

**ORDINANCE NO. 2015-13**

**AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTION 17.6.5(C) TO PROVIDE FOR CELL ON WHEELS (COW) TO BE APPROVED THROUGH A CLASS 1 APPLICATION; SECTION 17.6.5 (D)1 AND 2. TO CHANGE THE TITLE OF THESE PARAGRAPHS TO FREESTANDING ANTENNA STANDARDS AND ATTACHED ANTENNA STANDARDS RESPECTIVELY; ADD NEW SECTION 17.6.5 (D)3. TO ALLOW COW'S IN ALL ZONING DISTRICTS, LIMIT THE TIMEFRAME FOR A COW WITH THE ABILITY FOR EXTENSIONS FOR A TOTAL OF ONE YEAR, REQUIRE A SETBACK EQUAL TO THE HEIGHT OF THE FACILITY AND LIMITING THE HEIGHT TO 60 FEET; SECTION 17.4.2 TO ADD CELL ON WHEELS AS A CLASS 1 PROCESS TO THE OVERVIEW OF DEVELOPMENT REVIEW PROCESSES; AND SECTION 17.3.3 TO ADD CELL ON WHEELS (COW) TO TABLE 3-1: TOWN OF MOUNTAIN VILLAGE LAND USE SCHEDULE AS A PERMITTED USE IN ALL DISTRICTS.**

**RECITALS**

- A. The Town of Mountain Village (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the "Constitution") and the Home Rule Charter of the Town (the "Charter").
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town's land use regulations; or to address issues or policy matters.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1. Amendment of Community Development Code**

- A. The Town of Mountain Village Community Development Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

**Section 2. Ordinance Effect**

- D. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 29<sup>th</sup> day of October, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 15<sup>th</sup> day of October, 2015.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

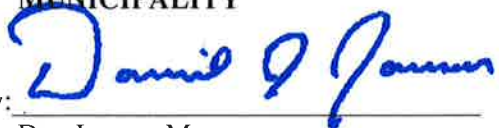
ATTEST:

  
Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 29<sup>th</sup> day of October, 2015.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

Approved As To Form:

  
Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2015-13 ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on October 15, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Martin McKinley, Mayor Pro-Tem	X			
Laila Benitez	X			
Dan Caton	X			
Cath Jett	X			
Bruce MacIntire	X			
Michelle Sherry	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on October 21, 2015 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on October 29, 2015. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Martin McKinley, Mayor Pro-Tem	X			
Laila Benitez	X			
Dan Caton	X			
Cath Jett	X			
Bruce MacIntire	X			
Michelle Sherry	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 29th day of October, 2015.

  
 Jackie Kennefick, Town Clerk

(SEAL)

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2015-13 ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on October 15, 2015, by the affirmative vote of a quorum of the Town Council as follows:

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Bruce MacIntire	X			
Michelle Sherry	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 29th day of October, 2015.

  
Jackie Kennefick, Town Clerk

(SEAL)

**Exhibit A: CDC Amendments**

## 17.6.5 TELECOMMUNICATIONS ANTENNA REGULATIONS

### C. Review Process

New or substantially modified freestanding telecommunication antennas not attached to a building or a structure is a conditional use and shall be processed pursuant to the Conditional Use Permit Process as a class 4 application. **TEMPORARY, MOBILE FACILITIES SUCH AS A CELL ON WHEELS (COW) THAT WILL BE UTILIZED FOR UP TO 180 DAYS SHALL BE PROCESSED PURSUANT TO A CLASS 1 APPLICATION.** Minor modifications to a freestanding telecommunication antenna or new or modified telecommunications antennas mounted to existing buildings or structures shall be processed as Design Review Process class 1 applications.

### D. General Standards for Review

1. **Freestanding Antenna Design Standards.** Freestanding antennas not mounted to a building or structure shall meet the following requirements.
  - a. Visual impacts shall be mitigated to the extent practical;
    - i. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable.
    - ii. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual areas.
    - iii. Implementation of a visual mitigation plan shall be included as a condition of any conditional use permit approval.
  - b. Antenna height shall be minimized to the extent practical with the acceptable height permitted determined by the review authority as a part of the required conditional use permit process.
  - c. The antenna shall be made available for the collocation of other telecommunication providers as a condition of approval with the goal to reduce the number of antennas in the town to the extent practical; and
  - d. There are no other alternative antenna sites currently in existence in the Telluride/town region that provide for collocation and the desired telecommunication service, service area and telecommunication service provider's technical needs.
2. **ATTACHED Antenna Design Criteria STANDARDS.** Antennas mounted to a building or a structure shall meet the following requirements:
  - a. The design of antennas and associated telecommunication support facilities shall use materials, colors textures and screening that create compatibility with the surrounding built and natural environment;
  - b. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable;
  - c. Signs shall be limited to those signs required for cautionary or advisory purposes only and not for advertising;
  - d. The antenna shall not exceed a surface area of ten (10) square feet;

- e. Antennas mounted to a structure or building shall not be more than ten percent (10%) higher than the actual, as-built building or structure height to which such antenna is mounted. For example, a building that is of forty feet (40') high can have an antenna that extends no more than four feet (4') above the roof;
- f. Antennas may not be located within any setbacks or the general easements without approval of a conditional use permit;
- g. An applicant that desires to install an antenna that does not meet the requirements of this section may submit for a conditional use permit; and
- h. Satellite dishes larger than thirty-six inches (36") are prohibited.

**3. CELL ON WHEELS STANDARDS. TEMPORARY CELL ON WHEELS MAY BE ALLOWED IN ANY DISTRICT SUBJECT TO THE FOLLOWING REQUIREMENTS:**

- a. THE TERM OF THE TEMPORARY PERMIT SHALL NOT EXCEED 180 DAYS UNLESS OTHERWISE AUTHORIZED BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR RESTRICTED BY ANOTHER PROVISION OF THE COMMUNITY DEVELOPMENT CODE. THE PERMIT MAY BE RENEWED ON AN AS-NEED BASIS WITH APPROVAL FROM THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR. THE INITIAL APPROVAL AND RENEWAL PERIODS MAY NOT EXCEED ONE YEAR.
- b. COW'S MAY NOT BE LOCATED WITHIN ANY GENERAL EASEMENT AND BE SETBACK FROM ANY PROPERTY LINE A MINIMUM DISTANCE EQUAL TO THE MAXIMUM HEIGHT OF THE COW INCLUDING ANTENNAS, UNLESS THERE IS APPROVAL FROM THE ADJOINING PROPERTY OWNER. FOR THE PURPOSES OF THIS SECTION, CONDOMINIUM BOUNDARIES SHALL NOT BE CONSIDERED A PROPERTY LINE.
- c. COW FACILITY HEIGHT INCLUDING ANTENNAS SHALL NOT EXCEED 60 FEET.

**17.4.2 OVERVIEW OF DEVELOPMENT REVIEW PROCESSES**

- E. There are five (5) development review processes that are used for evaluating land use development applications governed by the CDC:
  - 1. **Class 1 application:** Staff development application review process;
  - 2. **Class 2 application:** Staff-DRB chair development application review process;
  - 3. **Class 3 application:** DRB development application review process;
  - 4. **Class 4 application:** DRB-Town Council development application review process; and
  - 5. **Class 5 application:** Town Council development application review process.
- F. Table 4-1 summarizes the types of development applications that fall under each class of application and associated review authority:

**Table 4-1, Development Application Classes**

Development Application Type	Application Class	Review Authority
Telecommunication Regulation		
New Freestanding Antenna	Class 4	DRB Recommendation & Town Council Action
Attached to structure	Class 1	Planning Division Staff
<b>CELL ON WHEELS (COW)</b>	<b>CLASS 1</b>	<b>PLANNING DIVISION STAFF</b>

