

**ORDINANCE NO. 2019-01**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF LOTS 161A-R2 AND 161D-2 REALLOCATING CONDOMINIUM ZONING DESIGNATIONS AND, (2) TRANSFER OF DENSITY FROM LOT 161A-R2 FROM FOUR CONDOMINIUM UNITS TO ONE CONDOMINIUM UNITS, AND TRANSFER OF DENSITY FROM LOT 161D-2 FROM FIFTEEN CONDOMINIUM UNITS TO TWO CONDOMINIUM UNITS WITH MIXED-USE ACCESSORY COMMERCIAL SPACE, TO THE TOWN OF MOUNTAIN VILLAGE DENSITY BANK**

**RECITALS**

- A. The applicant and owner’s representative, John Horn, has submitted an application for a rezoning and density transfer of Lots 161A-R2 and 161D-2. The owner proposed to rezone the property to reallocate condominium zoning designations and change 19 condominium unit designations to three condominium unit designations pursuant to the requirements of the Community Development Code (“CDC”).
- B. Coonskin Ridge Cabin Lot LLC. is the owner of Lots 161A-R2 and 161D-2.
- C. The Owner has authorized John Horn, to pursue the approval of the concurrent rezoning and density transfer application to rezone the properties to change the density allocation and transfer density into the density bank (the “Rezoning Application”).
- D. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

<b>Lot No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent per Actual Unit</b>	<b>Total Person Equivalent Density</b>
161A-R2	Multi Family	Condominium	4	3	12
161D-2	Multi Family	Condominium	15	3	45

- E. At a duly noticed public hearing held on January 3, 2019, 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 February 21, 2019, 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.
- G. This Ordinance rezones the Property as follows

<b>Lot No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent per Actual Unit</b>	<b>Total Person Equivalent Density</b>
161A-R2	Multi Family	Condominium	1	3	3
161D-2	Multi Family	Condominium	2	3	6

- H. The meeting held on February 21, 2019 was duly publicly 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 project standards.
  - 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 there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning.
  - 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:

Density Transfer Findings

- 1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application
- 2. The density transfer meets the density transfer and density bank policies.
- 3. The proposed density transfer meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

- 1. The owner of record of density in the density bank shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.

2. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
3. At the time of future development of the Lots, the applicant or owner shall be required to meet all applicable parking standards and requirements for the site. In addition, the applicant shall be required as necessary to update any outstanding parking agreements to better reflect the density that has been transferred into the density bank from the Ridge Development.

**Section 1. Effect on Zoning Designations**

A. This Resolution does not change the zoning designations on the Properties it only removes the density from the Properties.

**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 March 23, 2019 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 21st of February 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

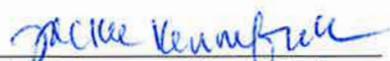
**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17<sup>th</sup> day of January 2019.**

**TOWN OF MOUNTAIN VILLAGE**

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

By:   
Laila Benitez, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,  
Colorado this 21st day of February 2019**

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

By:   
Laila Benitez, 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. 2019-01 ("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 January 17, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Dan Jansen			X	
Bruce MacIntire	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	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 January 25, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

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 February 21, 2019. 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
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Dan Jansen	X			
Bruce MacIntire	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	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 21<sup>st</sup> day of February, 2019.



*Jackie Kennefick*  
 Jackie Kennefick, Town Clerk

(SEAL)