

ORDINANCE NO. 2015-03

AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT (A) SECTION 17.2.12 TO ALLOW THE CONDITIONAL USE PERMIT PROCESS TO ESTABLISH THE ALLOWED HEIGHT FOR FREESTANDING ANTENNAS; (B) SECTION 17.4.9(E)(2)-(3) TO CORRECT AN OMISSION, AND NOT REQUIRE A CONCURRENT REPLAT WITH REZONING; AND (C) 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any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 May 23, 2015.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 23rd day of April, 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 26th day of March, 2015.

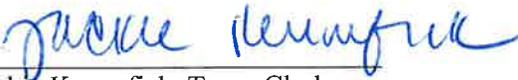
TOWN OF MOUNTAIN VILLAGE

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



By: _____
Dan Jansen, Mayor

ATTEST:

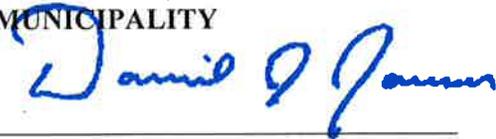


Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 23rd day of April, 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.2015-03 ("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 26, 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, Mayor Pro-Tem	X			
Jonette Bronson	X			
John Howe	X			
Michelle Sherry	X			
Martin McKinley	X			
Dave Schillaci	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 April 12, 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 April 23, 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, Mayor Pro-Tem	X			
Jonette Bronson			X	
John Howe	X			
Michelle Sherry	X			
Martin McKinley	X			
Dave Schillaci			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 23rd day of April, 2015.

(SEAL)



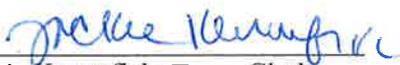

 Jackie Kennefick, Town Clerk

Exhibit A: CDC Amendments

17.3.12

BUILDING HEIGHT LIMITS

- A. Table 3-3 establishes the maximum building height and average building height limits for each zone district and some specific lots.
- B. 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 40 feet high can have an antenna that extends no more than four (4) feet above the roof. Freestanding antenna maximum structure height shall be established by the review authority.

(Please refer to related amendment below)

SECTION 17.4.9

REZONING PROCESS

C. General Standards

- 2. **Ordinance Required for Change in Density or Zoning Designation.** Any change to the density or zoning designation assigned to a lot shall be by duly adopted ordinance that shall be recorded in the records of the San Miguel County Clerk and Recorder.
 - a. To the extent multiple recorded resolutions and/or ordinances exist with respect to the zoning designation of a lot, the most recently recorded resolution or ordinance shall prevail and shall have the effect of voiding all prior recorded resolutions and ordinances.
 - b. ~~Concurrent Replat Required~~ **Zoning on Plats.** If the current, recorded plat for the lot(s) affected by the rezoning lists either the zone district, zoning designation and/or associated density, ~~a concurrent subdivision development application shall be processed along with the rezoning~~ the rezoning ordinance shall include a section statement that the zoning set forth in the rezoning ordinance shall prevail over ~~the~~ any inconsistent plat notations on all validly recorded plats for the lots affected by such rezoning.

Section 17.6.5(D)(1)(b) (Telecommunications Regulations)

- 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. ~~In no event shall an antenna exceed the maximum height permitted in the underlying zone district unless approved by a variance or PUD development review process;~~