

**ORDINANCE NO. 26
(SERIES OF 2014)**

AN ORDINANCE OF THE CITY OF ASPEN CITY COUNCIL APPROVING AN AMENDMENT TO THE MAROON CREEK CLUB SUBDIVISION AND PLANNED DEVELOPMENT THAT APPROVES THE EXTINGUISHMENT OF TRANSFERABLE DEVELOPMENT RIGHTS ON FORTY THREE LOTS WITHIN THE SUBDIVISION LEGALLY DESCRIBED AS LOTS 1 -12, 16, and 19-48

Parcel IDs: 273514209001-273514209005, 273511309006-273511309012,
273511309016, 273511309019 – 273511309040, 273511209041-273511209045,
273511309046 -273511309048

WHEREAS, the Community Development Department received an application from the Maroon Creek Club Master Association, represented by William Clinton Lukes Architect requesting approval of Planned Development Amendment to allow Transferable Development Rights to be landed on 43 lots within the subdivision; and,

WHEREAS, the lots permit the development of a single family residence on each lot and the lots are located within either the Moderate-Density Residential (R-15A) or Rural Residential (RR) zone districts; and,

WHEREAS, upon initial review of the application and the applicable code standards, the Community Development Department recommended approval of the request; and,

WHEREAS, the City Council has reviewed and considered the development proposal under the applicable provisions of the Municipal Code as identified herein, has reviewed and considered the recommendation of the Community Development Director and has taken and considered public comment on September 8, 2014; and,

WHEREAS, the City Council finds that the proposal meets or exceeds all applicable development standards and that the approval of the application, encourages the preservation of historic resources; and,

WHEREAS, the City Council finds that this ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO THAT:

Pursuant to the procedures and standards set forth in the Aspen Municipal Code, the City Council hereby approves amendments to the Maroon Creek Club Subdivision and Planned Development as noted within this ordinance.

Section 1: General Development Approvals

The Maroon Creek Club Subdivision and Planned Development is amended to allow for the landing and extinguishment of Transferable Development Rights as noted in Table A, below.

Table A: Allowances for Transferable Development Rights

Existing Allowable Floor Area for the lot	Permitted number of TDRs per lot	Max. Allowable Floor Area with the landing of TDRs	Total No. of TDRs	Lots permitted to land TDRs
10,000 sq. ft.	3 at 250 sq. ft. of Floor Area each or 750 sq. ft.	10,750 sq. ft.	30	1,3,5,12,16 and 41-45
6,000 sq. ft.	2 at 250 sq. ft. of Floor Area each or 500 sq. ft.	6,500 sq. ft.	50	2,4,6-11, 19-31,40,46-48
5,500 sq. ft.	2 at 250 sq. ft. of Floor Area each or 500 sq. ft.	6,000 sq. ft.	16	32-39
			96	

Section 2:

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Planning and Zoning Commission or City Council, are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by an authorized entity.

Section 3:

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 4:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

The City Clerk is directed, upon the adoption of this ordinance, to record a copy of this ordinance in the office of the Pitkin County Clerk and Recorder.

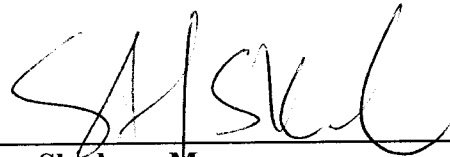
Section 5:

A public hearing on this ordinance shall be held on the 8th day of September, 2014, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, a minimum of fifteen days prior to which hearing a public notice of the same was published in a newspaper of general circulation within the City of Aspen.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 11th day of August, 2014.

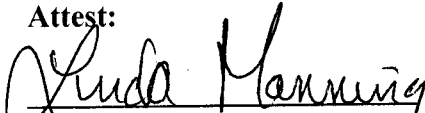
Attest:

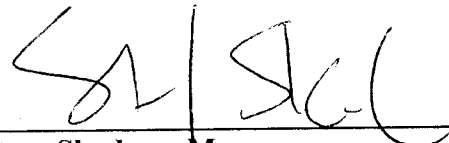

Linda Manning, City Clerk


Steve Skadron, Mayor

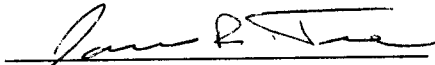
FINALLY, adopted, passed and approved this 8 day of Sept, 2014.

Attest:


Linda Manning, City Clerk


Steve Skadron, Mayor

Approved as to form:


James R. True, City Attorney