

ORDINANCE NO. 2017-04

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING: (1) REZONING AND (2) DENSITY TRANSFER ON LOT 128.**

RECITALS

- A. The applicant and owner’s representative, Kris Perpar/Shift Architects, has submitted an application for a rezoning and density transfer for Lot 128. The proposed rezoning is proposing to combine Condominium Units 736 and 740 and transfer 3 Person Equivalent Units to the density bank. (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Robert and Charlotte Kettler are the owners of Lot 128, Units 736 and 740.
- C. Lot 128, Filing 1, Town of Mountain Village is referred to as the “**Property**”.
- D. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List as per Ordinance No. 2015-10:

Zoning Designation	Actual Units	Person Equivalent Units
Hotel	3	4.5
Condo	25	75
Lodge Unit	32	24
Efficiency Lodge Unit	142	71
Totals	202	174.5

- E. At a public hearing held on March 2, 2017, the DRB considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC.
- F. At its regularly scheduled meeting held on March 16, 2017, the Town Council conducted a public hearing pursuant to the CDC and after receiving testimony and public comment, closed the hearing and approved this Ordinance on first reading and set a further public hearing on April 20, 2017.
- G. At its regularly scheduled meeting held on April 20, 2017, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.
- H. This Ordinance rezones the Property as follows:

Zoning Designation	Actual Units	Person Equivalent Units
Hotel	3	4.5
Condo	24	72
Lodge Unit	32	24
Efficiency Lodge Unit	142	71
Totals	201	171.5

- I. The meeting held on March 16, 2017 and the public hearing held on April 20, 2017 were duly publically noticed as required by the CDC Public Hearing Noticing Requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- I. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan.
 2. The proposed rezoning is consistent with the Zoning and Land Use Regulations.
 3. The proposed rezoning meets the Comprehensive Plan.
 4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
 5. The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning as applied for.
 6. Adequate public facilities and services are available to serve the intended land uses.
 7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
 8. The proposed rezoning meets all applicable Town regulations and standards.
- J. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:
 1. The criteria for decision for a rezoning are met.
 2. The density transfer meets the density transfer and density bank policies.

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves the Applications.

Section 1. Conditions of Approval

1. The Applicant shall work with Staff to complete the required Ordinance with Town Council and Submit appropriate fees to Staff for recordation with the San Miguel County Assessor's office within six months of approval.
2. The applicant shall cause to be prepared a condominium map amendment by a Colorado licensed surveyor which incorporates the two existing units to one residential unit. The applicant shall submit and obtain approval from the Town for such map amendment prior to issuance of a certificate of occupancy for such residential unit.

Section 2. Effect on Zoning Designations

There will be no change to the zone district. Lot 128 will remain a Village Center Zone District.

Section 3. Ordinance Effect

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 4. 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 5. Effective Date

This Ordinance shall become effective on May 20, 2017, following the public hearing and approval by Council on second reading.

Section 6. Public Hearing

A public hearing on this Ordinance was held on the 20th day of April, 2017 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 16th day of March, 2017.

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 20th day of April, 2017.

TOWN OF MOUNTAIN VILLAGE

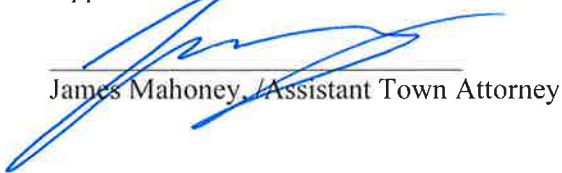
**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

Approved As To Form:


James 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. 2017-04 ("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 March 16, 2017, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor			X	
Cath Jett, Mayor Pro-Tem				X
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley	X			
Bruce MacIntire	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 March 22, 2017 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 April 20, 2017. 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			
Cath Jett, Mayor Pro-Tem	X			
Laila Benitez			X	
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley			X	
Bruce MacIntire			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 20th day of April, 2017.

(SEAL)



Jackie Kennefick
 Jackie Kennefick, Town Clerk