

**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,
CREATING A NEW COMMUNITY SERVING COMMERCIAL (CSC) ZONE DISTRICT,
EXEMPTING AREAS ZONED CSC FROM THE REQUIREMENTS OF THE
COMMUNITY PRIORITIES SCORING SYSTEM, AND APPROVING AMENDMENTS
TO PORTIONS OF CHAPTER 17, SUBDIVISION, TO CREATE A NEW PROCESS
FOR COMMUNITY SERVING SUBDIVISIONS**

Ordinance No. 10, Series of 2012

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 Roaring Fork Community Development Corporation submitted a text amendment on January 30, 2012, to the Town of Basalt for the purpose of creating a new zone district for the future purpose of rezoning the developable portion of the Pan and Fork Mobile Home Park and submitted changes to the Town's subdivision to create a different subdivision process for community serving subdivisions.
3. At a public meeting on March 6, 2012, 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 of the code amendments with specific comments on March 6, 2012.
4. At a public hearing commencing on July 10, 2012, and continued and re-noticed for December 11, 2012, the Town Council considered this ordinance for first heading. The Council approved the ordinance on first reading on and continued and scheduled a public hearing and second reading of this Ordinance for January 8, 2013, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.
5. At a public hearing and second reading on January 8, 2013, the Town Council heard evidence and testimony from the Town Staff, and members of the public.
6. 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,
- kl. Gathering Places. Retain and enhance significant existing community gathering places.

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 a definition for "*Public nonprofit entity, community development organization*", as shown in **Exhibit "A"**.

2. Section, 16-21. The following language is inserted in the section entitled, Intent of individual districts, Article II, Chapter 16, of the Town Code

(10) Community Serving Commercial Zone District. The intent of the CSC zone district is to combine the Social Capital objectives of the Town's Master Plan with the vitality objectives of the C-2 zone district. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public). The zone district offers certain incentives to encourage qualifying non-profit organizations to create projects that might not occur through pure free market development. These incentives include reductions in certain mitigation standards and a review process that is better tailored to non-profit applicants. The goal is to foster partnerships between non-profit organizations and private entities to address important community goals.

3. A new Section 16-30, in Article II, of Chapter 16 of the Town Code is created entitled CSC Zone District as shown in **Exhibit "B"**.

4. Article 22, Community Priorities Scoring Section is amended to add CSC zoned areas as exceptions to CPSS as shown on **Exhibit "C"**.

5. Section 17, Subdivision is amended to add a new process for Community Serving Subdivisions as shown in **Exhibit "D"**.

C. **Applicability.** The regulations shall take affect according to law.

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.

E. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

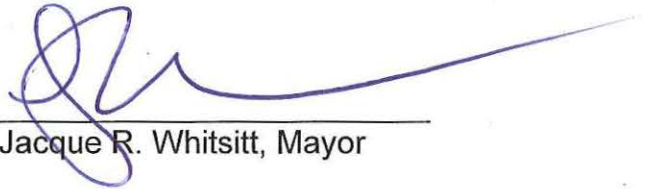
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON January 8, 2013 by a vote of 6 to 1 on December 11, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on January 8, 2013.




TOWN OF BASALT, COLORADO

By:



Jacques R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Ord.10 New CSC Zone District

First Publication: Thursday, December 20, 2012
Final Publication: Thursday, January 17, 2013
Effective Date: Thursday, January 31, 2013

Ord10-CSC Zone District.doc

Exhibit A

Add to 16-4 Definitions after "public nonprofit entity".

Public nonprofit entity, community development organization means a non-profit organization which meets the requirements of Section 501(c) of the Internal Revenue Code. In addition, a community development organization is distinguished from other nonprofit organizations in that the focus for a community development organization is on community economic development and furthering social capital as defined in the Town's Master Plan through activities such as the creation of affordable housing, business micro lending, job training, and real estate development that has a community purpose and that typically would not occur in the free market. The Town Planner shall make the initial determination of whether an entity satisfies the definition of a community development organization, and said determination may be appealed to the Town Council.

Exhibit B

SEC. 16-30, CSC ZONE DISTRICT

1. Intent and Applicability.

A. Statement of Intent. The intent of the CSC zone district is to combine the Social Capital objectives of the Town's Master Plan with the vitality objectives of the C-2 zone district. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public). The zone district offers certain incentives to encourage qualifying non-profit organizations to create projects that might not occur through pure free market development. These incentives include reductions in certain mitigation standards and a review process that is better tailored to non-profit applicants. The goal is to foster partnerships between non-profit organizations and private entities to address important community goals.

B. Applicability.

1. Minimum Land Area. Any parcel of land that is at least one (1) acre in size, or any parcel of land that is less than 1 acre but is immediately adjacent to an area zoned CSC and that is appropriate for community serving uses under the parameters of this section may be zoned to the CSC Zone District.

2. Development Must Be Community Serving. Since the intent of the CSC Zone District is to encourage social entrepreneurship in the development of community serving commercial projects, new development shall only be permitted to occur in the CSC Zone District if it is determined to be community serving. New development shall be considered to be community serving if at least 70% of the total permitted square footage is devoted to a use or uses listed in Sections 16-30 2.A.1, 2 and 3 below and if at least 30% of the total permitted square footage is devoted to governmental or non-profit uses as described in Section 16-30 2.A.1. Nothing herein shall preclude a use from satisfying both the 70% and 30% requirements. The Council may reduce or eliminate the requirement that at least 30% is devoted to governmental or non-profit uses through the CSC Development Plan approval process if it would result in more than 70% of the total square footage being devoted to deed restricted community housing units including replacement housing units

3. Qualifying Non-Profit Organizations. In order to be eligible for rezoning to the CSC Zone District, the owner of the land to be rezoned must be a non-profit Community Development Organization or a similar non-profit

organization where development activities are a stated part of its 501 (c) (3) tax status. A qualified Community Development Corporation is an entity which satisfies the requirements of Section 16-4 applicable to a "Public non-profit Entity, Community Development Corporation." Provided that the new development satisfies the criteria of Section 16-30 1.B.2 above, a qualifying non-profit organization shall not be disqualified if portions of the new development proposed in the CSC Zone District are to be sold to and used by for-profit businesses in accordance with these regulations and any adopted conditions of approval.

4. Master Plan. In reviewing whether a parcel is appropriate for CSC zoning, the Town will consider the future land use designation and neighborhood typology in its then current Master Plan, the goals and objectives of the Master Plan, and whether the designation will help the Town to implement specific goals, such as economic development, or plans, such as the Town's adopted 2002 River Master Plan.

2. Schedule of Uses.

A. Permitted Uses. The following mixture of public, non-profit, quasi-public and private uses is permitted in the CSC zone district:

1. Uses and activities conducted by a government entity or by a public non-profit entity that meets the requirements of Sections 16-4 or 16-21 (8) of this Chapter. Such uses include administrative offices and meeting rooms for non-profit and educational oriented organizations, transit facilities, museum, community center, educational facilities, performing arts center, and theater.
2. Fully-Deed Restricted Community Housing units meeting the requirements of this Chapter.
3. Community Vitality Uses as shown on Table 1 in Section 16-29 as Community Vitality Uses. In addition, uses in the designated Vitality Zone are required to be Community Vitality Use subject to exceptions included in Section 16-29 (c) and the design guidelines for buildings included in Section 16-30 (4)(G).
4. Temporary outdoor uses and vendors, subject to the provisions of Chapter 6, Sec. 6-13 of the Town of Basalt Code except that uses and vendors are not subject to the limitation on number of days placed on these activities on public property
5. Free-Market multifamily uses.
6. Other Commercial, office and retail uses allowed in the C-2 Zone District or approved through the Site Plan approval process.

- 7. Day care if approved in the Site Plan review and in conformance with State Requirements regulating day care.
- 8. Accessory uses as approved pursuant to Site Plan Review.
- 9. Public open space and park uses.
- 10. Private open space and park uses.
- 11. Parking for the allowed uses within the development.

B. Limitations on Permitted Uses. Through the CSC Development Plan Review process, the Town Council may place reasonable restrictions or limitations on any use or activity in the CSC Zone District. The Town Council may also determine that a specific use is not appropriate based on the intent of the zone district, consistency with the Town Master Plan and compatibility with adjoining areas. The Town Council may establish conditions allowing for subsequent review by the Town Planner or Technical Review Committee to avoid unnecessary additional meetings before the Planning and Zoning Commission and Town Council.

3. Dimensional Requirements. The dimensional requirements applicable to developments within the CSC Zone District shall be established through the CSC Development Plan review process, and shall be subject to the limitations listed in Table 1, below.

TABLE 1 SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE CSC ZONE DISTRICT		
Standard	Dimensional Requirement	Notes
Minimum lot area	No requirement	
Maximum building height or height to the highest point of a pitched roof.	45 feet for a hotel. 38 feet for all other uses.	Town Council may approve a greater number of stories or a greater height through the CSC Development Plan review process if the Council finds that: 1. The addition is reasonably necessary for the use allowed in the CSC zone district; and 2. The addition would not injure the value or use of, or prevent the proper access of, light and air to adjacent
Maximum height to top of parapet	45 feet for a hotel. 38 feet for all other uses.	

**TABLE 1
SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE CSC ZONE DISTRICT**

Standard	Dimensional Requirement	Notes
Maximum number of building stories	4 stories for a hotel. 3 stories for all other uses.	properties, nor be out of harmony with the intent and purpose of the Master Plan and this Chapter; and 3. The addition satisfies the special review standards included in Section 16-44(e). See also note 1 below.
Maximum floor area ratio	1.5 times the gross lot area of the master parcel.	The maximum floor area ratio shall be applied to the master parcel only. Individual parcels within the master parcel shall receive their floor area allocations from the total floor area authorized for the master parcel during the CSC Development Plan review process. See also note 2 below
Minimum front yard setback	0 feet	See note 3 below
Minimum side yard setback	0 feet	See note 3 below.
Minimum rear yard setback	25 feet 0 feet	If adjoining property is zoned residential; or; In all other cases. See also note 3 below.
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 paragraph 16-29(e)(4)(g).

Note 1: Structured parking which is located primarily underground and is below other permitted uses shall not be counted towards maximum height and story

TABLE 1 SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE CSC ZONE DISTRICT		
Standard	Dimensional Requirement	Notes
		<p>measurements.</p> <p>Note 2: Structured parking which is located primarily underground and mechanical or non-residential storage located in said structured parking shall not count towards maximum floor area calculations.</p> <p>Note 3: Parts of the structure, such as overhangs, may encroach into the public right-of-way if approved to do so through the CSC Development Plan Review process, provided the applicant obtains an encroachment license from the Town.</p>

4. Other Development Standards

A Vitality Zone. All areas zoned CSC shall include a designated vitality zone which shall be established by the Town in the sketch plan process. The permitted uses in the vitality zone are shown on Table 1 in Section 16-29 as Community Vitality Uses and the buildings are subject to the building design standards contained in Section 16-30 4.G. for buildings within the vitality zone. The Town Council will establish the vitality zone considering the following:

1. The pedestrian and connectivity goals of the area;
2. The nature of the desired streetscape;
3. Existing and proposed adjacent uses;
4. The then current Master Plan; and
5. The goals advocated by the non-profit applicant.

B. Parking. Development in the CSC Zone District shall provide parking as follows:

Hotel – 1 space per hotel room, plus 2 for management and operations.

Residential – 1 space per bedroom to a maximum of 2 spaces per unit, where an efficiency unit is counted as one bedroom

All other uses – 1 space per 400 square feet of floor area. With the exception of handicap spaces and car share spaces, parking spaces may not be reserved for individuals or private businesses.

Additional on-street parking constructed as part of the development will count for non-residential parking included in the calculation of parking spaces to be provided. The Applicant shall be permitted to purchase non-residential parking spaces pursuant to the requirements of Section 16-94.

The Town Council may apply a reduction of the non-residential parking requirements following a recommendation of the Planning and Zoning Commission based on hours of operation, mixed-use, access to on-street parking, availability of local mass transit, contribution to a car share program that serves the community or contribution to other desired public improvements, necessary infrastructure, or other basic Town service requirements. The Town Planner may require a recommendation from a parking consultant as outlined in Section 16-92 in order for the staff and Planning and Zoning Commission to make a recommendation and the Town Council to make a decision on the appropriate parking reduction for the development.

The visual impacts of off-street parking and loading areas shall be minimized. Special attention shall be given to the design of parking and loading areas to ensure that they support and do not detract from the Town's vitality goals for the CSC zone district. This shall be accomplished by:

1. Constructing structured parking primarily underground where such construction is feasible;
2. Locating such areas, or the access to such areas, along the rear facade or side of the building whenever feasible (off-street parking shall not be permitted between the front facade of the building and the abutting street);
or
3. Wrapping the facades of any structured parking within other permitted uses that have a minimum depth of 18' or wrapping the facades with building material, grading or landscaping to break up the view of the parking and lighting contained therein from public open spaces and other activity areas. When this design option is employed the access to the structured parking shall be designed with the same attention to detail and materials as the primary façade and the access shall be integrated into the building's design and wrapping.
4. Designating one or more loading zones on the site plan and regulations to govern loading. Except for the foregoing, including parking rates, parking areas in the CSC Zone District shall comply with the requirements of Article V, Off-street Parking and Loading.

- C. Signage. The sign restrictions of the C-2 district will typically apply to non-residential uses zoned CSC with modifications permitted through the CSC

Development Plan Review process. However, nothing shall prevent the Town Council from adding conditions and restrictions on signage to protect adjacent properties and to further the goals of the Town's Master Plan.

D. Lighting. The lighting requirements of Section 16-431 shall apply to development within the CSC Zone District unless modified through the Exemption process outlined in Section 16-438 of the Town Code, Article XX, Exterior Lighting.

E. Community Housing. New development within the CSC Zone District shall satisfy the requirements of Article XIX (Housing Mitigation), except as follows:

1. The community housing requirements for the commercial mitigation requirements for public/non-profit uses shall be reduced by 50%. However nothing shall prevent the applicant from requesting a further reduction as permitted by Section 16-412.
2. No housing mitigation shall be required in connection with commercial spaces which are deed restricted such that they can only be sold in commercial units of 2,500 net square feet or less which cannot be combined with adjacent units and that occupancy is limited to uses identified as "community vitality" uses in the C-2 Zone District; and
3. Three or fewer new attached residential units located on the second or third story of the project to be built and owned in separate ownership from other property in the CSC District and containing 1,400 total square feet or less per unit shall be exempt from the housing mitigation requirements or the attached residential units qualify for some other exception in Article XIX of this Chapter.

F. Environmentally Sensitive Areas. Development within the CSC Zone District shall comply with Article XXI (Rivers, wetlands and environmentally sensitive areas), provided that the environmentally sensitive area review shall be conducted simultaneously with the CSC Development Plan Review if the Town Planner makes the finding that the development is within the development line established by the River Master Plan.

G. Building Design. All buildings shall comply with the following requirements, if applicable:

1. The Town of Basalt Complete Streets Design Manual and the typologies from the Town of Basalt Master Plan that the Town determines are most applicable to the type of development proposed in the project.
2. To the extent possible the areas between a building and the adjacent street shall be visible space that is useable by customers of on-site business uses or pedestrians. These areas, and the required open space areas on the

site shall: (a) abut and be level with the public sidewalk; (b) be open to the sky (except for awnings, covered walkways, areas under a porch and covered outdoor seating); (c) be directly accessible to the public; and (d) be provided with appropriate ground cover treatment and landscaping. Placement of street furniture and public art in required open space is encouraged, as long as the four (4) foot minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretive displays, small play features and public art that is attractive and appropriate for use by young children are encouraged.

3. Buildings within the portion of the site designated as the vitality zone (as that term is defined in Sec. 16-29 of this Code) shall incorporate a storefront design at the street level, 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. Commercial spaces at street level should have a ceiling height consistent with those within the historic downtown.
4. Special attention shall be given to any new building at a prominent corner in the CSC zone district, including but not limited to, the corner of Two Rivers Road and Midland Avenue, which is a prominent corner at the entryway to 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. Special attention shall be given not only at the street level but also to the upper floors of the building.
5. Attention shall also be given to the design of building facades within the development to ensure that there are not blank walls or empty facades along pathways that connect buildings to public spaces or along alleys or other frontages where pedestrian traffic might be anticipated.
6. Development in the CSC zone must satisfy the design criteria of the C-2 zone district in Section 16-29 (e) (4)(c) regarding curb cuts .
7. The ground floor of any new structure in the vitality zone should be at grade with adjacent sidewalks or passageways, 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.
8. The Town desires to have development in the CSC zone not just meet, but exceed the accessibility requirements of the ADA Code.

9. Utility boxes and trash/recycling facilities servicing the building shall be located outside of the public right-of-way, along the rear or side façade of the building. To the extent possible, these facilities shall be located in a way that avoids or minimizes any negative impacts on residential uses on the parcel and on adjacent parcels and does not interfere with pedestrian movement and experience. This requirement shall not be construed to prohibit the placement of street furniture, such as public trash containers, within the public right-of-way.

10. Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the Public Works Manual.

H. Community Priority Scoring System. Development within the CSC Zone District shall be exempt from the requirements of Article XXII (Note: Article 22 will be amended to add CSC zoned areas as exceptions to CPSS)

I. Land Dedications. The land and improvements, or fees in lieu, required to be provided under the provisions of Section 17-15 (Parkland Dedication) shall be calculated at one-half (1/2) the requirement for any deed restricted community housing units; and the provisions of Section 17-16 (School Land Dedication) shall apply at the same discounted rate for deed restricted community housing units. The Town Council may exempt or further reduce such fees for free-market and community housing during the CSC Development Plan review process pursuant to Section 16-419. Any reduction or elimination of School Impact Fees will require approval by the school district.

J. Master Plan Consistency. Development within the CSC Zone District shall be determined to be generally in conformance with the Town Master Plan and consistent with the Town's River Master Plan where that plan applies.

5. **Zone District Review Procedures and Submission Requirements.**

A. **CSC Development Plan Review Procedures.** No new development shall occur in the CSC Zone District without CSC Development Plan review and approval. CSC Development Plan review shall be conducted in two stages, these being Sketch Plan review and Final Plan review.

1. Sketch Plan Review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Sketch Plan review shall involve the following procedural steps:

a. The initial step in Sketch Plan review shall be a determination of whether the proposed project is community serving and is eligible for rezoning to the CSC zone district. This determination may be made administratively by the Town Planner or the Town Planner may refer this matter to the Planning Commission and Town Council. If the determination is referred, then the Planning Commission and Town Council consideration shall occur at a jointly held public hearing.

b. Any project that is determined to be community serving and eligible for rezoning to the CSC zone district may then proceed through Sketch Plan review. Sketch Plan review shall require a review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Sketch Plan application following a duly noticed public hearing. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.

2. Final Plan Review. Final Plan review is intended to provide the Town with a more detailed description of the proposed development program, to respond to issues raised in the Sketch Plan review and to present additional information required in the Sketch Plan review. Final Plan review shall require a review by the Planning Commission at a regular meeting. The Commission is authorized to recommend approval, approval with conditions, or denial of the Final Plan application. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application. The Town Planner may schedule a joint meeting of the Planning Commission and Town Council prior to the initial Final Plan review by the Commission.

3. Community Serving Subdivision. A property which is zoned CSC is eligible to be subdivided as a Community Serving Subdivision pursuant the provisions of Section 17-84.5 of this Code provided no more than four initial lots are created by the Owner. The Community Serving Subdivision shall be processed concurrently with the CSC Development Plan. However, nothing herein requires the qualifying non-profit organization to use the Community Serving Subdivision process if the Owner would rather utilize another eligible subdivision process in the Code at the time of the subdivision.

B. Sketch Plan Submission Contents. The application for the Sketch Plan stage of CSC Development Plan Review shall include the following:

1. Completion of Standard Application Forms and authorization from the owner for the filing and processing of the application and fees.

2. Description of existing conditions.
3. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.
4. A list with addresses of all property owners within three-hundred feet (300') of the property.
5. A description of the development program including: major objectives of the development; proposed mix of uses with approximate square footages of each use and number of any free-market and community housing units and allowed locations; parking capacity, location and types; access locations and vehicle and pedestrian circulation; proposed phasing and timing; and plan for satisfying the goals of the development plan. Numbers can be provided in a range.
6. Schematic development plan (at a scale of at least 1" per 100') showing horizontal relationships of the proposed development with property boundary, setbacks and proposed uses.
7. Information and drawings providing a schematic level description and illustration of the height, scale and mass of proposed structures from important perspectives, as well as proposed open spaces narrative and graphic descriptions of the character and style of architecture by the end of Sketch Plan review.
8. Narrative addressing relationship of the project to neighboring properties and consistency with the Town's Master Plan, the River Master Plan; Streetscape Plan and any other long range planning documents as deemed appropriate by the Town.
9. Narrative description of how utilities are to be provided to and through the site by a licensed professional engineer along with an assessment as to the feasibility of the Applicant's proposal. Describe whether any existing utilities or easements will need to be relocated or vacated, and generally the plan for accomplishing this. The engineer's assessment at a minimum must address potable water, sanitary sewer, drainage and storm sewer, electrical power, natural gas power, and flood protection where applicable. Describe whether the power lines will be below ground or overhead. The Applicant may include maps depicting the alignment of utilities but it is not required at sketch plan. The engineer's assessment shall outline any known engineering and utility issues and generally describe how they will be addressed in the Final Site Plan Review.
10. Proof of ability to apply the CSC Zone District.

11. General Statements describing how the elements of the development will satisfy the criteria required for the CSC Zone and explanation for any reductions in requirements allowed through the site plan process.
12. Statements addressing how the development intends to satisfy requirements that apply to the development found in other sections of the code applicable to the type of development being proposed, including but not limited to: any annexation requirements; school and parkland dedication; floodplain development permit and regulations, and community housing, including any need for relocation housing.
13. Description of how the development addresses the Town's goals toward sustainable building, energy efficiency and waste reduction.
14. A study of the shading or shadow impacts that the proposed buildings may cause on public or private rights-of-way or other public spaces within or surrounding the project.
15. Additional information. Any additional information reasonably required by the Town to review the application and to verify compliance with the provisions of this code.

C. Final Plan Submission Contents. The application for the Final Plan stage of CSC Development Plan Review shall include the following

1. Same as above along with such additional or refined information and analysis as may be required by the Town Council in order to address issues raised in the Sketch Plan Review or to verify compliance with the provisions of this Code.
2. Off street parking and loading areas, including the location, type and capacity of proposed parking areas, and written justification for any proposed reductions or fee-in-lieu of parking proposals
3. The location of all ways for ingress and egress to all buildings and parking areas.
4. Service and loading areas and refuse and recycling collection areas.
5. Site/building program.
6. Development plan which meets the requirements of Section 16-66(3)(b). Following Final Plan approval the Applicant shall record a development plan containing the elements of the Town Council's approval.

8. Proposed schedule and phasing.
9. Identification of potential construction and maintenance easements needed for zero-lot line development and plan for obtaining such easements.
10. Draft Master Development Agreement which generally describes the public improvements to be constructed in connection with the project, the timing of such construction, the parties responsible for completion of the public improvements and the financial security to be provided.

D. Building, Engineering and Site Design Review. Building, engineering and site design review is intended to provide the Town with the final architectural, engineering, landscaping and other technical documents that are a precursor to the actual construction of the project. Following approval of the Final CSC Development Plan and any other associated land use actions and prior to issuance of a building permit for each lot or development site, the then-owner of a lot or development site shall comply with the following submission requirements and review procedures:

1. The Owner shall prepare and submit architectural drawings, elevations and perspective drawings of all proposed structures and improvements intended to show the relationship of the proposed structures to the surroundings. Such drawings shall depict proposed building materials, fenestration, mechanical equipment (and screening of such equipment) and similar architectural details but need not be the result of final architectural design.
2. The Owner shall submit final engineering documents, including plans and specifications for streets, water, sewer and drainage and the engineers' cost estimates for all public improvements to be installed on the lot or building site within dedicated land areas, rights of way or easements.
3. Following construction, the Owner shall provide as-built mapping and diagrams for utility installations in an electronic computerized format of a type approved by the Town Engineer or Public Works Director.
4. The Owner shall describe the character and type of landscaping, lighting and signage to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on a site plan. The lighting description shall describe how the lighting complies with the Final Site Plan approval and any exemptions that will be necessary pursuant to Section 16-438 of the Town Code, Article XX, Exterior Lighting. The signage plan shall provide detailed information sufficient to determine whether the location, size, number and character of the proposed signs

comply with the requirements of Sec. 16-131 *et. seq.* of the Town Code, Article VII, Signs.

5. The Owner shall provide an anticipated time table for completion of development including the anticipated dates for completion of any phase.
6. The Owner shall provide a title insurance policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all Owners and lien-holders have approved the final subdivision plat.
7. The Owner shall demonstrate compliance with Article II, Chapter 17, Design Standards and Requirements for Subdivisions.
8. The Owner shall demonstrate compliance with Article V, Chapter 17, Public Improvements Acceptance and Guarantees.

II The Owner shall provide a Subdivision Improvement Agreement for public or quasi-public improvements to be constructed by the Owner and other draft agreements and conveyances that apply to the development as whole or to community housing or other restrictions or requirements.

III The Owner shall provide a Construction Management Plan and shall submit a request for the use of any of the Town's property for construction or construction management purposes.

IV The Owner shall demonstrate compliance with the Final CSC Development Plan approval applicable to the application and any other Town Approval.

12. The Owner shall submit the information necessary to satisfy the foregoing requirements for review by the Technical Review Committee. TRC review shall be limited to a consideration and review of the Project's compliance with the approval documents applicable to the development, relevant standards applicable to buildings and final subdivision plats. Following such review and after all necessary additions or corrections are made, the building, engineering and site design information shall be forwarded to the Town Council along with the recommendation of the Technical Review Committee. In its final development plan review approval the Council can delegate this review to the Planning and Zoning Commission.
13. The building, engineering and site design information submitted by the Owner, together with the recommendation of the Technical Review Committee, shall be considered by the Town Council (or the Planning and Zoning Commission if the Council refers the approval to the Planning and

Zoning Commission in the final approval) at a noticed public hearing. The board's review shall be limited to a consideration and review of the Project's compliance with the applicable approval documents and relevant standards applicable to buildings and final subdivision plats. The Town Council shall make a final decision to approve the building, engineering and site design proposal subject to modifications or conditions, or to deny such proposal. Nothing eliminates the requirement to comply with the Building Code. The Town's approval shall be considered the Site Specific Development Plan.

E. Amendments to a Sketch Plan or Final CSC Development Plan.

Amendments to a Sketch Plan approval or Final Plan shall be processed as follows:

1. Sketch Plan Approval. After Sketch Plan approval an applicant may make insubstantial amendments to the approved sketch plan before submitting a Final CSC Development Plan for review. Substantial amendments shall be processed under the same procedures as used for the original adoption. "Substantial" shall have the same meaning as in Section 16-65(d)(2). The initial determination of whether an amendment is insubstantial or substantial shall be made by the Town Planner.
2. Final CSC Development Plan Approval. After Final Development Plan approval, the TRC may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the Final Plan Approval. The Applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which fifteen (15) days written notice of the public meeting has been provided to the appellants.
3. Substantial amendments and amendments which the Town Planner determines are not minor amendments but are consistent with the Sketch Plan approval shall be processed pursuant to the Final Plan submission and review procedures. Substantial amendments and any amendments which the Town Planner determines are not minor amendments and are not consistent with the Sketch Plan approval shall be processed pursuant to the Sketch Plan and Final Plan submission and review procedures.

Exhibit C

Amendments to Exempt CSC Zoned Areas From CPSS

Article 22, Community Priorities Scoring Section is amended to add CSC zoned areas as exceptions to CPSS as shown below:

1. The following row will be added to Table 1:

Table 1

Overview of Scoring System Requirements

<i>Type of Project</i>	<i>Is the project required to receive an eligible score</i>	<i>Is the project required to obtain an allotment</i>
...
Areas zoned CSC	No	No

2. The words, "except for areas zoned CSC will be added to each of items (1) through (3) of Section 16-482, Applicability of scoring system.
3. Section 16-483 Exemptions from scoring systems is amended by adding (8) below:

(8) An Application within an area zoned CSC is exempt from the Community Priorities Scoring System.

Exhibit D

Amendments to Chapter 17 Subdivision of the Town Code

(underlined language shows language being added to the code and struck through language shows text being deleted).

Sec. 17-4. Word usage and definitions

(10) *Subdivider* means any person or entity participating as the owner or agent of the owner in the platting, planning, development, promotion, sale or lease of a subdivision.

(11) *Subdivision* means any parcel of land which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land was previously subdivided into a subdivision of substantially the same density, or the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The definition of *subdivision* does not include a division of land resulting from a conveyance or transfer of land to the Town which is accepted by the Town.

a. *Minor subdivision* means the division of land which meets at least one (1) of the following conditions: ...

b. *Major subdivision* means any subdivision of land that does not fall within the definition of a minor, community serving subdivision, or development site subdivision.

c. Community serving subdivision means a subdivision of land into two (2) or more lots to further a public purpose meeting at least one of the following conditions.

1. A division of a parcel of land owned by the Town, under contract for purchase by the Town or partially owned by or under contract for purchase by the Town as provided above under condition No. 5 of the definition of a minor subdivision.

2. The property or portion of the property is Zoned CSC.

3. The property is owned by a Community Development Corporation for which a letter of determination of nonprofit status pursuant to Section 501(c) (3) of the Internal Revenue Code has been issued by the Internal Revenue Service at the time the community serving subdivision is submitted for review and at the time the community serving subdivision is recorded.

d. Development site subdivision – means the subsequent subdivision within a Community Serving Subdivision that has been recorded in the public records.

The following language is proposed to be added to the Code - New Section Sec. 17-84.5

Sec. 17-84.5 Community Serving Subdivisions and Development Site Subdivisions

(a) Community Serving Subdivision with subsequent filings of Development Site Subdivisions. Where a subdivision satisfies the requirements of a Community Serving Subdivision per Section 17-4 and the land owner desires to create 4 or fewer lots for future development ("development sites"), the Town Council may approve a Community Serving Subdivision, which allows the development sites to be sold, conveyed or encumbered in order to facilitate development that furthers a specific public purpose, provided that no building permit on a development site will be issued unless and until the land owner or its successors file a Development Site Subdivision. Once the Community Serving Subdivision is recorded in the public records, the property may be sold, conveyed to entities that do not meet the eligibility requirements for filing a Community Serving Subdivision but development must proceed under the conditions established in the land use approvals for that subdivision. The requirements and process for filing for Community Serving Subdivision shall be the same as required for a minor subdivision plat, which application may be combined with an application for rezoning or Site Plan Review with the following exceptions:

- i. The Planning and Zoning Commission will provide a recommendation to the Town Council on the subdivision following a public hearing;
- ii. The Application is not eligible for waiving the requirements for a publicly noticed hearing included in Section 17-83(a)(1) for minor subdivisions;
- iii. If the land use application requires another land use action requiring a sketch plan review, the Applicant shall submit and process for approval a sketch plan subdivision application satisfying Section 17-62.

The Town Council's ordinance granting approval of a Community Serving Subdivision must include the explanation of how the plat satisfies the definition of a Community Serving Subdivision and the public purpose that the subdivision is furthering. The individual Development Site Subdivisions for the development sites shall satisfy the requirements for Final Subdivision approval, except that the Council's approval of the Community Serving Subdivision may contain procedures and requirements for the Town's approval of the Development Site Subdivision or further subdivision or condominium approvals within the development sites to be accomplished administratively by the TRC.