 E.4.g. and E.4.i. to the extent possible even if site plan review is not required.

D. Schedule of Dimensional Requirements. The dimensional requirements that are applicable to properties in the C-2 zone district are listed in Table 3 which is located at the end of this section immediately following Table 1.

E. Site Plan Review For Development in the C-2 Zone District.

1. Applicability. In addition to all other approvals required by this Code, site plan review shall be required before issuance of a building permit for all development in the C-2 zone district, provided that interior changes to an existing building that do not alter its exterior appearance shall be exempt from site plan review, even if the interior change would add square footage to the building. However, if the Town staff determines that some aspect of the proposed interior change would have an impact on the site, such as when an interior change would require additional off-street parking or a new or larger trash area to be provided, then site plan review shall be required.
2. Review Authority. Generally, site plan review shall be accomplished by the Planning and Zoning Commission, based upon a recommendation provided by the Town Planner. However, certain types of minor development activities may be approved by the Town Planner and certain activities shall be approved by the Town Council. The types of activities that may be

approved by the Town Planner and those that require review by the Planning and Zoning Commission or the Town Council are summarized below.

- a. The Town Planner is authorized to grant site plan approval to the following types of activities:
 - (1) Any proposed change to the interior of a building that does not change the exterior appearance of the building but that the Town staff determines would require changes to be made to the site (such as changes to parking or the trash area).
 - (2) Any proposal that would add no more than five hundred (500) square feet of non-residential square footage to a lot or parcel, including proposals that alter the exterior appearance of the building or site in a minor manner.

- b. The Planning and Zoning Commission is authorized to grant site plan approval to the following types of activities:
 - (1) Any proposal that would add more than five hundred (500) square feet of non-residential square footage to a lot or parcel or would add one or more residential units (provided such units are not listed as uses allowed by special review, in which case the site plan would be reviewed by Town Council).
 - (2) Any proposal to add square footage to a lot or parcel that would substantially alter the exterior appearance of an existing building or site or change the existing site features.
 - (3) Any proposed addition to an historic landmark building or site.

- c. The Town Council is authorized to grant site plan approval to the following types of activities:
 - (1) Any development that also includes applications that require Town Council action, such as development that is subject to PUD review or for which the community housing mitigation requires Council action, or development that involves a use that is permitted by special review in the C-2 Zone district.
 - (2) Any application that includes a proposal to alter or modify the use of Town-owned space including public streets, alleys, and rights-of-way.

- (3) Any site plan approval or denial that is appealed to the Town Council.

3. Review Procedures. The following procedures shall apply to site plan review.

- a. An application for site plan review shall be submitted to the Town Planner. Prior to submission of the application the applicant shall attend a pre-application meeting with the Town Planner so the applicant can become familiar with the submission contents, procedures, and review criteria applicable to the project.
- b. The site plan application shall contain the information listed in Section 16-43, Site Plan and Supporting Documents, as applicable to the particular development proposal. If the site plan involves rehabilitation of, or additions to an historic landmark, then the submission shall include:
 - (1) A comprehensive graphic (or photographic) documentation of the exterior features of the historic building; and
 - (2) A preservation plan that describes the preservation or rehabilitation methods to be employed on the site.
- c. The staff will review the site plan application and determine whether the application is complete. If the application is incomplete the staff will inform the applicant of any deficiencies that need to be rectified and will not take further action on the application until it is complete.
- d. Following a determination that the application is complete, the staff will refer the application to the Technical Review Committee. Staff will assemble the comments of the Technical Review Committee and will prepare a written evaluation of the application, describing its compliance with the review criteria of Section E.4., below.
 - (1) If the Town Planner is authorized to take final action on the application, the Town Planner may approve the application, approve the application with conditions, or deny the application. The Town Planner may instead refer the site plan application to the Planning and Zoning Commission based on a determination that the issues involved should be acted upon by the Commission rather than by the staff. An applicant may

appeal to the Town Council any decision by the Town Planner approving a site plan with conditions or denying the site plan.

- (2) If the application requires review by the Planning and Zoning Commission or if the application is referred to the Planning and Zoning Commission by the Town Planner, the Town Planner shall forward the written evaluation to the Commission.
 - e. For any application that is required to be reviewed by the Planning and Zoning Commission or is referred to the Planning and Zoning Commission by the Town Planner, the Commission shall consider the site plan application and the written evaluation prepared by the Town Planner at a duly noticed public hearing. The Commission shall approve the application, approve the application with conditions, or deny the application. An applicant may appeal to the Town Council any decision by the Planning and Zoning Commission approving a site plan with conditions or denying the site plan.
 - f. For any application that is required to be reviewed by the Town Council, the Council shall consider the site plan application, the written evaluation prepared by the Town Planner and, when applicable, the recommendations of the Planning and Zoning Commission at a duly noticed public hearing. The Town Council shall approve the application, approve the application with conditions, or deny the application.
4. Review Criteria. The application for site plan review shall be approved by the Town Planner the Planning and Zoning Commission, or Town Council as applicable, if it meets all of the following review criteria:
- a. The proposed development shall be consistent with the 2007 Basalt Master Plan. This shall include, but not be limited to, a finding that the proposed development in the C-2 zone district is consistent with (1) Neighborhood Typology 2A from the 2007 Basalt Master Plan (Midland Avenue Commercial/Mixed Use) for areas northerly of Two Rivers Road; or (2) Neighborhood Typology 2B from the Master Plan (Town Center Commercial/Mixed Use) and the Riverfront Overlay where it is applicable.
 - b. The proposed site plan shall comply with the applicable elements of the Town of Basalt Complete Streets Design Manual. This shall include, but not be limited to, compliance with: (1) the Features and

Street Characteristics for Complete Street Design, Town Center; and (2) the Site Design Guidelines Matrix, Town Center column.

- c. The proposed site plan shall not result in an increase in the number of curb cuts on Midland Avenue. If an applicant proposes a new curb cut on Midland Avenue, that proposal must be accompanied by a proposal to eliminate an existing curb cut on Midland Avenue. In order to replace an existing curb cut with a new curb cut the applicant shall be required to demonstrate that the proposal will enhance or will not cause any harm to the pedestrian experience on Midland Avenue.
- d. Off-street parking and loading areas required for the proposed development shall comply with the applicable provisions of Article V, Off-Street Parking and Loading, provided that Landmark Properties may be exempted from the requirements pursuant to Section 16-394. The visual impacts of off-street parking and loading areas shall be minimized. This shall be accomplished by:
 - (1) Locating such areas, or the access to such areas, along the rear facade of the building whenever feasible (off-street parking shall not be permitted between the front facade of the building and the abutting street); or
 - (2) Wrapping any structured parking within other permitted uses that have a minimum depth of 18', designing the access to structured parking with the same attention to detail and materials as the primary building façade, and integrating the access into the building's design.
 - (3) The Midland Avenue loading zone shall be used to provide a loading area for the property wherever feasible.
- e. Proposed signs shall comply with the applicable provisions of Article VII, Signs, including but not limited to, Section 16-141 which provides a schedule of sign requirements for the C-2 zone district.
- f. Exterior lighting proposed for the property shall comply with the applicable provisions of Article XX, Exterior Lighting.
- g. To the extent possible, the areas between a building and the adjacent street shall be visible space that is usable by customers of on-site business uses or pedestrians. These areas, and the required

open space areas on the site shall: (1) abut and be level with the public sidewalk; (2) be open to the sky (except for awnings, covered walkways, areas under a porch, and covered outdoor seating); (3) be directly accessible to the public; and (4) be provided with appropriate ground cover treatment and landscaping. Placement of street furniture and public art in required open space areas is encouraged, as long as minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretative displays, small play features, and public art that is attractive and appropriate for use by young children is encouraged. The Town may give credits towards minimum open space requirements for pedestrian improvements, street furniture, fountains, and similar improvements in a public right-of-way or other public spaces in the downtown.

5

- h. At least fifty (50) square feet of private usable open space shall be provided for each dwelling unit. Private open space may include balconies above ground and lawn areas and patios behind the building. Private open space areas shall not be located in front of or adjacent to any portion of a building's Vitality Zone. The Town may reduce or waive a private open space requirement if the Town determines that the private open space area would interfere with the intent of the C-2 business district.
- i. Buildings within the vitality zone fronting the streets listed in Table 2 above shall incorporate a traditional storefront design, with windows suitable for retail goods display that are designed to attract pedestrian interest at the street level. The storefront windows along the façade of the vitality zone shall be transparent so as to permit the activities within the building to be visible to pedestrians along the adjacent street.
- j. Special review approval is required to permit a third story on a building. Review criteria E.4.k. below addresses the requirements for a third story signature building at the intersection of Two Rivers Road and Midland Avenue. If a third story is proposed for other buildings, it shall be set back from the front building façade a minimum of 25 ft. and shall be designed to be simpler in form and more subdued in detail and color than the primary façade and shall be lower in height than the first floor plate height.

6

However, the Town Council may authorize a lesser third story setback if the applicant provides a graphic simulation of the building that shows the effect of the third story from the adjacent streets and

from surrounding properties and demonstrates that the design complies with the following criteria:

- (1) The traditional two-story main street view of the downtown business district shall be preserved as seen from Midland Avenue, Basalt Center Circle and Two Rivers Road.
- (2) The reduced setback shall not result in unacceptable massing or shading impacts on adjacent residential properties or adjacent public streets or public pathways.

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cont.

The Town Council may require the third story to also step back along the building's other facades to ensure that the third story does not cause such unacceptable impacts.

- k. Special attention shall be given to any new building at the corner of Two Rivers Road and Midland Avenue, not only at the street level but also on its upper floors due to its prominent location at the entry way of the Midland downtown business district. Although it is not the intention of these provisions to require that the building be of a historic or period architecture, it should present a timeless design that makes a statement while maintaining an appropriate scale and mass to the Town of Basalt. The Town Council may waive the requirement that the third story elements be set back a minimum 25 ft. from the front of the second floor if the Council finds that doing so is necessary for the building to make a design statement such that it will be a signature building at this central intersection.
- l. The ground floor of any new structure in the vitality zone shall be at grade with any adjacent sidewalk or passageway and there shall be no steps between the sidewalk and the primary building entry. However, in order to satisfy grade issues, steps may be included in the portion of the sidewalk closest to the street if the applicant demonstrates that providing steps is the best way to address grades on the site.
- m. Utility boxes and trash/recycling service areas shall be located outside of the public right-of-way, along the rear or side facade of the building. To the extent possible, these facilities shall be located in a way that avoids or minimizes any negative impact on residential uses on the parcel and on adjacent parcels and does not interfere with pedestrian movement and experience.

7

- n. Landscaping that is to be installed in the public right-of way shall comply with the applicable provisions of the Public Works Manual.
- o. If the site includes a historic landmark, the proposed development shall satisfy the requirements of Article XVIII, Historic Preservation, of the Town Code and all of the following additional criteria:
 - (1) The project shall retain the historic character of the landmark building by accomplishing the following:
 - (a) The proposal shall retain the distinctive materials, features, finishes and construction techniques or examples of craftsmanship on the prominent facades of a landmark building. Demolition or removal of historic materials or features on the remainder of the building is to be minimized to the extent practical. Deteriorated historic features should be repaired, rather than replaced to the extent possible. Where the severity of deterioration requires replacement of distinctive features, the new feature should match the old feature in design, texture and where possible, materials. Any demolition or removal of materials or features that is allowed shall be done in accordance with Article XVIII.
 - (b) The proposed new construction, addition and/or alteration shall be compatible with the landmark structure in its scale and massing and preserve the essential form of the landmark building along its prominent facades. The new construction shall be clearly distinguished from the historic fabric and shall be compatible with the historic materials and features as well as the building's size.
 - (c) The proposal shall respect the historic character of the building by limiting the addition of decorative elements to the historic portion of the building that confuse the authentic history of the building.
 - (d) New accessory elements (such as awnings, planter boxes and lighting fixtures) proposed to be installed on the historic portion of the building shall be designed and/or selected to be compatible with the



historic character of the building and be in character with the applicable elements of Neighborhood typology 2A from the 2007 Basalt Master Plan (Midland Avenue Commercial/Mixed Use).

8
cont.

- (2) The project shall preserve, or shall not detract from, the historic character of the site by accomplishing the following:
 - (a) The proposal shall allow the historic building to retain its prominence on the site and any proposed alterations and/or additions shall not detract from that prominence. Any new construction that is proposed shall be sited to avoid obscuring the landmark structure or its significant features from the public.
 - (b) The proposed new construction shall not substantially alter the character of the landmark building site or spatial relationships along the street, unless such changes are approved through special historic landmark review per Article XVIII of the Town Code.

If compliance with review criteria E.4., d.2., h., j., or k., would damage, detract or otherwise diminish the historic character or integrity of the landmarked building, then compliance with that criterion can be waived for the Landmark property.

Exhibit C

**TABLE 1
SCHEDULE OF USES IN THE C-2 ZONE DISTRICT
(See Note 1)**

Use	Use-Specific Standards
<i>Permitted Uses</i>	
Retail business	Community vitality use; See Sec. 16-29 C
Restaurant	Community vitality use; See Sec. 16-29 C
Hotel and motel	Community vitality use; See Sec. 16-29 C
Personal services	Community vitality use; See Sec. 16-29 C
Movie and other theaters, pool hall and game room	Community vitality use; See Sec. 16-29 C
Professional offices	
Business offices	See Note 2, below, for real estate offices.
Banking and mortgage lending	
Offices for public and non-profit uses	See Sec. 16-28 (3)
Parking garage	See Sec. 16-29 E.4.d.2
One or two apartments in conjunction with a business	Permitted only on the upper floor(s) of the building; limited to no more than 1,400 total sq. ft. per unit (see Note 3). Apartments shall not be separated in ownership from the business use and may be used to satisfy community housing requirements for the business use with appropriate deed restrictions.
Single family residential units	Permitted only where the residential unit fronts along Homestead Drive; limited to no more than 2,500 total sq. ft. per unit (See Note 3)
Small day care or small total care	
Parks and recreation areas	
Temporary outdoor uses and vendors	See Sec. 6-14 and 16-181
<i>Uses Permitted by Special Review</i>	
Bed and breakfast establishment	Community vitality use; See Sec. 16-29 C
Bowling alley and skating rink	

Cont.

TABLE 1
SCHEDULE OF USES IN THE C-2 ZONE DISTRICT

(See Note 1)

Clubs	
Gas station with or without food market	
Banking with drive up window	
Dental or medical clinic	
Temporary multi-family or lodge	
Multi-family dwellings	Permitted only on the upper floors of the building; limited to no more than 1,400 total sq. ft. per unit (see note 3)
Mobile home park	
Church	
School, public or private	
Public and non-profit facilities, other than those typically occurring within an office building	See Sec. 16-28 (3)
Community center	
Large day care or large total care	
Transportation facilities, terminals	
<i>Prohibited Uses</i>	
Wholesale business	
Automobile sales and services	
Campground	
Mobile home sales	
Extraction, processing and transportation of natural resource materials	
Lumberyard	
Small animal veterinary clinic	
Adult entertainment establishment	
Drive in restaurant	

Cont.

TABLE 1
SCHEDULE OF USES IN THE C-2 ZONE DISTRICT

Notes:

1. See Sec. 16-29 B which states that any use that is not specifically listed as permitted by right or by special review shall be deemed to be a prohibited use.
2. A real estate office that exclusively markets a single real estate development is prohibited to be located in the vitality zone.
3. Total square feet is defined in Section 16-4. For the purposes herein, total square feet also includes any common storage space that is assigned to an individual unit but excludes any parking space that is assigned to the unit.

**TABLE 3
SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE C-2 ZONE DISTRICT**

Standard	Dimensional Requirement	Notes
Minimum lot area ♦ Non-residential ♦ Residential ♦ Combined Residential + Nonresidential	1,500 sq. ft. 6,000 sq. ft. 2,500 sq. ft.	
Maximum building height or height to the highest point of a pitched roof. Maximum height to top of parapet	30 feet 33 feet	May be increased to 35' by special review when a third story is allowed. Exceptions to maximum height limits are permitted pursuant to Sec. 16-182. May be increased to 38' by special review when a third story is allowed for a signature building pursuant to Sec. 16-29 E.4.k. Also see Note 1, below.
Maximum number of building stories	2 stories	A third story may be allowed by special review if any of the following occurs: ♦ The entire building is a hotel or lodge and associated uses (which include employee housing units for the hotel or lodge); or ♦ The second and third stories are 100% category community housing; or ♦ The property includes an historic landmark; or ♦ The building had three stories built before June 10, 2009; or ♦ The building is located at the key intersection of Midland Avenue and Two Rivers Road and the first floor is retail and the second and third floors are either office, retail and/or 100% category community housing. See 16-29 E.4.j. and k. for third story setbacks

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Cont.

TABLE 3

SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE C-2 ZONE DISTRICT

Maximum floor area ratio ◆ Non-residential ◆ Residential ◆ Combined Residential + Nonresidential	1.5 0.5 2.0	
Minimum front yard setback	0 feet	
Minimum side yard setback	0 feet	
Minimum rear yard setback	10 feet or 25 feet	If adjoining property is zoned C-2; or If adjoining property is not zoned C-2 or if a third story is permitted.
Minimum lot width	25 feet	See 16-4 for definition of lot.
Minimum setback from rivers and other ESA's	See Article XXI concerning development in and around rivers, wetlands and environmentally sensitive areas.	
Minimum percent landscaped open space	10%	Open space credits may be given for pedestrian improvements, street furniture, etc. in a public right-of-way. See Sec. 16-29 E.4.g.
Minimum size of private open space ◆ Non-residential ◆ Residential	0 50 sq. ft/unit	See Sec. 16-29 E.4.h.

Note 1: Limitations on maximum height and maximum number of stories may not be varied via a PUD in the C-2 zone district. See also Sec. 16-63 (b).

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

Exhibit D

Sec. 16-417. Commercial linkage requirements.

(a) Except as provided elsewhere in this chapter, all new commercial development, except for remodeling of existing structures which results in no more additional countable floor area, shall satisfy commercial mitigation requirements by providing deed-restricted, category-level housing for twenty-five (25%) percent of the new employees generated. If a development in the C-2 Zone District provides one-hundred (100%) percent of its Net Commercial Square Footage as being deed restricted such that it is to be sold in commercial units of 1,000 square feet or less that cannot be combined, then the mitigation rate will be reduced by half to twelve and a half (12.5%) percent.

If a development in the C-2 Zone District provides one-hundred (100%) percent of its Net Commercial Square Footage as being deed restricted such that it is to be sold in commercial units of 1,000 square feet or less that cannot be combined, and restricts the occupancy to uses identified as ~~retail~~ "Community Vitality Uses" in the C-2 Zone District, then the mitigation rate will be reduced to zero.

(b) For mixed-use projects,

Language underlined is being added to the Town Code.

Exhibit E

Sec. 16-111. Compliance required.

(a) All applications for a building permit for a permitted use, other than a single-family home or a two-family dwelling (i.e., duplex), shall be approved only upon compliance with Sections 16-112 and 113 and approval by the Town Manager, except as required by Subsection (b) below and except that applications within areas zoned in the C-2 Downtown Business District are required to comply with the site plan review requirements of Section 16-29.E.

(b) In lieu of compliance with Sections 16-112 and 16-113, prior to acceptance for review and approval of a building permit application, the applicant for a proposed building permit within the commercial, industrial and R-4 zone districts must comply with the procedures contained in Section 16-44, with the exception that the required duly noticed public hearing shall occur before the Town Council, not the Planning and Zoning Commission ...

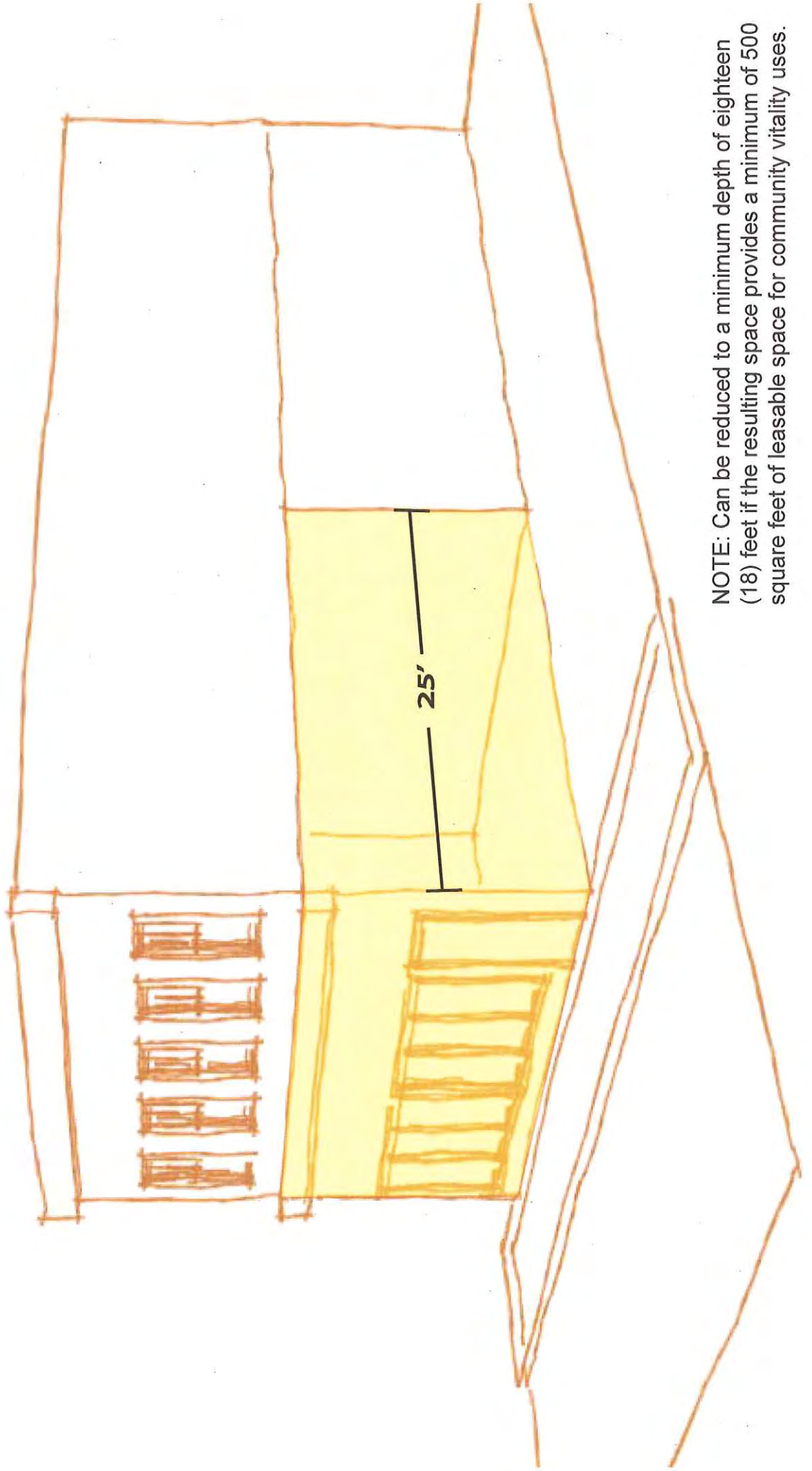
Language underlined is being added to the Town Code.

Exhibit F

Sec. 16-394 Incentives

(f) Zoning Incentives. The Town Council may by ordinance grant zoning incentives for designated landmarks that do not conform with existing zoning regulations or which, upon redevelopment, will not conform with existing zoning regulations. The Town Council may grant such zoning incentives as it deems reasonably necessary to assure preservation of the landmark. Zoning incentives which may be granted include, but shall not be limited to, the transfer of allowable density to other properties owned by the owner of the landmark, additional reduction in the off-street parking standards and requirements, exemption of subgrade area from floor area limitations and calculations, approval of an increase in the floor area allowed to be constructed on the landmark, approval of an accessory dwelling unit or an accessory dwelling unit larger than otherwise allowed, variances in setbacks and other elements of the schedule of requirements provided by Section 16-22 and the dimensional requirements in the C-2 zone district (Table 3 in Section 16-29), and the allowance of a lot split which would create two (2) nonconforming lots where one (1) of the resulting lots contains a landmark.

VITALITY ZONE



NOTE: Can be reduced to a minimum depth of eighteen (18) feet if the resulting space provides a minimum of 500 square feet of leasable space for community vitality uses.



SUMMARY OF UNIT SIZES FOR DOWNTOWN RESIDENTIAL UNITS

EXISTING

1. Willits Town Center: Avg. Unit Size 1100 – 1200 sq.ft.
(per Jeff Orsulak)
Estimated Range 600 – 1800 sq.ft.
(per building plans & Jeff Orsulak)
2. Riverwalk: Avg. Unit Size 1285 sq.ft.
(per building plans)
Range 1151 – 1456 sq.ft.
3. Twin Rivers: Avg. Unit Size 994 sq.ft.
(per Assessor's Office Records)
Range 682 – 1544 sq.ft.
4. Darian Bld.: 1900 sq.ft. (per Assessor's Office Records)
5. Frying Pan Inn: 815 sq.ft. & 749 sq.ft.
(per Assessor's Office Records)
6. Ute Center Bld. H: Avg. Unit Size 996 sq.ft.
(per Assessor's Office Records)
Range 958 – 1102 sq.ft.
7. Ute Center Bld. G: Ave. Unit Size 881 sq.ft.
(per Assessor's Office Records)
Range 874 – 889 sq.ft.
8. Ute Center Blds. E, F, G: Avg. Unit Size 924 sq.ft.
(per Assessor's Office Records)
Range 733 – 996 sq.ft.
9. Ute Center Bld. BC: Avg. Unit Size 613 sq.ft.
(per Assessor's Office Records)
Range 526 – 700 sq.ft.

PROPOSED

10. Flying Fish: Avg. Unit Size 1631 sq.ft.
(per Application Submittal)
Range 1281 – 1917 sq.ft.

Re: Energy Efficiency for Historic Buildings.

Energy Efficiency

The energy efficiency of buildings has become an important focus of contemporary building design and construction. Buildings designed and built at the turn of the century tend to use less energy than those built in the middle parts of the 20th century. Historic buildings tend to have simple rectangular forms and a reduced number of window and door openings, both of which contribute to an efficient envelop. Sources of energy for heat and light were limited at the turn of the century and usually involved physical labor, so it stands to reason that buildings would be built with efficiency in mind.

Many of the strategies for improving energy efficiency in contemporary buildings can be applied to historic buildings without impacting their integrity. Additional insulation in attics, high efficiency heating and lighting systems, and the reduction of air infiltration are all important measures that can be taken.

It is easy to focus on historic windows and doors as sources of energy loss in a building. Glass is not a good insulator in general and this is true for both historic and contemporary glass materials. Air infiltration is more often the culprit at these locations and not the window and door units themselves. Historic windows and doors should be kept in good operating condition, properly weather-stripped and caulked to maintain good energy performance. The addition of storm windows and doors can greatly improve the energy performance of historic openings without damaging the integrity of the building. A window with a storm window can actually out perform a modern double glazed unit.

Energy efficiency and conservation are critical for our future and the preservation of buildings and materials is one of the most powerful ways to contribute to the careful use of our resources. The reuse of existing buildings and their materials is by definition conservative. Preservation limits the amount of materials that go to the landfill, limits the need to manufacture and transport new materials, and makes ongoing use of the energy embodied in our existing buildings.

For more on this subject see: <http://www.nps.gov/history/hps/tps/briefs/brief03.htm>