

ORDINANCE NO. 2015-12

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A REZONING OF LOT 617.**

RECITALS

- A. The applicant and owner's representative, The Law Offices of Thomas G. Kennedy, have submitted an application for rezoning Lot 617. ("Application") pursuant to the requirements of the Community Development Code ("CDC")
- B. Daniel R. and Greer T. Garner are the owners ("Owners") of record of real property described as Lot 617 Unit A.
- C. Dennis D. Shaw Revocable Trust is the owner ("Owners") of record of real property described as Lot 617 Unit B.
- D. Gina L. Flores and William H. Flores are the owners ("Owners") of record of real property described as Lot 617 Unit C.
- E. The Owners have authorized the Law Offices of Thomas G. Kennedy to pursue the approval of a rezoning application to replat Lot 617 land condo units A, B and C into separately platted Lots 617A, 617B and 617C ("Application").
- F. The Property has a Multi-family Zoning Designation pursuant to the Official Land Use and Density Allocation List as recorded at Reception Number 301133 and zoning as set forth on the Town Official Zoning Map.
- G. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on October 15, 2015.
- H. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- I. This Ordinance rezones the Property to a Single-family Common Interest Community Zone District.
- J. The Town Council hereby finds and determines that the Application meets 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 is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.

4. The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning as applied for.
5. Adequate public facilities and services are available to serve the intended land uses.
6. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
7. The proposed rezoning meets all applicable Town regulations and standards.

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

Section 1. Effect on Zoning Designation

Table 1 – ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
617	Land Condo Units	Multi-Family

TABLE 2 - PROPOSED ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
617	Land Condo Units	Single-family Common Interest Community

Section 2. 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 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 November 15, 2015 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 15th day of October, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to a public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of September, 2015.

TOWN OF MOUNTAIN VILLAGE

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



By: _____
Dan Jansen, Mayor

ATTEST:

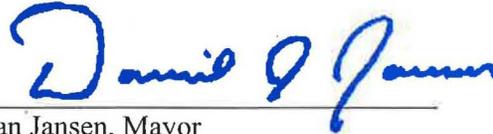


Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this 15th 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:



James Mahoney, 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. 2015-12 ("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 September 16, 2015, by the affirmative vote of a quorum of the Town Council as follows:

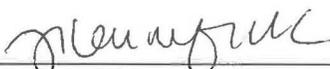
Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett			X	
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Tem	X			
Bruce MacIntire				X

3. 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 15, 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			
Cath Jett	X			
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Tem	X			
Bruce MacIntire				X

4. 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 15th day of October, 2015.


 Jackie Kennefick, Town Clerk

(SEAL)

