

**ORDINANCE #07
(SERIES OF 2024)**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL APPROVING A PLANNED
DEVELOPMENT PROJECT REVIEW AMENDMENT, A USE VARIATION REVIEW,
AND A GROWTH MANAGEMENT REVIEW FOR THE ESTABLISHMENT OF A
PERMANENT DEED RESTRICTED AFFORDABLE HOUSING UNIT AT THE
PROPERTY LOCATED AT 808 CEMETERY LANE; RED BUTTE CEMETERY,
ACCORDING TO THE FINAL PUD PLAT THEREOF RECORDED JULY 11, 2012 IN
PLAT BOOK 100 AT PAGE 38; CITY OF ASPEN, PITKIN COUNTY, COLORADO.**

Parcel ID: 2735-122-00-851

WHEREAS, the applicant, Red Butte Cemetery Association, 808 Cemetery Lane, Aspen, CO 81611, represented by Alan Richman, Alan Richman Planning Services, LLC, P.O. Box 3613, Aspen, CO 81612, has requested Council approval for a Planned Development Project Review Amendment, a Use Variation review, and a Growth Management Quota System review for the property located at 808 Cemetery Lane, Red Butte Cemetery, City of Aspen, Pitkin County, Colorado; and

WHEREAS, Community Development Department staff reviewed the application for compliance with applicable review standards and recommends approval; and,

WHEREAS, on April 24, 2024, during a duly noticed public hearing, the City of Aspen Historic Preservation Commission approved Resolution #04, Series of 2024, by a six to zero (6-0) vote, recommending approval of the request for Planned Development – Project Review, Use Variation review, and Growth Management Review, with conditions; and,

WHEREAS, the Aspen City Council has reviewed and considered the request 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 comments at a public hearing; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on June 11th, 2024 and approved Ordinance #07, Series of 2024 in a xx to xx (___ to ___) vote at First Reading; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on June 25th, 2024, and approved Ordinance #07, Series of 2024 in a xx to xx (___ to ___) to approve the request; and,

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

NOW, THEREFORE, BE IT RESOLVED, THE ASPEN CITY COUNCIL APPROVES THE FOLLOWING:

Section 1: Planned Development Dimensional Standards

The Historic Preservation Commission recommends approval to develop the affordable housing unit upon the following dimensional standards:

Maximum External Floor Area	Maintenance building: 1,300 sq. ft. of floor area consisting of 352 sq. ft. for the affordable housing unit and 928 sq. ft. for the maintenance work room. Victorian cabin and outhouse: combined maximum of 275 sq. ft. of floor area
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Section 2: Aspen Pitkin County Housing Authority Conditions of Approval

1. The unit be specifically for the employee of the Red Butte Cemetery Association.
2. A deed restriction approved by APCHA must be recorded on the unit.
3. The employee must still qualify with APCHA prior to occupying said unit as well as requalifying every two years as required by the Regulations.
4. Said employee does not have to meet the minimum number of hours of 1,500 hours; however, must work the time specified in the application for the Red Butte Cemetery Association (spring, summer, fall, and snow plowing the roads in winter).
5. The employee cannot own any other residential property with the ownership exclusion zone as specified by the APCHA Regulations.
6. The unit shall be classified as a studio, Category RO, and the rental rate will be based on the employee's category.

Section 3: Landscaping

The applicant will install landscaping to provide adequate privacy screening for the affordable housing unit consistent with previous approvals or provide an acceptable landscape plan to be approved by staff and an HPC project monitor.

Section 4: Material Representations

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 Community Development Department, the Historic Preservation Commission, or the Aspen 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 other specific conditions or an authorized authority.

Section 5: Existing Litigation

This Resolution 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 6: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution 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.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Aspen on the 11th day of June 2024.

ATTEST:

Nicole Henning, City Clerk

Torre, Mayor

FINALLY, adopted, passed, and approved by a **X to X (X-X)** vote on this 25th day of June 2024.

Approved as to form:

Approved as to content:

James R. True, City Attorney

Torre, Mayor

Attest:

Nicole Henning, City Clerk