

**ORDINANCE NO. 2018-10**

**AN ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, ADOPTING MINOR REVISIONS AND CORRECTIONS TO TITLE 17 OF THE COMMUNITY DEVELOPMENT CODE (CDC); APPROVING HOUSEKEEPING AMENDMENTS.**

**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 due to changing circumstances or for general housekeeping purposes. Such an update of the CDC has become necessary for technical corrections, clarifications and consistency.

**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, Title 17 is hereby amended and replaced 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**

- 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any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 January 12, 2019

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 13<sup>th</sup> day of December 2018 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 15<sup>th</sup> day of November 2018.**

**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 13<sup>th</sup> day of December 2018.**

**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. 2018-10("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 November 15, 2018, 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 November 21, 2018 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 June 14, 2018. 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 13<sup>th</sup> day of December 2018.



*Jackie Kennefick*  
 Jackie Kennefick, Town Clerk

(SEAL)

# EXHIBIT A

(Language ~~stricken~~ is deleted; underlined language is new.)

## A.1: CDC § 17.3.7 (C), Table 3-2 is amended as follows:

### 17.3.7: DENSITY LIMITATIONS

(\*\*\*)

- C. The person-equivalent density is calculated based on the actual unit-to-person equivalent density conversion factors listed in Table 3-2.

Zoning Designation	Actual Unit	Person-Equivalent Density
Single-family	1	4.0 person equivalents
Single-family common interest community	1	3.0 person equivalents
Non-subdivideable duplex	1	<del>8.0</del> <u>6.5</u> person equivalents
Condominium	1	3.0 person equivalents
Lodge	1	0.75 person equivalents
Efficiency lodge	1	0.50 person equivalents
Hotel	1	1.5 person equivalents
Hotel efficiency	1	2.0 person equivalents
Employee condominium	1	3.0 person equivalents
Employee apartment	1	3.0 person equivalents
Employee dorm	1	1.0 person equivalents

## A.2: CDC § 17.3.12 (A)(Table 3-3) is amended as follows:

### 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.

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**Table 3-3, Building Height Limits**

Zone District or Lot Number	Maximum Building Height <u>in feet.</u> See Footnote 1 & 2	Maximum Average Building Height <u>in feet.</u> See Footnote 1 & 2
Single- <del>F</del> family	35	30
Single- <del>F</del> family common interest community <u>(See Footnote 4)</u>	35	30
Multi-Family, <del>maintenance public-works &amp; civic</del> <u>(See Footnote 5)</u>	48 feet	48 feet
<u>Maintenance-Public Works</u>	<u>48</u>	<u>48</u>
<u>Civic</u>	<u>48</u>	<u>48</u>
Village Center	60	48
Lot 128	As built height	As built height
Ridgeline area lots (See Footnote 3)	45	30
Ridgeline Lots (See Footnote 3)	35	30

<sup>1</sup>The ridge of a gable, hip, gambrel or similar pitched roof may extend the maximum building height up to five (5) feet above the specified maximum height limit, except on ridgeline lots.

<sup>2</sup>Chimneys, flues, vents or similar structures may extend up to five (5) feet above the specified maximum height excluding unscreened telecommunications antenna with the height of such structures set forth in the telecommunications antenna regulations.

<sup>3</sup>Please refer to ridgeline lot requirements in the Design Regulations, which include additional restriction on the maximum building height. See Forever is permitted a higher building height pursuant to a PUD development agreement.

<sup>4</sup>Height maximums listed under Single-Family and Single-Family Common Interest Community also apply to single-family dwellings platted as condominium dwelling units (See Single-Family Condominium Dwelling definition.).

<sup>5</sup>Height Maximums listed under Multi-Family apply to Multi-Family Dwelling Units (see Multi-Family Dwelling Unit Definition.).

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### A.3: CDC § 17.4.4 (D)(2)(d) is amended as follows:

#### 17.4.4: GENERAL PROVISIONS APPLICABLE TO ALL DEVELOPMENT APPLICATION CLASSES

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##### I. Public Hearing Noticing Requirement

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2. Public Notice Requirements. Notice as required by this section shall be given as prescribed below prior to the initial hearing held by the review authority. Development applications shall be noticed in substantial compliance with the following provisions:

(\*\*\*)

- d. Class 5 Applications: Notice of the following development application public hearing(s) shall be: 1) sent to all property owners within 400 feet of the property boundary in accordance with the public noticing requirements and the mailing notice details; at least thirty (30) days prior to the initial public hearing. 2) posted in accordance with posted notice details, and 3) listed on the review authority agenda:

- i. Outline MPUD Development applications;
- ii. Unless deemed necessary by the Code Administrator, No no legal notice is required for the following class 5 applications:
  - (a) Minor Subdivisions.
  - (b) Other class 5 applications.

**A.4: CDC § 17.4.13 (L)(2) is amended as follows:**

17.4.13: SUBDIVISION REGULATIONS

(\*\*\*)

L. Public Improvements Policy

(\*\*\*)

2. The developer shall secure the faithful and diligent performance of its obligations with a pledge of security sufficient to provide a reasonable guarantee of not less than one hundred ~~fifty percent (150%)~~ twenty-five percent (125%) of the current estimated cost of the public improvements and facilities, which estimate shall be approved by the Community Development Department staff.

**A.5: CDC § 17.6.6 (B)(2) is amended as follows:**

17.6.6: ROAD AND DRIVEWAY STANDARDS

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B. Driveway Standards

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2. Driveway Width

- a. For driveways that service three (3) or fewer single-family dwellings, the ~~maximum~~ minimum paved drive surface width shall be twelve feet (12') for driveway lengths less than 150 feet. Driveway lengths exceeding 150 feet which service three (3) or fewer single-family dwellings shall have a minimum paved surface of sixteen feet (16'). Shoulders may be required by the Fire Code.

**A.6: CDC § 17.6.9 (C)(7) is amended as follows:**

17.6.9 OPEN BURNING REGULATIONS

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C: An applicant for open burning shall submit the following:

(\*\*\*)

A certificate of general commercial liability insurance in a form satisfactory to the Town, in the amount of not less than ~~five million dollars (\$5,000,000)~~ two million dollars (\$2,000,000) per occurrence, naming the Town as an additional insured. The amount and type of insurance required by this section may be increased by a resolution of the Town Council.