

ORDINANCE NO. 2016-04

AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTION 17.6.6 TO AMEND THE ROAD AND DRIVEWAY STANDARDS AND MISCELLANEOUS AMENDMENTS TO THE CDC TO ACCOMPLISH THE FOREGOING 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any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 on April 15th, 2016.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 16th day of March, 2016 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 11th day of February, 2016.

TOWN OF MOUNTAIN VILLAGE

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

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

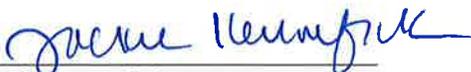
HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 16th day of March, 2016.

TOWN OF MOUNTAIN VILLAGE

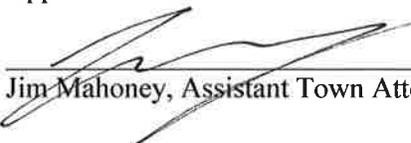
**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

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.2016-04 ("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 February 11th, 2016, 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	X			
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Temp	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 February 17, 2016 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 Wednesday, March 16, 2016. 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:

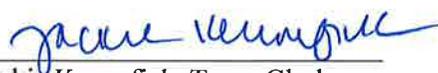
Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor			X	
Cath Jett			X	
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Temp	X			
Bruce MacIntire	X			

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 16th day of March, 2016.

(SEAL)




 Jackie Kennefick, Town Clerk

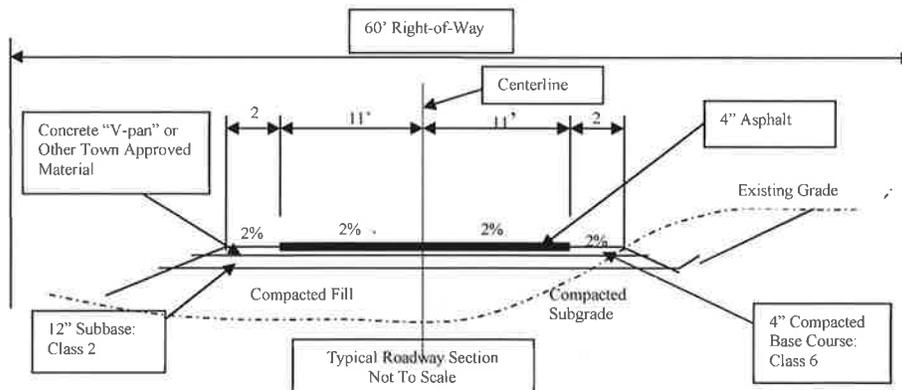
**Exhibit A: CDC Amendments
(see attached)**

17.6.6 ROAD AND DRIVEWAY STANDARDS

A. Roadway Standards

1. **Minimum Right-of-Way.** The minimum right-of-way width shall be sixty feet (60').
2. **Roadway Width.** The minimum roadway width shall be twenty feet (20'), with two foot (2') "v-pan" curbs.
 - a. Concrete "v-pan" curbs and gutters constructed of Class B concrete (as defined by CDOT standards) other review authority-approved material shall be provided on both sides of the road leading into the required drainage system.
 - i. Curbs and gutters or other shoulder materials shall be constructed of concrete drainage pans or other review authority-approved material that is compacted to withstand a twenty (20) ton load minimum. The shoulders shall pitch no more than two percent (2%) grade from the edge of the twenty foot (20') travel roadway.
3. **Roadway Construction.** Roadways shall be designed and constructed in accordance with the specifications shown in Figure 6-2.
4. **Maximum Grade.** The maximum road grade shall be eight percent (8%) except:
 - a. The maximum roadway grade shall not exceed five percent (5%) for the first twenty feet (20') from the edge of the public roadway or access tract.
 - b. Transitional sections not exceeding 500 feet in length may be allowed a maximum of percent (10%) if approved by the Town in consultation with the Fire Marshal. Transitional sections exceeding eight percent (8%) shall not be within 500 feet of each other.
 - c. Transitional sections may be allowed a maximum grade up to twelve percent (12%) with the approval of the Town in consultation with the Fire Marshal, providing all structures are equipped with a fire sprinkler system meeting the requirements of the Fire Code.
 - d. Curves with a centerline radius of less than 250 feet shall not exceed eight percent (8%) grade.

Figure 6-2, Roadway Design Specifications.



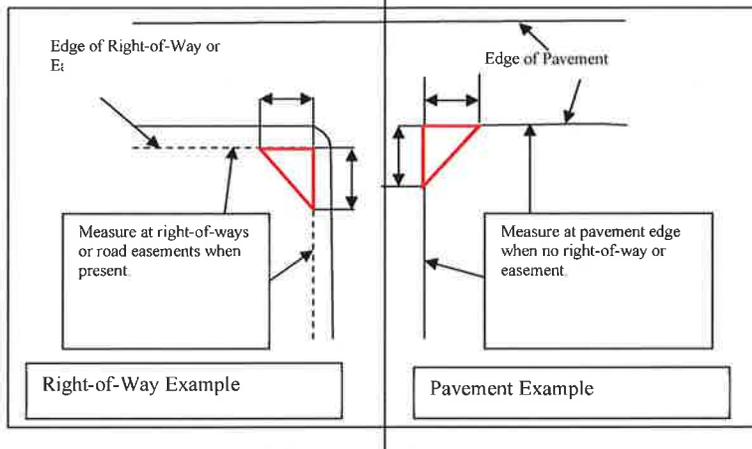
5. **Turning Radius.** Curves with centerline radii of less than 250 feet shall not exceed eight percent. The minimum inside turning radii of a corner shall not be less than 100 feet (100').
6. **Grading.** The maximum cut and fill slope shall be 3:1 without a soils report prepared by a Colorado professional engineer that shows steeper slopes are warranted. Slopes steeper than 2:1 shall require retaining walls that are designed by a Colorado professional engineer.
 - a. The maximum retaining wall height shall be five feet (5'), with a minimum "step" in between walls of four feet (4') to allow for landscaping to soften the walls.
 - b. Retaining walls shall be setback from roadways at least five (5) feet, where practicable, to allow proper room for drainage, snow plowing and snow storage.
 - c. Roadways shall be crowned at two (2) to three (3) percent maximum grade.
7. **Live Load and Surfacing.** Roadways shall be designed, compacted and maintained to support the imposed loads of fire apparatus, twenty (20) ton minimum, and shall be surfaced so as to provide all-weather driving capabilities.
 - a. Approved roadway surfaces include asphalt, concrete or other materials as approved by the review authority.
 - b. Gravel is prohibited as a surface material for roadways.
8. **Emergency Turnarounds.** Dead-end roads shall be avoided wherever possible.
 - a. Where an emergency turnaround is the only alternative, the roadway shall provide an emergency turnaround as provided for in the Town adopted Fire Code or commentary to such code.
 - b. Adequate rights-of-way for snow storage, utilities and drainage shall be provided at turnarounds.
 - c. Dead-end streets shall not be longer than 600 feet.
9. **Sight Distance Triangles.** For safety and visibility purposes, a sight distance triangle shall be maintained at road and driveway intersections. The distances along the legs of the sight distance triangle shall be measured from the corner or intersection point along the right-of-way lines or along edge of driving surface for driveways as shown in Figure 6-3. For each intersection, the length of the legs of the triangle shall be determined by the classification of the roadways at the intersection as outlined in Table 6-2.
 - a. To minimize traffic hazards at road intersections and along curves by improving visibility for drivers of converging vehicles, no structures, retaining walls or earth berms, nor landscaping, parking or other obstructions more than three feet (3') in height will be permitted within the sight distance triangle except for single-family residential accessways that may provide an address monument in such area.

Table 6-2, Sight Distance Triangle Length

Type of Access	Length of Sight Distance
Driveways (No road intersection)	10 Feet

Local Access/Low Volume	30 Feet
Collector (San Joaquin, Benchmark, Adams Ranch Roads)	50 Feet
Arterial (Mountain Village Boulevard)	70 Feet

Figure 6-3, Sight Distance Triangle



10. **Bridges.** Bridges shall conform to CDOT requirements and specifications. Plans shall be prepared by a qualified Colorado professional engineer.
 - a. Bridges shall be stone faced and have railings and other design features in accordance with the town design theme.
11. **Traffic Control Devices.** Traffic control devices shall be installed and maintained in accordance with the Manual on Uniform Traffic Control Devices.
12. **Guardrails.** Guardrails shall be installed on the outside of curves as required the Public Works Department. Guardrails shall be installed thirty (30) inches from the outside edge of the road curb. The following conditions may necessitate guardrail installation:
 - a. Height of embankment exceeds ten feet (10') within ten (10) feet of the pavement;
 - b. Side slopes exceed 4:1 within ten (10) feet of the pavement;
 - c. Shoulder or pavement widths are substandard; or
 - d. Roadside hazards exist.
13. **Revegetation.** Revegetation within road right-of-way shall be required utilizing grass seed mix specified in the Landscaping Regulations and shall be completed within forty-eight (48) hours after the completion of the project. Cut and fill slopes shall be treated to prevent erosion.
14. **Drainage.** Roadway drainage shall meet the following requirements:

- a. Retention or detention shall be provided to protect water quality and attenuate flood flows;
 - b. Culverts shall be located at each natural draw or watercourse, as conditions warrant, to prevent excessive accumulation of flow in roadside ditches or along toe of slope; and
 - c. All drainage shall be designed to in accordance with the drainage design standard.
15. **Sidewalks.** When a new roadway is required, the review authority may require the development to provide a sidewalk constructed of Class B concrete six feet (6') wide shall be provided on one side of the road with the location favoring the predominant pedestrian flow.
16. **Provision of Right-of-Way.** When a new roadway is required, the Town shall require a developer to either dedicate rights-of-way for public use for such new roadway, or require an easement that serves the same functions of a right-of-way, including but not limited to utilities, drainage, grading, snow storage and public access.
- a. Where the minimum right-of-way width does not include all of the required grading and drainage, easements for such road-related improvements shall be provided to ensure use and maintenance over time.
17. **Fire District Review.** All new roadways shall be required to be reviewed by the Telluride Fire Protection District to ensure compliance with the Fire Code.
18. **Engineer Required.** A Colorado professional engineer shall design all new proposed roadways, bridges and associated grading, utilities and drainage.
19. **Construction and Maintenance.** The design and construction paving of roadways shall be the responsibility of the developer. Roadways shall be maintained after construction by the lot owner(s) that obtain access from the roadway, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.
- a. The Town may elect to maintain a roadway that is dedicated to the Town or that is dedicated by an easement, or it may also require the developer to provide a private maintenance function by a legal instrument that runs with the affected lot(s).
 - b. Roadways shall be maintained in accordance with the CDC regulations in effect at the time of development approval.
20. **Road Cut Resolution.** Road construction and maintenance activities shall be in accordance with the effective Town road cut resolution.
21. **Variation.** The review authority may grant a variation to the roadway standards provided the review authority finds such exemption will not adversely affect public health, safety and welfare.

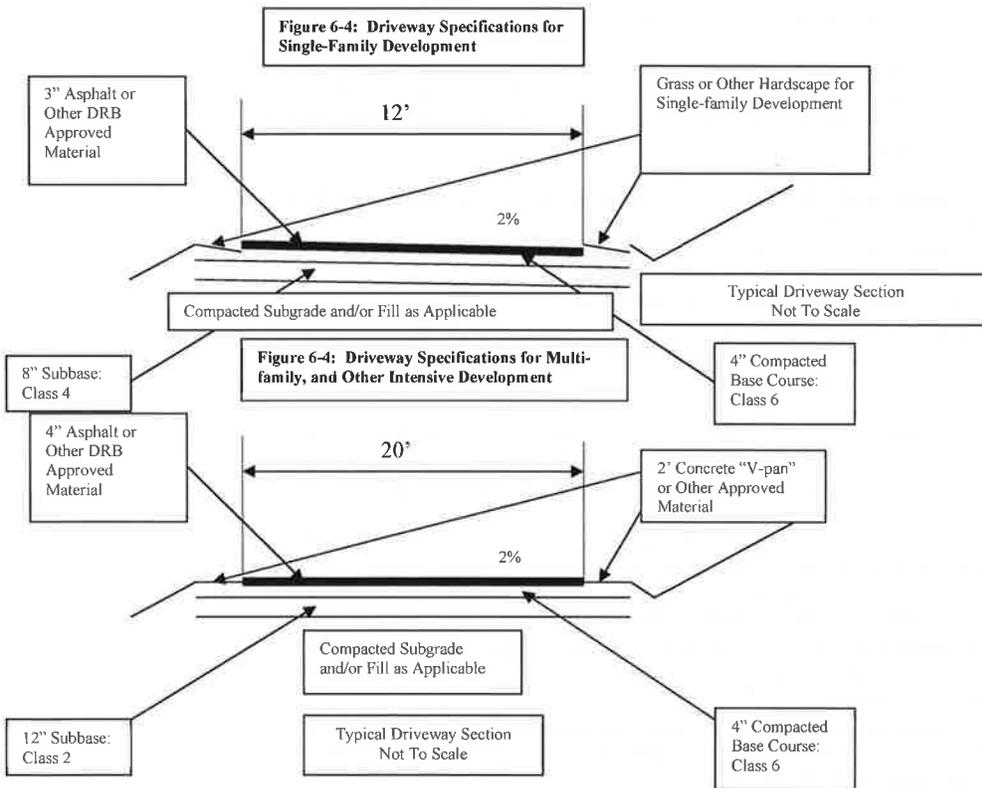
B. Driveway Standards

1. **Driveway Allowance.** A driveway may provide access for up to a maximum of three (3) single-family dwellings, or may also be used to provide access to a parking garage or any allowed surface parking lot serving multi-family, mixed-use, commercial or other development containing three or fewer buildings only one (1) lot directly from the main roadway.

- a. All other development shall only use a roadway to serve access per the roadway standards.
- 2. Driveway Width**
- a. For driveways that service three (3) or fewer single-family dwellings, the maximum paved drive surface width shall be twelve feet (12') for driveway lengths less than 150 feet. Shoulders may be required by the Fire Code.
 - b. For driveways that service multi-family, mixed-use, commercial or other development, the paved drive surface width shall be no less than twenty feet (20') with two foot (2') shoulders on each side.
 - i. Shoulders shall be constructed of concrete drainage pans or other review authority approved material that is compacted to withstand a twenty (20) ton load minimum. The shoulders shall pitch two percent (2%) grade from the edge of the edge of the twelve foot (12) driveway.
 - ii. Drainage pans are not required where a driveway is a drive aisle in a parking lot with the minimum width of such drive aisle twenty-four feet (24').
- 3. Driveway Construction.** Driveways shall be designed and constructed in accordance with the specifications shown in Figure 6-4.
- 4. Maximum Grade.** Driveway grade shall not exceed eight percent (8%) except:
- a. Garage entrances, parking and required fire apparatus turnaround areas shall not exceed five to six percent (5% - 6%) grades without specific approval from the review authority in consultation with the Telluride Fire Protection District and Public Works Department.
 - i. If driveways grades for such areas are approved greater than five to six percent (5% - 6%), then the review authority may require that a snowmelt system be incorporated into the driveway design.
 - b. The maximum driveway grades shall not exceed five percent (5%) for the first twenty feet (20') from the edge of the public roadway or access tract.
 - c. Transitional sections not exceeding 500 feet may be allowed a maximum of ten percent (10%) if approved by the Town in consultation with the Fire Marshal. Transitional sections exceeding eight percent (8%) shall not be within 500 feet of each other. Curves with a centerline radius of less than 250 feet shall not exceed eight percent (8%).
 - d. Transitional sections may be allowed a maximum grade up to twelve percent (12%) providing all residences are equipped with an approved fire sprinkler system meeting the Fire Code.
 - e. Curves with a centerline radius of less than 250 feet shall not exceed eight percent (8%) grade.
- 5. Driveway Fire Apparatus Access.** A driveway shall extend to within 150 feet of all portions of the exterior walls of the first story of a building as measured by an approved route around the exterior of the building.

- a. The Fire Marshal is authorized to increase the dimension of 150 feet (to 225 feet) where:
 - i. Driveways cannot be designed and installed in accordance with this section because of location on property, topography, waterways, non-negotiable grades or other similar site conditions; and
 - ii. The residence is equipped with an approved fire sprinkler system installed in accordance with section.
- b. The minimum, unobstructed vertical clearance for a driveway shall be thirteen feet six inches (13' 6").

Figure 6-4, Driveway Design Specifications



6. **Turning Radius.** The inside turning radii of a corner shall not be less than thirty-two feet (32').
7. **Grading.** The maximum cut and fill slope shall be 3:1 without a soils report prepared by a Colorado professional engineer that shows steeper slopes are warranted. Slopes steeper than 2:1 shall require retaining walls that are designed by a Colorado professional engineer. Notwithstanding the foregoing, a maximum slope of 1.5:1 may be approved by

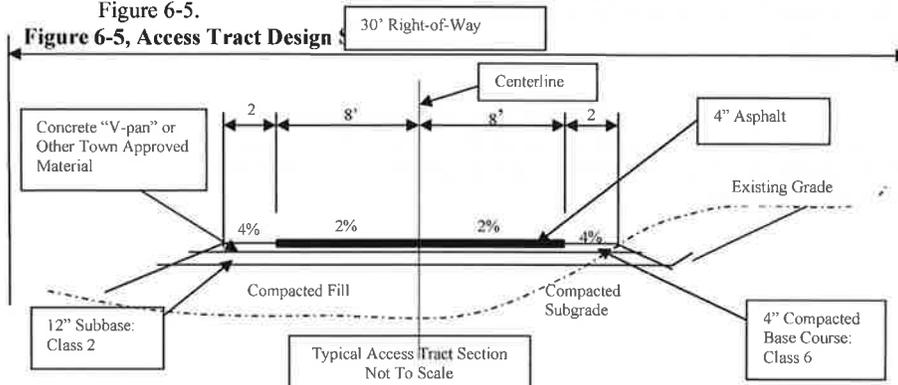
the review authority based on a soils report prepared by a Colorado professional engineer if the aesthetic of such slope is determined to be appropriate.

- a. The maximum retaining wall height shall be five feet (5'), with a minimum "step" in between walls of four feet (4') to allow for landscaping to soften the walls.
 - b. Retaining walls shall be setback from driveways at least five (5) feet, where practicable, to allow proper room for drainage, snow plowing and snow storage.
- 8. Live Load and Surfacing.** Driveways shall be designed, compacted and maintained to support the imposed loads of fire apparatus, twenty (20) ton minimum, and shall be surfaced so as to provide all-weather driving capabilities.
- a. Approved driveway surfaces include asphalt, concrete, pavers or cut or tumbled stone block or other materials as approved by the review authority.
 - b. Gravel is prohibited as a surface material for driveways.
- 9. Emergency Turnarounds.** The Fire Code may require emergency turnarounds for long driveways.
- 10. Emergency Turnouts.** Driveways in excess of 200 feet in length and less than twenty (20') feet in width shall be provided with turnouts if required by the Fire Marshal.
- a. Required driveway turnouts shall be an all-weather driving surface at least ten feet (10') wide and forty feet (40') long and be compacted to withstand a twenty (20) ton load minimum.
 - b. Driveway turnouts shall be located as required by the Fire Marshal.
- 11. Sight Distance Triangles.** Sight distance triangles at driveway intersections shall be as set forth under the roadway standards above.
- 12. Bridges.** Bridges shall conform to CDOT requirements and specifications. Plans shall be prepared by a qualified Colorado professional engineer.
- a. Bridges shall be stone faced and have railings and other design features in accordance with the town design theme.
- 13. Traffic Control Devices.** Traffic control devices shall be installed and maintained in accordance with the Manual on Uniform Traffic Control Devices.
- 14. Guardrails.** The review authority may require the installation of guardrails on the outside of curves as required by this section or as otherwise required by the Public Works Department. Guardrails shall be installed thirty (30) inches from the outside edge of the road curb. The following conditions may necessitate guardrail installation:
- a. Height of embankment exceeds ten feet (10') within ten (10) feet of the pavement;
 - b. Side slopes exceed 4:1 within ten (10) feet of the pavement;
 - c. Shoulder or pavement widths are substandard; or
 - d. Roadside hazards exist.
- 15. Revegetation.** Revegetation within road right-of-way shall be required utilizing grass seed mix specified in the Landscaping Regulations and shall be completed forty-eight (48) hours after the completion of the project to the extent practicable. Cut and fill slopes shall be treated to prevent erosion.

16. **Drainage.** Driveway drainage shall meet the following requirements:
- Culverts shall be located at each natural draw or watercourse, as conditions warrant, to prevent excessive accumulation of flow in roadside ditches or along toe of slope.
 - Where culverts are required, they shall be at least eighteen inches (18") in diameter to minimize ice and debris build up.
 - Drainage shall be directed away from wetlands, steep slopes and other environmentally sensitive areas.
17. **Maximum Number of Curb Cuts.** Only one (1) curb cut for a driveway accessing a lot from the main road shall be permitted without specific approval from the review authority in consultation with the Public Works Department.
- Single-family lots that are proposed to be created or have been created from duplex lots will be required to utilize a single common driveway from the adjacent access-way.
18. **Public Works Review.** All driveway cuts shall be required to be reviewed and approved by the Public Works Department.
19. **Fire District Review.** All new driveways shall be required to be reviewed by the Fire District to ensure compliance with the Fire Code.
20. **Engineer Required.** A Colorado professional engineer shall design all new proposed driveways, bridges and associated grading and drainage.
21. **Construction and Maintenance.** The design and construction paving of driveways shall be the responsibility of the developer. Driveways shall be maintained after construction by the lot owner(s) that obtain access from the driveway, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.
- Driveways shall be maintained by the lot owner(s) in accordance with the CDC regulations in effect at the time of development approval.
22. **Road Cut Resolution.** Driveway construction and maintenance activities shall be in accordance with the effective Town road cut resolution when work or maintenance is being conducted in a Town right-of-way or access tract.
23. **Variation.** The review authority may grant a variation to the driveway standards provided the review authority finds such exemption will not adversely affect public health, safety and welfare.

C. **Access Tract Standards**

- Roadway Construction.** Roadways or driveways within access tracts shall be designed and constructed in accordance with sections A and B and the specifications shown in Figure 6-5.



2. **Acceptance of Access Tracts.** Pursuant to the class 5 development application process, the Town Council may accept an access tract that is offered for dedication by the owner(s) of such access tract provided:

a. The roadway or driveway has been constructed to meet the specifications in Figure 6-53. This provision may be waived in the sole and absolute discretion of the Review Authority in exceptional circumstances, by finding that the following conditions exist:

- i. The access tract was constructed prior to 2014.
 - ii. Acceptance of the access tract not meeting the specifications would allow the Town to upgrade other Town owned infrastructure which upgrade would not be practical without the acceptance of the access tract.
 - iii. There is a public safety issue not directly related to the access tract being below the specifications set forth in Figure 6-5, which can be alleviated by the Town accepting the Access Tract and making improvements to the access tract and surrounding area (acceptance of an access tract does not require or guarantee the Town will make such improvements).
 - iv. More than ninety percent (90%) of the lots or condominium land units are owned by parties other than the original or successor developer.
 - v. Acceptance of substandard access tract shall not set a precedent for future acceptance as every access tract is uniquely situated.
- b. The Town determines that it is in the Town' best interest to accept such access tract.
- c. The access tract serves three (3) or more lots or condominium land units

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.75" + Indent at: 2"