

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
MOUNTAIN VILLAGE, COLORADO,  
PLACING A PROPOSED ORDINANCE TO PLACE RESTRICTIONS ON THE  
MAXIMUM DENSITY AND OTHER REQUIREMENTS ON LOT 640A ON THE  
BALLOT FOR THE JUNE 30, 2015 REGULAR MUNICIPAL ELECTION AND  
SETTING THE BALLOT QUESTION THEREON**

**NO. 2015-0508-12**

**RECITALS:**

- A. The Town of Mountain Village (the "Town") in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and its Town Charter.
- B. Article V, Section 5.5 of the Town Charter grants the Town Council the power to submit, at a regular municipal election or special Town election, any proposed ordinance to a vote of the registered electors. A regular municipal election is set for June 30, 2015.
- C. In proposing the Ordinance for consideration by the registered electors, the Town Council wishes to state and affirm its findings and determinations that the creation of workforce housing in the Mountain Village is a significant need and high priority for the Town.
- D. The Town Council further recognizes that development occurring on Lot 640A, if not properly balanced and mitigated, could negatively impact the reasonable use and enjoyment of other residents in the vicinity of the property.

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

The Town Council, in accordance with the provisions of Article V, Section 5.5 of the Town Charter, hereby places the proposed Ordinance *TO PLACE RESTRICTIONS ON THE MAXIMUM DENSITY AND OTHER REQUIREMENTS ON LOT 640A* on the ballot for the regular municipal election set for June 30, 2015.

**BE IT FURTHER RESOLVED**, there shall be submitted to the eligible electors of the Town the ballot question set forth below:

**“A PROPOSED ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO, TO PLACE RESTRICTIONS ON THE MAXIMUM DENSITY AND  
OTHER REQUIREMENTS ON LOT 640A**

**Section 1. Conditions of Rezoning:**

In the event the Lot 640A Owner applies to the Town for a rezoning, replatting and/or density transfer for Lot 640A, the following conditions shall apply:

A. The maximum number of dwelling units that can be proposed and approved on Lot 640A shall not exceed 60 workforce housing units.

B. The maximum number of people on Lot 640A shall not exceed 190 permitted occupants.

C. 15 of the units in the project would be able to have a pet, with a total cap of not more than 25 pets in the project.

D. The Lot 640A Owner and the Town shall jointly participate in and fund the design and development of a park on Lot 640A and land adjacent to Lot 640A of a size of not less than 1.2 acres of sufficiently flat terrain to accommodate ball game activities of various kinds. Thereafter, the Town shall own in some form (i.e. fee simple, easement or some other indicia of ownership), operate, manage, maintain, and repair the park at the sole cost and expense of the Town. The park shall not be associated with any homeowners' association created with respect to the development on Lot 640A. This provision shall not require the Town to participate in the funding of the acquisition of any land adjacent to Lot 640A.

E. The siting of the buildings will be pushed to the western portion of the site, within the area of the hillside as reasonable and feasible.

F. With the reduced density and population, the Town recognizes that the Lot 640A Owner may need to apply for various waivers concerning the development standards required by the Community Development Code, which waivers are available when workforce housing is being developed. This Ordinance does not grant any waivers, it only recognizes that waivers are available and may be applied for in accordance with Town regulations.

G. As part of its land use applications for the project, the Lot 640A Owner will describe the legal mechanisms which will be used by the Lot 640A Owner to monitor and insure compliance with the approvals granted by the Town, including the limitations and restrictions noted in this Ordinance, which shall include a requirement for

professional onsite presence on Lot 640A to manage and oversee the project.

The foregoing will be further reflected and detailed in a development agreement for the project at the time of project approval, between the Town and the Lot 640A Owner. The development agreement shall be recorded against the property in order to ensure compliance with the foregoing conditions.

**Section 2. Ordinance Effect**

A. 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.

B. 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 July 30, 2015.

**FOR THE ORDINANCE        3**

**AGAINST THE ORDINANCE  2**

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**ADOPTED AND APPROVED** by the Town Council of the Town of Mountain Village, Colorado, at a special meeting held on the 8th day of May, 2015.



TOWN OF MOUNTAIN VILLAGE, COLORADO, a  
home rule municipality \_\_\_\_\_

By: *Daniel J Jansen*  
Dan Jansen, Mayor

ATTEST:

By: *Jackie Kennefick*  
Jackie Kennefick, Town Clerk

APPROVED AS TO FORM:

By: *Jim Mahoney*  
Jim Mahoney, Assistant Town Attorney