

Town of Mountain Village, Colorado
Design Regulations
Amended and Restated as of March 8, 2005
Updated September 2010

ARTICLE 1 PURPOSE & APPLICABILITY	9
SECTION 1-1 AUTHORITY	9
1-101 Enaction.....	9
1-102 Design Review Board	9
1-104 Definitions and Capitalized Terms.....	10
1-105 Conformance	10
1-106 Licensed Architect Required.....	10
SECTION 1-2 CONFORMANCE REQUIRED	10
SECTION 1-3 VIOLATIONS AND PENALTIES	10
SECTION 1-4 POWERS OF ENFORCEMENT	12
SECTION 1-5 APPEAL PROCESS	13
SECTION 1-6 DRB COMPLIANCE INSPECTION	13
ARTICLE 2 DESIGN REVIEW PROCESS.....	13
SECTION 2-1 STAGES OF THE DESIGN REVIEW PROCESS.....	13
SECTION 2-2 PRE-APPLICATION CONFERENCE	14
SECTION 2-3 SKETCH PLAN REVIEW APPLICATION	14
2-301 Sketch Plan Review Purpose	14
2-302 Sketch Plan Application Process.....	14
2-303 Sketch Plan Review Application	15
2-303-1 Survey.....	15
2-303-2 Site Plan	15
2-303-3 Utility Plan.....	15
2-303-4 Landscape Plan	15
2-303-5 Architectural Plans.....	16
2-303-6 Construction Staging Plan	16
2-303-7 Model	16
2-303-8 Site Photographs	16
SECTION 2-4 FINAL PLAN REVIEW APPLICATION	16
2-401 Final Plan Review Purpose	16
2-402 Final Plan Review Application Process	16
2-403 Final Plan Review Application	17
2-403-1 Survey.....	17
2-403-2 Drainage Plan/Erosion and Revegetation Plan	17
2-403-3 Site Plan	17
2-403-4 Utility Plan.....	17
2-403-5 Landscape Plan	17
2-403-6 Irrigation Plan.....	18
2-403-7 Outdoor Lighting Plan	18
2-403-8 Architectural Plans.....	18
2-403-9 Construction Staging Plan	18
2-403-10 Model.....	18
2-403-11 Site Photographs	19
2-403-12 Electronic Submittal	19
SECTION 2-5 MASTER DEVELOPMENT PLAN APPLICATION.....	19

SECTION 2-6 BUILDING ADDITION AND REMODEL REVIEW APPLICATION	19
SECTION 2-7 REVISION TO FINAL PLAN REVIEW APPLICATION	20
SECTION 2-9 SUBMISSION OF AN APPLICATION FOR A DEVELOPMENT PERMIT	21
SECTION 2-10 REVIEW OF AN APPLICATION FOR A DEVELOPMENT PERMIT AND REFERRAL.....	21
SECTION 2-11 PROVISION OF PUBLIC NOTICE	22
2-1101 Notice by Applicant.....	22
2-1102 Notice by DRB	22
2-1103 Notice Requirements	22
2-1105 Required to Re-notice.....	22
2-1106 Inadequate Noticing.....	23
SECTION 2-12 DRB REVIEW APPROVAL OR DENIAL.....	23
SECTION 2-13 DEVELOPMENT PERMIT	23
SECTION 2-14 BUILDING PERMITS, GRADING AND FOUNDATION BUILDING PERMITS, AND LANDSCAPE PERMITS	24
2-1405 Lapse in Permit.....	25
SECTION 2-15 CONTRACTOR AFFIDAVIT	25
SECTION 2-16 DEVELOPMENT AGREEMENTS	26
2-1601 Security	26
2-1602 Form of Security.....	26
2-1603 Agreement to Repair	27
2-1604 Partial Release of Security.....	27
2-1605 Warranty	27
2-1606 Default.....	27
ARTICLE 3 APPLICATIONS FOR VARIANCES.....	27
SECTION 3-1 SUBMITTAL REQUIREMENTS	27
3-101 Application	27
3-102 Approvals.....	27
3-103 Fees.....	27
3-104 Noticing.....	28
SECTION 3-2 GRANTING OF VARIANCES.....	28
3-202 Criteria for a Variance.....	28
ARTICLE 4 MOUNTAIN VILLAGE DESIGN THEME	28
SECTION 4-1 DESIGN THEME DESCRIPTION	28
ARTICLE 5 SITE PLANNING.....	29
SECTION 5-1 SITE PLAN LAYOUT	29
5-103 Sites adjacent to Open Space	29
5-104 Sites adjacent to Common Areas	30
SECTION 5-2 BUILDING SITING	30
5-202 Building Siting – Residential	30
5-203 Building Siting – Village Center	30
5-204 Building Envelope.....	30

SECTION 5-3 GENERAL EASEMENTS AND BUILDING SETBACKS	31
SECTION 5-4 GRADING AND DRAINAGE	31
SECTION 5-5 ACCESS TRACTS.....	32
SECTION 5-6 DRIVEWAYS	33
SECTION 5-7 SERVICE AREAS.....	34
5-701 Trash Service Areas	34
5-702 Storage Enclosure	34
SECTION 5-8 UTILITIES	35
5-802 Water and Sewer.....	35
5-803 Cable Television.....	36
5-804 Electricity	36
5-805 Telephone.....	36
5-806 Natural Gas	36
SECTION 5-9 EXCAVATION PERMIT REQUIRED	36
ARTICLE 6 ENVIRONMENTAL IMPACT AREAS.....	37
SECTION 6-1 WETLANDS.....	37
ARTICLE 7 PARKING REGULATIONS.....	37
SECTION 7-1 PARKING TRACTS	37
SECTION 7-2 PARKING – SINGLE-FAMILY AND DUPLEX LOTS.....	37
SECTION 7-3 PARKING – MULTI-UNIT	37
7-306 Underground Parking Garage	38
7-307 Surface Parking.....	39
7-308 Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, and 161D-2	40
SECTION 7-4 PARKING FUND ESTABLISHED	40
ARTICLE 8 ARCHITECTURAL REQUIREMENTS.....	40
SECTION 8-1 BUILDING HEIGHT LIMITATIONS	41
8-102 Maximum Height.....	41
8-105 Maximum Average Height	41
8-106 Building Height Requirements – Multi-Unit Lots and Detached Condominiums.....	41
8-106-1 Multi-Unit Lots.....	41
8-106-2 Detached Condominium	41
8-107 Building Height Requirements – Single-Family, Duplex Lots	42
8-108 Building Height Requirements – Village Center	42
8-108-1 Village Center Lots	42
8-109 Building Height Requirements – Ridgeline Lots	42
8-110 Natural Grade	43
SECTION 8-2 ROOF FORMS.....	43
8-210 Pedestrian Protection	44
8-211 Roofing Material	45
SECTION 8-3 EXTERIOR MATERIAL	46
8-301 Exterior Wall Form.....	46
8-302 Exterior Wall Material	46

SECTION 8-4 COLOR	48
SECTION 8-5 WINDOWS	48
8-502 Windows – Single-Family/Detached Condo/Multi-Unit	49
8-503 Windows – Village Center	49
SECTION 8-6 DOORS AND ENTRYWAY.....	49
8-601 Doors and Entryway – Single-Family/Detached Condo/Multi-Unit	49
8-602 Doors and Entryway – Village Center.....	49
8-603 Garage Doors	50
SECTION 8-7 DECKS, BALCONIES, WINDOW BOXES	50
SECTION 8-8 ENCLOSED STRUCTURES REQUIRED.....	50
ARTICLE 9 LANDSCAPE AND SITE AMENITIES FOR ALL DEVELOPMENTS	51
SECTION 9-1 LANDSCAPE.....	51
9-103 Landscape Forms.....	53
9-104 Soil Preparation	53
9-105 Planting and Plant Materials.....	53
9-105-11-1 Native Plants of the Mountain Village Area	54
9-106 Sodding	56
9-106-3 Landscape and Revegetation Mix	56
9-107 Perennial and Wildflowers	57
9-108 Seeding	57
9-109 Noxious Weeds	57
9-109-5 Noxious Weed Listing: San Miguel Basin Weeds.....	58
SECTION 9-2 IRRIGATION.....	58
9-207 Water Usage Chart Required	58
9-208 Irrigation and Landscape recommendations to promote conservation.....	59
SECTION 9-3 WATER FEATURES.....	60
SECTION 9-4 REVEGETATION AND EROSION CONTROL.....	60
SECTION 9-5 PLANT GUARANTEE	60
SECTION 9-6 PATHS AND WALKWAYS.....	60
9-601 Paths and Walkways – Single-Family	61
9-602 Paths and Walkways – Village Center.....	61
SECTION 9-7 WALLS, FENCES AND GATES.....	61
SECTION 9-8 WALLS, FENCES, GATES – VILLAGE CENTER.....	62
SECTION 9-9 LIGHTING PLAN REQUIRED	62
SECTION 9-10 LUMINANCE.....	62
SECTION 9-11 LUMINOUS AREA.....	62
SECTION 9-12 OUTDOOR LIGHTING.....	62
SECTION 9-13 CONCEALED LIGHT SOURCES REQUIRED	62
SECTION 9-14 FLOOD LIGHTING NOT PERMITTED	62
SECTION 9-15 TEMPERATURE REQUIREMENT	62
SECTION 9-16 LIGHT POLLUTION AND EXCESSIVE GLARE NOT PERMITTED.....	63

SECTION 9-17 SEASONAL LIGHTING	63
SECTION 9-18 LIGHTING FOR PARKING AREAS	63
SECTION 9-19 EXTERIOR LIGHTING – SINGLE-FAMILY/MULTI-UNIT	63
9-1901 Purpose	63
9-1902-2 Frequency	63
SECTION 9-20 EXTERIOR LIGHTING – COMMERCIAL	63
9-2001 Lighting Height Limits	63
9-2002 Cutoff Shields	63
SECTION 9-21 EXTERIOR LIGHTING – VILLAGE CENTER	64
<i>ARTICLE 10 SIGNAGE.....</i>	64
10-1 Purpose.....	64
SECTION 10-2	65
10-3 Signage Application Requirements.....	65
10-4 Determination of Application completeness	66
10-5 Determination of compliance	66
10-6 Prohibited Signs.....	66
10-7 Sign Illumination	68
10-701 Prohibited Illumination.....	68
10-702 Shielding Illumination	68
10-8 Signs on public right of way	68
10-9 Temporary Signs.....	68
10-901 Open House Signs.....	68
10-902 Temporary Sandwich Board Signs carried by a person.....	68
10-903 Temporary Sales Signs.....	69
10-904 Temporary Construction Signs	69
10-10 Permanent Signs.....	69
10-11 ADDRESS IDENTIFICATION AND BUILDING IDENTIFICATION	70
10-1107 Address Identification and Building Identification – Single-Family/Duplex Units	70
10-1108 Address Identification – Multi-Unit.....	71
10-1109 Address Identification/Building Identification – Village Center.....	71
10-1110 Construction Signs	71
10-1111 Security Signs	71
10-1112 Monument Signs	71
<i>ARTICLE 11 RESTAURANT AND COMMERCIAL KITCHEN FACILITIES.....</i>	72
SECTION 11-1 RESTAURANT AND COMMERCIAL KITCHEN FACILITIES	72
<i>ARTICLE 12 FREIGHT ELEVATOR REQUIRED.....</i>	72
<i>ARTICLE 13 EMPLOYEE HOUSING.....</i>	72

ARTICLE 14 RIDGELINE LOTS	72
SECTION 14-2 MAXIMUM BUILDING HEIGHT	73
SECTION 14-3 LOTS 83R, 86R, 126, 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2 73	
SECTION 14-4 LOTS 84R, 85R, 89-3A, 89-3B, 89-3C, 90, 91, 114, 115, 116, 118, 130, 137, 615A, 615B, 615C, 616, 617, 643A&B, 648A, AND 650	74
SECTION 14-5 LOTS 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2 AND ADJACENT ACTIVE OPEN SPACE.....	74
14-501 General Objective.....	74
14-502 Modifications to Ridge Club Building.....	74
14-503 Height Limits on Lots161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2.....	74
14-504 View Plane Limitations for Development on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2	74
14-505 View Plane Limitation Review	75
14-506 Lighting on Ridge Club Building	75
14-507 Ski Area Commercial Operations in Open Space	75
14-508 Referral to County	75
14-509 Town of Telluride Referral	75
ARTICLE 15 INDUSTRIAL.....	75
SECTION 15-1 GENERAL REQUIREMENTS.....	75
SECTION 15-2 INDUSTRIAL PARKING REQUIREMENTS	76
SECTION 15-3 BUILDING HEIGHT FOR INDUSTRIAL	76
SECTION 15-4 INDUSTRIAL SITE PLANNING/LANDSCAPING REQUIREMENTS	77
SECTION 15-5 ENCLOSED STRUCTURES REQUIRED FOR INDUSTRIAL USES.....	77
ARTICLE 16 ACTIVE OPEN SPACE.....	77
ARTICLE 17 DESIGN COVENANTS	78
SECTION 17-1 SPECIFIC DESIGN COVENANT AREAS	78
ARTICLE 18 COMMERCIAL GROUND LEVEL & PLAZA GUIDELINES.....	78
SECTION 18-1 PURPOSE.....	78
SECTION 18-2 STOREFRONT GUIDELINES	78
18-201 Storefront Design.....	78
18-202 Color Selection	Error! Bookmark not defined.
18-203 Windows	79
18-203-3 Window Displays	79
18-204 Lighting	79
18-205 Vacant Ground Level Commercial Space	80
SECTION 18-3 PLAZA DESIGN AND SITE AMENITIES	80
18-301 Paths and Walkways	80
18-302 Site Furniture	81
18-303 Liquor Laws governing Outdoor Beverage Service	82
18-306 Walls, Fences, and Gates	83
SECTION 18-4 NOISE CONTROL	83
SECTION 18-5 ODOR CONTROL.....	83

SECTION 18-6 GRAPHICS AND SIGNAGE	83
18-603 General Requirements	84
18-604 Building Identification Signage	84
18-605 Permanent Signs Permitted Wall Signs.....	84
18-606 Window Signs.....	85
18-607 Projecting Signs and Arcade Signs	85
18-608 Awning Signs.....	85
18-609 Display Boxes.....	85
18-611 Temporary Signs Permitted.....	86
18-611-1 Banners	86
18-611-2 Sandwich Boards.....	86
18-611-6 Special Events	87
ARTICLE 19 SPECIAL EVENTS AND TEMPORARY STRUCTURES	96
ARTICLE 20 CONSTRUCTION REGULATIONS	109
SECTION 20-1 CONSTRUCTION STAGING	109
SECTION 20-2 CONSTRUCTION HOURS AND NOISE	109
SECTION 20-3 TEMPORARY STRUCTURES FOR CONSTRUCTION SITES	86
SECTION 20-4 ENVIRONMENTAL CONTROLS	86
SECTION 20-5 CONSTRUCTION MAINTENANCE	109
SECTION 20-6 PENALTIES	88
ARTICLE 21 LANDSCAPE AND COMPLETION POLICY	113
SECTION 21-1 CERTIFICATE OF OCCUPANCY	113
ARTICLE 22 SAVINGS CLAUSE AND EFFECTIVE DATE	114

ARTICLE 1 PURPOSE & APPLICABILITY

The Mountain Village Design Regulations (Design Regulations) have been established to achieve the following:

1. Provide a clear, consistent, predictable and efficient land Development Review Process;
 - A. Promote public health, safety and welfare;
 - A. Preserve Open Space and protect the environment;
 - A. Enhance the natural beauty of the Town's surroundings;
 - A. Foster a sense of community;
 - A. Promote the economic vitality of the Town;
 - B. Promote the resort nature and tourism trade of the Town;
 - C. Ensure that uses and structures enhance their sites and area compatible with the natural beauty of the Town's setting and its critical natural resources; and
1. Protect property values within the Town.
 - Promote good civic design and Development;
 - Create and preserve an attractive and functional community;

SECTION 1-1 AUTHORITY

1-101 ENACTION

The Design Review Board, (DRB), is given authority through the Town Home Rule Charter, Article XII, Section 12.4.

1-102 DESIGN REVIEW BOARD

The DRB is intended to serve the Town as an Architectural Review Board in a manner similar to that of the DRB, which was established according to The General Declaration for the Telluride Mountain Village. New Development and Redevelopment can have a substantial impact on the character of the area in which it is located. In order to provide for the timely exercise of judgment in the public interest in the evaluation of the design of new Development and Redevelopment, the Town has established a Design Review Board (DRB) and has adopted Design Regulations. The improvement or Alteration of any land or Open Space, exterior design of all new Development, and all exterior modifications to existing Development shall be subject to design review as specified in the Design Regulations. Pursuant to the Charter, the DRB, in addition to its architectural review function, shall serve as a planning and zoning advisory board and shall review all zoning Applications and make recommendations thereon to the Town Council.

1-103 REGULATORY AGENCIES

In addition to the Design Regulations, construction in the Town is regulated by local, county, state

and federal regulatory agencies having jurisdiction. All Development within the Town shall conform to the following:

- a. Town of Mountain Village Design Regulations;
- b. Town of Mountain Village Land Use Ordinance;
- c. Uniform Building Code;
- d. Uniform Mechanical Code;
- e. Uniform Plumbing Code;
- f. Uniform Fire Code;
- g. Rules & Regulations of the Town of Mountain Village.

1-104 DEFINITIONS AND CAPITALIZED TERMS

These Design Regulations incorporate all definitions, word usage and abbreviations set forth in the LUO. If terms are capitalized herein, they have been defined either in these Design Regulations or the LUO.

1-105 CONFORMANCE

The Owner or his Agent shall be responsible to ensure conformance with any applicable regulations and shall check with the Town to verify that the most recently adopted edition of any applicable regulation is being used.

1-106 LICENSED ARCHITECT REQUIRED

All Applications for a structure or Building to be constructed, Altered or modified within the Town are required to be stamped by a Colorado licensed architect.

SECTION 1-2 CONFORMANCE REQUIRED

1-201 No construction of, or Alteration to, any improvements, whether temporary or permanent, including but not limited to Buildings, Fences, walls, earthwork, paving, vegetation, signage, exterior lighting or secondary structures such as utility or trash enclosures, antennas and storage tanks, shall be commenced on any Property within the Town before receiving approval for a Development Permit from the DRB. Interior modifications that do not Alter the number or type of units, Commercial square footage, or the exterior appearance of a Building shall not require the approval of the DRB.

SECTION 1-3 VIOLATIONS AND PENALTIES

1-301 The erection, construction, reconstruction, Alteration or Use of any structure, or the Use of any land, which is contrary to any provision of this Ordinance, the Design Regulations, or the Building Codes is a violation of the laws of the Town and subject to the fines and penalties set forth herein.

1-302 Until the Building Official has issued a Building Permit or otherwise given approval for such work, it is a violation of the laws of the Town to (a) commence the Excavation for, or the construction of, any Building or other structure, including Accessory Structures; (b) store Building materials, earth or Fill on any Site; (c) construct entrances or parking lots; (d) commence the moving, structural Alteration, conversion, extension, or enlargement of any structure including Accessory Structures, Fences or walls; or (e) cut and/or remove trees.

1-303 The Staff, Building Official, or such other authority as appointed by the Town Manager, shall have the authority to adopt policies and procedures in order to clarify the application of the

provisions of the LUO, Design Regulations and Building Codes. Such policies and procedures shall be in conformance with the intent and purpose of the LUO, Design Regulations and Building Codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the LUO, Design Regulations and Building Codes. Any person, as well as the Owner or lessee of the property, that undertakes any activity that is in violation of the DRB approved plans without the appropriate amendment or modification approved by the DRB or Town Staff shall be required to remove or remedy the violation in addition to being subject to the penalties imposed pursuant to the terms of this LUO and Design Regulations.

1-304 Any person that violates any provision of this Ordinance, the Design Regulations, or the Building Codes, as well as the Owner or lessee of the property on which the violation has occurred, may be subject to the penalties imposed pursuant to the terms of this LUO.

1-305 The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, Alteration, extension, repair, moving, removal, demolition, or occupancy of a Building or Structure in violation of the provisions of the LUO, Design Regulations or Building Codes or in violation of a permit or certificates issued under the provisions of the LUO, Design Regulations or Building Codes. Such order shall direct discontinuance of the illegal action or condition and the abatement of the violation. The party who committed the violation or the owner or lessee of the property on which the violation occurred, or both, may be cited for such violation and shall be held responsible for paying any costs incurred by the Town. Such costs shall include reasonable attorneys' fees the Town incurred in connection with the violation.

1-306 Violations of or failure to comply with the provisions of this Ordinance, the Design Regulations, or the Building Codes constitutes a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000) per violation and/or imprisonment for up to one year. One or more violations may be found to arise from the same conduct or failure to comply with the LUO, the Design Regulations, or the Building Codes. Multiple violations may result in the imposition of fines exceeding \$5,000. Each day that a violation occurs or continues to exist is considered a separate offense and shall be subject to an additional fine.

1-307 Actions seeking to impose fines and penalties pursuant to this Ordinance shall be heard in the Town of Mountain Village Municipal Court (Municipal Court) and shall be governed by the Colorado Municipal Court Rules of Procedure or such other rules as may be adopted and deemed appropriate by the Municipal Court. Complaints initiating such actions may be filed by the Building Official or by the Town Manager or its designee.

1-308 In addition to the fines and penalties imposed for violating this Ordinance, the Design Regulations, or the Building Codes, the Municipal Court shall be entitled to assess costs against a guilty party, which costs shall include reasonable attorneys' fees incurred by the Town in investigating, documenting, and prosecuting the violation.

1-309 Whenever the Municipal Court imposes penalties or costs under this Ordinance or the Design Regulations, pursuant to C.R.S. § 18-1.3-506 it may also make such provision as it deems appropriate to guarantee the payment of such penalties or costs.

1-310 Appeals from Municipal Court actions shall be pursuant to C.R.S. § 13-10-116.

1-311 Neither the DRB nor Town Council will review or hear any Application, except for appeals, for any property on which there has been issued a violation or fees, taxes or past dues owed to the Town.

1-312 Neither the Planning nor the Building Department shall perform any work for any owner or agent to whom a violation has been issued.

SECTION 1-4 POWERS OF ENFORCEMENT

1-401 The provisions of the Design Regulations and Land Use Ordinance shall be administered by the Staff and shall be enforced by the Building Official or such other authority as appointed by the Town Manager. For purposes of enforcing the provisions of the Land Use Ordinance and Design Regulations, the Building Official shall have the powers of a law enforcement officer.

1-402 The Staff, Building Official, or such other authority as appointed by the Town Manager, shall have the authority to adopt policies and procedures in order to clarify the application of the provisions of the LUO, Design Regulations and Building Codes. Such policies and procedures shall be in conformance with the intent and purpose of the LUO, Design Regulations and Building Codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the LUO, Design Regulations and Building Codes. Any person, as well as the Owner or lessee of the property, that undertakes any activity that is in violation of the DRB approved plans without the appropriate amendment or modification approved by the DRB or Town Staff, shall be required to remove or remedy the violation in addition to being subject to the penalties imposed pursuant to the terms of these Design Regulations and LUO.

1-403 The Building Official, DRB Inspector or other Duly Authorized Person is empowered and directed to inspect and examine Development of land for which a Development Permit has been issued to determine, from time to time, whether the Development is in violation of any of the provisions of the Design Regulations or of any permit issued or required pursuant to this or other applicable regulations.

1-404 Should access or entry to any land or premises be refused upon request by the Building Official or Duly Authorized Person, an administrative search warrant may be issued from the Municipal Court authorizing the Building Official or other designated official to enter upon such land or premises for purposes of making inspections or carrying out other duties as authorized under state law, the Town's Charter, these Design Regulations, the LUO, or the Building Codes.

1-405 The Town may institute appropriate action to prevent, enjoin, abate, or remove any violation of these Design Regulations, the LUO, or the Building Codes to prevent the occupancy of the Building, structure or land, or to prevent any illegal act or use in or on such premises.

1-406 The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of the LUO, Design Regulations or Building Codes or in violation of a permit or certificates issued under the provisions of the LUO, Design Regulations or Building Codes. Such order shall direct discontinuance of the illegal action or condition and the abatement of the violation. The party who committed the violation or the owner or lessee of the property on which the violation occurred, or both, may be cited for such violation and shall be held responsible for paying any costs incurred by the Town. Such costs shall include reasonable attorneys' fees the Town incurred in connection with the violation.

1-407 No person or entity owing money to the Town, in any amount or for any purpose, specific to the Lot or Lots in question, as certified by the Town Treasurer, may apply for a Development Permit or a Building Permit until all monies owing are paid in full.

1-408 Any person aggrieved by a violation or apparent violation of the provisions of the Design Regulations, the LUO, or the Building Codes may file a written complaint with the Building Official or other Duly Authorized Person, who shall then investigate the complaint as soon as reasonably possible and take appropriate action within a reasonable amount of time.

SECTION 1-5 APPEAL PROCESS

1-501 Any person against whom an order, notice of violation, or decision has been issued by the Town Manager, Building Official, DRB, or Duly Authorized Person, may, pursuant to and in accordance with the terms of Section 2-8 of the LUO, appeal such order, notice of violation, or decision to the Town Council within ten (10) days from the date of the action in question.

SECTION 1-6 DRB COMPLIANCE INSPECTION

1-601 No Owner, lessee, or their Agent or assignee shall apply for a Certificate of Occupancy (CO), Temporary Certificate of Occupancy (TCO), final Building approval, or other similar occupancy approvals from the Town Building Department unless the Applicant has received final inspections for compliance conducted by the DRB inspector and recorded on the Building Department Inspection Record Form.

1-602 In the event that paving and/or landscaping cannot be constructed without unreasonable delay, a TCO may be issued if the Applicant (a) submits a non-transferable, irrevocable letter of credit (LOC) naming the Town as beneficiary; or (b) establishes a financial surety acceptable to the Building Official for the benefit of the Town. The LOC or surety shall be satisfactory to, and approved by, the Town Manager, shall be in an amount equal to one and one half times the estimated cost of the paving and/or landscaping, and shall be established to guarantee the construction of pavement and/or landscaping. In the event that such paving and/or landscaping is not completed in a timely manner, the Town shall be entitled to draw on the LOC or to have the surety released and the Town shall first apply such funds to the completion of the paving and/or landscaping. The Town shall be entitled to apply any remaining proceeds to the costs, including reasonable attorneys' fees, incurred by the Town as a result of the failure to timely complete the paving and/or landscaping. In cases in which paving will not be timely completed, a higher quality gravel base may be required for the interim period. Drives and parking areas will not be considered complete until all utility laterals have been constructed below the surface of such areas according to approved plans.

1-603 A record of all CO's shall be kept on file in the office of the Building Official and copies shall be furnished on request to, and at the expense of, any person having a proprietary or tenancy interest in the land or a Building affected by such CO's.

ARTICLE 2 DESIGN REVIEW PROCESS

SECTION 2-1 STAGES OF THE DESIGN REVIEW PROCESS

2-101 Applicants for a Development Permit are subject to DRB architectural review and are required to follow a Design Review Process. The property Owner or his/her representative Agent shall be present at the DRB meeting.

2-102 Applications for a Development Permit shall follow the order of the Design Review Process

as listed below:

- Pre-Application Conference with Department of Planning and Design Review Staff (Staff)
- Staff Review of Application for completion
- Provision of Public Notice and Scheduling for DRB Review
- Sketch Plan Review of Application by DRB
- Final Plan Review of Application by DRB
- Compliance with the conditions of Final Plan Approval in order to receive Development Permit.
- Issuance of a Development Permit and compliance with the requirements of the Building Permit Application required in order to receive a Building Permit.

2-103 Applications shall be reviewed based on the scope of the proposed project. Application requirements shall be based upon the current Application. The Staff may require supplemental information in addition to the Application for clarification.

2-104 The Design Review Process allows for the combining of an LUO Application and a Design Review Application at the same DRB meeting, providing that the noticing requirements of both Applications are met simultaneously. LUO Applications will be forwarded to Town Council for action with a recommendation from DRB for approval, approval with conditions, or denial.

2-105 Only one (1) Application for a Lot shall be allowed to be considered at any one time. The submittal of a subsequent Application shall automatically void any prior Applications.

SECTION 2-2 PRE-APPLICATION CONFERENCE

2-201 The Pre-Application conference shall take place at least 10 business days before an Application is submitted. Prior to filing an Application for a Development Permit, an Applicant is required to attend a Pre-Application Conference with Staff to obtain guidance for preparing the Application. During the Pre-Application Conference, Staff will explain the procedural requirements, explain the public notice requirements, provide the Applicant with an Application package and establish the applicable fees. The Applicant may request, during the Pre-Application Conference, that Staff schedule a work session with the DRB prior to submitting an Application for a Development Permit. Staff may also schedule a work session if Staff determines it is necessary.

SECTION 2-3 SKETCH PLAN REVIEW APPLICATION

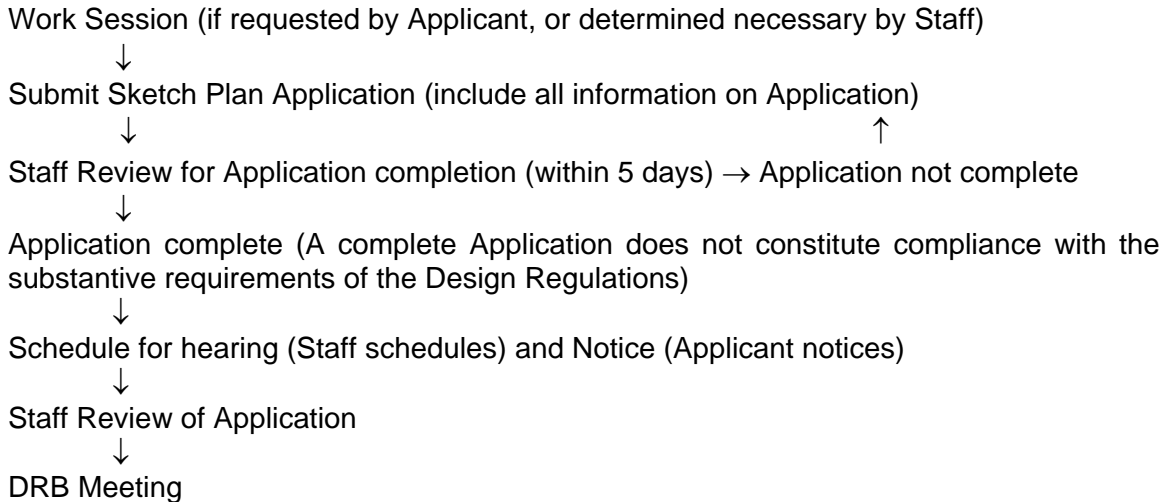
2-301 SKETCH PLAN REVIEW PURPOSE

The purpose of Sketch Plan Review is to give the Applicant guidance with respect to the design concept and the compatibility of a proposal with the design guidelines contained within these Design Regulations. The DRB shall review the Application and supporting material that has been submitted in order to determine whether or not the project complies with the Design Regulations; provide comments concerning the design to the Applicant; and approve, approve with conditions, deny, or continue an Application. Sketch Plan Review materials to be submitted shall be those included in the current DRB approved Sketch Plan Application form. This Application is available at the Department of Planning and Design Review.

2-302 SKETCH PLAN APPLICATION PROCESS

Attend Pre-Application Conference





2-303 SKETCH PLAN REVIEW APPLICATION

An Application for Sketch Plan Review shall comply with the requirements of the Application and include the following:

2-303-1 SURVEY

A topographic survey, dated within six months of the date of the Application, representative of existing conditions, stamped by a surveyor licensed within the State of Colorado, at a minimum scale of one-inch equals twenty feet (1" = 20'), shall be submitted of the Site with contour intervals of a minimum of two feet (2'). Existing trees or groups of trees having trunks with diameters of three inches (3") or more at one foot (1') above natural grade, rock outcroppings and other significant natural features, slopes of forty percent (40%) or more shall be shown, if applicable. The survey shall include ties to an established vertical datum, property lines showing distances and basis of bearing, and all easements and setbacks. The Applicant shall overlay the footprints of the Building(s) on the tree survey. The survey shall identify Wetlands, if any, or note there are no Wetlands on the property.

2-303-2 SITE PLAN

A Site Plan, drawn at a minimum scale of one inch equals twenty feet (1" = 20'), shall be submitted showing existing and finished grades and existing contours; existing and proposed Building footprints; and other structures including decks, patios, canopies, and walls. The Site Plan shall show all easements and setbacks, proposed grading and site drainage, the locations of landscaped areas, service areas, storage areas, pedestrian walks, driveways with proposed grades, parking space designations, address monument location, and all retaining structures. The Site Plan shall identify Wetlands, if any, or note there are no Wetlands on the property.

2-303-3 UTILITY PLAN

A Utility Plan, drawn at a minimum scale of one-inch equals twenty feet (1" = 20'), shall be submitted showing all proposed Site utility routing. All utility routing is to be field verified by Public Works and/or other utility companies.

2-303-4 LANDSCAPE PLAN

A Landscape Plan at a minimum scale of one inch equals twenty feet (1" = 20') with contour intervals of two feet (2') shall be submitted showing existing and proposed grading, existing vegetation, proposed limits of tree removal, proposed new tree plantings (general massing),

proposed ground cover and revegetation, any proposed special landscape features, and all proposed retaining structures.

2-303-5 ARCHITECTURAL PLANS

Preliminary Architectural Plans, drawn at a minimum scale of one-fourth inch equals one foot ($\frac{1}{4}'' = 1'$), shall be submitted and shall include the following: a) Floor Plans labeled and drawn in sufficient detail; b) all elevations of proposed structures; c) indications of both existing and proposed Finish Grades a minimum of five (5) feet out from the Building or to the property line; d) proposed Building height; e) roof forms and proposed pitch (primary & secondary); f) the location of all doors and windows; g) all proposed exterior surfacing materials. A scale Model illustrating Building mass and proportion, existing vegetation, and Site contours shall be required to be submitted for DRB review. Photographic overlays or other similar techniques shall be submitted as necessary to illustrate the overall appearance of the Building and Site Development features in relation to adjacent properties in the neighborhood.

2-303-6 CONSTRUCTION STAGING PLAN

A Construction Staging Plan, drawn at a minimum scale of one inch equals twenty feet ($1'' = 20'$), shall be submitted showing the proposed limits of construction activity and including the proposed limit of Excavation; proposed limits of tree removal and construction activity; identification of any trees to remain within the limits of construction and detailed methods to protect the remaining trees and any other vegetation.

2-303-7 MODEL

A massing Model, including roof forms, shall be submitted illustrating Building mass and proportion, and Site contours (2' intervals).

2-303-8 SITE PHOTOGRAPHS

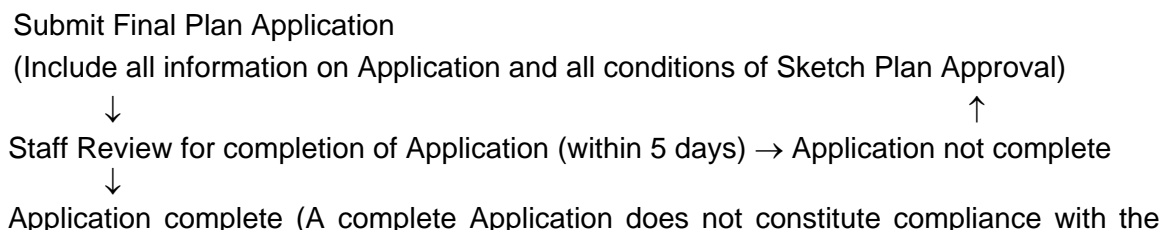
Photographs of the Site shall be submitted. Photographs should illustrate the relation of the proposed Development to adjacent properties and any potential Site and landscape issues.

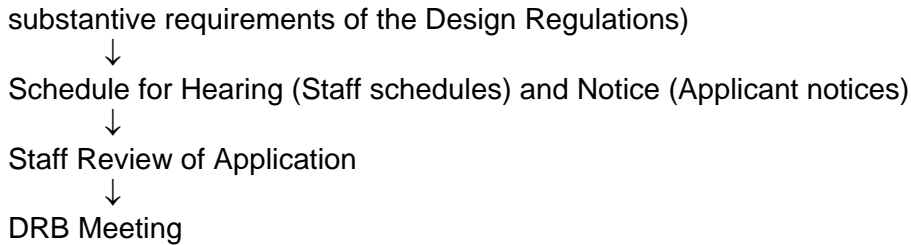
SECTION 2-4 FINAL PLAN REVIEW APPLICATION

2-401 FINAL PLAN REVIEW PURPOSE

The purpose of Final Plan Review is to determine whether the project will comply with the Design Regulations. The DRB shall review the Application and supporting material that has been submitted in order to determine whether or not the project complies with the Design Regulations; provide comments concerning the design to the Applicant; and approve, approve with conditions, deny, or continue an Application. Final Plan Review materials to be submitted shall be those included in the current DRB approved Final Plan Application form. This Application is available at the Department of Planning and Design Review.

2-402 FINAL PLAN REVIEW APPLICATION PROCESS





2-403 FINAL PLAN REVIEW APPLICATION

An Application for Final Plan Review shall comply with the requirements of the Application and include the following:

2-403-1 SURVEY

A topographic survey, dated within six months of the date of the application, representative of existing conditions, stamped by a surveyor licensed within the State, at a minimum scale of one-inch equals twenty feet (1" = 20') shall be submitted of the Site with contour intervals of two feet (2'). Existing trees or groups of trees having trunks with diameters of three inches (3") or more at one foot (1') above Natural Grade, rock outcroppings and other significant natural features, slopes of forty percent (40%) or more shall be shown, if applicable. The survey shall include ties to an established vertical datum, property lines showing distances and basis of bearing, and all easements and setbacks. The Applicant shall overlay the footprints of the Building(s) on the tree survey. The survey shall identify Wetlands, if any, or note there are no Wetlands on the property.

2-403-2 DRAINAGE PLAN/EROSION AND REVEGETATION PLAN

A Drainage Plan and Erosion and Revegetation Plan shall be submitted that complies with Section 5-4 and Section 9-4 for Multi-Unit and Village Center Developments.

2-403-3 SITE PLAN

A Site Plan, drawn at a minimum scale of one inch equals twenty feet (1" = 20'), shall be submitted showing existing and finished grades at two foot (2') contours; Easements and setbacks; the existing and proposed Building footprints to include roof forms and the proposed elevations of the top of roof ridges; and other structures including decks, patios, canopies, and walls. The Site Plan shall show the locations of landscaped areas, service areas, storage areas, pedestrian walks, driveways with percent slope and spot elevations, and all retaining walls and spot elevations. The Site Plan shall indicate the locations of ingress and egress and the directions of traffic flow into and out of as well as within parking and loading areas, the location of each parking space and loading berth (where applicable), areas for turning and maneuvering vehicles, and address monument location and details. All monuments are required to be located within the property boundary ten (10) feet from the road right of way. The Site Plan shall identify Wetlands, if any, or note there are no Wetlands on the property.

2-403-4 UTILITY PLAN

A Utility Plan, drawn at a minimum scale of one inch equals twenty feet (1" = 20'), shall be submitted showing the exact locations of all utilities including existing sources and proposed service lines from sources to the structures. All utility routing is to be field verified by Public Works and/or other utility companies.

2-403-5 LANDSCAPE PLAN

A detailed Landscape Plan at a minimum scale of one inch equals twenty feet (1" = 20') with

contour intervals of two feet (2') shall be submitted showing existing and proposed grading, existing vegetation, limits of tree removal, location of all new tree plantings, ground cover, revegetation and proposed treatments, plant schedule identifying all plant material by type (scientific nomenclature, quantity & size), seeding (type, varieties, mixes, rates), soil preparation specifications, turf areas, any special landscape features, and all retaining structures, to include type of wall, grades, elevations top & bottom of wall every twenty (20') feet, footings & facing materials.

2-403-6 IRRIGATION PLAN

An Irrigation Plan shall be submitted showing the area of irrigation; type & size of all pipes, heads, valves and controllers; location and description of connection to plumbing; and location of water sensors.

2-403-7 OUTDOOR LIGHTING PLAN

An Outdoor Lighting Plan shall be submitted separately from the Site Plan or Landscape Plan and shall show the location, the height above grade, the type of illumination (such as incandescent, halogen, high pressure sodium, etc.), the source lumens, and the luminous area for each light source that is proposed. In addition to locating this information graphically on a plan, the Applicant shall provide the information on the Application form and provide manufacturers' cut-sheets for the DRB file.

2-403-8 ARCHITECTURAL PLANS

Architectural Plans drawn at a minimum scale of one-quarter inch equals one foot (1/4" = 1'), shall be submitted and shall include the following: a) Floor Plans labeled, dimensioned, and drawn in sufficient detail; b) all elevations of proposed structures; c) indications of both existing and Finish Grades a minimum of five (5) feet out from the Building or to the property line; d) Building height; e) roof forms and pitch (primary & secondary); f) the location and type of all doors and windows; g) details of recess of windows and doors within stucco or stone walls; h) all exterior surfacing materials; i) snow and ice shed prevention devices; j) colored rendering or two colored elevations; k) a statement of Building height and elevations supporting the calculations; l) a statement of stone area and stone area calculations as well as elevations supporting the calculations. A color and materials sample board with photos, brochures, and manufacturers' cut-sheets shall be required to be submitted for the DRB file.

A scale Model illustrating Building mass and proportion, existing vegetation, and Site contours shall be required to be submitted for DRB review. Photographic overlays or other similar techniques shall be submitted as necessary to illustrate the overall appearance of the Building and Site Development features in relation to adjacent properties in the neighborhood.

2-403-9 CONSTRUCTION STAGING PLAN

A Construction Staging Plan, drawn at a minimum scale of one inch equals twenty feet (1" = 20'), shall be submitted showing the limits of construction activity and including the limits of Excavation; limits of tree removal and construction activity; identification of trees to remain within the limits of construction; location of construction fencing and detailed methods to protect the remaining trees and any other vegetation.

2-403-10 MODEL

A scale Model shall be submitted illustrating Building mass and proportion, existing vegetation and Site contours (2' intervals).

2-403-11 SITE PHOTOGRAPHS

Photographs of the Site shall be submitted. Photographs should illustrate the relation of the proposed Development to adjacent properties and any potential Site and landscape issues.

2-403-12 ELECTRONIC SUBMITTAL

All Final Plans shall be submitted in an electronic form on CD-Rom or disk.

SECTION 2-5 MASTER DEVELOPMENT PLAN APPLICATION

2-501 Phased projects and Development Permit Applications for Multi-Unit Lots are required to receive Sketch Plan Approval and Final Plan Approval of a Master Development Plan. Each phase will require Sketch and Final DRB Review and Approval. Applications for each phase will conform to the approved Master Development Plan and all Sketch Plan Application and Final Plan Application requirements and all notification requirements. Master Development Plan Applications shall include, if applicable, the following as defined in Final Plan Review Application (Section 2-403):

- A complete Master Site Plan with sections as appropriate;
- A topography map depicting adjacent properties if appropriate;
- A Grading Plan;
- A Drainage Plan/Erosion and Revegetation Plan;
- A Construction Staging Plan;
- A Utility Plan;
- A Landscape Plan;
- A Parking Plan for the entire project;
- Typical Building elevations for each Building;
- Site photographs; and
- A Model.

2-502 The Master Development Plan shall be used as a guide for the subsequent Development of Sites and the design and location of Buildings and grounds within the project. All plans subsequently approved by the DRB in accordance with the Design Regulations shall substantially conform to the Master Development Plan approved by the DRB.

2-503 Applications for phased projects shall be required to submit the same review materials as required for Sketch Plan Review and Final Plan Review as defined in Sections 2-3 and 2-4 above.

2-504 Multi Unit Lots receiving Master Development Plan approval that do not provide for the build out all of the Density allocated to that Multi Unit Lot shall be required to transfer the unused Density to the Density Bank and must submit an Application for Density Transfer at the time of the Master Development Plan Application.

2-505 Only one (1) Application for a Lot shall be allowed to be considered at any one time. The submittal of a subsequent Application shall automatically void any prior Applications.

SECTION 2-6 BUILDING ADDITION AND REMODEL REVIEW APPLICATION

2-601 All Building additions and remodels that affect the exterior of an existing Building shall be reviewed and approved by the DRB before initiating such work on Site. Applications for Building Additions and Remodels will be reviewed based on the scope of the proposed revision, by either the Staff, both Staff and Chairperson (Staff/Chair) of the DRB, or DRB Review Process detailed in

Article 2. Applications shall conform to all Application requirements and all notification requirements.

2-602 Applications may be reviewed at a Sketch/Final Plan Review meeting. The DRB reserves the right to require a second review meeting should the DRB determine that such additions warrant a Final Plan Review. Applications which are determined to require Final Plan Review will be required to re-notice adjacent property owners ten (10) calendar days before the scheduled meeting.

2-603 Materials to be submitted shall comply with the requirements for Final Plan Review Application defined in Section 2-403 above.

2-604 An Application for a Building addition and remodel shall require the Applicant to bring the existing structure into compliance with the current Design Regulations governing Address Identification and Lighting.

SECTION 2-7 REVISION TO FINAL PLAN REVIEW APPLICATION

2-701 All revisions to Final Plan for projects with an active Development Permit shall be reviewed and approved by the DRB before initiating such revisions on Site. Applications for Revisions to Final Plan Approval will be reviewed based on the scope of the proposed revision, by either the Staff, both Staff and Chairman (Staff/Chair) of the DRB, or DRB Review Process detailed in Article 2.

2-702 Application requirements for Revision to Final Plan Review shall be based upon the current Application.

2-703 If Staff determines that the proposed revisions are primarily revisions that are minor in nature, do not Alter the massing of the structure and do not compromise the intent of the Design Regulations or approved plans, the revisions may be reviewed and approved on Site by Staff. Documentation of these revisions will be made by Staff and placed in the DRB file. The review may determine that the revisions are substantial enough to require Staff/Chair Review.

2-704 If Staff determines that the proposed revisions are substantial enough to require Staff/Chair Review, the Staff/Chair Review will be scheduled as soon as practicable after Application is made. The Staff/Chair Review may determine that the revisions are approved, approved with conditions, denied, or that the revisions are substantial enough to require full DRB Review.

2-705 Applications may be reviewed at a Sketch/Final Plan Review meeting. The DRB reserves the right to require a second review meeting should the DRB determine that such additions warrant a Final Plan Review. Applications which are determined to require Final Plan Review will be required to re-notice adjacent property owners ten (10) calendar days before the scheduled meeting.

2-706 Applications that are determined to require DRB review shall conform to all Application requirements and all notification requirements.

SECTION 2-8 OTHER APPLICATIONS

All other Development requiring a Development Permit not falling into the aforementioned Sections, shall be required to submit the appropriate Application as designated by DRB Staff. Other Applications will be reviewed based on the scope of the proposed development, by either the Staff, both Staff and Chairman (Staff/Chair) of the DRB, or the DRB Review Process detailed in Article 2.

SECTION 2-9 SUBMISSION OF AN APPLICATION FOR A DEVELOPMENT PERMIT

2-901 An Application for a Development Permit and appropriate fees shall be submitted to Staff with all pertinent documentation (i.e. plans, etc.) and relevant information as identified in the current DRB approved Application form and shall also include a fully completed current DRB approved Application form. An Application for a Development Permit may only be submitted after attending a pre-Application conference.

2-902 Projects will be placed on the agenda in the order in which completed and accepted Applications are received. Additional substantive information, if determined to be necessary by Staff, may be required after the Application has been found to be complete. Staff reserves the right to remove an Application from the agenda due to incomplete information. If the Application is withdrawn, the Applicant shall complete thirty (30) day notice for a new meeting. If the Application is continued at the originally noticed meeting to a specific date, no additional noticing will be required. If the Application is continued at the originally scheduled meeting but not to a specific date, additional thirty (30) day noticing of the new meeting will be required once a new meeting date is determined. The Applicant can determine whether to withdraw or continue the Application.

2-903 Following receipt of an Application, Staff shall complete a preliminary review of the Application to determine whether or not the Application is complete and whether the Application complies with the requirements of the underlying zoning and Design Regulations. Staff will complete this review within five (5) business days of receiving the Application. If Staff determines the Application is complete, the Applicant is notified and assigned an agenda date, which shall be at least thirty (30) days after determination of completeness to allow for notice to be given to the public. The Applicant will be notified if the Application is incomplete. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of the Land Use Ordinances or Design Regulations.

2-904 An Application for a Development Permit that does not provide for the build out all of the Density allocated to that Lot shall be required to transfer the unused Density to the Density Bank and must submit an Application for a Density Transfer with the Application for the Development Permit.

2-905 Only one (1) Application for a Lot shall be allowed to be considered at any one time. The submittal of a subsequent Application shall automatically void any prior Applications.

SECTION 2-10 REVIEW OF AN APPLICATION FOR A DEVELOPMENT PERMIT AND REFERRAL

2-1001 Staff shall thoroughly review each Application for a Development Permit to determine that it conforms to the requirements of the LUO and Design Regulations. The Application may, as necessary, be referred to any public utility or any other agency or organization deemed appropriate to complete the review, i.e. Public Works, the Telluride Fire Protection District (TFPD), or San Miguel Power Association (SMPA). A written report summarizing any reviewing agency comments, public comments, and Staff comments shall be completed by Staff and distributed to the DRB and the Applicant.

2-1002 The Applicant shall be responsible for all fees associated with the review of the Application by any outside professional consultant, engineer, agency or organization.

2-1003 The Applicant shall be responsible for all legal fees incurred by the Town in the processing and review of the Application.

SECTION 2-11 PROVISION OF PUBLIC NOTICE

2-1101 NOTICE BY APPLICANT

The Applicant for a Development Permit shall mail notice to surrounding property owners on forms available from the Department of Planning and Design Review thirty (30) days prior to any public meeting at which an Application, said Development Permit, or revisions thereto will be considered by either the DRB or Town Council. The list of property Owners' names and addresses should be created by the Applicant using the current list of landowners as maintained by the San Miguel County Assessor or as compiled through a licensed title insurance company. The Applicant shall notify, by mail, surrounding property owners located within four hundred (400) feet of the subject property. If a Condominium Development is located within the prescribed distance of the subject property, the Applicant shall notify, by mail, the Condominium association and every Condominium Owner or part Owner of at least 50% interest in a Condominium Unit. Prior to mailing the notice, the Applicant shall deliver to Staff a copy of the notice and a certification of mailing that includes that the names and addresses were obtained from the San Miguel County Assessor's Office for review and approval. Proof of noticing shall be submitted to Staff prior to the meeting for which the Notice is for.

2-1102 NOTICE BY DRB

Staff is responsible for publishing the DRB agenda in a newspaper of general circulation within the Town at least seven (7) days before the meeting.

2-1103 NOTICE REQUIREMENTS

Every mailed notice shall include, but not be limited to, the following:

- a) Name and address of the Applicant;
- b) Type of Application sought;
- c) Address and legal description of the subject property;
- d) Description of the Application under consideration;
- e) Description of any requested Variance or Special Use Permit;
- f) Date, time and place of the Design Review and/or Town Council meeting;
- g) Vicinity map;
- h) Identification of the decision-making body conducting the meeting and any other information as may be required to notify the public of the nature of the Application.

2-1104 Posting of a notice on the Subject Property is the responsibility of Staff. The notice shall be posted on the Subject Property at least fifteen (15) days prior to the meeting date. The posted notice shall indicate that the Subject Property is the subject of a pending land use Application before the Town and shall provide a contact phone number with the Town to obtain public information regarding the Application. More than one notice may be posted on the Subject Property if Staff determines that because of the size or orientation of the property additional posted notice is necessary. Staff shall be responsible for removing the notice from the Subject Property after the posted meeting date.

2-1105 REQUIRED TO RE-NOTICE

If an Application is not agendized on the date noticed, for whatever reason, the Applicant will be required to re-notice the adjacent property owners of the corrected scheduled meeting date at least

fifteen (15) days prior to the next regularly scheduled meeting date and thirty (30) days prior to any subsequent meeting dates.

2-1106 INADEQUATE NOTICING

If a project is determined to have been inadequately noticed and/or the noticing is determined to be incomplete, the Applicant will be required to re-notice adjacent property owners thirty (30) days prior to the new, scheduled meeting date.

SECTION 2-12 DRB REVIEW APPROVAL OR DENIAL

2-1201 The DRB shall consider an Application for a Development Permit at a public meeting. The DRB shall review the data supplied by the Applicant, review the findings and recommendations of Staff and take comment from all interested persons in attendance. After hearing evidence and considering the comments of all persons interested in a matter, the DRB shall render a decision for approval, approval with conditions, or denial. The DRB, at its discretion, or upon the request of the Applicant, may continue an Application or hearing from time to time so that the Applicant may make modifications or provide additional information prior to final action.

SECTION 2-13 DEVELOPMENT PERMIT

2-1301 A Development Permit shall be issued only after Final Plan Approval or Staff/Chair Approval has been granted and the Applicant has resolved all conditions of approval to the satisfaction of Staff.

2-1302 Sketch Plan Approval of a project shall lapse and become void one year after the date the Applicant receives Sketch Plan Approval if, within that year, the Final Plan Application has not been submitted.

2-1303 Final Plan Approval of a project shall lapse and become void one year after the date the Applicant receives Final Plan Approval if, within that year, a Building Permit has not been issued and construction has not commenced or been diligently pursued toward completion.

2-1304 Sketch/Final Plan Approval of a Building Addition/Remodel of a project shall lapse and become void one year after the date the Applicant receives Final Plan Approval if, within that year, a Building Permit has not been issued and construction has not commenced or been diligently pursued toward completion.

2-1305 Revision to Final Plan Approval of a project shall lapse and become void one year after the date the Applicant receives Final Plan Approval if, within that year, a Building Permit has not been issued and construction has not commenced or been diligently pursued toward completion.

2-1306 Final Master Development Plan Approval of a project shall lapse and become void one year after the date the Applicant receives Final Master Development Plan Approval if, within that year, a Building Permit has not been issued on any phase of the master development plan.

2-1307 Validity of Plans granted a Development Permit.

2-1307-1 The issuance or granting of the Development Permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the LUO or these Design Regulations.

2-1307-2 The issuance of the Development Permit, based upon plans and specifications, shall not prevent the DRB from requiring correction of errors in said plans or from halting construction that is in violation of the LUO and /or these Design Regulations.

2-1308 Upon issuance of a Development Permit, one set of approved plans will be filed in the DRB Office. One set of approved plans will be filed with the Building Department. One set of approved plans will be returned to the Owner/Owner's Agent with the issuance of a Development Permit. It shall be the responsibility of the Owner/Owner's Agent and the general contractor to ensure that the construction set of drawings match the approved DRB set of drawings. The approved DRB set of drawings shall be kept on the construction Site and available for inspection at all times. The DRB approved plans will be kept on file for at least 90 days after a CO has been issued for the project.

2-1309 Any deviations, modifications or Alterations to the approved design and Development of the project shall require the review and approval of the DRB. No such deviations, modifications or Alterations to the plans and specifications shall be permitted on the Site unless approval has been granted.

2-1310 Once construction has commenced, any suspension or abandonment of work for more than 180 days, other than suspension or abandonment due to seasonal or other adverse weather conditions (as judged by the DRB), shall be considered a failure to diligently pursue construction toward completion and shall result in the Development Permit being suspended or revoked.

2-1311 In the event a Sketch Plan Approval or a Final Plan Approval has been declared void, a new Sketch Plan Approval or Final Plan Approval shall be obtained and design review fees paid before work can commence. The Applicant is required to resubmit and provide public notice pursuant to the submittal requirements.

2-1312 Sketch Plan Approval and/or Final Plan Approval may be granted an extension, up to one year, prior to the lapse of the approval. The Applicant is required to submit a written request to Staff for DRB consideration at least thirty (30) days prior to the lapse of the approval.

2-1313 Final Master Development Plan Approval may be granted an extension, up to one year, prior to the lapse of the approval. The Applicant is required to submit a written request to Staff for DRB consideration at least thirty (30) days prior to the lapse of the approval.

SECTION 2-14 BUILDING PERMITS, GRADING AND FOUNDATION BUILDING PERMITS, AND LANDSCAPE PERMITS

2-1401 A Building Permit will be issued by the Town Building Department only after a Development Permit has been issued by the DRB. To obtain a Building Permit, the Applicant shall submit to the Building Department three sets of construction drawings stamped by an architect licensed within the State of Colorado and/or engineer licensed within the State of Colorado that match the approved DRB set of drawings.

2-1402 The required Grading and Foundation Building Permit may be issued by the Town Building Department after receiving Sketch Plan Approval for the project provided the Applicant has included the request in the DRB Application and a motion is made and passed by the DRB at the time of Sketch Plan Review and the Owner has signed a Development Agreement. The Applicant, Owner/Owner's Agent is proceeding at their own risk should Final Plan Approval not be granted for whatever reason or Final Plan Approval is not consistent with Sketch Plan Approval.

2-1402-1 The DRB may recommend that a Grading and Foundation Permit be issued by the Building Department, provided the Applicant proves compliance with the following conditions and standards:

- A. The Applicant has participated in a work session with the DRB and the site plan has not significantly changed since the work session.
- B. The Applicant is proposing specific clearing limits, incorporating laybacks that do not interfere with the General Easements or other Building Setbacks required by the DRB in the Sketch Plan review.
- C. The Applicant has proven that the temporary laybacks needed for construction will remain within the construction limits approved by the DRB in the Sketch Plan review.
- D. The issuance of a Grading and Foundation Permit does not have an unreasonable negative impact on the surrounding neighborhood;

2-1403 A Landscape Permit is required to be issued by the Town Building Department for each project when such work to be performed is valued at three thousand dollars (\$3,000) or greater or when such work to be performed is in the General Easement. A separate permit will be issued by the Building Department.

2-1404 The Building Official may determine not to require a Building Permit for improvements costing less than \$1,000 on any Lot, unless such improvements affect fire, safety or structural provisions of any Building Codes. Regardless of this exemption, if such improvements affect the exterior of any structure, proposed or existing, such improvements shall require the review and approval of the DRB.

2-1405 LAPSE IN PERMIT

Projects that have been under construction for more than 18 months from the date a Building Permit was issued will be required to obtain an extension to both the Development Permit and the Building Permit. Issuance of an extension may require certain aspects of the project to be completed and/or brought into compliance (i.e., all or a portion of the landscaping and Site cleanup of construction debris) and may set a required completion date.

SECTION 2-15 CONTRACTOR AFFIDAVIT

2-1501 Before receiving a Building Permit, the contractor/Owner's Agent shall be required to sign an affidavit on a form available from the Building Department stating that all construction shall be in strict conformance to the DRB approved set of plans and verifying the accuracy of the construction valuation presented for the Building Permit. Any deviation from DRB approved plans without prior approval that occurs during construction or falsifying the construction project valuation shall constitute a violation of these Design Regulations and the LUO and shall (a) result in the Building Official issuing a Stop Work Order which shall remain in effect until the project has been restored to strict compliance with DRB approved final plans; (b) require the violator to reimburse the Town for the costs of investigating and/or mitigating the violation (including reasonable attorneys' fees); and (c) subject the violator to the penalties set forth in Section 2-6 of the LUO.

2-1502 The Town Building Official or other Duly Authorized Person is empowered and directed to inspect and examine the Use, occupation, or Development of land for which a Building Permit has been issued to determine, from time to time, whether, during construction, there has been any

deviation from the Final Plans approved by the DRB.

2-1503 On any project for which the Building Official has issued a Stop Work Order as a result of a deviation from DRB approved plans, as a condition of lifting the Stop Work Order, the DRB may require the contractor/Owner's Agent to (a) submit a non-transferable, irrevocable letter of credit (LOC) naming the Town as beneficiary; or (b) establish a financial surety acceptable to the Building Official for the benefit of the Town. The LOC or surety shall be ten percent (10%) of the construction valuation of the Building Permit or of the estimated cost of completion, whichever is less. The LOC or surety shall be satisfactory to, and approved by, the Town Manager and shall remain in effect until, and be released only upon, the issuance of a CO. If the project is not returned to compliance as ordered by the Building Official, the Town shall be entitled to draw on the LOC or to have the funds in the surety released, and such funds shall first be applied to the costs of bringing the project back into compliance with the DRB approved plans.

2-1504 If a contractor/Owner's Agent is convicted of violating any provision of these Design Regulations or the LUO and fails to pay the fine assessed, the Town shall be entitled to draw on any LOC or surety established by the contractor/Owner's Agent and to apply the released funds first to the outstanding fine and second to any costs incurred by the Town (including reasonable attorneys' fees) in connection with the violation.

2-1505 The Town's attorney shall review each case in which a contractor/Owner's Agent has been issued more than one Stop Work Order for deviating from DRB approved plans or who has been twice convicted of violating these Design Regulations or the LUO. The Town's attorney may recommend that the Town Council convene a hearing to determine whether the Business License of any repeat offender shall be revoked.

SECTION 2-16 DEVELOPMENT AGREEMENTS

The DRB may require that an Applicant provide a guarantee for construction of any infrastructure improvements, public improvements, facilities or any grading and foundation work begun prior to the DRB granting Final Plan Approval. An Applicant shall be responsible for submitting a guarantee for the construction of such infrastructure improvements, public improvements and facilities in a form and amount satisfactory to the Town. The guarantee shall be contained in the Development Agreement and shall obligate the Applicant to construct the infrastructure improvements, public improvements and facilities required by the Town according to a specific schedule.

2-1601 SECURITY

The Applicant shall secure the faithful and diligent performance of its obligations with a pledge of security sufficient to provide a reasonable guarantee of not less than one hundred twenty percent (120%) of the current estimated cost of the infrastructure improvements, public improvements and facilities described in the Development Agreement, which estimate shall be approved by the Town Building Official and/or the Director of Public Works.

2-1602 FORM OF SECURITY

The pledge of security may, at the option of the Town, be in the form of a security bond, an irrevocable letter of credit or other financial surety from a financially responsible lending institution, an adequate construction loan commitment on which the Town is permitted to draw, or any combination of the above satisfactory to the Town provided that the Town shall have the unconditional and irrevocable right upon default by the Applicant to withdraw or acquire funds upon demand to partially or fully complete and/or pay for any of the infrastructure improvements, public improvements or facilities. In no case shall the Town be

obligated, pursuant to any Development Agreement, to complete any public improvements or facilities due to the Applicant's default if the security should be determined inadequate.

2-1603 AGREEMENT TO REPAIR

The Development Agreement shall contain language by which the Applicant agrees to repair any existing improvements or facilities damaged during construction and such other items as the DRB and Town Council deem appropriate.

2-1604 PARTIAL RELEASE OF SECURITY

The Development Agreement may provide for the partial release of security as portions of the public improvements or facilities are completed, provided that no such partial or final release shall be granted until the improvements guaranteed have been inspected and accepted by the Building Official and/or the Public Works Director.

2-1605 WARRANTY

The Applicant shall warrant the quality, workmanship and function of all infrastructure improvements, public improvements and facilities for a period of two (2) years, or until July 1 of the year during which the second winter terminates after acceptance by the Town, whichever is greater.

2-1606 DEFAULT

In addition to any other remedies, in the event of default by the Applicant under the terms of the Development Agreement, no Building Permit or Certificate of Occupancy shall be issued until the default is corrected.

ARTICLE 3 APPLICATIONS FOR VARIANCES

SECTION 3-1 SUBMITTAL REQUIREMENTS

Submittal requirements shall be those outlined in the current DRB approved Variance Application form including a completed current DRB approved Variance Application.

3-101 APPLICATION

An Application for a Variance from the Design Regulations shall be submitted to the Planning Department together with the Application with which the Variance is associated (i.e. Sketch Plan for Development Permit, etc.). The information submitted for the Variance shall include, but not be limited to, that outlined in the Application form along with applicable fees.

3-102 APPROVALS

Any required approvals from other agencies for a Variance (i.e. Telluride Fire Protection District approval of slopes on driveways) shall be obtained and submitted to the Planning Department with the Application for a Variance. Staff will inform the Applicant at the pre-conference hearing what other approvals are necessary for the applied for Variance.

3-103 FEES

3-103-1 The Applicant shall be responsible for all fees associated with the review of the Application by any outside agency or organization.

3-103-2 The Applicant shall be responsible for all legal fees incurred by the Town in the processing and review of the Application.

3-104 NOTICING

The Variance Application will run in conjunction with the associated Application and shall be clearly detailed in any required noticing of the associated Application.

SECTION 3-2 GRANTING OF VARIANCES

3-201 Variances to Article 5 (Site Planning); Article 8 (Architectural Requirements), except Section 8-1; Article 9 (Landscaping and Site Amenities); Article 10 (Signage); Article 11 (Restaurant); Article 12 (Freight Elevator); Article 15 (Industrial Uses) except Sections 15-2 15-3; Article 18 (Commercial and Ground Level Plaza Guidelines) except Sections 18-204-5 and 18-303; and Article 19 (Special Events and Temporary Structures); Article 20 (Construction Regulations) of the Design Regulations may be granted at the discretion of the DRB provided that the criteria set forth in Section 3-2 herein have been met. Variances to Article 7 (Parking Regulations, except for variance for parking in excess of requirement), Section 8-1 (Building Height Limitations), Section 15-2 and 15-3 (height and parking requirements for Industrial Uses) may only be granted at the discretion of the Town Council after DRB has reviewed and made a recommendation thereon, pursuant to Article 5 of the LUO provided that the criteria set forth in Section 3-2 of the Design Regulations have been met.

3-202 CRITERIA FOR A VARIANCE

The Design Review Board may only grant a Variance to the above referenced Design Regulations upon written finding of the following:

- The strict Application of the Design Regulation(s) would create an undue hardship or practical difficulty upon the Owner of the property;
- The Variance is the minimum necessary to alleviate the undue hardship or practical difficulty;
- The Variance is consistent with the overall purposes and intent of the Design Regulations;
- The Variance does not have an unreasonable negative impact on the surrounding neighborhood;
- That cost or inconvenience alone shall not be sufficient grounds to grant a Variance.

ARTICLE 4 MOUNTAIN VILLAGE DESIGN THEME

SECTION 4-1 DESIGN THEME DESCRIPTION

The Mountain Village Design Theme is directed at establishing a strong image and sense of place for the community within its mountain setting. Compatibility of design within limits of individual expression will foster a sense of visual harmony and lasting value.

All architecture within the Town shall contribute to a single identity. It is important that the Owners and designers of residential and Commercial Buildings understand the architectural goals of the community and recognize the fragile natural environment and the impact of construction.

Architecture within the Town should be responsive to the historic tradition of alpine structures and should reflect the simple sturdy building forms common to alpine regions. Architectural expression should be a blend of influences that visually tie the Town to the mountain Buildings of high alpine environment and to the Southwest Region in which it lies.

All development within the Town of Mountain Village shall be subject to the requirements of Article 5 Site planning, Article 6 Environmental Impact Areas, Article 7 Parking Regulations, Article 8

Architectural Requirements , Article 9 Landscape and Site Amenities, Article 10 Signage, Article 11 Restaurant and Commercial Kitchen Facilities, Article 12 Freight Elevator Required, Article 15 Industrial, Article 17 Design Covenants, Article 18 Commercial Ground Level and Plaza Guidelines, Article 19 Special Events and Temporary Structures, Article 20 Construction Regulations, Article 21 Landscape Completion Policy.

ARTICLE 5 SITE PLANNING

All property within the Town of Mountain Village shall comply with site planning requirements as set forth in these Design Regulations.

SECTION 5-1 SITE PLAN LAYOUT

5-101 Effective Site planning is crucial to developing a Building that blends with the natural landscape. Siting of Buildings and routing of driveways, utilities, walkways, Drainage, etc. shall be designed to blend with the topography and avoid unnecessary disturbances to existing vegetation, ponds, streams and Wetlands. Natural vegetation, ponds, streams and Wetlands shall be preserved and protected whenever possible.

5-102 Site Plan layouts shall include exterior spaces well defined by vertical and horizontal landscape elements. There shall be a strong integration of indoor and outdoor spaces through the use of retaining walls, walkways, patios and landscape areas.

5-102-1 Semi-private outdoor spaces, such as Restaurant patios and courtyards, are encouraged in the Village Center wherever possible. These spaces shall be located and designed to reinforce pedestrian circulation when adjacent to primary public malls and plazas.

5-102-2 As opposed to the clearly defined main circulation routes, secondary routes shall provide opportunity to explore and seek out unexpected areas.

5-102-3 Due to heavy snowfall experienced in the area, all Site Plans shall provide a snow shed and storage plan for roofs, walkways and drives. Areas of snow or ice shedding from roofs shall be shown along with methods to protect pedestrian and/or vehicular traffic from injury or damage.

5-103 SITES ADJACENT TO OPEN SPACE

5-103-1 Prior to Final Plan Approval of any Site that will impact ski facilities, golf facilities or any other facilities located on Open Space, the Applicant shall enter into an Impact Agreement with TSG or the Owner of the Open Space. Said Agreement shall be submitted to Staff prior to the submission of an Application for a Development Permit for Final Plan Approval.

5-103-2 Applicant may be required by the DRB to plant trees as screens on sites adjacent to golf courses, buffers and directional control and will have groomed areas of the yard that provide a consistent appearance and transition to the golf course.

5-103-3 Buildings shall be setback from the fairways, tee boxes and greens. The DRB has the right, at the time of design review, to impose greater setback requirements in the event

of circumstances unique to individual situations or if required for safety or aesthetic reasons.

5-104 SITES ADJACENT TO COMMON AREAS

5-104-1 Prior to Development of any Site that will impact any developed common areas (pedestrian pathways, paver systems, retaining walls, light poles, sodded areas, etc.) the Applicant shall be required by the DRB, to provide a Common Area Impact Agreement from Public Works. Review by Public Works shall allow for the consideration of the proposed Development as it relates to any existing or proposed common area Development.

SECTION 5-2 BUILDING SITING

5-201 Building Siting shall respect and relate to existing land-forms and vegetation. Design solutions shall be Site specific, organizing the Building mass in a way that relates to the terrain and functional constraints of the Site.

5-202 BUILDING SITING – RESIDENTIAL

5-202-1 Siting studies shall include all property lines and shall consider such influences as shade and shadow, views, solar exposure, natural vegetation, rock outcroppings and water runoff.

5-202-2 All Easements, services access, utility connections and components, trash storage enclosures, Site grading, Drainage, walkways, retaining walls, lighting and any other Site features shall be clearly indicated on the Site Plan(s).

5-202-3 Proposed Building Siting which anticipates tree thinning outside the limits of Excavation for the creation of view corridors shall be specifically pre-approved by the Town Building Department pursuant to Article 12 of the LUO. Open Sites with little or no trees will be required to plant large, natural groupings of trees around the Lot in order to nestle the home as well as other improvements such as tennis courts, pools, etc. into the Site.

5-203 BUILDING SITING – VILLAGE CENTER

5-203-1 Building Siting within the Village Center shall relate directly to the pre-established pedestrian walkways, malls and plazas. It is imperative that Buildings form the walls of these exterior spaces and that circulation routes are uninterrupted, continuous and reinforced by adjacent Buildings.

5-203-2 The DRB requires that snow melting systems, complete with boiler and tubing, be installed in exterior areas subject to vehicle or pedestrian traffic.

5-203-3 On Building Footprint Lots (as defined in Section 2-416 of the LUO), Development of a structure to the Lot line is allowed.

5-204 BUILDING ENVELOPE

5-204-1 A survey of all Building Improvements shall be submitted to the DRB for review and approval to ensure all Development occurs within the Building Envelope. Any Alteration to the Building Envelope shall require the review and approval of the DRB.

SECTION 5-3 GENERAL EASEMENTS AND BUILDING SETBACKS

5-301 The majority of all Lots outside the Village Center are burdened by the sixteen (16) foot General Easement creating a Building setback sixteen (16) feet around the perimeter of the Lot. No disturbance, including construction staging and grading, will be allowed in this Building setback area. Notwithstanding Article 3, the DRB reserves the right to waive this requirement upon a finding that no unreasonable negative impacts result to the surrounding properties.

5-302 Lots where a General Easement does not exist and Lots where the General Easement has been vacated may be required to establish a Building setback as determined by the DRB at the time of review of an Application for a Development Permit. No disturbance, including construction staging and grading, will be allowed in this Building setback area. Notwithstanding Article 3, the DRB reserves the right to waive this requirement upon a finding that no unreasonable negative impacts result to the surrounding properties.

5-304 All structures, landscaping, or ground level Site Development such as walks, driveways, terraces and patios, except Site Development for direct access (driveways and/or walkways) as approved by DRB from a road or an Access Tract, shall be located within the required minimum setback lines on each Site outside of the required General Easement.

5-305 Tennis courts, swimming pools, hot tubs and other areas of active use and noise shall be buffered from adjacent properties. The DRB reserves the right, at the time of design review, to impose setbacks up to twenty (20) feet from the property line from these types of uses.

5-306 All Buildings will be required to maintain the proper setback for Building Codes and fire regulations from their respective property lines.

5-307 The DRB reserves the right, at the time of design review, to impose greater setback requirements of up to ten (10) additional feet (i.e., a maximum of 26 feet) for the protection of trees and natural rock outcroppings and other significant natural and environmentally sensitive features in the General Easement and to safeguard surrounding significant natural and environmentally sensitive features from the impacts of construction. If construction will not impact trees or other significant natural and environmentally sensitive features in the area of the General Easement, disturbance may be permitted by the DRB provided the disturbed area is re-landscaped.

SECTION 5-4 GRADING AND DRAINAGE

5-401 All grading within a project shall relate to and blend into the existing roads, Drainage swales and the surrounding natural landscape. If grading is required adjacent to an unimproved (unpaved) road, finished road grades are required to be reviewed and approved by Public Works.

5-402 The extent of cuts and fills shall be limited to protect the surrounding vegetation. All cut and Fill areas shall feather into the natural topography within the confines of the property boundary. Natural features such as streams, ponds and Wetlands shall be protected by appropriate erosion or sediment controls (i.e., straw-bale check dams, silt Fencing, etc.).

5-403 Slope conditions shall be determined by soil characteristics to avoid unstable conditions, erosion and undue loss of vegetation. Maximum cut and Fill slopes cannot exceed 2:1 without the recommendation of a soils engineer and specific approval of the DRB.

5-404 Slopes that are steeper than 2 horizontal and 1 vertical will require a retaining structure.

Retaining structures may be geogrids, geotextiles, reinforced slope, boulders, or concrete. In areas visible from public view, retaining structures shall be constructed of boulders or concrete walls or with pre-approved stone. With reinforced slope retainage, revegetation and erosion control may be an obstacle. Erosion controls and revegetation shall be incorporated in the design. If boulders are to be used for retaining an embankment, plants shall be planted between the boulders to soften the appearance.

5-405 Development should use best practices for design and construction so that on-site erosion is minimized. This may include selective thinning of vegetation, construction of temporary diversion ditches, silt fencing, and/or dust suppression. If the cumulative area of disturbance equals or exceeds one acre, on-site erosion control should be planned and executed in conformance with Colorado Department of Public, Health and Environment (Water Quality Control Division) storm water discharge regulations.

5-406 All Site Plans shall show surface Drainage patterns consistent with the existing road and Drainage swale grades and culvert crossings. Modifications to existing natural Drainage patterns shall have specific approval of the DRB and Public Works, as well as any other governing agency having jurisdiction and the consent of the Owners of any affected properties.

5-407 In areas where Drainage swales are created to direct runoff, erosion-control blankets shall be used to slow velocity of runoff, decrease erosion, and promote quick re-vegetation.

5-408 In all areas, runoff from impervious surfaces, such as roofs and paved areas, shall be directed toward natural or improved Drainage channels, storm sewers (in the Village Center only), or shallow sloping vegetated areas. Settling ponds shall be used prior to consolidated or re-channeled runoff entering natural streams or ponds.

5-409 Due to the extreme daily temperature changes that are experienced in the Mountain Village and sharp temperature contrasts between shade and sun exposures, it is mandatory that snow melt and water runoff be designed to prevent ice buildup in pedestrian areas.

5-410 All projects on Multi-Unit and Village Center Lots shall be required to provide a Drainage study with storm water runoff calculations that determine the volume of runoff from impervious surfaces. This runoff shall be directed to systems capable of such volumes. All plans illustrating surface drains shall require a minimum 8" drain grate. Drainage Plans require the review and approval of Public Works.

5-411 The Applicant shall propose specific clearing limits, in the plans submitted for DRB review that incorporate laybacks that do not interfere with the General Easements or other Building Setbacks.

5-412 The Applicant shall prove that the temporary laybacks that are needed for construction will remain within the proposed construction limits.

SECTION 5-5 ACCESS TRACTS

5-501 Access Tracts may be constructed to Public Works standards for acceptance as public roads, or constructed and maintained privately by the adjacent property Owners and are used for access, placement of utilities, snow storage and storm water management.

5-502 In order for an Access Tract to be accepted by the Town, it shall service three (3) or more

Lots or units, have a grade of 10% or less, have a turnaround adequate for use by fire trucks and snow plows, provide for adequate Drainage and snow storage, have a paved width of 16 feet with 2 foot shoulders, and have all utilities installed including water taps and service lines to undeveloped Lots.

5-503 Lots that are accessed from an Access Tract are required to pave the Access Tract at such time as the first house on the Access Tract is constructed.

5-503 All Access Tracts are required to have a compacted surface width of no less than twenty (20) feet (16' paved with 2-foot shoulders).

5-504 All Access Tracts and roads shall be required to be reviewed and approved by the Town. Where culverts are required, they shall be at least 18" in diameter to minimize ice and debris build-up.

5-505 All Access Tracts and roads shall be required to be reviewed by the Telluride Fire Protection District (TFPD).

SECTION 5-6 DRIVEWAYS

5-601 The construction, paving and maintenance of driveways including culverts, landscaping, maintenance, and snow plowing connecting to any road or Access Tract is the responsibility of the Owner. Notwithstanding Article 3, maximum driveway grades cannot exceed 5% for the first 20 feet from the public roadway or Access Tract, cannot exceed 8% on any radius, and cannot exceed 10% elsewhere without specific approval from the Design Review Board, Telluride Fire Protection District, and Public Works. Garage entrances, parking and turnaround areas are recommended not to exceed 5% to 6% grades. If driveway grades are greater than 5% to 6%, then the DRB may recommend that a snowmelt system be incorporated into the driveway design. Notwithstanding Article 3, the DRB reserves the right to waive these requirements.

5-602 For driveways that service Single-Family Residences, the compacted drive surface width shall be no less than twelve (12) feet for driveway lengths less than one hundred fifty (150) feet and shall be no less than sixteen (16) feet for driveway lengths more than one hundred fifty (150) feet. The compacted drive surface width shall be no less than sixteen (16) feet (12' paved with 2' shoulders) for driveways that service three (3) or fewer units and shall be no less than twenty (20) feet (16' paved with 2' shoulders) for driveways that service more than three (3) units. Notwithstanding Article 3, the DRB reserves the right to waive these requirements.

5-603 Only one curb cut for a driveway accessing a Lot from the main road shall be permitted. Notwithstanding Article 3, the DRB reserves the right to waive this requirement.

5-604 Approved driveway and parking surfaces include asphalt, concrete, pavers, or cut or tumbled stone block or other materials as approved by the DRB. The use of gravel as a surface material for driveways or parking areas is not permitted.

5-605 Driveways shall be constructed with a minimum 4" depth compacted road base and temporarily graveled within thirty (30) days from the commencement of construction. Driveways shall not be constructed in such a manner as to disrupt the natural watercourses and Drainage in the Town.

5-606 Single-Family Lots that have been created from Duplex Lots will be required to utilize a single

common driveway from the adjacent access-way. Notwithstanding Article 3, the DRB reserves the right to waive this requirement.

5-607 All driveway cuts shall be required to be reviewed and approved by Public Works. Where culverts are required, they shall be at least 18" diameter to minimize ice and debris build up.

5-608 To minimize traffic hazards at road intersections and along curves by improving visibility for drivers of converging vehicles in any district, no structure, no retaining walls, earth berm, nor landscaping more than three feet (3') in height will be permitted within the triangular portion of a corner Lot measured from the point of intersection of the Lot lines abutting the roads a distance of thirty feet (30') along each Lot line.

5-609 All driveways shall be required to be reviewed by the Telluride Fire Protection District (TFPD).

SECTION 5-7 SERVICE AREAS

5-701 TRASH SERVICE AREAS

5-701-1 In Residential Buildings, all trash containers are required to be bear-proof and shall be stored in an Enclosure or the garage as approved by the DRB. In Multi-Unit projects, a common trash Enclosure may be used if each individual unit does not have their own garage or Enclosure specific to the individual unit. Locations for trash storage shall be provided on the Site Plan for Final Plan Review. Trash containers and enclosures shall conform to the following regulations:

- a) For Single-Family Residential Units, the minimal dimensions for trash enclosures shall be four (4) feet by six (6) feet.
- b) For Multi-Unit projects the minimal dimensions for trash enclosures shall be ten (10) feet by twelve (12) feet if shared by more than four (4) units with a ceiling height of ten (10) feet.
- c) Enclosures shall be a roofed structure, fully enclosed, with operable gates consistent with the architectural form and material of the Building for which they serve. Gates may be constructed of wood or chain link.
- d) Enclosures shall be accessible by trash service year round and maintained in a safe and attractive manner.
- e) Locations for trash pickup shall be at the main structure.
- f) Trash compaction units may be required for all Single-Family Residences and Condominium Units.

5-701-2 In Commercial projects and Multi-Unit Lots within the Village Center which require underground parking, all trash storage/removal receptacles shall be contained underground and shall be appropriately vented.

5-702 STORAGE ENCLOSURE

Such items as boats, motorcycles, trailers, campers, maintenance and recreational

equipment, etc. are required to be stored in an approved garage or a storage enclosure. Walls or buildings enclosing these items shall be compatible with the materials and integrated with the architecture of the residence.

SECTION 5-8 UTILITIES

5-801 All utilities, plumbing and supply lines to and from any service shall be underground or otherwise kept from public view to create the least amount of impact on the Site. Utility routing shall follow the driveway unless such routing is not feasible.

5-801-1 Any removal of trees for utility installation will require specific approval from the DRB. Any area disturbed during utility construction shall be brought back to its original condition through proper grading, re-vegetation and tree planting. The appropriate utility companies shall govern all other specific standards and specifications relevant to the Development of utilities.

5-801-2 Water, sewer, cable TV routing and tap connections shall be approved by Public Works before receiving Final Plan Approval from the DRB.

5-801-3 Electric, gas and telephone shall be coordinated with the appropriate local utility companies.

5-801-4 Meters, transformers and other utility boxes on all Lots shall be concealed from view. Enclosures, plantings or other screening shall be included in the landscape.

5-801-5 Disturbance of the General Easement and or road-right-of-way for utility installations shall be kept to a minimum and revegetated immediately (within two weeks) after installation of utilities to prevent weed infestation.

5-801-6 Auxiliary power sources and portable generators for a backup system shall be stored in an approved garage or storage enclosure. Fuel tanks and propane tanks shall be kept and maintained within an enclosed structure or below the surface of the ground and shall be installed in accordance with the Town's Noise Ordinance as well as all Federal, State and Local Codes. Such systems may only be used as a backup system to the primary power source of the residence and shall not be allowed as a primary power system.

5-802 WATER AND SEWER

5-802-1 All existing pumping and storage systems and water and sewer transmission lines are owned and regulated by the Town.

5-802-2 Main transmission lines are located in Easements or rights-of-way located in front of or adjacent to the Lot depending on how the Lot is located with respect to utility Easements, unless physical or design constraints necessitate locating the lines within the Lot.

5-802-3 The cost of water and sewer service line extension from the main transmission lines is borne by the property Owner.

5-802-4 Meters and pressure reducing valves are required.

5-803 CABLE TELEVISION

5-803-1 All existing cable transmission lines are owned and regulated by the Town.

5-803-2 Main transmission lines are located in Easements or rights-of-way located in front or adjacent to the Lot, depending on how the Lot is located with respect to utility Easements, unless physical or design constraints necessitate locating the line within the Lot.

5-803-3 The cost of service line extension from the main transmission lines is borne by the property Owner.

5-803-4 Satellite dishes larger than thirty-six (36) inches are prohibited.

5-804 ELECTRICITY

5-804-1 SMPA, a Rural Electric Association and consumer-owned cooperative, services the Town.

5-804-2 Primary services will be available from a transformer location at or near the Lot, as determined by the SMPA.

5-804-3 The cost of electric service line extension from the main transmission lines shall be borne by the property Owner.

5-804-4 SMPA will provide the transformer and the property Owner will be responsible for its installation.

5-805 TELEPHONE

5-805-1 Qwest provides service to the Town.

5-805-2 The cost of telephone service line extension from the main transmission lines shall be borne by the property Owner.

5-806 NATURAL GAS

5-806-1 Kinder Morgan provides service to the Town.

5-806-2 All utility line installation shall be in accordance with Public Works rules and regulations and standards and shall be reviewed, approved and inspected by the Town and Kinder Morgan.

5-806-3 The cost of the gas service line extension from the main transmission line shall be borne by the property Owner.

SECTION 5-9 EXCAVATION PERMIT REQUIRED

5-901 For any Excavation within a Town road right-of-way or utility Easement, an Excavation Permit shall be obtained from the Town before commencing of work.

ARTICLE 6 ENVIRONMENTAL IMPACT AREAS

All property within the Town of Mountain Village shall comply with environmental impact area requirements as set forth in these Design Regulations.

SECTION 6-1 WETLANDS

6-101 It is the goal of the Town to preserve and enhance Wetlands and riparian habitat within the Town boundaries. All plats, Site Plans and/or topographic surveys submitted to DRB and the Town for approval shall identify Wetlands, if any, or state that there are none. Wetlands delineation may be performed by qualified consultants; however, written verification of the delineation from the United States Army Corps of Engineers (USACE) is required.

6-102 All Applications for a Development Permit submitted to the DRB shall identify Wetlands, if any, or state that there are no Wetlands on the topographic survey and Site Plan. When Wetlands, streams or ponds are identified on the topographic survey, it shall be the responsibility of the property Owner to ensure that these areas are not impacted by any Development of the Building Site. Development, to the greatest extent possible, shall occur in a manner that preserves and protects existing Wetlands. Prior to any Development on Site, a Wetlands report and letter of verification from the USACE shall be submitted to Staff.

ARTICLE 7 PARKING REGULATIONS

All property within the Town of Mountain Village shall comply with parking requirements as set forth in these Design Regulations.

SECTION 7-1 PARKING TRACTS

7-101 A Parking Tract is intended to provide sites for private or public off-road vehicle parking structures and public uses or private Office and Commercial uses that are transportation, tourist or Town-related and that are accessory to a parking structure.

SECTION 7-2 PARKING – SINGLE-FAMILY AND DUPLEX LOTS

7-201 All parking shall be contained within the Lot: off public and private rights-of-way and the General Easement. Parking surfaces shall be asphalt, concrete, pavers, or cut or tumbled stone blocks. Each Single-Family Lot will provide one (1) parking space for each bedroom constructed within the Site. At least two (2) of these parking spaces shall be enclosed, except as otherwise noted on a plat and/or design covenant. Interior garage spaces shall be a minimum of 9' X 18'. All exterior parking spaces shall be a minimum of 10' X 20'. All Site Plans shall illustrate a minimum of twenty-five (25) feet of backup space for vehicles exiting a garage.

7-202 The use of the road right-of-way for the parking of vehicles is strictly prohibited.

SECTION 7-3 PARKING – MULTI-UNIT

7-301 Parking requirements are as follows:

Zoning Designation:

Required Parking Spaces Per Unit

Condominium Unit (Village Center)	1.00
Condominium Unit (Multi-Unit)	1.50
Detached Condominium Unit	2.00
Hotel	0.50
Hotel Efficiency	0.50
Employee Condo/Apt. (Village Center)	1.00
Employee Condo/Apt. (Outside Village Center)	1.50
Lodge Unit	0.50
Efficiency Lodge Unit	0.50
Commercial Space	1.00 per 1,000 sf
Industrial	2.00 per 1,000 sf

For Uses not listed, parking requirements shall be determined by the DRB based upon the parking requirements of a land Use that is similar to the Use identified in the Design Regulations and Land Use Ordinance or other professional sources.

7-302 Effective October 28, 1997, parking spaces developed on-Site in accordance with this Section 7-3 shall be allocated to a specific unit identified in the zoning designation table in Section 7-301 and shall remain allocated to that unit or retained by the respective home owner's association (HOA).

7-303 Required Commercial parking spaces shall not be condominiumized and sold separately from the specific units to which they are allocated and shall not be leased to any person or entity other than the person or entity occupying the specific units to which they are allocated without the prior written authorization of the DRB.

7-304 No less than one (1) space, but no more than five (5) spaces, of required parking for all projects shall be retained by the HOA which shall allocate and manage the parking spaces in order to provide adequate Building maintenance and operation. These spaces shall be available for services such as housekeeping and cleaning, deliveries, common area maintenance, repair and maintenance, and minor construction. The spaces shall be striped and signed for service vehicle use.

7-305 Parking spaces developed in accordance with this Section 7-3 may be developed as surface parking or underground parking excluding the Village Center where all parking spaces shall be developed as underground parking except for municipal parking lots. In most other cases, the DRB shall require that the parking spaces be developed as underground parking or enclosed parking. Underground garage parking shall meet or exceed 70% of the required number of parking spaces for the project. Parking plans that include surface parking will be considered by the DRB on a case-by-case basis. The number of surface parking spaces allowed shall be determined by the DRB at the time of Final Plan Review.

7-306 UNDERGROUND PARKING GARAGE

7-306-1 Underground parking garage spaces shall be a minimum of 9' x 18' and have a minimum of twenty (20) feet of backup space. The layout shall provide a minimum twenty-five (25) foot center aisle allowing two-way vehicle traffic. There shall be a minimum clear height of seven and one-half (7 ½) feet inside the garage. All interior garage spaces shall be striped.

7-306-2 Tandem parking in excess of the parking requirement, on a case-by-case basis,

may be allowed in underground parking garages (maximum of 2 cars deep) but shall require 24 hour valet parking service if approved by the DRB at time of Final Plan Review.

7-306-3 Valet services, for the purpose of compliance with this Section, shall be defined as a service performed by the association and/or Owner providing attendants who take, park and later return vehicles to guests, customers, etc. as in a hotel. Such valet services shall become a Deed Restriction to the property running with the land and become a part of the recorded Condominium plat and declarations. If, for any reason, valet parking is terminated, the Parking Plan shall be revised accordingly and submitted to DRB for consideration and approval.

7-306-4 Parking garages shall be constructed with no less than one (1) space, but no more than five (5) spaces, of required parking retained by the HOA, which shall manage the spaces in order to provide adequate Building maintenance and operation. These spaces shall be available for services such as housekeeping and cleaning, deliveries, common area maintenance, repair and maintenance, and minor construction. The spaces shall be striped and signed for service vehicles use.

7-306-5 Lighting shall be provided for underground parking garages. Lighting shall be installed and maintained in a manner neither to cause glare or reflection into abutting or facing properties, nor to interfere with the safe operation of vehicles moving within the garage. A lighting plan shall be submitted within an Application for Final Plan Review that details the location and specifications of all lighting provided. An isofootcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

7-307 SURFACE PARKING

7-307-1 Parking spaces developed as surface parking shall be a minimum of 10' x 20' and have a minimum of twenty-five (25) feet of backup space. Surface parking spaces shall not exceed 30% of the total required number of parking spaces. The number of surface parking spaces allowed shall be determined by the DRB at the time of Final Plan Review. Parking spaces in or near high activity areas, such as the Building entrance and pedestrian corridors, shall be kept to a minimum (5% or less of the total spaces) of the required parking as determined by the DRB at time of Final Plan Review. All surface parking spaces shall be striped.

7-307-2 Perpendicular and angle parking may be allowed. Angle layout may be allowed with backup space of less than twenty-five (25) feet with DRB approval. Tandem parking is prohibited.

7-307-3 Parking Plans shall show provision for loading/unloading areas on the premises. These areas shall be reviewed for their impact on the Site, the adjacent roads, and the adjacent land Uses. All loading/unloading areas shall be striped and signed as delivery areas. All delivery vehicles shall be capable of loading and unloading on Site. Truck loading and unloading may not take place on public right-of way except in areas specifically designed and approved for this activity and shall at no time interfere with the normal flow of automobile or pedestrian traffic on any public road.

7-307-4 A detailed Landscape Plan of the surface parking areas shall be required at time of Site Plan Review.

7-307-5 Pedestrian crossing areas shall be constructed of surface pavers, concrete, cut or tumbled stone blocks, or other materials as approved by the DRB at time of the Site Plan Review.

7-307-6 Lighting shall be provided for surface parking areas used at night. Lighting shall be installed and maintained in a manner neither to cause glare or reflection into abutting or facing properties, nor to interfere with the safe operation of vehicles moving on or near the Site. Lighting located near buildings and adjacent to sidewalks shall be provided with lower, pedestrian scale lighting not to exceed 12 feet in height. Lighting, where possible, shall be located in landscaped areas. A detailed Lighting Plan shall be submitted within an Application for Final Plan Review that details the location and specifications of all lighting provided. An isofootcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

7-308 LOTS 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, AND 161D-2

These Lots are subject to the parking requirements in accordance with this Section 7-3; however, the parking requirement shall be satisfied off Site.

7-309 Parking surfaces shall be asphalt, concrete, pavers, or cut or tumbled stone blocks.

SECTION 7-4 PARKING FUND ESTABLISHED

7-401 In the event that the parking space requirements set forth in this Section cannot be met on Site, subject to the review of the DRB and approval of Town Council, such requirements may be fulfilled by a contribution to the Town of Mountain Village Parking Fund, in such amount as determined by the Fee Schedule in place at the time of approval.

7-402 Parking spaces built off Site with funds from the Town Parking Fund that have been collected pursuant to this Section shall be for the use by the general public and shall not be allocated to any specific Lot or unit.

7-403 Prior to exempting any property from the off-road parking requirement, the DRB and Town Council shall determine the following:

- a) That the exemption is due to a hardship or practical difficulty or that the exemption is in the best interest of the property in the immediate area and in the best interest of the Town.
- b) That the exemption will not confer any special privilege or benefit upon the property to be exempted, which privilege or benefit is not conferred on similarly situated properties elsewhere in the Town.
- c) That suitable and adequate parking exists or can be constructed to accommodate the exemption, and that service vehicles and normal loading, unloading and trash pickup, etc. can still be accommodated on Site.

ARTICLE 8 ARCHITECTURAL REQUIREMENTS

All property within the Town of Mountain Village shall comply with architectural requirements as set forth in these Design Regulations.

SECTION 8-1 BUILDING HEIGHT LIMITATIONS

8-101 All Buildings within the Town, except Buildings otherwise specified in this Section 8-1 or otherwise specified in a more restrictive design covenant or on a recorded plat, shall not exceed thirty-five (35) feet in height.

8-102 MAXIMUM HEIGHT

8-102-1 Maximum height limit shall be the maximum possible upward distance to the top of a Building. The measurement shall be at a right angle to the horizon line, parallel to the steepest slope, from each and every point on the Grade (either natural pre-construction Grade or the Grade remaining immediately after Excavation, whichever results in the greater height). If the existing pre-construction Grade has been disturbed prior to Development, the Building Official may establish the existing Grade.

8-103 The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five (5) feet above the specified maximum height limit, except on Ridgeline Lots.

8-104 Chimneys, flues, vents or similar structures may extend up to ten (10) feet above the specified maximum height.

8-105 MAXIMUM AVERAGE HEIGHT

8-105-1 Maximum average height shall be measured from the Finish Grade to a point on the roof midway between the eave and ridge.

8-105-2 On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the maximum average height shall be determined by taking the average of heights at equal intervals around the Building. Those intervals shall be no more than twenty (20) feet. When multiple roofs occur within any interval, the height for that interval shall be measured from the Finish Grade to a point on the highest primary roof midway between the eave and the ridge. For purposes of determining Building height, a roof shall have a horizontal projection of at least ten (10) feet. This definition does not intend to allow strategies to circumvent the intention of the height limitation through such relationships as high-rise structures surrounded by low secondary roofs.

8-106 BUILDING HEIGHT REQUIREMENTS – MULTI-UNIT LOTS AND DETACHED CONDOMINIUMS

8-106-1 MULTI-UNIT LOTS

The maximum height limit for structures on Multi-Unit Lots containing two (2) or more units, unless otherwise specified in this Section 8-1 or otherwise specified in a more restrictive design covenant or on a recorded plat, shall be forty-eight (48) feet. The maximum average height shall be forty-eight (48) feet.

8-106-2 DETACHED CONDOMINIUM

The maximum height limit for Detached Condominiums constructed on Multi-Unit Lots shall be thirty-five (35) feet. The maximum average height shall be thirty (30) feet.

8-106-3 The maximum height limit for Lots 10, 12 and 14 shall be forty-eight (48) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-106-4 The maximum height limit for Lot 27A shall be sixty (60) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-106-5 The maximum height limit for Lot 33 shall be fifty (50) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-106-6 The maximum height limit for Lot 52 shall be sixty-five (65) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-106-7 The maximum height limit for Lot 152C shall be fifty-five (55) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-106-8 The maximum height limit for Lot 154 shall be forty-five (45) feet from Natural Grade and the maximum average height shall be forty-eight (48) feet.

8-107 BUILDING HEIGHT REQUIREMENTS – SINGLE-FAMILY, DUPLEX LOTS

8-107-1 The maximum height limit for Single-Family and Duplex Lots, unless otherwise specified in this Section or otherwise specified in a more restrictive design covenant or on a recorded plat, shall be thirty-five (35) feet. The maximum average height shall be thirty (30) feet.

8-108 BUILDING HEIGHT REQUIREMENTS – VILLAGE CENTER

8-108-1 VILLAGE CENTER LOTS

The maximum height limit for Village Center Lots shall be sixty (60) feet. The maximum average height shall be forty-eight (48) feet. For the purpose of determining height restrictions, the Village Center shall include the following Lots: 28, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 34, 35, 37, 38, 41, 42A, 42B, 43, 50A, 50B, 50C, 51, 53A, 53B, 59, 60RA, 60RB, 61AR, 61C/D, 65, 67, 68R, 69R1, 69R2, 71R, 73, 76, 82R1, 89A, 105R1, 106R, 108, 109, 110, 128, 134R, 134R2, 135R1, 136R1 and 161CR.

8-108-2 The maximum height limit and the maximum average limit for Lot 128 is the as-built height as of 11-21-91.

8-109 BUILDING HEIGHT REQUIREMENTS – RIDGELINE LOTS

8-109-1 The maximum height limit, not including chimneys and mechanical equipment, for all Ridgeline Commercial and Multi-Unit Lots shall not exceed a maximum of forty-five (45) feet. The maximum average height shall be thirty (30) feet.

8-109-2 The maximum height limit, not including chimneys and mechanical equipment, for all Ridgeline Residential Lots shall not exceed a maximum of thirty-five (35) feet. The maximum average height shall be thirty (30) feet.

8-109-3 Maximum height for Ridgeline Lots shall be the maximum possible distance to the top of a Building measured along any plumb line extending down to the lowest point along the grade (either natural pre-construction grade or the grade remaining immediately after

Excavation, whichever results in the greater height) of the Building footprint from a plan that includes the highest point of the Building and is parallel to the pre-construction grade, prior to the placement of any Fill material.

8-110 NATURAL GRADE

Natural Grade shall be the highest natural elevation of the ground surface, prior to Development, next to the proposed walls of a structure. If the Natural Grade has been disturbed immediately prior to Development, the Building Official may establish the Natural Grade.

SECTION 8-2 ROOF FORMS

8-201 Roof forms shall be simple in design. Ridgeline shall be stepped to avoid long spans of unbroken ridges. Valleys shall be avoided since they are a potential source of ice buildup and water damage. The design of roofs needs to reflect concern for snow accumulation and ice/snow shedding. Entries, walkways, and pedestrian areas shall be protected from ice/snow shedding.

8-202 Pitches are to be 6:12 to 12:12. Major roof forms can be gable or hip. Secondary roofs may be shed roofs with pitches not less than 4:12 when attached to major Building forms. Notwithstanding Article 3, the DRB reserves the right to waive the minimum roof pitch requirement when a lower roof pitch is more appropriate for design of a Building and does not compromise the integrity of the Mountain Village design theme.

8-203 Village Center Roof pitches shall be consistent and steep and roof shall be kept simple.

8-204 Dormers may be included to add interest and scale to major roof areas and to make habitable use of space within the roofs. Dormers may have gable, hip or shed forms.

8-205 All Building entries and shop fronts shall be located at gable ends of buildings or shall be protected by secondary roofs, arcades, balconies or similar structures when they are subject to snow or ice shedding.

8-206 In order to reduce potential structural damage, damage to roof tiles as well as personal injury to pedestrians, cold roofs and/or cold attic spaces are recommended. The intent of a cold roof is to reduce ice dams and icicles that will form at the cold eave overhang of a sloped roof that is above a heated space.

8-207 All Multi-Unit Development is required to develop a DRB approved system of gutters, downspouts, and heat-tape to direct and channel runoff from impervious surfaces into the project's landscape to prevent ice build-up in pedestrian areas. Runoff shall be directed to storm sewers or systems capable of handling the volume of runoff. Such system shall be kept and maintained by the Owner and/or respective HOA in a clean, safe condition and in good repair.

8-208 All Development within the Village Center is required to develop an interior guttering system or other DRB approved system of gutters, downspouts, and heat-tape to direct runoff from impervious surfaces. Runoff shall be directed to storm sewers or systems capable of handling the volume of runoff. Such system shall be kept and maintained by the Owner and/or respective HOA in a clean, safe condition and in good repair.

8-209 Chimneys are an important visual element of the architecture and strongly affect the roofs cape and skyline of the Town. Forms of chimneys shall relate to the overall Building.

8-209-1 All fireplace flues shall be enclosed with a chimney cap that allows the proper draft to flow past the cap as required by any applicable codes and not simply left as exposed metal or clay flues. Chimney enclosures are generally made of stone, stucco or metal. The metal shall be treated to produce rusting.

8-209-2 Arched chimney cap forms relate to an alpine heritage as well as to Building forms of the southwest. All fireplaces that are wood-burning in nature shall be required to have a spark arrester installed.

8-209-3 All flues and vents shall be consolidated to minimize the number of chimneys.

8-209-4 Vents, chimneys and any other design elements that extend above the roof shall be located high on the roofs (closer to the ridge) or protected by a small roof that will divert the snow around the obstruction.

8-209-5 Exhaust vents from Commercial kitchens, locker rooms and any other space that may emit undesirable odors need to be designed and located so as to vent from the roof of Buildings and thus mitigate and eliminate odors. The DRB reserves the right to require improvements, such as air cleaners (scrubbers) to any system that does not, in its judgment, perform satisfactorily.

8-209-6 Rooftop heating and air conditioning equipment, large vent stacks, elevator penthouses, and Building vents and flues shall be designed to be compatible with the overall design of the structure, consolidated into vent enclosures, and concealed or screened from public view. Building vents and flues that cannot be consolidated into vent enclosures and/or concealed because of Building Code requirements shall be painted with an approved paint as specified by the manufacturer to match the exterior materials of the Building so as not to be obtrusive.

8-210 PEDESTRIAN PROTECTION

8-210-1 Due to the potential for heavy snow accumulation, snow shedding can be expected on sloping roofs. It is important, therefore, that people and structures be protected from these potential impact loads. The primary entry way shall be protected by a secondary roof if it is subject to snow or ice shedding. Such protection measures shall include, but are not limited to, snow Fences, gutter, downspouts, heat-tape, etc.

8-210-2 Snow retention devices, such as snow Fences or 6" diameter logs supported by steel wire rope, may be desirable or necessary to retard snow-shed off roofs. Snow retention devices shall be designed to support structural loads and anchored to structural members that can support those loads. Specific design and installation recommendations will vary with actual design conditions; therefore, the advice of a qualified consultant shall be obtained at the early design stages of any project.

8-210-3 Raised planters, retaining walls or similar landscape features shall be used to direct the pedestrian away from any snow or ice shed areas and shall be required where a potential volume of snow-shed or an especially hazardous area exists due to the height of the roof.

8-210-4 In areas where snow removal from roofs is anticipated, mechanical and safety

devices shall be provided to accommodate workers and allow easy access to the roof.

8-211 ROOFING MATERIAL

8-211-1 All roofing material that is proposed for use in the Town shall be of a type and quality that will withstand local alpine climate conditions.

8-211-2 Any tile that is proposed for use in the Town, in general, requires the following properties:

- a) High strength, both material and shape;
- b) Low absorption or permeability;
- c) High freeze/thaw damage resistance with color throughout the tile (not surface applied).

8-211-3 All exposed metal flashing, gutters, downspouts, and other roof hardware will be copper except when structural requirements dictate the use of stronger materials such as for snow fences. When steel or iron are used they shall be finished with a baked on enamel paint or, subject to the prior approval of the DRB, a silicon modified alloy or special epoxy paint system of a color approved by the DRB.

8-211-4 Where the term copper is used, the intent is to specify solid copper metal unless otherwise approved in writing by the DRB. Copper shall only be considered when it is proposed with a brown or Verde patina finish where visible, except for the Village Center where a Verde patina finish is required.

8-211-5 Roof material, except as otherwise specified in design covenants, are restricted to rusted standing seam, unglazed concrete roof tile, 1/2" slate and 18 - 22 gauge black or rusted corrugated metal. The corrugated metal shall be treated to produce rusting prior to the issuance of a CO. Notwithstanding Article 3, the DRB reserves the right to waive these requirements.

8-211-5-1 Standing seam metal materials are subject to DRB review.

8-211-5-2 Metal surface shall not reflect an excessive amount of light when viewed against direct sunlight.

8-211-5-3 Corrugated and standing seam materials approved for rusting shall be treating to produce rusting prior to issuance of a CO.

8-211-5-4 The DRB shall determine in its sole discretion that synthetics emulating wood shake, concrete and slate tile or any metal roofing shall be of durable, high-quality design that fits within the architectural context of the building and the architectural context of the neighborhood, subject to specific approval by the DRB.

8-211-5-5 The installation of wood shakes in Mountain Village is prohibited by a Town adopted building code.

8-211-5-6 All roof material colors shall be a natural earth or rusted tone that blends

with the natural backdrop to the extent possible.

8-211-6 Village Center roofing material will be concrete tile or synthetic materials that emulate concrete tile of the color Burnt Sienna and shapes approved by the DRB, except for special copper accent roofs that shall have specific approval of the DRB. Any proposed copper roof material will require a Verde patina finish.

8-211-7 For Multi-Unit /Detached Condominium Lots outside the Village Center, roofing materials may be concrete tile or ½" slate. Synthetic roofing materials that emulate hand split wood shakes with a minimum 1" butt, concrete, and slate tile shall be of durable, high-quality design, subject to specific approval by the DRB.

8-211-8 For Multi-Unit /Detached Condominium Lots outside the Village Center, copper is only permitted as an exterior material if it is proposed with a Verde patina finish. Specific approval by the DRB will be required.

8-211-9 For Single-Family homes, standing seam roofing material will only be considered if such roofing is proposed with a rusted or low reflective finish

8-211-10 The use of glazed tile, asphalt shingles or any other unapproved material is prohibited, except special smaller copper accent roofs or canopies that have been pre-treated to create a brown or Verde patina subject to approval of the DRB.

SECTION 8-3 EXTERIOR MATERIAL

8-301 EXTERIOR WALL FORM

8-301-1 The overall form of residential exterior walls shall be simple in design. Walls need to either portray mass that is a strong, thick, masonry look or framing of timbers with wood surfaces.

8-301-2 The form of exterior walls within the Village Center shall respond to the public spaces they confine as well as the interior uses of the Building. Spaces defined by the walls shall be contained courtyards and plazas or continuous flowing streets. Angles shall be soft, repetitive 90-degree turns and open-ended disjointed spaces shall be avoided.

8-301-3 Exterior walls along small Commercial retail streets and plazas shall reinforce the "village street" concept with relatively narrow frontages and/or vertical "townhouse" proportions. Ground level Commercial spaces shall be architecturally defined from Office or residential spaces above.

8-302 EXTERIOR WALL MATERIAL

8-302-1 Stone from the Telluride area or any alternate stone material approved by the DRB will be set in a random pattern with minimum exposed mortar and deep reveals between the stones. Stone will be used as a vertical element on Building Facades (i.e., chimney flues, arched entryway, etc.). The use of stone is encouraged on highly visible portions of all buildings.

8-302-1-1 Buildings with stucco or adobe walls, except as otherwise specified in specific design covenants, will have 35% minimum stonewalls.

8-302-1-2 Buildings with wood exterior walls, except as otherwise specified in specific design covenants, shall have 35% minimum stonewalls.

8-302-1-3 The stone for building additions will be included into the overall stone calculation for the entire building and must comply with the stone percentage requirements stated herein.

8-302-1-4 The designs shall show stone that is distributed to enhance the overall architecture.

8-302-1-5 Stone incorporated in retaining walls that are adjacent to, and an integral part of, the Building may be included, up to 10%, in the Building's exterior stone material calculation.

8-302-1-6 Boulder walls will not be considered within calculations of the exterior wall material requirement.

8-302-1-7 The primary exterior wall finish in the Village Center shall be plaster or stucco with a minimum use of 25% stone and a maximum of 20% wood as an exterior wall material.

8-302-2 Stucco and synthetic stucco walls will portray a Building of mass and, therefore, need to be used over large surfaces rather than on small isolated areas. Stucco walls will have a smooth undulating surface with soft rounded corners and deeply recessed doors and windows to reinforce the Building mass. Stucco colors need to be primarily light earth tones and are subject to the approval of the DRB. Exterior wall insulation and finish systems may be used, subject to DRB approval. All synthetic stucco materials shall be pre-approved by the Building Official.

8-302-3 Wood Siding (horizontal or vertical), wood shingles, log, log siding and heavy timbers are acceptable exterior materials.

8-302-3-1 Log and log siding will be minimum 9" diameter. When milled logs are used, hand-hewed logs are preferred. When log siding, heavy timber or wood siding are used, corner detailing shall be provided.

8-302-3-2 Heavy timber will be 8" X 8" minimum size.

8-302-3-3 Wood siding shall be a minimum of 1" X 8" in dimension and painted or stained.

8-302-3-4 Rough sawn plywood, aluminum, steel, plastic and/or vinyl siding are not approved materials.

8-302-4 Concrete cannot be used as an exterior material; it may be used for structural elements such as exposed lintels or beams. Other areas of concrete shall be faced with stone, wood or stucco.

8-302-5 Corrugated metal may be used as an accent siding material with approval of the DRB. The corrugated metal shall be treated to produce rusting prior to the issuance of a

CO.

SECTION 8-4 COLOR

8-401 Color will support the overall design theme for the Mountain Village. From a distance, the Mountain Village will blend with the natural landscape. Since the predominant visual element for this level of perception is the roofs, they shall tie to the surrounding sandstone hillsides. Walls will have warm colors to add interest and variety in contrast to the snow-covered landscape of the winter climate. Warm but subtle colors are strongly suggested for exterior plaster walls and wood siding. Colors used on details will be strong and deep in contrast to the more subtle tones of large wall areas. For Commercial Village Center color at ground level and storefront areas, see Article 18.

SECTION 8-5 WINDOWS

8-501 Windows need to be used to establish patterns and architectural expression on exterior walls as well as to be responsive to interior uses, views and passive solar energy considerations. Large uninterrupted expanses of glass shall be avoided and combinations of windows need to be used to establish a human scale to Building Facades.

8-501-1 Windows shall appear to be punched into massive walls. Window patterns and reveals need to be carefully studied to create interest and variety. Continuous, repetitive bands of windows shall be avoided. Window openings and patterns shall be responsive to good solar design principles.

8-501-2 The design of exterior walls shall also respond to solar exposures. North exposures shall be massed with small punched window openings. North walls shall typically have no more than 20% glass area unless the primary view is to the north. South walls shall open to the sun and view.

8-501-3 Windows shall have double or triple glazing or high technology glass. Glass storm panels, set within the window sash, may be used; however, where divided-lite windows are provided, the storm panel shall be installed on the interior side of the window.

8-501-4 Window frames, casings and trim shall be painted or stained wood, painted aluminum or patina copper clad. The use of vinyl of any kind will not be permitted. Aluminum is allowed as painted clad material only. Divided-lite windows will be individual glass lights with real mullions except where special divided-light windows with interior spacer bars have been given approval at the time of DRB review. The use of removable grid (false mullions) is not permitted.

8-501-5 Special bay windows are encouraged to maximize views and sun exposure, as well as to provide an accent on large wall surfaces.

8-501-6 The use of mirrored glass is prohibited. Notwithstanding Article 3, the use of High Performance Glazing (Heat Mirrored Glass) requires DRB approval at the time of DRB review.

8-501-7 If shutters or grills are used on exterior walls, they shall be operable and not merely ornamental.

8-501-8 Sandstone, granite or heavy timber lintels and sills are encouraged for windows

within mass walls.

8-502 WINDOWS – SINGLE-FAMILY/DETACHED CONDO/MULTI-UNIT

8-502-1 Uninterrupted glass areas in residential areas cannot exceed forty (40) square feet, except in one window area designed as a Great Room where uninterrupted glass areas cannot exceed seventy (70) square feet.

8-502-2 When located in stucco and stone finished walls, all windows will be recessed so that the exterior face of the glass is set back a minimum of five (5) inches from the outside face of the stucco or stone. Built-out eyebrows cannot be used to circumvent the intent of the window recess requirement. When bay windows are incorporated in stucco walls, the window recess requirement will be reviewed on an individual basis.

8-503 WINDOWS – VILLAGE CENTER

8-503-1 Within the Village Center, windows located in stucco and stone finished walls shall be recessed so that the exterior face of the glass is set back a minimum of five (5) inches from the outside face of the stucco or stone. The depth of reveals shall vary with reveals greater than ten (10) inches being more desirable.

8-503-2 Window openings and trim shall be consistent in proportion and scale with the associated Building. Materials shall vary in detailing and color while still being compatible with overall Building design.

8-503-3 For residential windows above the pedestrian (ground) level within the Village Center, maximum glass area shall not exceed sixteen (16) square feet.

8-503-4 Village Center windows at pedestrian (ground) level are governed by Article 18 of these Design Guidelines.

SECTION 8-6 DOORS AND ENTRYWAY

8-601 DOORS AND ENTRYWAY – SINGLE-FAMILY/DETACHED CONDO/MULTI-UNIT

8-601-1 Doors and entryways shall use handcrafted materials whenever possible. The primary entrance doorways will establish interest, variety and character, and will be reviewed on an individual basis.

8-601-2 Flush metal doors will not be permitted. Notwithstanding Article 3, secondary (semi-concealed) doors may be metal and are subject to specific DRB approval.

8-601-3 When doors are located in stucco walls, the exterior face of the door shall be recessed a minimum of five (5) inches from the outside face of the stucco.

8-602 DOORS AND ENTRYWAY – VILLAGE CENTER

8-602-1 Public doors and entryways within the Village Center shall use handcrafted materials whenever possible. Glass, metal and wood shall be used to establish interest, variety and character for the tenant spaces.

8-602-2 Hollow metal doors are not permitted.

8-602-3 Within the Village Center, doors located in stucco walls shall recess the exterior face of the door a minimum of five (5) inches from the outside face of the stucco.

8-602-4 Ground level door fronts in the Village Center are governed by the Commercial Ground Level & Plaza Guidelines governed by Article 18.

8-603 GARAGE DOORS

8-603-1 Garage doors shall be rich and interesting. Wood or metal sectional overhead doors of raised panel design may be used.

8-603-2 Hollow metal doors, metal overhead doors of plain panel, or roll up doors similar to those of a service truck are not permitted.

8-603-3 Wood garage doors, other than wood sectional overhead doors, will be reviewed on an individual basis.

8-603-4 When garage doors are located in stucco walls, the exterior face of the door shall be recessed a minimum of seven (7) inches from the outside face of the stucco.

SECTION 8-7 DECKS, BALCONIES, WINDOW BOXES

8-701 Decks and balconies will be designed to enhance the overall architecture of the Building by creating variety and detail on exterior elevations. Combinations of covered decks, projecting balconies and bay windows shall be used.

8-701-1 Long, continuous bands of balconies are not permitted.

8-701-2 Whenever possible, balconies and decks shall be located in areas of high sun exposure while at the same time preserving views and solar access.

8-702 Window boxes are encouraged in residential areas to add variety to Building Facades and to accommodate seasonal plantings of annuals, perennial and bulbs. Window boxes shall reinforce the basic architectural theme of the Town and shall be designed to consider all Drainage related concerns. Materials shall be consistent with those approved by the DRB.

SECTION 8-8 ENCLOSED STRUCTURES REQUIRED

8-801 Recreational vehicles such as motor homes, travel trailers, fifth wheels, campers, etc., shall be enclosed within an approved structure and/or parked on parking lots or other areas specifically designated by the Town for such equipment. All enclosed structures shall comply with the rules and regulations of the DRB.

8-802 The following shall be contained within an approved DRB enclosed structure. All structures shall comply with the appropriate Design Regulations.

8-802-1 Facilities for hanging, drying or airing clothing or fabrics shall be kept within an enclosed structure;

8-802-2 Pipes for water, gas, sewer, Drainage or other purposes; wires, poles, antennas and other facilities for the transmission or reception of audio or visual signal or gas; oil, water or other tanks, excluding propane gas tanks; and sewage disposal systems or devices shall be kept and maintained within an enclosed structure or below the surface of the ground.

8-803 No lumber, grass, shrub or tree clippings, plant waste, compost, metals bulk materials, scrap, refuse, trash, or unused items of any kind shall be kept, stored or allowed to accumulate on any property.

ARTICLE 9 LANDSCAPE AND SITE AMENITIES FOR ALL DEVELOPMENTS

All property within the Town of Mountain Village shall comply with landscape and site amenities requirements as set forth in these Design Regulations.

SECTION 9-1 LANDSCAPE

These regulations are established to achieve the following:

- Create a complementary accent within the natural high meadow landscape;
- Maintain visual harmony within view corridors such as roadways, golf courses and ski slopes;
- Preserve areas of existing vegetation;
- Define transition zones;
- Define Open Space areas;
- Practice sensible plant screening concepts;
- Base plant selection on Site exposure constraints (soil, water availability, aspect and degree of slope); and
- Respect snow storage, removal and roof drip-line constraints.

9-101 Patios, plazas, steps and other exterior hardscape improvements shall withstand summer rains, freeze-thaw and snow removal constraints. Due to the harsh alpine environment attributes associated with the Town, such as heavy snow accumulation, extreme temperature variations and short growing seasons, designing a Landscape Plan for a proposed Development requires careful planning and design. The DRB recommends that a locally qualified landscape architect or design consultant prepare all Landscape Plans.

9-101-1 Projects within the Village Center are required to install a snow melt system, complete with boiler and tubing, and channel runoff into the projects landscape/hardscape to prevent ice build-up in pedestrian areas. Perimeter of snowmelt systems shall contain a drainage system where needed.

9-102 Landscaped areas within the Town shall reinforce the Open Space system while linking the Development to the native landscape of the area. Through effective use of planting, the architectural elements can be softened and blended into the landforms and vegetation of the Site. When completed, the finished landscape should appear as a complementary accent within the natural mountain and high meadow context.

9-102-1 Areas that are seen from a distance or relate to vehicular traffic, such as roadways, golf course paths and ski runs, shall have large scale massing of trees and shrubs in contrast to Open Spaces of native grasses and flowers. The planting within these general areas shall be consistent with the existing native vegetation of the Site (i.e., Aspen, Spruce, Fir, Cottonwood, Serviceberry, Willows and Alders).

9-102-2 Areas of existing native vegetation are invaluable and in most cases irreplaceable. Such areas shall be preserved in larger sized parcels whenever possible.

9-102-3 Property Owners have to be aware that Aspen are subject to disease and sensitive to changes in exposure and sub-surface water conditions due to construction. Aspen groves that are to be maintained shall be protected from root and bark damage. Since protecting these groves is difficult, the Owner shall be prepared to augment such groves with an infill of young plantings.

9-102-4 The transition between formal, or groomed, planting to the natural landscape shall be defined. This can be accomplished through creating a natural transition using boulders, perennial wild flowers or shrub beds, or through elements such as Fencing, walls, pathways or roads. Edge transitions cannot be left to a line of cut and uncut grass.

9-102-5 Definition of Open Space areas can be achieved in a variety of ways ranging from formal architectural confinement of a plaza to the naturally flowing tree line surrounding a meadow. Planting shall be used in transitional and outlying areas to define corridors and Open Spaces.

9-102-6 Screening provided by plant materials can have both positive and negative effects and shall be carefully considered in the design of the landscape. While some new plantings will be done with small trees and shrubs, it is important to provide intermediate and larger growth sizes. Sight lines at roadway intersections shall be preserved by holding plantings back sufficiently from the roadway. Landscape designs shall also respect views and solar exposure to adjacent properties.

9-102-7 Generous planting is required to visually screen undesirable areas such as utility meters, transformers and other utility boxes, service yards, maintenance areas, and parking lots. Planting can be used effectively to screen yards and decks for privacy and to avoid glare from sources such as automobile headlamps.

9-102-8 Due to the intense rays of the sun at high elevations, the exposure that plant materials face shall be considered. Planting along south facing slopes and walls will receive harsh sunlight and extreme temperature changes throughout a 24-hour period.

9-102-9 It is important that soil, water and exposure be considered in the selection of specific plant materials. Coniferous trees and shrubs, such as Spruce and Fir, are excellent for north exposures and provide year-round protection from north winds. Deciduous trees, such as Aspen and Narrow leaf Cottonwood, will shade south exposures during the summer while permitting warm, valuable sunshine to filter through during the winter months.

9-102-10 Plants located in snow storage areas or in areas of snow and ice shedding shall be able to withstand the accumulated snow loads. Planters or planting beds in these areas shall incorporate the use of annuals, perennials, bulbs, or low growing evergreens.

9-103 LANDSCAPE FORMS

9-103-1 Berms created by the deposition of dirt without further contouring and shaping are not permitted.

9-103-2 Man-made landscape forms shall not exceed a slope of 3:1 and shall have rounded crests and roll gently into the existing grade at the toe of the slope.

9-103-3 Man-made landscape forms may not block vehicle sight lines at intersections.

9-103-4 In the event that a variance is granted to Section 9-103-2, vegetation of man-made landscape forms are required and shall require erosion control netting on slopes that exceed 3:1. Successful revegetation will require topsoil, not simply netting.

9-103-5 Boulders shall be partially buried to appear pre-existing and not simply dumped.

9-103-6 All man-made landscape forms will be inspected by the DRB Inspector prior to planting to ensure compliance.

9-104 SOIL PREPARATION

9-104-1 Before Excavation, topsoil shall be stripped and stored on the Site or in a location approved by the DRB. Good quality topsoil shall be replaced in areas requiring landscaping or re-vegetation.

9-104-2 Topsoil shall be spread to a minimum depth of four (4) inches.

9-104-3 A soil amendment, such as well-rotted manure, shall be rototilled into all areas that will be sodded or seeded. Amendments shall be rototilled into the soil to a six to eight (6-8) inch depth.

9-104-4 A minimal recommended rate of application of soil amendment shall be three (3) cubic yards per thousand (1,000) square feet.

9-104-5 Weed control shall occur on stored topsoil.

9-105 PLANTING AND PLANT MATERIALS

9-105-1 Overall landscape design shall be developed so that new vegetation integrates with the natural mountain landscape and the inherent form, line, color and texture of the local

plant communities.

9-105-2 Minimum sizes for deciduous trees shall be three (3) inches in Caliper for single stem and two and a half (2 ½) inches in Caliper for multi stem and at least eight (8) feet in height. Trees shall be planted in large natural groupings or groves. Notwithstanding Article 3, the DRB reserves the right to waive these requirements.

9-105-3 Minimum size for evergreen trees within the inner Village Center shall be eight (8) to twelve (12) feet with a minimum of 30% total of twelve (12) foot or larger. Notwithstanding Article 3, the DRB reserves the right to waive this requirement.

9-105-4 Minimum size for evergreen trees for Multi-Unit Lots outside the Village Center shall be ten (10) to twelve (12) feet with a minimum of 30% total of twelve (12) foot or larger. Notwithstanding Article 3, the DRB reserves the right to waive this requirement.

9-105-5 Minimum size for evergreen trees for Single-Family Lots shall be eight (8) to ten (10) feet with a minimum of 30% total of ten (10) feet or larger. Notwithstanding Article 3, the DRB reserves the right to waive this requirement.

9-105-6 On open Lots with little or no existing vegetation, the DRB will require several groupings of trees to help nestle the home into the Site. Notwithstanding Article 3, in such cases the DRB may allow for a modification to the size requirements of trees to allow for a more natural appearance.

9-105-7 In areas that are wooded, the DRB may require many groupings of trees, depending on the extent of the disturbance created by construction.

9-105-8 On heavily wooded sites, the DRB may require the replacement of trees that have been removed or destroyed for construction, grading, etc. Site planning for heavily wooded areas shall promote smooth transitions from groomed areas along walkways, driveways and buildings to a more natural condition by blending with existing vegetation and landforms.

9-105-9 Upon completion of any home within the Town, the DRB reserves the right to require additional landscaping if, upon review of the completed Site, the DRB determines that additional landscaping is necessary to ensure the architectural and natural integrity of the area.

9-105-10 All plant material will be required to meet the American Standard for Nursery Stock. Planting details will be required and shall meet standards accepted by the Associated Landscape Contractors of Colorado.

9-105-11 New plantings shall include primarily plant material indigenous to the Rocky Mountain Alpine and Sub-alpine zones.

9-105-11-1 NATIVE PLANTS OF THE MOUNTAIN VILLAGE AREA

Although a variety of plants may grow in this area, native species are encouraged. Therefore a native plant list for our region follows:

Deciduous Trees

Populous Tremuloides

Quaking Aspen

Populus Angustifolia

Narrow leaf Cottonwood

Evergreen Trees

Picea Engelmannii

Engelmann Spruce

Abies Lasiocarpa

Subalpine Fir

Picea Pungens

Colorado Spruce

Pinus Aristata

Bristlecone Pine

Pseudotsuga Menziesii

Douglas Fir

Deciduous shrubs

Quercus Gambellii

Scrub Oak

Alnus Tenuifolia

Rocky Mountain Elder

Lonicera Involucrata

Twinflower Honeysuckle

Cornus Stolonifera Coloradense

Colorado Dogwood

Salix Spp

Willow species

Acer Glabrum

Rocky Mountain Maple

Physocarpus Monogynus

Scrubby Ninebark

Rosa Woodsii

Woods Rose

Sambucus Racemosa

Native Red-berried Elder

Kalmia Polifolia

Bog Kalmia

Ribes Inerme

Gooseberry

Ribes Cereum

Wax Currant

Symphoricarpus Oreophilus

Mountain Snowberry

Amelanchier Alnifolia

Serviceberry

Prunus Virginiana Melanocarpa

Native Chokecherry

Rubus Deliciosus

Boulder Raspberry

Jamesia Americana

Waxflower

Potentilla Fruticosa

Shrubby Cinquefoil

Evergreen shrubs

Juniperus Communis

Common Juniper

Perennials and Forbes

Phacelia Sericea

Pincushion

Primula Angustifolia

Fairy Primrose

Primula Parryi

Parry Primrose

Castilleja Rhexifolia

Rosy Paintbrush

Pedicularis Groenlandica

Little Red Elephant

Achillea Lanulosa

Yarrow

Caltha Leptosepala

White Marsh Marigold

Trollius Laxus

Globeflower

Mertensia Ciliata

Tall Chiming Bells

Campanula Rotundifolia

Harebells

Gentiana Calycosa

Parry Gentian

Polemonium Viscosum

Sky Pilot

Polemonium Delicatum

Jacob's Ladder

Eriogonum Flavum

Sulphur Flower

Geum Triflorum

Avens

Ranunculus Aadoneus

Snow Buttercup

Castilleja Occidentalis

Yellow Paintbrush

Castilleja Linariafolia

Indian Paintbrush

Antennaria Rosea	Pussytoes
Linnea Borealis	Twinflower
Sedum Integrifolium	King's Crown
Sedum Rhodanthum	Queen's Crown
Aquilegia Elegantula	Western Red Columbine
Lupinus Argenteus	Silvery Lupine
Aconitum Columbianum	Monkshood
Aquilegia Caerulea	Rocky Mountain Columbine
Delphinium Barbeyi	Subalpine Larkspur
Delphinium Occidentale	Tall Larkspur
Arnica Cordifolia	Heartleaved Arnica
Thermopsis Divaricarpa	Golden Banner
Mimulus Guttatus	Monkey Flower
Geranium Richardsonii	White Geranium
Ipomopsis Aggregata	Scarlet Gilia
Dodecatheon Pulchellum	Shooting Star
Calochotus Gunnisonii	Mariposa Lily
Iris Missouriensis	Blue Flag Iris
Pulsitilla Patens	Pasque Flower
Penstemon Strictus	Rocky Mountain Penstemon
Gaillardia Aristat	Indian Blanket
Mahonia Repens	Creeping Holly

9-106 SODDING

9-106-1 Sod is required in landscape areas adjacent to buildings, pathways, patios, etc. In disturbed areas where sod gives way to the natural landscape, an informal edge shall be created to tie with the natural line created by the existing vegetation. These sodded areas shall be maintained to ensure a well-kept appearance.

9-106-2 Turf shall be aerated 2 to 3 times per year to increase the water absorption rates – especially on sloping sites. Organics, fertilization and amendment incorporation at same time are encouraged.

9-106-3 LANDSCAPE AND REVEGETATION MIX

Native Mix (General Revegetation)

Western Yarrow	5%
Tall Fescue	10%
Arizona Fescue	5%
Hard Fescue	5%
Creeping Red Fescue	10%
Alpine Bluegrass	15%
Canada Bluegrass	10%
Perennial Ryegrass	15%
Slender Wheatgrass	10%
Mountain Brome	15%

Upland Mix (Wetlands Buffer Mix)

To be planted within 20 feet of Wetland areas

Arizona Fescue	14%
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Alpine Bluegrass	14%
Slender Wheatgrass	35%
Mountain Brome	36%

9-107 PERENNIAL AND WILDFLOWERS

9-107-1 Perennial, wildflower and ground cover beds are encouraged to provide seasonal colors and variety in the landscape. Perennials shall be selected pursuant to their micro-climatic needs (i.e. shade, full sun, dry, etc.) and shall be planted as edge transitions, or in drip lines or snow shed areas where their use would be more appropriate than turf grass. In small areas adjacent to improved areas including but not limited to buildings, walkways, patios and decks, container perennials can be planted to ensure quick cover.

9-107-2 Wildflower seed application is recommended in irrigated, riparian, or transition seeding areas. Utilizing indigenous plant seed sources is encouraged.

9-108 SEEDING

9-108-1 Seeding is required in all disturbed areas on the perimeter of the Building Site and at utility and road cuts. Aspect and slope shall be considered while designing application methods.

9-108-2 Low grow, wildflower mixes and other seed mixes and ratios shall be approved by the DRB. A blend of grasses and/or wildflowers that have growing characteristics that provide quick cover, erosion control, and potentially evolve into an indigenous climax plant community, shall be specified for all areas. Seed mixes and ratios shall be adapted to specific locations and microclimates.

9-108-3 Seed shall be applied to disturbed areas within 10 days after topsoil has been spread and shall follow the recommended rates noted by suppliers.

9-109 NOXIOUS WEEDS

9-109-1 Landowners and Developers within the Town limits shall comply with noxious weed management regulations and the Town's Noxious Weed Management Plan Ordinance, if adopted. The Town has the duty and power to manage noxious weeds.

9-109-2 A Duly Authorized Agent from the Town reserves the right to enter private lands to inspect for the existence of noxious weed infestation.

9-109-3 The DRB will notify the landowner or occupant of property of the presence of noxious weeds.

9-109-4 The landowner or occupant of property shall within ten (10) days of such noticing

1. Comply with the terms of the notification; or
2. Submit a plan and schedule for completion of a management program for the destruction, removal and/or control of the existing noxious weeds.

9-109-5 An updated noxious weed listing for San Miguel County and additional information regarding noxious weeds can be obtain by contacting the San Miguel Weed Manager, PO Box 130, Norwood, CO 81423, 970-327-0399 (Phone), 970-327-4090 (Fax).

9-109-5 NOXIOUS WEED LISTING: SAN MIGUEL BASIN WEEDS

The Colorado State Commissioner of Agriculture has the duty of determining from the counties, which non-native invasive plants they are recognizing as problems and creating a state weed list based on that information. Each County then chooses from that list those plants that they consider to be threats – current and potential – and creates a County weed list. Both County and State lists are updated every three (3) years.

SECTION 9-2 IRRIGATION

9-201 The irrigation system shall be designed to be efficient and to uniformly distribute the water. Specific criteria that shall be considered in the design include soil type, slope, root depth, plant materials, microclimates, weather conditions, water source (e.g. quantity, quality and pressure), peak demand and watering windows. To conserve and protect water resources, the irrigation designer shall select appropriate equipment components that meet state and local code requirements and Site requirements.

9-202 The irrigation system shall be installed according to irrigation design specifications. To conserve and protect water resources, the installed components shall meet the irrigation design specifications, manufacturer's specifications, and state and local code requirements. The installation shall result in an efficient and uniform distribution of the water. The irrigation contractor or installer shall be licensed (and certified where applicable) and insured.

9-203 The irrigation system shall be regularly maintained to preserve the integrity of the design and to sustain efficient operation. The irrigation system shall be regularly serviced to maintain the performance of the system designed. To conserve and protect water resources and the environment, the serviced components shall meet the irrigation design specifications, manufacturer's specifications, and state and local code requirements. The maintenance shall result in sustaining an efficient and uniform distribution of the water. The maintenance contractor, owner, manager, or irrigation contractor shall be licensed (and certified where applicable) and insured.

9-204 The irrigation schedule shall be managed to maintain a healthy and functional landscape with the minimum required amount of water. To conserve and protect water resources and the environment, the irrigation schedule shall be changed as required to provide supplemental water to maintain a functional and healthy turf and landscape with the minimum required amount of water.

9-205 Irrigation systems shall install self-sealing heads to reduce run out after zone shuts down. In addition, systems shall use low angle spray heads to reduce wind effect and misting on areas of turf and low growing vegetation.

9-206 Irrigation systems shall be designed to implement less frequent watering for a longer period of time to increase saturation depth and promote deep root growth, unless the topography requires a different practice.

9-207 WATER USAGE CHART REQUIRED

9-207-1 All Applicants shall submit water usage chart and calculations stating the amount of gallons used per month for each type of planting for new irrigation systems. Typically, a new Landscape Plan will require twice the amount of water to become established than it will after the first season. The Town of Mountain Village may solicit the input of a consultant

to review and determine the accuracy of the water usage chart.

9-208 IRRIGATION AND LANDSCAPE RECOMMENDATIONS TO PROMOTE CONSERVATION

Applicants shall comply with these recommendations when appropriate to the landscape design presented in the Application.

Landscape Type	Irrigation System	Type/Planting area
Trees	Drip only Shut drip zones off following period of establishment. The smaller the tree, the less water per day and the shorter the duration for self-sufficiency.	Cottonwoods in naturally wet areas, low points, swales, etc. Spruce on N/E aspects. Cooler and shadier microclimates. Douglas Fir on S/W exposures full sun/dry/well drained soil. Pinyon and Juniper for S/W exposure. Aspen – smaller Caliper sizes (1.5” to 2.5”) will require fewer gallons per day and will take root and establish more quickly requiring a shorter period of irrigation to become self-sufficient.
Shrubs	Drip only Separate shut off if incorporated into a perennial zone.	Wetland varieties (Red Twig, Willow, Alder, etc.) shall be planted in cool, damp, shady locations only. Planted in swales, depressions, etc. will result in reduced need for water if any at all.
Turf	Spray heads, Site zone specific	Reduce turf areas. Limit size of turf areas in planning stages. Promote native grasses. Zone irrigation according to micro-climate. Inspect soil preparation and irrigation layout prior to laying sod. Irrigation shall be double coverage to insure that soil saturation is equal throughout the zone. Create more zones in response to micro climates (i.e., north/south exposure, shaded/full sun or along heat absorbing borders, walls, etc.)
Perennials	Low volume Drip/mist Use soaker hose, low volume mist and/or emitters equipped with adjustable nozzles to limit over/under watering within a specific zone.	Plant selection is paramount to a quality, sustainable design. Group plants according to their water requirements. Use mulch to slow evaporation.
Revegetation	Spray heads (temporary)	Inspect preparation to insure a properly tilled and amended seedbed. Inspect seed type and appropriateness.

9-209 An automatic irrigation system will be required in landscape areas that include sod and flower beds to ensure efficient use of water. To become established, all tree and shrub plantings shall receive two years of supplemental irrigation (drip irrigation or manual watering). Irrigation system designs shall include tap and pressure reduction valve locations and plan notes describing the type of backflow prevention device to be used.

9-210 All systems are required to have rain shut-off devices.

SECTION 9-3 WATER FEATURES

9-301 Any water feature constructed in the Mountain Village shall contain water reserve tank(s) and/or catch basins to reduce lost water in the case of power failure or leaks. Notwithstanding Article 3, the DRB reserves the right to waive these requirements.

SECTION 9-4 REVEGETATION AND EROSION CONTROL

9-401 The DRB shall require a detailed erosion control and revegetation plan prior to Final Plan Approval. These plans shall explain in detail the measures to be used to permanently stabilize and revegetate disturbed areas during and after Site Development. A Revegetation and Erosion Control Plan shall adhere to the following requirements:

9-401-1 Road and driveway shall be revegetated within thirty (30) days of the disturbance to avoid unsightly scars and weed infestation on the landscape. Utility cuts shall be revegetated immediately (within two weeks) after installation of utilities to prevent weed infestation. Landowner shall insure proper weed control in impacted areas.

9-401-2 Erosion control attention to disturbed areas shall be implemented to ensure there is no detrimental impact or runoff to any ponds, streams or Wetlands.

9-401-3 In areas that are to be revegetated (especially seeding locations which have received heavy construction equipment traffic); soil shall be scarified before the Application of seed. Slope surfaces shall be roughened by running tracked equipment up and down the face of the slope. (Running such equipment across the face of a slope encourages erosion and is not recommended).

9-401-4 Newly seeded areas shall be protected from wind and water erosion through the use of mulches. Acceptable mulches are wood chips, straw, hydro-mulch and erosion-control netting.

9-401-5 Erosion-control netting will be required on slopes 3:1 or steeper, if allowed by variance to Section 9-103-2, and in Drainage swales.

SECTION 9-5 PLANT GUARANTEE

9-501 Property Owners are required to provide the DRB with a 2-year plant guarantee on all plant materials planted as part of the Landscape Plan. Any plant that is identified as dead or visibly dying by the DRB during the 2-year guarantee period shall, within 30 days after mailing of the written notice, be removed and replaced by the Owner with a plant of equal size and quality. Any failure by the Owner to remove and replace the dead or dying plant or tree within the required time frame shall result in the imposition of penalties pursuant to Section 2-6 of the LUO. Each dead or dying plant or tree that the Owner fails to replace within the required time frame shall constitute a separate violation.

SECTION 9-6 PATHS AND WALKWAYS

9-601 PATHS AND WALKWAYS – SINGLE-FAMILY

9-601-1 Single-Family Site plans shall consider linkages to pedestrian paths and hiking and biking trails within the Town. Paths shall connect with trails that provide access to the Commercial and recreational areas and transportation hubs. This is especially important since parking within the Commercial areas is limited.

9-601-2 Primary walkways adjacent to the home shall be constructed of surface materials that are rich and interesting, using material such as flagstone, sandstone, granite cobbles, brick or concrete pavers.

9-601-3 Paths and walkways shall be designed to ensure pedestrian safety and reflect consideration of snow and ice removal.

9-602 PATHS AND WALKWAYS – VILLAGE CENTER

9-602-1 Paths and walkways within the Commercial Village Center are governed by the Commercial Ground Level & Plaza Guidelines attached as described in Article 18 herein.

9-602-2 Lots within the Commercial Village Center or Building Footprint Lots shall be required to coordinate all design of all proposed pedestrian areas with Public Works.. Owners of Lots or Building Footprints within the Village Center shall be required to develop any and all pedestrian areas to a maximum of thirty (30) feet out from the Building Footprint and/or the area of disturbance as determined by the DRB at time of review and approval. The DRB reserves the right to require additional Development of pedestrian areas if, upon review of the completed Site, the DRB determines that additional disturbance was incurred during construction beyond what was identified at time of review and approval of an Application for a Development Permit.

9-602-3 Snow Melt Systems

Due to the extreme daily temperature changes that are experienced in the Mountain Village and sharp temperature contrasts between shade and sun exposures, it is mandatory that all Development within the Village Center shall include a snow melt system, complete with boiler and tubing, for exterior areas subject to vehicular or pedestrian traffic. The extent of the snow melt system shall be determined at the time of DRB Final Plan Review and will normally extend thirty (30) feet outside of the Building footprint or cover the area of disturbance, whichever is greater.

SECTION 9-7 WALLS, FENCES AND GATES

9-701-1 Walls, Fences, and gates may only be used to enclose private spaces or service areas.

9-701-2 Fences or walls will not be permitted to specifically define property boundaries. Fences, walls and gates that restrict deer and elk migration are not permitted.

9-701-3 Walls, Fences and gates shall be constructed from stone, stucco or wood and shall require specific approval from the DRB. Walls shall be constructed to match the stone or stucco of the adjacent Building or match any Fencing required under a design covenant.

9-701-4 Guardrails, required for roads, private access, etc. are also subject to DRB

approval.

9-701-5 Gates, courtyards and staircases can be used to link Buildings and landscape, to create semi-private spaces as transitions into private residences, and to create semi-private spaces as compliments to the primary pedestrian streets.

9-701-6 Gates are not allowed to close driveway or Access Tract entrances.

SECTION 9-8 WALLS, FENCES, GATES – VILLAGE CENTER

9-8-1 Article 18 of these Design Regulations govern walls, Fences and gates within the Commercial Village Center.

SECTION 9-9 LIGHTING PLAN REQUIRED

9-901 A detailed Lighting Plan separate from the Site Plan or Landscape Plan is required to be submitted with an Application for Final Plan review which details the location and specifications of all lighting provided. The Lighting Plan will show the location, the height above grade, the type of illumination (such as incandescent, halogen, high pressure sodium, etc.), the source Lumens, and the luminous area for each light source that is proposed. An isofootcandle diagram shall also be provided to indicate the level and extent of proposed lighting. In addition to locating this information graphically on a plan, the Applicant will provide the information on the Application form.

9-902 Lighting shall be used only in areas of pedestrian activity or vehicular traffic.

SECTION 9-10 LUMINANCE

Light sources located on the property that are not fully cut-off will exhibit a ratio of source Lumens to luminous area not exceeding 125.

$$\frac{\text{Source Lumens}}{\text{Luminous area}} < 125$$

SECTION 9-11 LUMINOUS AREA

Luminous Area is defined as the maximum light-emitting area of a light source, measured in square inches. The maximum lighting emitting area is the area of translucent material that encases a light source. In the case of a clear glass covering the luminous area is the area of the light source.

SECTION 9-12 OUTDOOR LIGHTING

Outdoor Lighting shall be defined as any light source, or collection of light sources located outside a Building including, but not limited to light sources attached to any part of a structure, located on the surface of the ground, or located on freestanding poles.

SECTION 9-13 CONCEALED LIGHT SOURCES REQUIRED

All lighting shall have concealed light sources, and either the glass of the light source or the light bulb itself shall be frosted glass.

SECTION 9-14 FLOOD LIGHTING NOT PERMITTED

Flood lighting within trees or landscaping shall not be permitted.

SECTION 9-15 TEMPERATURE REQUIREMENT

Light sources shall not exceed a temperature of 3,500 degrees Kelvin.

SECTION 9-16 LIGHT POLLUTION AND EXCESSIVE GLARE NOT PERMITTED

9-1601 Light Pollution or excessive glare to neighboring properties or public circulation areas shall not be permitted from either interior or exterior lighting.

9-1602 Exterior lighting shall neither be installed where its direct source is visible from neighboring properties, nor where it produces glare to vehicles or public traffic.

SECTION 9-17 SEASONAL LIGHTING

9-1701 Seasonal lighting shall not detrimentally affect adjacent neighbors.

SECTION 9-18 LIGHTING FOR PARKING AREAS

9-1801 Lighting shall be provided for surface parking areas and underground parking garages. Lighting shall be installed and maintained in a manner neither to cause glare or reflection into abutting or facing properties, nor to interfere with the safe operation of vehicles. Lighting located near buildings and adjacent to sidewalks shall be provided with lower, pedestrian scale lighting not to exceed 12 feet in height. Lighting where possible shall be located in landscaped areas.

SECTION 9-19 EXTERIOR LIGHTING – SINGLE-FAMILY/MULTI-UNIT

9-1901 PURPOSE

This Section of the Design Regulations establishes standards for minimizing the unintended and undesirable side effects of residential outdoor lighting while encouraging the intended and desirable safety and aesthetic purposes of outdoor lighting. It is the purpose of the Design Regulations to allow illumination that provides the minimum amount of lighting that is needed for the property on which the light sources are located. In addition, the purpose of this subsection is to protect the privacy of neighboring residents by controlling the intensity of the light source. All outdoor lighting will conform to the standards set forth below.

9-1901-1 The basic guideline for exterior lighting is to keep it subdued, understated, and indirect and to minimize the negative impacts to surrounding property. A professional lighting consultant or architect shall design all exterior lighting.

9-1902-2 FREQUENCY

For Lots in residential areas, the maximum number of light sources per Lot will be limited to one light source per one thousand (1,000) square feet of Lot area.

SECTION 9-20 EXTERIOR LIGHTING – COMMERCIAL

9-2001 LIGHTING HEIGHT LIMITS

For all light sources located in Commercial areas, the maximum mounting height for light sources on a pole will not exceed thirty-five feet (35').

9-2002 CUTOFF SHIELDS

All light sources located in Commercial areas that exceed fifteen feet (15') in height will exhibit a full cutoff shield.

9-2002-1 Cutoff Shields shall be defined as a light source in which no more than two and

five-tenths percent (2.5%) of its total output is emitted above ninety (90) degrees as measured from nadir.

SECTION 9-21 EXTERIOR LIGHTING – VILLAGE CENTER

9-2101 Exterior lighting within the Commercial Village Center is governed by Article 18 of these Design Regulations.

9-2102 Provisions for seasonal and holiday lighting shall be incorporated into the Outdoor Lighting Plan for all projects located within the Village Center.

9-2103 Lighting shall be provided for underground parking garages. Lighting shall be installed and maintained in a manner not to cause glare or reflection into abutting or facing properties, nor to interfere with the safe operation of vehicles. A lighting plan shall be submitted with an Application for Final Plan review that details the location and specifications of all lighting provided. An isofootcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

9-2104 An Outdoor Lighting Plan separate from the Site Plan or Landscape Plan is required to be submitted with an Application for Final Plan review, and shall show the location, the height above grade, the type of illumination (such as incandescent, halogen, high pressure sodium, etc.), the source Lumens, and the luminous area for each light source which is proposed. In addition to locating this information graphically on a plan, the Applicant will provide the information on the Application form.

ARTICLE 10 SIGNAGE

All property within the Town of Mountain Village shall comply with signage requirements as set forth in these Design Regulations.

10-1 PURPOSE

To preserve the Town as a desirable community in which to live, vacation, and conduct business, a pleasing, visually attractive environment is of foremost importance. The purpose of this Section is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory Sign standards and requirements. Signage has a significant impact on the visual character and quality of the Town. The proliferation of signs in the Town would result in visual blight and unattractiveness and would convey an image that is inconsistent with a high quality resort environment.

10-101 These Sign regulations are intended to achieve the following:

- (a) Preserve and maintain the Town as a pleasing, visually attractive environment.
- (b) Promote and accomplish the goals, policies and objectives of the Town's LUO and Design Regulations.
- (c) Enhance the attractiveness and economic well being of the Town as a place to live, vacation and conduct business.
- (d) Address community needs relating to upgrading the quality of the tourist experience, preserve the unique natural environment, preserve and enhance the high quality human

existence, retain the city's premier status in an increasingly competitive resort market, preserve the historic and architectural character of the Town, foster the village style quality of the Town, and preserve and enhance scenic views.

- (e) Enable the identification of places of residence and business.
- (f) Allow for the communication of information necessary for the conduct of commerce.
- (g) Encourage signs that are appropriate to the zone district in which they are located and are consistent with the category of Use to which they pertain.
- (h) Permit signs that are compatible with their surroundings, aid orientation, and ensure placement in a manner that conceals or obstructs adjacent land uses or signs.
- (i) Preclude signs from conflicting with the principal use of the Site or Adjoining sites.
- (j) Curtail the size and number of signs and Sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business
- (k) Establish Sign size in relationship to the scale of the Lot's road frontage and Building's road frontage along which the Sign is to be placed.
- (l) Protect the public from the dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- (m) Lessen hazardous situations, confusion and visual clutter caused by proliferation; improper placement; illumination; animation; and excessive height, area and bulk of signs that compete for the attention of pedestrian and vehicular traffic.
- (n) Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists or pedestrians.

SECTION 10-2

It shall be unlawful to erect, place, construct, reconstruct, or relocate any sign without first obtaining DRB approval. This Section does not apply to political or religious signage.

10-201 For the purpose of this Section, Commercial Activity includes all activity set forth in Section 2-421 of the LUO as well as real estate advertisement and construction activity

10-3 SIGNAGE APPLICATION REQUIREMENTS

A separate Application, governed by this Section unless the signage is included in an Application for a Development Permit, will be required for all signs. Applications shall include the following:

- (a) That information required on the Application form provided by Staff;
- (b) A letter of consent from the Owner of the Building, if the Applicant is not the Owner;
- (c) Proposed location of the Sign on the Building or parcel;
- (d) A blueprint or ink drawing of the plans, specifications, and method of constructing the Sign and its supports showing proposed dimensions; materials; and colors; and the type,

intensity, and design of the Sign's illumination, if any; and

(e) The dimensions, measurements, and calculations of Building frontages and line frontages on streets and roadways; the dimensions of any other Sign located on the property; and any other information needed to calculate permitted Sign area, height, type, placement or other requirement of these regulations.

10-4 DETERMINATION OF APPLICATION COMPLETENESS

10-401 After an Application for a Development Permit or after a separate Application for constructing a Sign has been received; Staff shall determine whether the Application is complete. If it is determined that the Application is not complete, written notice shall be served on the Applicant specifying the deficiencies. Staff shall take no further action on the Application unless the deficiencies are remedied. If the Application is determined complete, Staff shall notify the Applicant of its completeness. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Section.

10-5 DETERMINATION OF COMPLIANCE

10-501 After review of the Application and upon determining its compliance and consistency with the purposes, requirements and standards in this Section, Staff shall approve, approve with conditions, or deny the Application for constructing a Sign; or Staff shall refer the Application to the DRB which shall review the Application and determine its compliance and consistency with the purposes and requirements of the Commercial Ground Level & Plaza Guidelines and approve, approve with conditions, or deny the Application.

10-6 PROHIBITED SIGNS

The following Signs are expressly prohibited for erection, construction, repair, Alteration, relocation or placement in the Town.

(a) Billboards and other off-premise Signs.

(b) Flashing Signs. Signs with lights or illumination which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations, except as provided for in this Section.

(c) Moving Signs. Signs with visible moving, revolving, or rotating parts; visible mechanical movement of any description; or other apparent visible movement achieved by electrical, electronic or mechanical means including automatic electronically controlled copy changes.

(d) Neon and other gas-filled light tubes. Neon lights, televisions used for advertising or information, and other gas-filled light tubes, except when used for indirect illumination and in such a manner as to not be directly exposed to public view.

(e) Obsolete Signs. A Sign which identifies or advertises an activity, business, product, service or Special Event no longer produced, conducted, performed or sold on the premises upon which such Sign is located. Such Obsolete Signs are hereby declared a nuisance and shall be taken down by the Owner of the premises on which such a Sign is located, within ten (10) days after written notification from the DRB. Upon failure to comply with such notice within the time specified in such order, the Building Official is hereby authorized to cause

removal of such Sign and any expense incident thereto shall be paid by the Owner of the property on which the Sign was located. That an obsolete Sign is nonconforming shall not modify any of the requirements of this paragraph.

(f) Portable and wheeled Signs, roof Signs, search lights or beacons.

(g) Signs causing direct glare. A Sign or illumination that causes any direct glare into or upon any public right of way, adjacent Lot, or Building other than the Building to which the Sign may be accessory.

(h) Signs containing untruthful or misleading information.

(i) Signs creating an optical illusion. Signs with an optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion, or the changing of copy.

(j) Signs obstructing egress. A Sign which obstructs any window or door opening used as a means of egress; prevents free passage from one part of a roof to any other part; interferes with an opening required for legal ventilation; or is attached to or obstructs any standpipe, fire escape or fire hydrant.

(k) Signs on parked vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right of way, public property, or private property so as to be visible from a public right of way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the Sign is incidental to the primary use of the vehicle or trailer.

(l) Signs in public right of way. A Sign in, on, over or above a public right of way that in any way interferes with normal or emergency use of that right of way. Any Sign allowed in a public right of way may be ordered removed by the DRB upon notice that the normal or emergency use of that right of way is changed to require its removal.

(m) Strings of light and strip lighting. Strip lighting outlining Commercial structures and used to attract attention for Commercial purposes, and strings of light bulbs used in any connection with Commercial premises unless the lights are shielded.

(n) Unsafe signs. Unsafe signs are any Sign that can be described by any one of the following:

- Is structurally unsafe;
- Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
- Is not kept in good repair;
- Is capable of causing electrical shocks to persons likely to come into contact with it;
- In any way obstructs the view of, may be confused with, or purports to be an official traffic Sign, signal or device or any other official government regulatory or informational Sign;
- Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, or creates in any way an unsafe distraction for

vehicle operators or pedestrians;

- Obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare;
- Is located on trees, rocks, light poles, or utility poles, except where required by law; or
- Is located so as to conflict with the clear and open view of devices placed by a public agency for controlling traffic or which obstructs a motorist's clear view of an intersecting road, alley or major driveway.

o) "For Sale" or "For Rent" signs or signs that make any references to a property being for sale or rent are not permitted within the Town.

p) Property Management Signs;

q) Any Sign attached to a tree.

10-7 SIGN ILLUMINATION

10-701 PROHIBITED ILLUMINATION

No Sign shall be illuminated through the use of internal illumination, rear illumination, fluorescent illumination, or neon or other gas tube illumination, except when used for indirect illumination and in such a manner as to not be directly exposed to public view.

10-702 SHIELDING ILLUMINATION

Illumination of signs shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible and does not cause glare or direct light from artificial illumination upon any adjacent public right of way, surrounding property, residential property or motorist's vision.

10-8 SIGNS ON PUBLIC RIGHT OF WAY

It shall be unlawful to erect or maintain any Sign in, on, over or above any land or right of way or on any property, including light posts, belonging to the Town without the permission of the Town Council. However, this Section shall not be deemed to apply to signs posted by any duly constituted public authorities in the performance of their public duties or to specific circumstances otherwise provided for in this Section.

10-9 TEMPORARY SIGNS

10-901 OPEN HOUSE SIGNS

Open House Signs are permitted on a temporary basis that shall not exceed three days. These signs may be placed on the property for sale and along roadway right of ways (off public streets) directing one to the property for sale. The temporary Open House Sign shall be a free standing or wall Sign. The area of the temporary Sign shall not exceed ten (10) square feet. The height of the temporary Sign shall not exceed four (4) feet as measured from the grade at the base of the Sign. Signs may be designed as to allow a brochure box to be attached.

10-902 TEMPORARY SANDWICH BOARD SIGNS CARRIED BY A PERSON

Temporary Sandwich Board Signs which are carried by a person and are advertising or identifying a special, unique or limited activity, service, product or sale of a limited duration, or identifying a Restaurant menu are subject to the following: The Temporary Sandwich

Board Sign shall be a Sign carried by a person; there shall be not more than one such temporary Sign per use at any one time; the area of the temporary Sign shall not exceed six (6) square feet per side.

10-903 TEMPORARY SALES SIGNS

Temporary Sales Signs announcing special sales of products and services shall be subject to the following: The Temporary Sales Sign shall be placed in the window or windows of the business holding the sale. There shall be permitted not more than one (1) Temporary Sales Sign in any window, and a total of not more than three (3) Temporary Sales Signs for each use. Each Sign shall not exceed three (3) square feet. Temporary Sale Signs may be maintained for a period not to exceed fourteen (14) days and shall be removed on the day following the end of the sale.

10-904 TEMPORARY CONSTRUCTION SIGNS

Temporary Construction Signs will be allowed on projects that have received Final Plan Approval from the DRB and have commenced construction. An allowance of one (1) Temporary Construction Sign per Building Site shall be permitted. If construction is abandoned, the Sign shall be removed.

10-904-1 Temporary construction signs shall meet the specifications shown below:

a) The graphics, color selections and Sign location are subject to DRB approval.

b) The Sign is limited to the following information:

1. Project Logo
 2. Brief Description of the Project
 3. Project Consultants
 4. Project Developer
 5. Project Lender
 6. Contractor
 7. "For Information" followed by a phone number
- Real estate brokerages, real estate agents' names and the word "Sale", "Rent", or any reference to the property being available for purchase or rent shall not be permitted on construction signs.

10-904-2 Construction signs shall be removed within fifteen (15) days of issuance of a TCO or final CO. Signs that have not been removed by the Owner will be removed by The Town's Building Department at the expense of the Owner.

10-10 PERMANENT SIGNS

10-1001 Single-Family or Multiple-Family Dwelling Complex Identification Signs. The Single-Family or Multiple-Family Dwelling Complex Identifications Signs shall be pursuant to Section 10-11 Address Identification and Building Identification. There shall not be more than one (1) Address Identification or Building Identification Sign per Lot.

10-1002 The Business and Occupancy Identification Signs shall be pursuant to Section 10-11 and/or Section 18-6 of these regulations. There shall be not more than a combination of two (2) of the following three types of Signs: one freestanding Sign per use, one projecting Sign per use, or one wall Sign including a cut-out letter Sign per use, subject to the area

requirements in Section 10-11 and/or Section 18-6. In addition there shall be no limit on the number of Business and Occupancy Identification Signs that may be placed in the windows of the business, provided that said Signs shall count against the aggregate Sign area permitted as if the window Sign was a cut-out letter Sign. There shall also be no limit on the number of awnings that may be lettered.

10-1003 All buildings are required to display a street address per Section 10-11 of these Design Regulations

10-1004 Business Directory Signs. The Business Directory Signs shall be wall Signs or free standing Signs. There shall be not more than one (1) Business Directory Sign per Lot. The maximum permitted area of the Business Directory Sign shall be as follows: For 1-5 business, one square foot of Sign area per business. For 6-10 businesses, five square feet plus 1/2 square foot for each business over five businesses. For more than 10 businesses, 7 1/2 square feet, plus 1/4 square foot for each business over ten businesses, to a maximum Sign area of 10 square feet.

10-11 ADDRESS IDENTIFICATION AND BUILDING IDENTIFICATION

10-1101 Address Identification and Building Identification are required on all property for public health, safety and welfare. All developed Lots shall have lighted Address Identification at the driveway entry installed prior to the issuance of a TCO or CO of a structure. The design of Address Identification shall be pre-approved by the DRB and the TFPD.

10-1102 Lettering and numbers shall be a minimum height of 6" with the bottom of the letters and numbers no less than 54 inches from the ground.

10-1103 Contrasting letters and numbers are allowed (i.e., black) to improve daytime visibility. Lettering shall have reflective material outline for nighttime visibility when lighting fails.

10-1104 The light source shall be concealed with minimum glare to pedestrians or automobiles.

10-1105 Address Identification shall be set back far enough away from roadways, drives and Access Tracts to facilitate snow plowing and storage. The Address Identification shall remain visible for emergency vehicles.

10-1106 During the winter, it shall be the sole responsibility of the property Owner to remove snow and ice that is obstructing the visibility of an Address Identification.

10-1107 ADDRESS IDENTIFICATION AND BUILDING IDENTIFICATION – SINGLE-FAMILY/DUPLEX UNITS

10-1107-1 The Address Identification can be constructed of stone, stucco, wood or rusted metal and shall relate to the architecture of the Building. Address numbers only will be permitted. No names or slogans of any nature will be permitted.

10-1107-2 Homes that are located close to and are visible from a Town road may attach house numbers to the Building, subject to DRB approval. The numbers shall

match the size, style and materials previously mentioned. Numbers shall be lighted with a concealed light source.

10-1108 ADDRESS IDENTIFICATION – MULTI-UNIT

10-1108-1 The Address Identification can be constructed of stone, stucco, wood or rusted metal and shall relate to the architecture of the Building. Project names and address numbers only are permitted.

10-1109 ADDRESS IDENTIFICATION/BUILDING IDENTIFICATION – VILLAGE CENTER

10-1109-1 Address Identification, graphics and signage within the Village Center are governed by the Article 18 of these Design Regulations. All Buildings are required to display a street address.

10-1110 CONSTRUCTION SIGNS

10-1110-01 An allowance of one construction Sign per Building Site shall be permitted. This Sign will be allowed on projects that have received Final Plan Approval from the DRB and have commenced construction. If construction is abandoned, the Sign shall be removed. The Sign shall meet the dimensions and specifications shown below:

- A. The graphics, color selections and Sign location are subject to DRB approval;
- B. The Sign is limited to the following information:
- C. Project logo
- D. Brief description of the project
- E. Project consultants
- F. Project Developer
- G. Project leader
- H. Contractor
- I. "For information" followed by a phone number;
- J. Real estate brokerages, real estate agents' names, and the word "Sale" or "Rent" or any reference to the property being available for purchase or rent shall not be permitted on construction signs;
- K. Construction signs shall be removed with fifteen (15) days of issuance of a Temporary Certificate of Occupancy or final Certificate of Occupancy. Signs that have not been removed by the Owner will be removed by the Town of Mountain Village Building Department.

10-1111 SECURITY SIGNS

10-1111-01 Signs which identify a Building as being protected by a security system or company may be allowed only when the Sign does not exceed twelve (12) square inches and shall be attached directly to the Building.

10-1112 MONUMENT SIGNS

10-1112-1 Monument signs are subject to DRB review and may be located in a landscaped area or on a stone retaining wall within close proximity of the Building to which the Sign identifies.

10-1112-2 Building materials shall be of a high quality and be able to endure the high mountain, alpine climate of the Town of Mountain Village. Such materials may be stone and stucco and shall match the Building colors and materials they are identifying. The Sign inserted within the monument shall be made from metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf; or wood such as redwood, cedar or hardwood. Sign inserts may also be a combination of wood and metal. If letters are to be attached directly to the monument wall, such letters shall not exceed twelve (12) inches in height. The DRB may permit taller letters if, in its sole judgment, larger letters are appropriate for the relative scale of the Building.

ARTICLE 11 RESTAURANT AND COMMERCIAL KITCHEN FACILITIES

SECTION 11-1 RESTAURANT AND COMMERCIAL KITCHEN FACILITIES

All proposed Developments within the Village Center that contain 2,500 square feet or more of Commercial space, will be required to provide all necessary facilities associated with the operation of a 100 seat full services Restaurant and/or Commercial kitchen.

11-101 A Ventilation System shall be provided to capture and exhaust fumes and vapors as well as to provide fresh air ducts associated with the operation of a Restaurant and/or Commercial kitchen facilities. Engineered drawings, stamped by a licensed engineer in the State of Colorado, will be required.

11-102 A Plumbing System that includes grease traps shall be provided to capture and remove waste products associated with the operation of a Restaurant and/or Commercial kitchen facilities. Engineered drawings, stamped by a licensed engineer in the State of Colorado, will be required.

11-103 Trash Facilities shall be provided for the removal and storage of trash and garbage associated with the operation of a Restaurant and/or Commercial kitchen facilities. Such area shall be enclosed and appropriately ventilated and located in the underground garage in an area for easy accessibility.

ARTICLE 12 FREIGHT ELEVATOR REQUIRED

Freight elevators are required in structures four (4) stories (including the parking garage) or more, unless otherwise specified in the Design Regulations, to accommodate accessibility to the units for large deliveries and for tenant finish and remodel construction activities.

ARTICLE 13 EMPLOYEE HOUSING

Employee housing projects will be evaluated on an individual basis. The basic design theme will conform to the Town LUO and Design Regulations. Notwithstanding Article 3, the DRB may waive certain Design Regulations to allow for development of lots subject to the Town's Employee Housing Restriction.

ARTICLE 14 RIDGELINE LOTS

SECTION 14-1 All improvements constructed on the following Lots, as amended from time to time by replats, known as Ridgeline Lots and more particularly Lots 83R, 84R, 85R, 86R, 89-3A, 89-3B, 89-3C, 90, 91, 114, 115, 116, 118, 126, 130, 137, 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2, 615A, 615B, 615C, 616, 617, 643A, 643B, 648B, 649 and 650, if visible from Highway 145 Spur, shall conform to the requirements set forth in this Section. All structures, improvements, and lighting on Ridgeline Lots shall be constructed so that the view thereof from Highway 145 Spur is minimized to the greatest extent reasonably possible in the following manner:

- All structures shall be low-profile and have varied Facades to reduce the apparent mass.
- The orientation of Rooflines shall repeat the ground slope of the hillside.
- Building and roofing materials shall blend with the hillside.
- Colors and textures shall be used that are found naturally in the hillside.
- Reflective materials, such as mirrored glass or polished metals, shall not be used.

SECTION 14-2 MAXIMUM BUILDING HEIGHT

14-201 The maximum Building Height as defined in Article 8 of these Design Regulations for Ridgeline Commercial and Multi-Unit Lots shall not exceed forty-five (45) feet, not including chimneys and mechanical equipment.

14-202 The maximum Building Height as defined in Article 8 of these Design Regulations for Ridgeline Residential Lots shall not exceed thirty-five (35) feet, not including chimneys and mechanical equipment.

14-203 Exterior lighting shall be shielded in order to prevent direct visibility of light bulbs from off Site. All exterior lighting shall be directed toward the ground. High intensity sodium vapor and similar lighting is prohibited.

14-204 The footprints of all improvements shall be limited to the south side of the principal ridgeline (except as noted in subsection 14-401 of these regulations). This limitation is not intended to prohibit the construction of decks on the north side of the ridgeline.

14-205 Prior to the removal of any trees on the north side of the principal ridgeline, those trees along the ridge top and the northerly slopes immediately adjacent to the ridge top, which create the horizon line as viewed from the valley floor, shall be identified and eight-five percent (85%) of those trees shall remain after Development.

14-206 The DRB shall require for review an accurate count or other representation of all trees three (3) inch Caliper or bigger which create the horizon line as viewed from the valley floor in addition to Building Models indicating the topography of the Site, including the principal ridgeline.

14-207 The principal ridgeline, for the purpose of determining compliance with Section 4-701-3, 4-701-4 and 4-701-5 above, shall be defined as the horizontal line formed by the meeting of the highest point of ground surface along two sloping ground surfaces.

SECTION 14-3 LOTS 83R, 86R, 126, 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2

14-301 Improvements on Lots 83R, 86R, 126, 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2 that are public in nature may be visible from the San Miguel River canyon and may have Building Footprints that cross the principal ridgeline, provided that first floor elevations shall not extend more

than five (5) feet vertically below the ridgeline elevation. Improvements that are public in nature may include, but are not limited to, such things as Hotel Units, Condominium Hotel Units, gondola terminals, Restaurants, conference facilities and appurtenant structures.

14-302 Improvements on Lots 83R, 86R, 126, 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2 that are not public in nature shall not be visible from the San Miguel River canyon and may not have Building Footprints that cross the principal ridgeline. Improvements that are not public in nature shall include, but are not limited to, such things as Single-Family homes, Condominiums and structures appurtenant to these uses.

SECTION 14-4 LOTS 84R, 85R, 89-3A, 89-3B, 89-3C, 90, 91, 114, 115, 116, 118, 130, 137, 615A, 615B, 615C, 616, 617, 643A&B, 648A, AND 650

14-401 Improvements on these Lots may extend onto the north side of the principal ridgeline, provided that all improvements are designed and constructed in a manner that insures compliance with all other provisions of these Ridgeline Lot Standards.

SECTION 14-5 LOTS 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2 AND ADJACENT ACTIVE OPEN SPACE

14-501 GENERAL OBJECTIVE

All improvements, including but not limited to all structures, constructed on these properties shall conform to the applicable requirements and restrictions set forth herein and the First Amended and Restated Development Covenant for Lots 161A, 161A-1, 161B, 161D and Adjacent Active Open Space, Town of Mountain Village, Colorado, as recorded in the Office of the San Miguel County, Colorado, Clerk and Recorder, September 8, 1999, reception number 329093. All structures, improvements and lighting on these properties shall be constructed, operated, and maintained so that they shall not be visible from or extend into the View Plane described herein below, excluding the structure which received Final Plan Approval by the DRB on April 29, 1999, for Development on Lot 161A-1R and OS 161-R1 (the Ridge Club Building). The final Development plans approved by the DRB on April 29, 1999, together with the Ridge Club Building Landscape Plan, dated July 1, 1999, and the Ridge Club Site Plan, dated July 1, 1999, which have also received County review and approval, shall be collectively referred to hereafter as the Approved Plans.

14-502 MODIFICATIONS TO RIDGE CLUB BUILDING

The Ridge Club Building shall be constructed in full compliance with the Approved Plans. Any modifications of the Ridge Club Building shall be subject to the requirements of this Section 4-704. However, in no event shall the Ridge Club Building, including modifications thereto, exceed the maximum height of thirty-five (35) feet along the ridgeline.

14-503 HEIGHT LIMITS ON LOTS 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 AND 161D-2

Except for the Ridge Club Building, all improvements constructed on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 shall have a maximum height limit of the lesser of (i) forty-five (45) feet or (ii) the maximum height allowed pursuant to the View Plane limitations described below.

14-504 VIEW PLANE LIMITATIONS FOR DEVELOPMENT ON LOTS 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 AND 161D-2

Development on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2, excluding the Ridge Club Building, shall be located such that no lighting nor any part of any structure shall extend into the View Plane shown on the Coonskin View Plane drawing prepared by Jacobsen Associates and dated July 21, 1999, as recorded in the Office of the San Miguel County, Colorado, Clerk and

Recorder in Plat Book 1 at page 2601.

14-505 VIEW PLANE LIMITATION REVIEW

Prior to the Town's issuance of any Development approvals and/or Building Permits for any improvements to be located on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, and 161D-2, excluding the Ridge Club Building, the Applicant shall erect a story pole which reflects the maximum height of the proposed improvements at the point where the proposed improvements will extend closest to the View Plane to confirm that the improvements will comply with all conditions set forth herein. The Applicant shall give written notice to the Town and the County at the time the story pole is erected. Contemporaneously with the erection of the story pole, a light shall be installed that illuminates the story pole at the elevation on the pole where light would be visible from off-Site at the height of the highest window in the proposed improvements.

14-506 LIGHTING ON RIDGE CLUB BUILDING

All exterior light fixtures on the Ridge Club Building associated with non-gondola uses shall be shielded, recessed, or reflected so that no lighting is oriented towards the east face of the Building.

14-507 SKI AREA COMMERCIAL OPERATIONS IN OPEN SPACE

One or more Restaurants or other Commercial operations may be constructed within the Ridge Club Building. No solid fuel-burning device shall be allowed in any proposed Restaurant, or at any other Commercial operation within the Ridge Club Building.

14-508 REFERRAL TO COUNTY

All Applications to Staff for any construction on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 and adjacent Active Open Space Tracts OS161-R1, OS161-R2, OS161R-3, and OSP 49R, except initial Building Permit Applications, shall be referred by said Staff, within seven days of receipt, to the County Planning Office for review. Notwithstanding the foregoing, the Town's approval of such Applications will not be subject to County land use review or approval. However, the Town's approval of such Applications shall not establish compliance with the requirements of this Section 9-105 for purposes of enforcement by the County.

14-509 TOWN OF TELLURIDE REFERRAL

All Applications to Staff for any construction on Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2, and adjacent Active Open Space Tracts OS161R-1, OS161R-2, OS 161R-3, and OSP 49R shall be referred to the Town of Telluride for comments regarding compliance with the provision of the Ridgeline Covenant within seven days of receipt of any such Application for construction. Prior to Staff or the DRB taking action on the Application, the Town of Telluride shall have 21 days from receipt of such a referral to provide comments concerning the Application. Any comments from the Town of Telluride on an Application to Staff shall be advisory and not binding upon the parties hereto. Except for the rights granted to the Town of Telluride in this paragraph, the Town of Telluride shall have no third party beneficiary rights of any nature to enforce any of the provisions of the requirements of this Section 9-105.

ARTICLE 15 INDUSTRIAL

SECTION 15-1 GENERAL REQUIREMENTS

15-101 The following Lots are zoned Industrial: Lots 648AR, Lot 648BR and Lot 650.

15-102 Buildings shall be of stone, wood and/or rusted metal. Processed wood materials and

materials that simulate natural wood are acceptable. Painted metal may be allowed at the discretion of the DRB. Materials proposed for Building additions will be reviewed by the DRB on a case-by-case basis. Notwithstanding Article 3, the DRB reserves the right to waive these requirements,

15-103 Roof pitches can be no less than 2:12. Notwithstanding Article 3, the DRB reserves the right to waive this requirement,

15-104 Open storage of materials, vehicles and equipment is allowed provided that the standards for landscaping and screening as defined by Section 16-4 are followed.

15-105 A Ventilation System shall be provided to capture and exhaust fumes and vapors as well as to provide fresh air ducts associated with the operation of an Industrial Use. Engineered drawings, stamped by a licensed engineer, will be required.

15-106 An appropriate Plumbing System shall be provided to capture and remove waste products associated with the proposed Industrial Use. Engineered drawings, stamped by a licensed engineer in the State of Colorado, will be required.

15-107 Trash Facilities shall be provided for the removal and storage of trash and garbage associated with the Industrial Use. Such area shall be enclosed and appropriately ventilated and located in the underground garage in an area for easy accessibility.

15-108 Freight elevators are required in structures three (3) stories (including basement and parking garage) or more to accommodate accessibility to the units for large deliveries and for tenant finish and remodel construction activities.

15-109 Gutters/Downspouts/Heat Tape is required. All Development for an Industrial Use is required to develop an interior guttering system, or other DRB approved system, to direct runoff from impervious surfaces. Runoff shall be directed to storm sewers or systems capable of handling the volume of runoff. Such systems shall be kept and maintained by the Owner and/or respective HOA in a clean, safe condition and in good repair.

15-110 All Development for Industrial Use shall include a snow melt system, complete with boiler and tubing, for exterior areas subject to vehicular or pedestrian traffic. The extent of the snow melt system shall be determined at the time of DRB Final Plan Review but will normally extend thirty (30) feet outside of the Building footprint or cover the area of disturbance, whichever is greater.

15-111 Lighting shall be down-lit with non-exposed bulbs. All lighting shall be directed away from existing structures. Lighting shall be turned off during times of non-operation.

SECTION 15-2 INDUSTRIAL PARKING REQUIREMENTS

15-201 Any Lot designated for an Industrial Use will be required to have two (2) parking spaces for every 1000 sf. of floor area. Overnight parking and storage of equipment and machinery shall be contained within a DRB approved Building or DRB approved screening.

15-202 Daytime parking for customers and workers of the Industrial Use facility will be allowed in areas designated by the DRB.

SECTION 15-3 BUILDING HEIGHT FOR INDUSTRIAL

15-301 The Building height for Industrial Lots will conform to the height requirements for those Lots as defined in the Design Regulations. Lot 648BR, 649R and 650 are considered Ridgeline Lots per Article 14 of the Design Regulations.

SECTION 15-4 INDUSTRIAL SITE PLANNING/LANDSCAPING REQUIREMENTS

15-401 The goal of designing a Lot designated for Industrial Use is to create an effective and appropriate balance between efficient use of the industrial area and the need for an attractive and orderly surrounding for the nearby residents.

15-402 Building Siting on Industrial Lots shall take into consideration the residential Uses surrounding the property and the overall context of the area. The Building shall be situated so that loading; work, storage and lay down areas are buffered from the surrounding areas. Landscaping shall be used to screen loading, lay-down and work areas from the surrounding property Owners.

15-403 The DRB may approve Fencing to screen area of the Industrial Use from the surrounding property Owners.

SECTION 15-5 ENCLOSED STRUCTURES REQUIRED FOR INDUSTRIAL USES

15-501 Recreational vehicles and work related vehicles, such as motor homes, travel trailers, fifth wheels, campers, etc., shall be enclosed within an approved structure and/or parked on parking lots or other areas specifically designated by the District and the Town for such equipment. All enclosed structures shall comply with the rules and regulations of the DRB. Notwithstanding Article 3, the DRB reserves the right to waive these requirements upon a finding that no unreasonable negative impacts result to the surrounding properties.

15-502 The following shall be contained within an approved DRB enclosed structure. All structures shall comply with the appropriate Design Regulations.

15-502-1 Pipes for water, gas, sewer, Drainage or other purposes; wires, poles, antennas and other facilities for the transmission or reception of audio or visual signal or gas; oil, water or other tanks, excluding propane gas tanks; and sewage disposal systems or devices shall be kept and maintained within an enclosed structure or below the surface of the ground.

15-503 No lumber, grass, shrub or tree clippings, plant waste, compost, metals bulk materials, scrap, refuse, trash, or unused items of any kind shall be kept, stored or allowed to accumulate on any property. Notwithstanding Article 3, the DRB reserves the right to waive these requirements upon a finding that no unreasonable negative impacts result to the surrounding properties.

ARTICLE 16 ACTIVE OPEN SPACE

All development proposed on property zoned for Active Open Space shall comply with the Design Regulations that are applicable to the proposed use. For example, a Building that is Industrial in nature shall comply with Article 15 of these Design Regulations.

ARTICLE 17 DESIGN COVENANTS

SECTION 17-1 SPECIFIC DESIGN COVENANT AREAS

Development in the following areas shall be subject to the design covenants set forth in Appendix A which are hereby incorporated as if set forth in full herein:

- 1) **KNOLL ESTATES** (Lot 1, Units 1-40)
- 2) **WINTERLEAF** (Lot 164A)
- 3) **TIMBERS** (Lots 628A-628P)
- 4) **CABINS AT GOLD HILL** (Lots GH 1-15)

ARTICLE 18 COMMERCIAL GROUND LEVEL & PLAZA GUIDELINES

SECTION 18-1 PURPOSE AND PLAZA USE STANDARDS

18-101 This portion of the Design Regulations is intended to provide design requirements that enhance and maintain the character of Plaza Areas and the predominantly pedestrian atmosphere and resort nature of the Village Center through creative design solutions for storefronts and Site design requirements for Plaza Areas and pedestrian spaces.

18-102 All uses on Plaza Areas shall require the review and approval of the Community Development Department pursuant to the Design Regulations and the Town of Mountain Village Plaza Use Design Standards that have been adopted by the Town Council ("**Plaza Use Standards**").

18-103 The Town may amend the Plaza Use Standards without an amendment to the Design Regulations. Such amendments shall require a recommendation from the Design Review Board and final action by Town Council. The DRB's review and Town Council action on amendments to the Plaza Use Standards shall be done by resolution and require public notice by the placement of a legal advertisement.

SECTION 18-2 STOREFRONT GUIDELINES

18-201 STOREFRONT DESIGN

18-201-1 The primary objective of Commercial frontages is to create an identity for the activity within the Commercial space, while contributing to a visually exciting and cohesive plaza scene. Individual tenant frontages should have expressive and imaginative design within the overall architectural context of the associated Building. "Catalogue" or stereotyped storefronts will not contribute to the unique setting and architectural style of the Village Center. All Commercial storefront alterations and new construction shall require the review and approval of the DRB to ensure compliance with the requirements of Section 8-201.

18-201-2 Development and redevelopment within the Village Center shall create pedestrian interest through the articulation of architectural features such as bay windows, balconies, arcades and dormers. Most importantly, the ground or pedestrian level shall be defined with textural elements and color that strengthen the scale and character of the resort.

18-201-3 Canvas awnings defining entryways and storefronts are encouraged.

18-201-4 Window boxes and hanging baskets add color, life and dimension to Building fronts and window definition. Size and shape should be relative to the Building scale while proper clearance for pedestrians is allowed.

18-201-5 Details of the storefront such as door and window hardware, message boxes, and light fixtures shall be fabricated from quality materials such as brass, copper, bronze, hardwoods and etched or leaded glass.

8-201-6 Retail, Commercial storefronts shall be clearly distinguishable from upper floors of a building, and be designed with predominately transparent glass with a small percentage of opaque materials.

18-202 COLOR SELECTION

18-202-1 While overall Building color palettes are encouraged to be muted tones taken from the natural surroundings, the storefronts, window frames and displays, and signs shall use rich and expressive colors that stand out from their background. These storefront Facades shall be designed as distinct individual entities that relate to the business and are distinguished by architectural detail and creative Application of color.

18-203 WINDOWS

18-203-1 Window openings and trim shall be consistent in proportion and scale with the associated Building. Window trim shall vary in detailing and color while still being compatible with the overall architecture of the Building.

18-203-2 Attention shall be paid to operable windows so as not to protrude into or obstruct pedestrian ways when in the open position. Operable windows may need to be recessed or sliding to avoid this occurrence.

18-203-3 WINDOW DISPLAYS

18-203-3-1 Creative, colorful and varied window displays stimulating pedestrian interest which define the spirit and intent of the Commercial space shall be provided.

18-203-3-2 Frequent changes of window displays are suggested. Seasonal displays add new life and interest to the experience of the pedestrian within the Village Center.

18-204 LIGHTING

18-204-1 In general, lighting within Commercial areas shall originate within the storefront windows and not be dependent on free standing light fixtures. Direct light sources should be used only for accent of architecture, landscape, artwork or for the definition of entries and walkways consistent with the Lighting Regulations.

18-204-2 Window displays within storefront windows shall be lighted so as to provide an indirect glow of light onto adjacent pedestrian walkways and plazas. Harsh light and glare from storefront windows or interiors shall be avoided.

18-204-3 Interior fluorescent lights shall be baffled so that the light source will not be seen from pedestrian areas.

18-204-4 White, yellow or other Town-approved LED lights shall be used to light storefronts. With all lighting types, extreme care shall be taken to avoid glare and color distortion. Flashing, blinking or moving lights shall not be used in storefronts. Colored lighting and projector lighting of the interior of a storefront may be used for storefronts and displays with specific written approval from the DRB.

18-204-5 All Restaurants, shops, and Offices with Plaza Area frontage are required to maintain display window lighting to enhance the entire Village Center lighting (per Town of Mountain Village Design Regulations) from dark to 1:00 AM, seven days per week. Lighting Design shall be energy efficient and shall have DRB approval.

18-205 VACANT GROUND LEVEL COMMERCIAL SPACE

18-205-1 Owners of vacant, ground level Commercial spaces within the Village Center are required to provide a decorative window display that masks the vacant interior from public view. Creative, colorful and varied window displays stimulating pedestrian interest that define the spirit and intent of the Commercial space are encouraged.

18-205-3 Window displays for vacant, ground level Commercial space within the Village Center require the approval of the DRB.

SECTION 18-3 PLAZA USE, DESIGN AND SITE AMENITIES

18-301 PATHS AND WALKWAYS

18-301-1 As the Town grows and establishes primary pedestrian circulation systems, it is imperative that all Building Development relates to proposed or existing exterior pedestrian flows and spaces within the Plaza Areas. Building frontage shall contain and direct pedestrian circulation in a continuous, uninterrupted sequence.

18-301-2 The scale of pedestrian areas shall be kept intimate with great care and attention given to materials and detailing. Special pavers, hardware, fountains and landscaping shall be emphasized. Distance between buildings and widths of public areas shall vary with narrow passages leading to courtyards and secondary plazas.

18-301-3 Secondary walkways and courtyards are strongly encouraged as part of Building Improvements. These secondary spaces can add interest to the Village Center by offering areas to be explored and discovered within the overall orientation of the major circulation system.

18-301-4 Secondary walkways and courtyards shall be paved with a material consistent with or complimentary to the major pedestrian areas of the Town. Surface materials shall be rich and interesting, using such materials as sandstone pavers and granite cobbles, brick or concrete pavers. Surface materials shall have a minimum width of eight (8) feet and be lighted for evening use. Vertical grade changes shall be made to accommodate walking in ski boots and shall, therefore, have grades no greater than five (5) percent with access ramps no greater than eight (8) percent. Stairways with a minimum tread of fourteen (14)

inches and a maximum rise of five (5) inches work best for use in ski boots.

18-301-5 Wherever possible, connecting paths and walkways shall include points of interest and artwork along their routes through such items as sculpture, fountains, bridges, archways and plaza furniture.

18-301-6 Lots within the Village Center shall be required by the DRB to coordinate all design and intent of all proposed pedestrian areas with Public Works and Plaza Services Departments. Relevant to all Lots or Building footprints within the Village Center, the DRB shall require the Owner of such Lots to develop any and all pedestrian areas to a maximum of thirty (30) feet out from the Building footprint.

18-301-7 Adequate space for snow removal and storage shall be considered when designing pedestrian ways. In areas where snow storage space is inadequate or where shady, icy conditions prevail, snowmelt shall be considered. In some cases, the DRB may reserve the right to require snowmelt in such areas, particularly ones characterized as primary pedestrian routes. This is to the benefit of the health and safety of the general public.

18-302 DESIGN STANDARDS FOR PLAZA AREAS AND USES

18-302-1 It is important that the exterior spaces, such as pedestrian walkways, plazas and courtyards be carefully designed for the enjoyment of the public within the Village Center and other Plaza Areas. Outdoor dining areas, seating areas, vending carts, ski and bike racks, media racks, trash cans and other Plaza Uses all contribute to the character and feel of the Plaza Areas. The design of such features therefore needs to be carefully considered prior to the placement or installation of such Plaza Uses in a Plaza Area.

8-302-1-1 All Plaza Uses and associated Plaza surfaces (pavers, etc.) shall be maintained by the Plaza Use Operator, and kept in good repair and clean. This includes, but not limited to, the replacement of damage pavers or other plaza improvements in the Plaza Area used by the Plaza Use Operator. Such maintenance requirement shall be spelled out in the required Plaza Use License Agreement or contract as deemed appropriate by the Town.

18-302-2 The DRB shall require the Owner of Lots in the Village Center to install necessary site furniture and fixtures a maximum of 30 feet out from the Building footprint. Secondary Plaza Areas shall be furnished and maintained by the Developer and operator of the respective projects for general public use. The Town may require the Developer to enter into a maintenance agreement for secondary Plaza Areas that requires the maintenance of all improvements in such spaces in good repair and a clean state. The required maintenance agreement shall specify that all site furniture and fixtures on Town property will become the property of the Town of Mountain Village.

18-302-3 Site furniture and fixtures shall reinforce the basic architectural theme of the Village Center, with all site furniture and fixtures designed, installed and maintained in accordance with the Plaza Use Standards.

18-302-4 Bike and ski racks, media racks and ski valets shall be designed, installed and operated in accordance with the Plaza Use Standards.

18-302-4-1 Bike and ski racks, media racks and ski valets shall be placed so as not to obstruct or impede pedestrian ways, general ingresses, egresses and ski area “beach” access as approved by the DRB.

18-302-4-2 Media rack locations in Plaza Areas may be limited to specific locations by a Town Council resolution.

18-302-5 Umbrellas are encouraged as lively and colorful additions to the landscape while providing protection from the harsh sun rays at this altitude. Umbrellas shall be designed and installed in accordance with the Plaza Use Standards.

18-302-6 Vending carts shall be designed in accordance with the Plaza Use Standards. Vending carts shall also meet the requirements of Section 18-700.

18-302-7 Outdoor Dining and Seating Areas shall reinforce the basic architectural theme of the Village Center and other Plaza Areas. In Plaza Areas, the size, quantity and location of furniture for food and/or beverage service shall be relative to the size of the business establishment, its frontage, and the immediately adjacent Plaza Area. Sunny, sheltered pockets that take advantage of afternoon sun work best for winter use with Restaurant seating. Snow shed from adjacent buildings shall also be considered when locating Dining and Seating Areas. All Dining and Seating Areas for food service shall be reviewed on a case-by-case basis by the DRB. These areas may be expanded from time to time for Special Events. Outdoor Dining and Seating Areas shall be designed and installed in accordance with the Plaza Use Standards.

18-302-7-1 Furniture placed by a business for the intention of serving liquor shall have a defined barrier unless the business holds a valid resort complex liquor license and the edge of the resort complex is clearly identified by a DRB-approved Barrier or signage designed in accordance with the Plaza Use Standards. This Barrier can be created through the placement of planters, pots, benches, bollards, stone walls and other elements per the Plaza Use Standards.

18-302-7-2 Businesses or Plaza Use Operators with an Exclusive Premise for an Outdoor Dining and Seating Area that has a defined Barrier are responsible for the removal of snow, trash and debris, and the maintenance of the Plaza Area where furniture is placed including, but not limited to, the replacement of damage pavers or other plaza improvements in the Exclusive Premise.

18-302-7-3 Placement of food and beverage tables shall be limited to the delineated outdoor food service area as described above or within the boundaries of a valid resort complex liquor license.

18-302-7-4 Any Outdoor Dining and Seating Area shall provide screening for any appliance or accessory use associated with food and beverage service such as cash register, warming trays, coffee burners, etc. unless the DRB approves an alternative plan. Such appliances and accessories shall be brought indoors following the close of each business day.

18-302-7-5 The DRB may approve the installation of structures in Outdoor Dining and Seating Areas that are not outlined in the Plaza Use Standards provided the

DRB finds at a public meeting that such structure(s) are in accordance with the basic architectural theme of the Village Center or other Plaza Areas, and that the public health, safety and welfare will be protected.

18-302-7-6 Outdoor barbecues or grills are prohibited for use with Commercial operations within the Village Center and Plaza Areas with the exception of (1) Town-approved Special Events per Article 19, provided however the outdoor barbeque(s) or grill(s) are approved as part of the Special Event Application; or (2) a barbeque integrated into a Vending Cart as allowed by these regulations.

18-302-7-7 Outdoor display of merchandise is permitted subject to the Plaza Use Standards and shall be removed at the close of each business day.

18-303 WALLS, FENCES AND GATES

Within the Village Center or other Plaza Areas, walls, Fences and gates may be used to enclose service areas or screen undesirable views. Fences or walls shall not be permitted to specifically define a property boundary.

SECTION 18-4 NOISE CONTROL

18-401 The mix of residential, Commercial, and entertainment facilities within the Village Center creates an active and vital environment that will generate noise, light and activities. To the extent practical, any Town- approved Plaza Use shall mitigate excessive impacts beyond normal Plaza Use.

18-402 Entries and windows shall be designed to limit noise escaping into the Plaza Area or immediately adjacent outdoor spaces. Nightclubs and other entertainment establishments shall be sound insulated from tourist accommodations or residential uses.

SECTION 18-5 ODOR CONTROL

Due to the mixed-use nature of the Village Center, odor created from food service establishments that may conflict with residential Uses is prohibited. Outdoor barbecues are prohibited for this reason, but may be allowed for Special Events per Section 18-302-5-6. Trash areas shall be located away from pedestrian flow and residential entrances and windows to the extent practical.

SECTION 18-6 GRAPHICS AND SIGNAGE

18-601 Village Center signage must comply with the requirements of Article 10 of these Regulations.

18-602 Graphics and signage can add clutter and competition to our visual landscape; therefore, the following graphic and signage requirements shall establish control and provide for high quality, creatively designed signage that is consistent and compatible with the Design theme and image of the Town of Mountain Village and its Village Center and other Plaza Areas. Sign design shall be produced through artistic and imaginative effort. The goal is to display a broad range of imaginative designs, colors and a sense of quality for pedestrian streets and plaza areas. The DRB's evaluation shall be based upon the design's excellence, creativity, originality, timelessness, and

compatibility with the design theme of the Town.

18-603 GENERAL REQUIREMENTS

18-603-1 The following requirements shall apply to all Signs that will be located within all Commercial and Plaza Areas:

18-603-2 All Signs except in relation to Special Events Signs shall require the approval of the DRB prior to any installation of such signage.

18-603-3 All Sign design(s) that are submitted for review shall include scaled plans showing colors, materials, font size (if any), size, height, proposed locations, and mounting and installation details. Corrosive resistant fasteners shall be required to mount such signage.

18-603-4 All proposed Sign designs that are submitted for review shall provide a scaled drawing of the storefront or Building Facade that indicates the proposed location and size of proposed Signs along with the location and exact size of other Signs on the affected Building Façade.

18-603-5 The DRB reserves the right to deny approval for a Sign regardless of the Sign's conformance to these regulations. All signage and banners shall be reviewed on an individual basis.

18-603-6 The DRB reserves the right to require any Sign to be removed if such signage, after installation, based upon the determination of the DRB, is deemed to be inappropriate, in poor condition, or an unreasonable nuisance to neighboring businesses or Condominiums.

18-603-7 All types of Signs not listed hereunder shall be prohibited.

18-603-8 The Town will require the business owner of any Sign located on or projecting into and over Town property to enter into an encroachment and license agreement with the Town that includes indemnification for the Town for any accidents that involve such Signs.

18-604 BUILDING IDENTIFICATION SIGNAGE

18-604-1 Commercial or multi-use buildings located in the Commercial areas or Plaza Areas of the Town of Mountain Village shall be required to have identification signage. The types of signage permitted for Building Identification shall include wall mounted Signs and monument Signs. Projecting or arcade Signs shall not be allowed for use as a Building Identification Sign. In either case, the Building Identification shall occur in the most highly visible location within the normal field of view of people, whether in vehicles or on foot. The DRB may allow more than one Building Identification Sign for a Building if it is appropriate for a specific Building's location, without relinquishing its right to allow for only one Sign on another Building.

18-605 PERMANENT SIGNS PERMITTED WALL SIGNS

18-605-1 Wall Signs may be painted directly to the Building Fascia (generally recommended only for stucco surfaces) or attached directly to the Building wall, or attached to the Building

wall with individual letters. Wall Signs shall be creatively designed, incorporating graphics in coordination with lettering. Total area of graphics coverage for all wall Signs on a wall shall be relative to the size of the wall, Building and surrounding architecture, but shall not exceed twenty-four (24) square feet for one or more wall signs. Letters for any of the above shall not exceed twelve (12) inches in height. The DRB may permit taller letters and/or a larger area if, in its sole judgment, it is appropriate for the relative scale of the Building.

18-605-2 Applied letters shall be finished with metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf. Letter styles shall be creative and original with avoidance toward rigid uniformity. Letters shall not exceed twelve (12) inches in height, but taller letters may be permitted if, in its sole judgment, the DRB decides larger letters are appropriate for the relative scale of the area.

18-605-3 Wall signs may not project more than twelve (12) inches from the face of the Building to which they may be attached.

18-606 WINDOW SIGNS

18-606-1 Permanent lettering and graphics on doors and windows will be permitted and will be reviewed on an individual basis. Lettering and graphics will be evaluated on originality and creativity.

18-607 PROJECTING SIGNS AND ARCADE SIGNS

18-607-1 These hanging signs shall be creatively designed and colorful with avoidance toward long rectangular or square shapes and shall be three-dimensional. Signs shall be handcrafted and made from metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf or wood such as redwood, cedar or hardwood.

18-607-2 Total area of the Sign for each business shall not exceed ten (10) square feet in size. Signs shall be mounted directly to a Building wall or hung from an arcade or archway. Pedestrian clearance for hanging signs shall be eight (8) feet above grade.

18-608 AWNING SIGNS

18-608-1 Graphics on awnings shall be limited to fifteen (15) percent of the surface area of the Awning. Awning signs shall be located only over the principal entrance to the business identified by said Sign. As a general rule, the Awning shall extend no further than three (3) feet from each side of the entrance and project beyond the face of the Building not more than eight (8) feet, exceptions to the size shall be allowed if, under the sole judgment of the DRB, a larger Awning is appropriate for the relative scale and proportion of the Building.

18-609 DISPLAY BOXES

18-609-1 Boxes for display of menus, real estate listings, and schedules will be permitted but shall not exceed six (6) square feet in surface area. Display boxes shall not project more than eight (8) inches from the exterior wall surface, and the location shall be specifically approved by the DRB. Any lighting of a display box shall completely screen the light source from pedestrians and not allow any direct bulb glare. Display boxes will be evaluated based on originality, creativity and the use of high quality handcrafted materials.

18-610 IMAGE PROJECTOR SIGNS

18-610-1 The DRB may permit a business to have one or more illuminated Projector Signs that use digital graphics or art to advertise the business or a product sold in that business, subject to the following regulations:

18-610-1-1 A *Projector Sign* shall mean a Sign that is projected onto a wall or plaza surface using an intense source of illumination to project the image.

18-610-2 A Projector Sign shall project only upon the property occupied by the associated use or the public right-of-way within ten (10) feet of the Building Frontage occupied by the use.

18-610-3 The sign area of the Projector Sign shall be included within the overall allowed sign area for the use unless the DRB allows for additional sign area through the review process based on a finding that the sign area of the Projector Sign, combined with the regular sign area allowed by the Design Regulations, does not adversely impact the character of the Commercial area or the Plaza Areas.

18-610-4 Illumination from the projector mechanism shall not pose a hazard for pedestrians or motorists and shall be screened from view to the maximum extent feasible.

18-610-5 The projector shall be screened, built into the building, installed under an awning, or blended into the Building Façade so such does not adversely impact the architecture of the Building or the Plaza Areas.

18-611 TEMPORARY SIGNS PERMITTED

18-611-1 BANNERS

Banners may be used for signage only on a temporary basis and upon prior review and consideration by the DRB. Most commonly, banners may be used for Special Events such as grand openings, sales and other events. Graphics, color, location and duration of existence are subject to review and approval of the DRB. Banners shall be removed within three (3) days after the Special Event ends or within the allotted duration allowed.

18-611-2 SANDWICH BOARDS

Sandwich board signs are free standing with signage on two sides. Signs shall not be larger than twelve (12) square feet. A maximum of one (1) Sandwich Board per business may be allowed. Signs may be placed in Plaza Areas clear of established pedestrian access and emergency access routes, and may be directly adjacent to the related business establishment, but signs may not be more than a twenty-five (25) foot radius from the establishment's main entry.

18-611-2-1 The temporary nature of the Sandwich Board Sign is defined by the requirement to remove the Sign for interior storage at the close of each business day.

18-611-3 FLAGS

The Town will allow for flags attached to buildings or to other structures provided the Town determines (1) the placement of flag(s) does not negatively impact the architecture of the building; (2) the flag placement allows for the visual opacity of the commercial storefront; (3) the flag is an official flag of a Nation; and (4) the flag has a size not exceeding three (3) feet in width and five (5) feet in length.

18-611-4 SPECIAL EVENTS

Other temporary signs not listed above may be allowed for Special Events, provided such signs are included in the Special Event Application as provided for in Article 18. Such signs will be subject to review and approval by the DRB.

18-700 OUTDOOR VENDING REGULATIONS

18-701 The operation, design and location of all Vending Carts has a significant effect on the character of the Plaza Areas, activity levels in the Plaza Areas, and on economic activity. These Vending Cart Regulations are intended to regulate the location, design and use of Vending Carts, and to ensure such activities are not done to the detriment of existing businesses.

18-702 The number of Vending Carts and associated Vending Permits in Plaza Areas shall be limited as follows:

- Three (3) on Heritage Plaza
- One (1) on Gondola Plaza
- One (1) on Conference Center Plaza.
- One (1) on Sunset Plaza

18-702-1 The Town Council may permit additional vending carts on Plaza Areas in his/her sole discretion.

18-702-2 The actual location and placement of each Vending Activity shall be as set forth by the Town Manager in consultation with the Mayor and the Vending Permit Administrator.

18-703 The following definitions shall apply to the Vending Cart Regulations:

18-703-1 *Permittee* shall mean the person, business or entity issued a Vending Permit that will be operating the Vending Activity.

18-703-2 *Plaza Area* shall mean the Plaza Area Zone District as such term is defined in the Land Use Ordinance.

18-703-3 *Sale or Sell* shall mean the exchange of goods or services for money or other consideration, including the offering of goods or services for donation except when offered to express religious, social or political belief.

18-703-4 *Tax-exempt Organization* shall mean those groups that have been granted a 501(c)3 or other tax-exempt status by the Internal Revenue Service.

18-703-5 *Vending Activity* shall mean the act of selling or offering for sale goods, merchandise, food, wares or services from a Vending Cart, from a location outside of a building.

18-703-6 *Vending Cart* shall mean the required cart for the conduct of a Vending Activity that is designed and operated in accordance with the Plaza Use Standards.

18-703-7 *Vending Permit* shall mean a permit issued by the Town of Mountain Village for Vending Cart operation on a Plaza Area.

18-703-8 *Vending Permit Administrator or Administrator* shall mean the person or Town department appointed by the Town Manager to administer the requirements of this Section.

18-704 No person shall stage, operate or present a Vending Cart within the Town of Mountain Village ("**Town**") without a valid Vending Permit issued in accordance with this Section 18-700.

18-704-1 It shall be unlawful for any person to engage in Vending Activity on a Plaza Area without a Vending Permit or without compliance with these Regulations.

18-704-2 Tax-exempt Organizations do not require a Vending Permit to solicit donations for Special Events such as gala fund raising events, raffles or merchandise sales such as Girl Scout cookies provided a Special Event Permit is obtained from the Town prior to the commencement of these activities.

18-704-3 Tax-exempt Organizations requiring a cart for on-going solicitation or sales must follow the procedures for obtaining a Vending Permit as defined in these Regulations.

18-704-4 A Vending Permit is not required for Vending Activity that is approved pursuant to the Special Event Permit process in Article 19.

18-705 A person seeking to obtain a Vending Permit shall file an Application with the Vending Permit Administrator. The form of the Application shall be provided by the Administrator.

18-705-1 Applications for winter Vending Permits are accepted from June 1st until August 31st, or until all Town Council approved spaces are filled.

18-705-2 Applications for summer Vending Permits are accepted from January 1st to March 1st, or until all Town Council approved spaces are filled.

18-706 An Application for a Vending Permit shall contain the following information:

Introductory letter, specifying all proposed products to be vended.

Preferred Vending Cart location selected from Town Council approved areas

Contract that outlines key operating requirements and legal requirements, including an Indemnity Agreement (form to be provided by the Town of Mountain Village)

All applicable fees as established in the Town Council adopted fee schedule. Vending fees are non-refundable

Detailed Vending Cart design plans consistent with Plaza Use Standards that include scaled elevations and detailed materials for the front, back and sides of the Vending Cart.

Cart signage – drawn to scale on the Vending Cart including font size and materials

Site Plan showing location of any coolers, required trash or recycling cans and other activities or uses associated with the Vending Cart consistent with Plaza Use Standards.

Cart storage and/or removal plan

Trash removal plan

Vending Schedule with intended Hours of Operation, Days and Dates as defined in these Regulations

18-706-1 Any Tax-exempt Organization, with proof of non-profit status, may apply to Town of Mountain Village Town Council for approval of a waiver of Vending Permit Fees.

18-707 The Vending Permit Administrator shall review an Application to ensure such Application is complete per the application requirements of this Section and the required Application fee has been paid. Once an Application has been determined to be complete and the fee has been paid, the Administrator shall send a correspondence to the Applicant indicating the completeness of the Application and the date of such determination. If an Application is determined to be incomplete, the Vending Permit Administrator shall send a correspondence documenting the Application deficiencies.

18-708 Upon receipt of a properly completed Application, together with all information required in connection therewith, and the payment of the Application fee as required by Section 19-6, the Vending Permit Administrator shall transmit copies of the Application to the:

Community Development Department;

Recreation, Plazas and Environmental Services Department

Police Department;

Town Clerk;

Public Works Department;

Telluride Fire Protection District; and

Any other person or agency which the Events Manager determines should properly investigate and comment upon the Application.

18-708-1 Within twenty days of receipt of a completed Application, those Town departments and other referral agencies described in Section 19-708 shall provide the Vending Permits Administrator with comments concerning the Application.

18-709 The Vending Permit Administrator shall evaluate and make a recommendation on an Application for a Vending Activity to the Town Manager based on the requirements of this Section.

18-710 The Vending Permit Administrator, Town Attorney or Town Manager will require an Applicant to enter into a Contract with the Town on the Vending Activity to detail key requirements of this Article and legal protection for the Town. Any Contract for more than one year shall require an annual review. Contracts may be issued up to three years at the discretion of the Town Manager.

18-711 Applications for Vending Activities shall be processed by the Vending Permit Administrator in order of receipt, with a first-come, first-served philosophy. Once all the allowed Vending Permits have been issued by the Town, the Vending Permit Administrator cannot approve any further applications

18-712 The Vending Permit Administrator shall prepare a memo to the Town Manager that documents how an Application complies or does not comply with the Vending Permit Criteria for Decision and the requirements of this Article.

18-712-1 This memo, and a copy of the Application shall be forwarded to the Town Manager for review.

18-712-2 The Administrator may also include a copy of the draft Contract for the Vending Activity in cases where a positive recommendation on a Vending Permit is being provided to show the details of how the Vending Activity will meet the detailed requirements of this Article.

18-713 The Town Manager shall approve, deny or conditionally approve an Application for a Vending Permit within thirty (30) days of the receipt of the completed Application unless, by written notice to the Applicant, the decision period is extended for an additional ten (10) days.

18-713-1 The Town Manager may also request additional information or plans prior to making a decision.

18-713-2 The Town Manager's action on a Vending Permit Application shall be based on the Vending Permit Criteria contained in Section 19-717.

18-713-3 The Town Manager's denial of a Vending Permit Application will include specific findings for denial based on the requirements of this Section. If a Vending Permit Application is denied, the Vending Permit Administrator shall clearly set forth in writing the Town Manager's grounds for denial and, where feasible, shall propose measures to cure the defects that lead to the denial of the Vending Permit Application.

18-713-4 The Town Manager shall have the right to impose such reasonable terms and conditions on a Vending Permit as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Section and applicable law. In the event an Application is conditionally approved, the Vending Permit Administrator shall clearly set forth in writing the conditions of approval.

18-714 The Administrator shall notify the Applicant of the Town Manager's decision on the Application within three (3) business days of rendering the decision. Notice shall be given by either mailing a copy of the Town Manager's decision to the Applicant by regular mail, postage prepaid at the address shown in the Application, or by e-mail delivery at the e-mail address shown on the Application. Notice is deemed to have been properly given upon mailing or e-mailing.

18-715 The Vending Permit Administrator and Town Manager shall uniformly consider each Application for a Permit upon its merits, and shall not discriminate in granting or denying a Vending Permit under this Article based upon race, creed, color, religion, national origin, ancestry, sex, age, veteran status, sexual orientation, or physical or mental disability. Further, the Administrator shall be content neutral in reviewing an Application, and shall not consider the subject matter of any type of speech proposed as part of the Application.

18-716 The Town Manager shall approve a Vending Permit when, from a consideration of the Application and from such other information as may otherwise be obtained, the Town Manager determines that the following criteria have been met:

The maximum number and location of Vending Carts meets the limitations in Section 18-702.

The Vending Cart meets the requirements and limitations of this Section.

The Vending Cart is not providing the same food or beverage, goods or services as an existing business within the surrounding Plaza Area at the time of application, and the Vending Activity will provide for diversity of goods and services.

The Vending Cart has been designed and will be operated in accordance with the Plaza Use Standards.

For vendors that have obtained a Vending Permit and operated a Vending Activity in the Town, such vendors shall have shown substantial compliance with then-in-affect requirements of the Town.

The Applicant has the ability to comply with the requirements of the Vending Regulations and any necessary Vending Permit conditions.

18-716-1 The Town Manager will have sole and absolute discretion in granting a Vending Permit and will base its decision on the Town's needs for Vending Activity at that time.

18-717 An Applicant has the right to appeal the Town Manager's denial or conditional approval of an Application to the Town Council.

18-717-1 An Applicant's appeal of the Review Authority's denial or conditional approval of an Application shall be processed in accordance with Section 2-8 of the Mountain Village LUO.

18-717-2 The Applicant shall be provided with not less than ten (10) days' prior written notice of the appeal hearing to be held by the Town Council.

18-717-3 The burden of proof in an appeal filed under this Section shall be on the Applicant.

18-717-4 If the Town Council finds by a preponderance of the evidence that the decision of the Town Manager was correct, the Town Council shall uphold the decision of the Town Manger. If the Town Council finds by a preponderance of the evidence that the decision of the Town Manager was incorrect, the Town Manager's decision shall be set aside and the Vending Permit issued subject to compliance with the requirements of this Section (if it was previously denied) or the conditions of approval stricken or modified.

18-717-5 Any decision made by the Town Council made on an appeal shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Applicant's failure to timely appeal the decision is a waiver of the Applicant's right to contest the denial or conditional approval of the Application.

18-718 Once the Application has been approved by Town, the Applicant must submit the following prior to opening for the season:

Proof of Insurance as outlined in the Regulations and satisfactory to the Town of Mountain Village
Town of Mountain Village Business License

Colorado Sales Tax License
San Miguel County Health Permit, if applicable
Town of Mountain Village cash security deposit or, if approved by the Town, a bond guarantee for the repair of damage to Plaza Areas.

18-719 The required contract for a Vending Activity shall include the following requirements of the Town:

18-719-1 Insurance Required. Indemnification and liability insurance is required for all Vending Activities as follows:

The Permittee agrees to indemnify, defend and hold harmless the Town and its agents and employees from and against all actual claims, actions, causes of action, demands, judgments, reasonable costs and expenses, and all damages of every kind and nature (exclusive of punitive damages) incurred by and on behalf of any person or other legal entity whatsoever, predicated upon injury to or death of any person or loss of or damage to property of whatever ownership, including the parties to Vending Permit and their agents and employees, arising out of or connected with, in any manner, directly or indirectly, the Permittee's operation and its use of the vending cart permitted area, except to the extent caused by the acts or omissions of the Town, its agents, and/or its employees.

Permittee shall provide a certificate naming the Town as an additional insured to the policy. Permittee shall carry general liability insurance covering all operations permitted pursuant to the permit in an amount no less than \$1,000,000.00 for a single occurrence and \$2,000,000.00 in the aggregate, with the Town as a named insured on such policy. Permittee shall be required to provide to the Town a "*Certificate of Insurance*" evidencing such coverage for the Term of this Permit.

The general liability insurance policy and the "*Certificate of Insurance*" must be effective for the Term of the License Agreement, commencing as of the Effective Date.

The Licensee shall cease all operations on the vending cart permitted area immediately upon cancellation the insurance coverages required pursuant to this section, in accordance with any notice of cancellation received by Permittee.

18-719-2 Other Licenses Required. Applicants shall obtain all required permits or licenses from all applicable governmental entities before a Vending Permit is issued including, but not limited to, a Colorado Sales Tax License, a Town of Mountain Village Business License; and if the Vending Activity includes any food product, written approval from the San Miguel County Environmental Health Department using rules promulgated by the Colorado Department of Public Health and the Environment.

18-719-3 Nontransferable. The Vending Permit shall not be transferable or assignable.

18-719-4 Noninterference. No person engaged in Vending Activity shall make any unnecessary sounds or noise, nor obstruct any pathway or other public property, nor disturb or impede other persons or otherwise create any public nuisance. The use of radios, stereos or any other audio systems in connection with any Vending Activity is prohibited.

18-719-5 Vehicles. Vehicles are prohibited from Plaza Areas for any purpose other than emergencies.

18-719-6 Area Maintenance. A vendor shall maintain both the permitted area, the immediate area surrounding the permitted area, the Plaza Area surface (clean pavers, etc.) and the Vending Cart in a neat, clean and hazard free condition.

18-719-7 Cleaning. Permittee shall clean the areas of the designated Vending Cart location which are covered by the permit by removing debris, trash, sweeping and washing down the location, as needed. The cleaning shall be conducted as frequently as each day, if necessary, to prevent debris or trash from being blown or scattered around the Plaza Area.

18-719-8 Repair of Damage. Permittee agrees to repair and/or replace any damage to any portion of the permitted Vending Cart area only to the extent any damages shall be caused by or in connection with Permittee use thereof, (including, without limitation, the placement of personal property on the Plaza Area). All costs for such repair or replacement shall be the responsibility of the Permittee. The Town, in its sole reasonable discretion, shall determine when the vending area is in need of repair or replacement due to the activities of Permittee and/or its customers in the vending area. The Town may require a damage deposit prior to a Vending Activity commencing in a Plaza Area. The Town may suspend a Vending Permit for failure to pay for damage or the payment of a required damage deposit

18-719-9 Snow Removal. The vendor shall move the Vending Cart per request of the Town of Mountain Village for snow removal and/or plaza maintenance when necessary.

18-719-10 Recycling and Trash. Applicants must provide a written plan for recycling and disposal of trash generated by the business where practical. The use of Town trash or recycling receptacles shall require the Applicant to pay, in advance, to the Town of Mountain Village a trash fee of no less than sixty dollars (\$60) per month for pick-up of trash from a nearby public container.

18-719-11 Pedestrian Access to Seating Areas. The Vending Cart shall block no public Outdoor and Dining Seating Area(s).

18-719-12 Fees. All Vending Permit Application, and Licensing Fees shall be paid before the commencement of Vending Activity and all Monthly Permit Fees shall be paid on the first of the month. Fees will be prorated for partial months in each season.

18-719-13 Plaza Location. Town of Mountain Village reserves the right to relocate the site of the carts of Vending Permit holders within all of the designated Plaza Area. Staff will notify Permittee three (3) days prior to the Vending Cart relocation.

18-719-14 No Encroachment. Permittee shall have the obligation to prevent encroachment of the Vending Cart or any related vending equipment or Permittee property onto areas of the Plaza Area outside their designated Vending Cart location.

18-719-15 Vending Cart Season. Vendors may request adjustments to the season outlined in Section 18-702 on an individual basis.

18-719-16 Required Hours of Operation. Hours of Operation are expected to be consistent, weather and health permitting. Any change in the scheduled days of operation must be approved by the Vending Permit Authority. Extended absences of Vending Activity by a Permittee must be approved by the Authority. A Permittee must operate a Vending Cart for a minimum of five (5) days a week, and that Vending Cart must be open for at least four (4) hours

on those days. The five (5) days per week that the Vending Cart is open must be consistent throughout the operating season.

18-719-17 Abandon/Surrender. A Permittee without written authorization from the Town of Mountain Village of extenuating circumstances, who does not participate in a Vending Activity for a period of two (2) consecutive weeks during the designated season, will be considered to have surrendered and abandoned his or her Vending Permit. The Town of Mountain Village shall have the right to reassign that space to another Applicant. The Town of Mountain Village reserves the right not to authorize an absence. The Town shall send written notice of the surrender and abandonment of the Permit.

18-719-18 Utility Fees. The Town may require a Vending Cart to provide for utility fees if the Vending Cart uses electric utilities for its operation.

18-720 Revocation and Suspension.

18-720-1 Any Vending Permit issued hereunder may be revoked or suspended by the Town Manager for a violation or breach of a term or condition of the permit including, but not limited to,:

The Permittee fails to meet the qualifications of an Applicant.

Operation of a Vending Cart in a location other than that approved or outside the permitted area.

Failure to pay Permit fees.

Failure to clean areas of the designated Vending Cart location as required by the Permit.

Failure to remain in operation during the minimum number of business hours or days as required by the Permit.

Failure to maintain the design of a Vending Cart or Signs in the condition as it was presented in the application.

Failure to pay for the repair and/or replacement of any damage to any portion of the permitted Vending Cart area by caused by or in connection with Permittee's use thereof.

Changing the use of the Vending Cart that does not comply with the approved application.

Failure to remove Vending Cart from designated location as required by the Permit.

Permittee violates any provision of this Permit or other ordinance of the town governing the activities permitted buy the Permit.

The Permittee obtained the Vending Permit by fraud or misrepresentation.

The Permittee is convicted of an offense that would create a danger to the public health, safety and welfare after the Vending Permit was issued.

18-720-2 No Permittee whose Permit has been revoked may receive a refund of any part of the permit fee paid for the Permit.

18-720-3 Upon revocation or expiration of any Permit, the Permittee shall remove all structures or improvements from the permit area and restore the area to its condition existing prior to issuance of the Permit within forty-eight (48) hours of revocation or expiration of permit.

18-720-4 If the permit is revoked, the Permittee may not apply for the same type of permit for one (1) year after the effective date of the revocation.

18-720-5 All appeals of penalties shall be directed to the Town Council. Any appeal of a decision or final action by the Town Manager in administering penalties may be made by filing with the Town Manager a written notice of appeal within fourteen (14) days of the date of the decision or final action appealed. The Town Council will hear such appeal within thirty (30) days of filing of the appeal.

ARTICLE 19 SPECIAL EVENTS REGULATIONS

SECTION 19-1 PURPOSE

19-101 The purpose of this Article is to establish a procedure for Permitting and regulating Special Events and to protect and promote the public health, safety and welfare. This Article is intended to establish a non-discriminatory process by which the Town can regulate the holding of special events. This Article is not intended to regulate speech or other forms of conduct protected by either the First Amendment to the United States Constitution or by the Colorado Constitution. The Permitting process established by this Article is intended to be content neutral and not subject matter based.

SECTION 19-2 DEFINITIONS

19-201 As used in this Article, the following words have the following meanings, unless the context clearly requires otherwise:

19-201-1 *Applicant* shall mean the person, group, organization or entity that applies for a Special Event Permit. The Permit Applicant whose name shall appear on the Permit issued pursuant to this Ordinance shall be the responsible party for all Special Event activity approved by the issuance of the Permit.

19-201-2 *Application* shall mean Application for a Special Event Permit submitted pursuant to this Article.

19-201-3 *Contract* shall mean the legal agreement between the Town and an Applicant that details the requirements for a Special Event along with standard, legal language for all Events such as, but not limited to, required insurance and legal indemnification for the Town.

19-201-4 *Day* shall mean a calendar day, unless otherwise indicated.

19-201-5 *Entertainment*. Includes, but is not limited to, touring exhibitions, concerts, performances of dance, music, drama, and comedy, sporting exhibitions or contests, festivals, fairs, automotive displays, and performances of skill.

19-201-6 *Events Liaison* shall mean the department or staff person appointed by the Town Manager to administer the Special Event Regulations.

19-201-7 *Review Authority* shall mean the appointed person or persons responsible for making a recommendation or a decision on an Application.

19-201-8 *Special Event* or *Event* shall mean any organized gathering of people either by express invitation or by implication for any purpose for a limited period of time the primary purpose of which is entertainment which is sponsored by a for-profit or nonprofit individual, group, organization or entity, and at which any two or more of the following shall apply:

The expenditure of Town resources is contemplated or is deemed necessary by Town personnel to maintain public health, safety and welfare;

The Event requires the use of any Town facility or property;

The Event is expected to have a visual, noise or other environmental impact upon

the immediate vicinity or surrounding area of the Event.

9-201-8-1 Special Events are further classified as either:

Annual Special Event shall mean a Special Event that has been listed by the Events Liaison on the Town's Official Annual Event Calendar which is reasonably expected to be held again in a given calendar year.

Minor Event shall mean any Special Event for which daily attendance is expected to be less than one thousand (1,000) people; or

Major Event shall mean any Special Event for which daily attendance is expected to be more than one thousand (1,000) people and/or the Special Event is to take place on multiple consecutive days.

19-201-9 *Special Event Permit or Permit.* A Permit issued by the Town pursuant to this Article.

SECTION 19-3 SPECIAL EVENT PERMIT REQUIRED

19-301 No person shall stage, hold, present or conduct a Special Event within the Town of Mountain Village ("Town") without a valid Special Event Permit ("Permit") issued in accordance with this Article.

SECTION 19-4 EXEMPTIONS TO SPECIAL EVENT PERMIT REGULATIONS

19-401 The requirements of this Article shall not apply to:

19-401-1 An indoor special event of any kind;

19-401-2 A Special Event held by the Town;

19-401-3 An Event held at a Town park or facility considered "normal or regular" use of those Town facilities, such as a ball field, soccer field or activities at the Mountain Village Ice Rink; or

19-401-4 An Event protected by either the First Amendment to the United States Constitution or by the Colorado Constitution provided, however, that a person staging, holding, presenting or conducting such an event shall submit an Application and obtain a Permit pursuant to this Article, but there shall be no fee required and the deadline for submission of an Application as provided in Section 19-502 does not apply to such an Application. The Events Liaison may also modify any other requirement of this Article with respect to such an Application if necessary to comply with applicable law.

SECTION 19-5 APPLICATION SUBMITTAL FOR SPECIAL EVENT PERMIT

19-501 A person seeking to obtain a Permit shall file an Application with the Events Liaison. The form of the Application shall be provided by the Events Liaison.

19-502 An Application for a Permit shall be filed with the Events Liaison not less than thirty (30) days nor more than three hundred and sixty-five (365) days before the Special Event is proposed to begin. The Events Liaison may waive the minimum thirty (30) day filing period and accept an Application filed within a shorter time period if, after due consideration of the date,

time, place and nature of the special event, the anticipated number of participants and the Town services required in connection with the Special Event, the Event Liaison determines that sufficient time exists for the proper investigation and review of the Application; that the waiver will not present a hazard to public health, safety or welfare; and that the waiver will not create a substantial burden on the Town's staff or financial resources. The Events Liaison shall make a written finding based on the criteria set forth herein for any waiver of the minimum thirty (30) day filing period or denial of a request for a waiver of the minimum thirty (30) day filing period. .

19-503 A Permit issued pursuant to this Article eliminates the need for a Design Review Board (“DRB”) or Town Council approval to authorize the Special Event. However, an Applicant may still be required to (A) obtain a Building Permit depending on the size and scale of any temporary structures proposed to be used in connection with the Special Event; and (B) have high quality, well maintained temporary structures and signs as a part of the Special Event Permit process. The need for a Building Permit will be determined by the Events Liaison once the Application has been received and reviewed pursuant to the process outlined in Section 19-7.

19-504 An Application for a Special Event Permit shall contain the following information as applicable:

The Applicant’s name, address, e-mail address and telephone number.

The name, title (if any), address, e-mail address and telephone number of the contact person for the Applicant with respect to the Special Event.

A description of the Special Event, including: (i) a description of the purpose, scope and activities planned during the Event; (ii) a description of economic and/or community benefits; and (iii) intention on making the Special Event an annual event.

The proposed date(s) of the Special Event.

The proposed location(s) of the Special Event.

The proposed hours of operation of the Special Event.

The dates and times when the Special Event facilities will be set up and torn down.

Statement of proposed Event schedule in light of community master Special Event calendar.

Statement of community benefit (cultural, economic, environmental, social).

A good faith estimate of the approximate number of spectators expected to attend the Special Event each day.

Admission criteria.

Maps of requested use locations overlaid with planned activities.

Scope of requested and required public services.

If the Special Event will involve the use of any Town street(s), plazas, trail(s), park(s), land(s), building(s), parking lot(s) or right(s)-of-way, a statement as to the portion(s) of the Town property which will be used or occupied in connection with the Special Event.

Transportation Plan to address overflow street parking impacts, extended operating hours for the Gondola and Dial-A-Ride on-demand taxi service, and for transportation services to and from Mountain Village or Telluride.

A statement of the fees, if any, to be charged to participants at the Special Event.

A list of food and/or beverages, including alcoholic beverages that will be served at the Special Event. In the event of alcoholic beverages, the name of the liquor license holder for the Special Event.

A statement of whether goods and merchandise will be sold at the Special Event.

A Special Event site plan or map including pedestrian flow, emergency access, trash receptacles, toilets, temporary structures, and parking areas and activity areas.

Sign placement and design, with detailed, scaled plans showing location, height, sign size, font size and type, materials, message, logos and any advertising.

Proof of the Applicant's tax-exempt status, if applicable.

A description and location of any recording equipment, tents or other structures, sound amplification equipment, banners, signs or other attention-getting devices proposed to be used in connection with the Special Event.

A plan for providing adequate safety for spectators and workers at the Special Event.

A plan for providing adequate sanitation at the Special Event.

A plan for "event greening" such as, but not limited to, recycling plans.

The approximate number of staff, vendors and entertainers reasonably anticipated to participate in putting on the Special Event (excluding spectators).

The number of security personnel to be hired for the Special Event, if any.

A designation of any public facilities or equipment to be utilized.

A complete list of the names, addresses, and telephone numbers of all vendors who will participate in the Special Event.

Any additional information that the Events Liaison reasonably determines to be necessary in connection with the investigation and review of the Application.

Trash removal and recycling plan.

A marketing plan for the Event.

19-504-1 The Events Liaison may waive application submittal requirements if that person determines such plans or information are not necessary based on the specifics of the Special Event.

SECTION 19-6 SPECIAL EVENT PERMIT FEES

19-601 An Applicant shall pay to the Town a non-refundable Application fee when the Application is filed, with such fee in the amount as set forth by the Town Council. The purpose of the fee is to cover the administrative costs of processing the Application. The Application fee may be doubled for Applications received by the Events Liaison twenty nine (29) days or less prior to the proposed Special Event.

19-602 If the Application includes a request to use any Town property or any Town service in connection with the Special Event, the Applicant shall pay to the Town any required charges, fees or deposits in connection with the use of the requested Town property or the provision of the requested Town service prior to the issuance of the Permit.

19-603 The processing fee for a Special Event Application shall be as set forth in a Town Council adopted fee resolution.

19-604 The Applicant shall be responsible for all legal fees incurred by the Town in the processing and reviewing of any Application. Such legal fees shall be paid prior to holding the Special Event when possible.

19-605 The Contract for the Special Event shall require the Applicant to be responsible for repairing damage caused by the Special Event to Town or private property.

SECTION 19-7 SPECIAL EVENT USE PERMIT APPLICATION PROCESSING AND REVIEW

19-701 The Events Liaison shall review an Application to ensure such Application is complete per the application requirements of this Article and the required fee has been paid. Once an

Application has been determined to be complete and the fee has been paid, the Events Liaison shall send a correspondence to the Applicant indicating the completeness of the Application and the date of such determination. If an Application is determined to be incomplete, the Events Liaison shall send a correspondence documenting the Application deficiencies and if the Application is filed less than thirty-five (35) days prior to the event, the Applicant shall have five (5) days to correct such deficiencies..

19-702 Upon receipt of a properly completed Application, together with all information required in connection therewith, and the payment of the Application fee as required by Section 19-6, the Events Liaison shall transmit copies of the Application to the:

Community Development Department;
Recreation, Plazas and Environmental Services Department
Police Department;
Town Clerk;
Public Works Department;
Community Relations Department.
Finance Department
Telluride Fire Protection District; and
Any other person or agency which the Events Liaison determines should properly investigate and comment upon the Application.

19-702-1 Within twenty (20) days of receipt of a completed Application, those Town departments and other referral agencies described in Section 19-702 shall provide the Events Liaison with comments concerning the Application. If an Application is accepted by the Events Liaison less than thirty (30) days before the proposed Special Event is to be held, the Town departments and other referral agencies shall use their best efforts to provide the Events Liaison with their comments in a timely manner so that the Events Liaison will have the comments before concluding a recommendation on the Application.

19-703 The Events Liaison shall evaluate and make a recommendation on an Application for a Special Event to the Special Event Review Authority based on the requirements of this Article. The Events Liaison may schedule an inter-departmental and/or interagency meeting to review an Application pursuant to this Article prior to making a recommendation to the Review Authority. The Events Liaison, with the consent of the Town Manager, may waive the requirement of an inter-departmental and/or interagency meeting for an application received less than twenty-nine (29) days prior to the Event.

19-704 Prior to scheduling a meeting with the Review Authority on the Application, the Events Liaison shall schedule an event and budget review meeting with affected Town staff (as determined by the Events Liaison) to focus on the scope of requested services from the Applicant and the scope of required services by the Town. The scope of required Town services including, but not limited to, trash management, security levels, parking assistance, transportation, restroom facilities, etc. is determined in the sole discretion of Town staff. If the parties fail to agree on the inclusion of requested or required services, and the budget arising from these discussions is not acceptable to both parties, an Event Permit may be denied by the Review Authority.

19-705 The Events Liaison, Town Attorney or Review Authority may require an Applicant to enter into a Contract with the Town on the Special Event to detail key requirements of this Article and legal protection for the Town.

19-706 The Review Authority for Minor Special Events shall be the Town Manager. The Review Authority for Major Events shall be the Town Mayor on behalf of the Town Council.

19-707 Complete Applications shall be processed by the Events Liaison in order of receipt. Notwithstanding the foregoing, an Annual Special Event which is reasonably expected to be held again, but for which an Application has yet to be submitted, takes precedence over all other Special Event Applications (Please refer to Section 19-801(I)(iv)).

19-708 The Events Liaison shall prepare a memo to the Review Authority that documents how an Application complies or does not comply with the Special Event Permit Criteria for Decision and the requirements of this Article.

19-708-1 This memo and a copy of the Application shall be forwarded to the Review Authority for review.

19-708-2 The Events Liaison may also include a copy of the draft Contract for the Special Event in cases where a positive recommendation on an event is being provided to show the details of how the Special Event will meet the detailed requirements of this Article.

19-709 The Review Authority shall approve, deny or conditionally approve an Application within thirty (30) days of receipt of the completed Application unless, by written notice to the Applicant, the decision period is extended for an additional ten (10) days provided, however, that in any event the Review Authority shall render a written decision on an Application for a Minor Event not less than forty-eight (48) hours, and for a Major Event two weeks (14 days), prior to the scheduled commencement of the Special Event which is the subject of the Application.

19-709-1 The Review Authority may also request additional information or plans prior to making a decision.

19-709-2 The Review Authority's action on an Application shall be based on the Special Event Permit Criteria contained in Section 19-8.

19-709-3 The Review Authority's denial of an Application will include specific findings for denial based on the requirements of this Article. If an Application is denied, the Events Liaison shall clearly set forth in writing the Review Authority's grounds for denial and, where feasible, shall propose measures to cure the defects that lead to the denial of the Application. When the basis for denial is the prior receipt of a competing Application for the same time and place, the Events Liaison shall suggest an alternative time or place for the Special Event which is the subject of the Application which was denied.

19-709-4 The Review Authority shall have the right to impose such reasonable terms and conditions on a Permit as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law. In the event an Application is conditionally approved, the Events Liaison shall clearly set forth in writing the conditions of approval.

19-710 The Events Liaison shall notify the Applicant of the Review Authority's decision on the Application within three (3) business days of rendering the decision. Written notice shall be given by either mailing a copy of the Review Authority's decision to the Applicant by certified mail, postage prepaid at the address shown in the Application, or by e-mail delivery at the e-mail

address shown on the Application with electronic receipt notification required to confirm e-mail receipt by the Applicant. Notice is deemed to have been properly given upon mailing or e-mailing.

19-711 The Events Liaison and Review Authority shall uniformly consider each Application for a Permit upon its merits, and shall not discriminate in granting or denying a Permit under this Article based upon race, creed, color, religion, national origin, ancestry, sex, age, veteran status, sexual orientation, or physical or mental disability. Further, the Events Liaison shall be content neutral in reviewing an Application, and shall not consider the subject matter of any type of speech proposed as part of the Application.

SECTION 19-8 SPECIAL EVENT PERMIT CRITERIA

19-801 The Review Authority shall approve a Permit when, from a consideration of the Application and from such other information as may otherwise be obtained, the Review Authority determines that the following criteria, as applicable, have been met:

The proposed Special Event will not pose an adverse impact to the public health, safety or welfare or the public interest.

The proposed Special Event will positively impact the Town culturally, economically, environmentally or socially.

Adequate sanitation and other required health facilities are or will be made available at or sufficiently near to the proposed Special Event area(s).

Sufficient parking is available near the site of the proposed Special Event to accommodate the number of vehicles reasonably expected for the event, or an acceptable transportation and parking plan to provide adequate parking for the proposed Special Event has been submitted and approved by the Events Liaison.

The Special Event will provide for economic benefits or other community benefits.

The Application does not contain a material falsehood or misrepresentation.

The Application complies with all of the requirements of this Article.

The Applicant is legally competent to contract under Colorado law.

The Applicant or the person on whose behalf the Application is made has not previously damaged Town property and failed to pay in full for such damage.

The Applicant does not have other outstanding and unpaid debts to the Town.

The Applicant has not had a previous Special Event Permit revoked by the Town within the previous two (2) calendar years; or been convicted of violating this Ordinance within the previous two (2) calendar years.

The proposed Special Event will not conflict with:

Special Event for which a Permit has previously been issued;

A Special Event Application that is complete and was received by the Events Liaison prior to the time of the submission of the Applicant's Application (Please see exceptions for Annual Special Events);

A Town-sponsored event;

An Annual Special Event which is reasonably expected to be held again, but for which an Application has yet to be submitted;

An event protected by the First Amendment to the United States Constitution or by the Colorado Constitution which due its anticipated size, location, hours of operation, or other relevant factors, is reasonably expected to require such Town services or personnel as to make the holding of the Special Event for which the Application was submitted a potential risk to the public health, safety or welfare;

or

The holding of the proposed Special Event will not cause significant disruption in the ability of the Town to deliver or provide essential governmental services.

The Applicant has provided an adequate marketing plan for the Special Event to ensure the Event is marketed in such a way that the information reaches the intended participants in order to maximize economic benefits or other community benefits.

The Contract requires the Applicant to meet all applicable Town requirements including, but not limited to, the need to obtain a business license by all vendors or other businesses participating in the Special Event.

19-802 The Review Authority shall deny an Application for a Special Event Permit if the Events Liaison determines that:

The Application fails to meet any of the standards sets forth in Section 19-8 of this Article.

The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the Event site or route or will disrupt the use of a street or highway at a time when it is usually subject to heavy traffic congestion.

The location of the Event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or property.

The Applicant has failed to pay costs, fees or deposits for a previous Special Event Permit within the preceding five (5) years; or the Applicant has failed to pay the Town for damages arising from a previous Special Event held by the Applicant, regardless of when such Event was held; or the Applicant has failed to abide by the requirements or conditions of previous Special Event Permits within the preceding five (5) years.

Information contained in the Application, or supplemental information requested from the Applicant, is found to be false in any material respect.

The Applicant has had a previous Special Event Permit revoked by the Town within the previous two (2) calendar years, or been convicted of violating this Ordinance within the previous two (2) calendar years.

The Event provides for recycling and other green initiatives were practicable.

19-802-1 If an Application is denied, the Application fee shall not be refunded.

SECTION 19-9 APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT

19-901 An Applicant has the right to appeal the Review Authority's denial or conditional approval of an Application to the Town Council.

19-902 An Applicant's appeal of the Review Authority's denial or conditional approval of an Application shall be processed in accordance with Section 2-8 of LUO.

19-903 The Applicant shall be provided with no less than ten (10) days' prior written notice of the appeal hearing to be held by the Town Council.

19-904 The burden of proof in an appeal filed under this Section shall be on the Applicant.

19-905 If the Town Council finds by a preponderance of the evidence that the decision of the Review Authority was correct, the Town Council shall uphold the decision of the Review Authority. If the Town Council finds by a preponderance of the evidence that the decision of the Review Authority was incorrect, the Review Authority's decision shall be set aside and the Permit issued subject to compliance with the requirements of Article 19 (if it was previously denied) or the conditions of approval stricken or modified.

19-906 Any decision made by the Town Council pursuant to this Section shall be a final decision and may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Applicant's failure to timely appeal the decision is a waiver of the Applicant's right to contest the denial or conditional approval of the Application.

19-907 If there is any conflict between the provisions and requirements of this Section and the provisions and requirements of Article 19 of Title 1 of this Code, the provisions and requirements of this Section shall control.

SECTION 19-10 RELATIONSHIP TO OTHER TOWN ORDINANCES

19-1001 Notwithstanding anything contained in this Code to the contrary:

A Permit issued under this Article is not a Special Events liquor license. If alcoholic beverages are to be served at the Special Event, the Applicant must obtain the required Permit or approval from the Town of Mountain Village Liquor Licensing Authority.

All vendors at a Special Event must obtain a Town Business License pursuant Town Ordinance No. 2010-01, or as such is codified in a Mountain Village Municipal Code. A Permit issued under this Article may authorize the Applicant to exceed the maximum noise levels provided in Town Ordinance No. 2006-06, or as such is codified in a Mountain Village Municipal Code, in connection with the holding of the Special Event for which the Permit is issued. The Events Liaison may establish specific maximum noise levels for any such event.

Except as specifically provided in this Section, in addition to a Permit, an Applicant must obtain all other required Town Permits and approvals before holding the Special Event authorized by the Permit including, but not limited to, a building Permit, business license, liquor license (if serving alcoholic beverages).

No design review is required pursuant to the Mountain Village Design Regulations for temporary structures or signage associated with a Special Event.

Building permits shall be obtained from the Community Development Department pursuant to the adopted building codes for temporary tents, except for small vending tents that are less than ten (10) feet by ten (10) feet in size.

SECTION 19-11 SPECIAL EVENT PERMIT

19-1101 A Special Event Permit or a Special Event Contract as may be required by Section 19-704 shall contain the following information:

The Applicant's name, address, e-mail address and telephone number.

The name, title (if any), address, e-mail address and telephone number of the contact person for the Applicant with respect to the Special Event.

A description of the Special Event including (i) a description of the purpose, scope and activities planned during the Event; (ii) a description of economic and/or community benefits; and (iii) intention on making the Special Event an annual event.

The proposed date(s) of the Special Event.

The proposed location(s) of the Special Event.

The proposed hours of operation of the Special Event.

The dates and times when the Special Event facilities will be set up and torn down.

Statement of proposed event schedule in light of community master Special Event calendar.

A good faith estimate of the approximate number of spectators expected to attend the Special Event each day.

Admission criteria.

Maps of requested use locations overlaid with planned activities.

Scope of requested and required public services.

If the Special Event will involve the use of any Town street(s), plazas, trail(s), park(s), land(s), building(s), parking lot(s) or right(s)-of-way, a statement as to the portion(s) of the Town property which will be used or occupied in connection with the Special Event.

Transportation Plan to address overflow street parking impacts, extended operating hours for the Gondola and Dial-A-Ride on-demand taxi service, and for transportation services to and from Mountain Village or Telluride.

A statement of the fees, if any, to be charged to participants at the Special Event.

A list of food and/or beverages, including alcoholic beverages that will be served at the Special Event. In the event of alcoholic beverages, the name of the liquor license holder for the Special Event.

A statement of whether goods and merchandise will be sold at the Special Event.

A Special Event site plan or map including pedestrian flow, emergency access, trash receptacles, toilets, temporary structures, and parking areas and activity areas.

Sign placement and design, with detailed, scaled plans showing location, height, sign size, font size and type, materials, message, logos and any advertising.

A description and location of any recording equipment, tents or other structures, sound amplification equipment, banners, signs or other attention-getting devices proposed to be used in connection with the Special Event.

A plan for providing adequate safety for spectators and workers at the Special Event.

A plan for providing adequate sanitation at the Special Event.

A plan for "event greening" such as, but not limited to, recycling plans.

The approximate number of staff, vendors and entertainers reasonably anticipated to participate in putting on the Special Event (excluding spectators).

The number of security personnel to be hired for the Special Event, if any.

A designation of any public facilities or equipment to be utilized.

A complete list of the names, addresses, and telephone numbers of all vendors who will participate in the Special Event.

Trash removal and recycling plan.

A marketing plan for the Event.

A requirement that the Applicant provide proof of insurance pursuant to Section 4-13-21 of this Article.

Other applicable requirements of this Article including, but not limited to, a damage clause that specifies the Applicant's responsibility to repair damage caused by the Special Event.

An acknowledgment by the Applicant that the Permit may be summarily suspended by the Events Liaison in accordance with Section 19-1206 of this Article.

Any special conditions of approval imposed upon the Permit by the Review Authority.

Such other information related to the Special Event as the Events Liaison shall determine to be necessary or appropriate for inclusion in the Permit.

19-1102 A Special Event Permit or Contract must be signed by both the Applicant and the Review Authority to be valid.

19-1103 A Special Event Permit or Contract is non-transferable and non-assignable. Any attempt to transfer or assign such Permit voids the Permit.

19-1104 Immediately upon the issuance of a Permit, the Events Liaison shall send a copy of the Permit to the:

Town Manager;
Police Department;
Community Development Department;
Town Clerk;
Public Works Department;
Community Relations Department
Finance Department
Telluride Fire District;
Telluride Marketing, Inc.; and
Any other person or entity as determined by the Events Liaison.

19-1105 Each Major Special Event Permit or Contract shall require the Applicant to provide proof of insurance to the Events Liaison prior to commencement of the set up of the Special Event. The Town requires a certificate of insurance to demonstrate that the Applicant has in effect a policy or policies of general liability insurance covering the Special Event with minimum combined single limits of not less than two million dollars (\$2,000,000) or such greater amount that is set forth by resolution of the Town Council. Such insurance shall remain in full force throughout the entirety of the Special Event for which the Permit is issued. The Town shall be named as an additional insured under such insurance policy. If alcoholic beverages will be served at the Special Event, the Applicant must also provide proof of liquor liability insurance. The Events Liaison may waive the need for the proof of insurance for a minor event based on the legal counsel of the Town Attorney, or may allow for minimum combined single limits of not less than one million dollars (\$1,000,000) based on legal counsel of the Town Attorney.

19-1106 In connection with the holding of the Event for which a Permit is issued, a Applicant shall:

19-1106-1 Comply with all of the terms and conditions of the Permit and any required Contract;

19-1106-2 Comply with all applicable Town ordinances and State and Federal laws; and

19-1106-3 Permit inspection of its records and Special Event facilities by the Events Liaison for the purpose of determining the Applicant's compliance with the terms and conditions of the Permit.

19-1107 A Permit shall be continuously posted in a conspicuous location at the site of the Special Event throughout the duration of the Special Event.

SECTION 19-12 REVOCATION OF PERMIT PRIOR TO SPECIAL EVENT

19-1201 A Permit issued pursuant to this Article may be suspended or revoked prior to the Event by a review board at a hearing for the following reasons:

19-1201-1 Fraud, misrepresentation or a false statement of material fact contained in the Permit Application;

19-1201-2 A violation of any Town, State or Federal law or regulation;

19-1201-3 A violation of any of the terms and conditions of the Permit;

19-1201-4 Violation of any of the provisions of this Article;

19-1204-5 Failure to pay at least fifty percent (50%) of the estimated event costs to the Town no less than fifteen (15) days prior to the event start date;

19-1204-6 Applicant demonstrates an inability or unwillingness to conduct the Special Event in accordance with the terms and conditions of this Ordinance or any other ordinance or regulation of the Town or other applicable law;

19-1204-7 An irreconcilable scheduling conflict with an event protected by either the First Amendment to the United States Constitution or by the Colorado Constitution; or

19-1201-8 The Applicant has failed to execute any required Town Contract for the Special Event or provide the required financial guarantee.

19-1202 Notice of the hearing for revocation of a Permit shall be given by the Town Manager to the Applicant, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served, or may be mailed, postage prepaid, to the Applicant at his/her local address as set forth on the Application, at least three (3) days prior to the date set for the hearing. The hearing board shall consist of the Town Manager and the Mayor ("Review Board"). The decision of the Review Board shall be final.

19-1203 In deciding whether a Permit should be suspended or revoked due to a violation of the Permit or the requirements of this Article, and in deciding what conditions to impose in the event of a suspension, if any, the Review Board shall consider:

- The nature and seriousness of the violation;
- Corrective action, if any, taken by the Applicant;
- Prior violation(s), if any, by the Applicant;
- The likelihood of recurrence;
- All circumstances surrounding the violation;
- Whether the violation was willful;
- The number of previous Special Events held by the Applicant;
- The number of previous violations by the Applicant; and
- Previous sanctions, if any, imposed against the Applicant.

19-1204 If the Review Board suspends or revokes a Permit prior to the Special Event, the Applicant may appeal the suspension or revocation to the Town Council in accordance with Section 2-8 of the LUO. The burden of proof in such an appeal is on the Applicant. If the Town

Council finds by a preponderance of the evidence that the Review Board acted correctly in suspending or revoking the Permit, the Town Council shall uphold the Review Board's order of suspension or revocation. If the Town Council finds by a preponderance of the evidence that the Review Board acted improperly in suspending or revoking the Permit, the appeal shall be sustained, and the Review Board's order of suspension or revocation shall be set aside. Any decision made by the Town Council pursuant to this Section shall be a final decision and may be appealed to the District Court pursuant to Rule 1 06(a)(4) of the Colorado Rules of Civil Procedure. The Applicant's failure to timely appeal the decision is a waiver of the Applicant's right to contest the denial or conditional approval of the Application.

19-1205 No fee previously paid by a Applicant in connection with the Application shall be refunded if such Permit is suspended or revoked.

19-1206 The Events Liaison, in consultation with the Review Authority, shall have the power to summarily suspend a Permit during a Special Event without any hearing if it appears to the Events Liaison that a Applicant has violated one or more of the terms and conditions of a Permit or any applicable law and, based upon the available information, the Events Liaison, in consultation with the Police Chief reasonably determines that such violation results in an immediate threat to the public health, safety and welfare. The Events Liaison, in consultation with the Review Authority and the Applicant, may also summarily revoke or suspend an Event Permit without any hearing based on the following criteria:

19-1206-1 Threatening weather conditions if the Events Liaison determines that holding or continuing the Special Event under such conditions would either (i) pose a threat to the public health, safety or welfare, or (ii) pose a threat to any Town-owned property to be used in connection with this Special Event.

19-1206-2 The existence of fire or drought conditions if the Events Liaison determines that holding or continuing the Special Event under such conditions would pose a threat to the public health, safety or welfare.

19-1206-3 Any unforeseen, unanticipated, uncontrollable circumstances, Acts of God, or if the Events Liaison determines that holding or continuing the Special Event under such circumstance would pose a threat to the public health, safety or welfare.

No appeal is allowed from a summary suspension of a Permit issued by the Events Liaison pursuant to Section 2-8 of the LUO.

SECTION 19-13 PENALTIES; INJUNCTIVE RELIEF

19-1301 It is a misdemeanor offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Section 2-6 of the LUO.

19-1302 The staging, holding, presenting or conducting of a Special Event without a valid Permit or Contract issued pursuant to this Article may be, in addition to any other legal remedy available to the Town, enjoined by the Town in an action brought in a court of competent jurisdiction including, but not limited to, the Town's Municipal Court pursuant to Section 2-6 of the LUO.

SECTION 19-14 RULES AND REGULATIONS

19-1401 The Events Liaison shall have the authority from time-to-time to adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

ARTICLE 20 CONSTRUCTION REGULATIONS

All property within the Town of Mountain Village shall comply with construction regulations as set forth in these Design Regulations.

SECTION 20-1 CONSTRUCTION STAGING

20-101 The Construction Staging and Parking Plan will be determined by the Community Development Department and the Police Department, after discussions with the contractor, prior to completion of the Contractor Affidavit. The Final Construction Staging and Parking Plan will incorporate the limits of disturbance approved by the DRB at Final Plan Approval, the intention of the DRB that the General Easement should be protected, and the need to respect the neighbors and neighboring properties, especially in regard to the placement of dumpsters and port-a-toilets. The general contractor shall provide a copy of the approved Construction Staging Plan to the legal owner of the property on which construction is taking place.

20-102 Construction projects adjacent to pedestrian areas including, but not limited to, walkways, hiking and biking trails, plazas, Restaurants, etc., shall provide Fencing (with appropriate directional signage) and lighting to direct pedestrians away from potential hazards related to the construction Site. Pedestrian protection adjacent to the construction Site shall be the responsibility of the Owner or Owner's Agent. The Building Official has the right to require additional Fencing if deemed necessary.

SECTION 20-2 CONSTRUCTION HOURS AND NOISE

Blasting, heavy equipment operations and other loud noises from construction are permitted between the hours of seven (7) in the morning and six (6) in the evening Monday through Saturday, excluding the holidays listed below. No construction activity may take place on Sundays, Monday through Saturday before seven (7) in the morning or after six (6) in the evening or the following holidays: New Year's Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, except in case of urgent necessity or an unique situation as determined by the Building Official or his/her designee. All proposed blasting shall be pre-approved by the Building Official. If blasting is required, the Owner/Owner's Agent is required to take all necessary precautions and notify adjacent property Owners, Telluride Fire District, local traffic, pedestrians, etc. prior to blasting.

SECTION 20-3 TEMPORARY STRUCTURES FOR CONSTRUCTION SITES

A small job office or trailer may be located on the Site during construction. The location of any job Office or trailer will be determined on the Construction Staging Plan. The job Office shall be removed from the Site prior to receiving a CO.

SECTION 20-4 ENVIRONMENTAL CONTROLS

Areas defined on the topographical survey that require preservation methods, i.e., natural landforms, vegetation, streams, ponds, Wetlands, shall be identified and preserved by the general

contractor or person primarily responsible for the construction. These areas and the methods of preservation will be defined during the Final Plan Approval of the project. Erosion control measures shall be taken during construction to ensure soil stabilization, sediment control and timely re-vegetation. The general contractor or person primarily responsible for the construction is responsible for the implementation of all preservation techniques.

SECTION 20-5 CONSTRUCTION SITE MAINTENANCE

All construction sites in the Town of Mountain village shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

- A. Every lot for which a construction permit has been issued after the effective date of this Section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier. The fence or barrier shall remain in place until such time as the Building Official has determined that the property is sufficiently secured so as to prevent a health or safety risk or danger. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public health and safety.
- B. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of in accordance with all applicable laws, on regular basis when full. Dumpsters shall be emptied or removed when full and may be used only for construction debris and must be covered at the end of each construction day. Debris from construction sites shall not be disposed of in dumpsters located at any other construction site within the town without the prior approval of the Building Official. Except as approved as part of a Construction Staging Plan, construction materials shall not be stored in the public right-of-way. At least one separate bear-proof polycart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed in dumpsters.

All construction sites shall have a person designated to be regularly present at the subject property as having responsibility to assure that no litter or debris leaves the subject property and that all litter and debris is picked up before the end of every construction day.

- C. Any portable toilet facilities should be located, to the extent possible, at the rear of the construction site and out of plain view of any public right-of-way or neighbor. If the portable toilet facility cannot be located at the rear of the construction site and out of plain view of any public right-of-way or neighbor, the toilet facility must be fully screened from any public right-of-way or neighbor.
- D. To the extent any sidewalk, street or other public right-of-way shall be blocked, closed or otherwise rendered impassable, approval of the Town must be obtained and appropriate signage, cones and/or construction horses must be used to ensure public safety. The parking of construction personnel vehicles shall not occur in any manner so as to block access to or through any public sidewalk, or street. The parking of construction personnel vehicles on public streets shall be prohibited except as approved as part of a Construction Staging Plan. Construction vehicles shall not use private driveways to turnaround.

- E. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property as a result of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The gravel mat shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.
- F. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public sewer. Intentionally placing, depositing, or otherwise disposing of construction debris in any public sewer will result in the action contained in Section 20-6-(h) being taken.
- G. Every construction site shall be maintained in a manner so as to avoid damage to the public right-of-way, infrastructure or other public property, including but not limited to the village curbs, alleys, streets, crosswalks, sidewalks, signs, street lights, sprinkler systems, sewers or other public utilities. The Town shall have the discretion to televise or otherwise videotape conditions prior to construction for the purpose of determining restoration obligations and compliance with this Section. The permit applicant, or representative thereof, shall be given notice and an opportunity to be present during any such videotaping or televising. Any and all damage to the public right-of-way, infrastructure or other public property caused during the construction activities by the property owner, its contractors or agents shall be repaired, replaced or otherwise remedied by, and at the sole expense of, the property owner.
- H. The permittee shall cause notice of construction or demolition to be given by posting the subject property, in a prominent place, with a sign announcing such commencement. The size, shape, color and message of such sign shall be as required by the building department. Such sign shall include notice that the rules and regulations applicable to construction and demolition work are available at the building department. Such sign shall be posted not less than 7 days in advance of such commencement, and shall be maintained on the subject property until all work on the subject property has been completed and approved, or until removal of the sign is approved by the Building Official.
- I. Airborne particles shall be controlled at the subject property at all times during work by means of a water truck and spraying equipment or other water source capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Such spraying shall be undertaken at all times as necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
- J. No person shall operate or cause to be operated any radio, CD player, telecommunications device or other such object at such a volume or in any other manner that would cause a nuisance or disturbance to any person. Every contractor and permittee shall be responsible for all actions of their employees, agents and subcontractors under this subsection, and shall be responsible for all violations of the

provisions of this subsection committed by such employees, agents or subcontractors.

- K. No permit issued pursuant to this chapter shall authorize or be construed to authorize any entry onto property adjoining the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right of entry has been secured from the owner of such property.
- L. Vehicles not being used on-site for construction purposes shall not be left over night on-site.
- M. Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth. Failure to have utilities properly located or any action that disturbs existing utilities, if the utilities were properly located, will result in the action contained in Section 20-6-(h) being taken.

SECTION 20-6 PENALTIES

In addition to any action taken under Sections 1-3 of the Design Regulations and 2-6 of the Land Use Ordinance, any violation of this Article shall result in the following actions being taken:

- A. First Construction Site Maintenance Regulation violation – Documented warning.
- B. Second Construction Site Maintenance Regulation violation – All work must cease until the violation has been cured.
- C. Second violation of the same Construction Site Maintenance Regulation within a 6 month period – a two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
- D. Third Construction Site Maintenance Regulation violation within a 6 month period – A two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
- E. Third violation of the same Construction Site Maintenance Regulation within a 6 month period – A three (3) construction-days stop work order shall be issued. Work may resume at the permitted hour on the fourth construction-day if the violation has been cured.
- F. Fourth Construction Site Maintenance Regulation violation within a 6 month period – A three (3) construction-days stop work order shall be issued. Work may resume at the permitted hour on the fourth construction-day if the violation has been cured.
- G. Fourth or greater violation of the same Construction Site Maintenance Regulation within a 6 month period – a five (5) construction-days stop work order shall be issued. Work may resume at the permitted hour on the sixth construction-day if the violation has been cured and after attending a meeting with the Building Official or his/her designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Site Maintenance Regulations will be prevented must be submitted and approved before work may resume.

- H. Fifth or greater Construction Site Maintenance Regulation violation within a 6 month period – a five (5) construction-days stop work order shall be issued. Work may resume at the permitted hour on the sixth construction-day if the violation has been cured and after attending a meeting with the Building Official or his/her designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Site Maintenance Regulations will be prevented must be submitted and approved before work may resume. In addition, any violation of Sections 20-5-(6) or 20-5-(13), will result in a utility stop work order fee in the amount set by resolution of the Town Council being levied.

Notwithstanding the penalties contained in Section 20-6, any violator of Section 20 shall have the opportunity to explain the circumstances behind the violation(s) to the Director of Community Development or his/her designee before any penalty is applied.

ARTICLE 21 LANDSCAPE AND COMPLETION POLICY

All property within the Town of Mountain Village shall comply with the landscape completion policy as set forth in these Design Regulations.

SECTION 21-1 CERTIFICATE OF OCCUPANCY

21-101 No CO shall be issued for a project until the landscape and paving are completed in accordance with the DRB approved plans and all construction debris, equipment, material, trailers, Fencing and any other construction related items are removed from the Site to the satisfaction of the Building Official.

21-102 A TCO may be issued to a project provided that all approved landscaping and paving contained in the Landscape Plan, but not completed, is completed on or before the next occurring October 1st which follows the issuance of such certificate and provided all other conditions for issuance of a CO have been met as determined by the Building Official. If the landscaping and paving have not been completed before the next occurring October 1st, the Building Official has the right to revoke the TCO. No TCO shall be issued to a Site that has not been cleaned to the satisfaction of the Building Official.

21-102-1 The following is required prior to the issuance of a TCO:

a) A signed contract(s) between contractor(s) and Owner(s) for landscape and paving in accordance with DRB approved plans. The contract(s) will state a start date and a completion date for the landscaping and paving and reference that all work is to be completed in accordance with the approved DRB plans.

b) A letter of credit or surety satisfactory to the Town, reflecting the Town as the beneficiary thereof, in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving, subject to release or satisfaction only upon issuance of a CO.

c) A letter of understanding from the Owner(s) acknowledging that if the work outlined in the contract is not completed by the October 1st deadline, the work shall be completed by such contractor as the Building Official shall designate and the cost of such completion paid for with the letter of credit or surety.

d) Such other information as the Building Official may reasonably require.

e) No TCO shall be issued until the required information has been received and reviewed by the Building Official and the Building Official has approved the issuance of the TCO in writing.

ARTICLE 22 SAVINGS CLAUSE AND EFFECTIVE DATE

SECTION 22-1 If any Section, subsection, sentence, clause or phrase of these Design Regulations is, for any reason, held to be unlawful, such decision shall not affect the validity of the remaining portions of these Design Regulations. The Town Council hereby declares that it would have adopted these Design Regulations, and each Section, subsection, clause or phrase thereof, irrespective of the fact that any one or more Section, subsection, sentence, clause, or phrase be declared unlawful.

SECTION 22-2 These Design Regulations shall take effect and be in full force and effect immediately upon their adoption.

END