

ORDINANCE NO. 2020-04

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING A REZONE AND DENSITY TRANSFER ON LOT 27A PHASE ONE UNITS 2 AND 3, REZONING TWO CONDOMINIUM ZONING DESIGNATION UNITS TO ONE CONDOMINIUM ZONING DESIGNATION UNIT

RECITALS

- A. Jefferson and Karen Kirby (“**Owners**”) have submitted to the Town: (1) a rezoning and density transfer development application for a rezone of Phase One Units 2 and 3, Belvedere Condominiums (Lot 27A) from two Condominium units to one Condominium unit; and (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Jefferson and Karen Kirby are the Owners of Phase One Units 2 and 3, Belvedere Condominiums, and the associated development rights and density allocated to Units 2 and 3, Belvedere Condominiums.
- C. The proposed rezoning and density transfer is to combine two condominium units into one condominium unit pursuant to the requirements of the CDC.
- D. The Owner intends to place the excess 3-person equivalent density in the Town of Mountain Village Density Bank.
- E. 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:

Figure 1. Current Zoning Designation for Units 2 and 3, Lot 27A Belvedere Condominiums

Unit No.	Zone District	Zoning Designation	Actual Units	Person Equivalent
2	Village Center	Condominium	1	3
3	Village Center	Condominium	1	3

Figure 2. Proposed Zoning Designation

Unit No.	Zone District	Zoning Designation	Actual Units	Person Equivalent
2-3	Village Center	Condominium	1	3

Figure 3. Lot 27A Current Zoning Designation for the Property

Lot	Zone District	Zoning Designation	Actual Units	Person Equivalent	Total Person Equivalent
27A	Village Center	Condominium	27	3	81
	Village Center	Efficiency Lodge	2	.5	1
	Village Center	Lodge	10	.75	7.5

Figure 4. Lot 27A Proposed Zoning Designation for the Property

Lot	Zone District	Zoning Designation	Actual Units	Person Equivalent	Total Person Equivalent
27A	Village Center	Condominium	26	3	78
	Village Center	Efficiency Lodge	2	.5	1
	Village Center	Lodge	10	.75	7.5
<hr/>					
	To be Transferred to Density Bank	Condominium	1	3	3

- F. At a duly noticed public hearing held on January 9, 2020, 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.
- G. At its regularly scheduled meeting held on January 16th, 2020 the Town Council conducted a first reading of an Ordinance and set a public hearing, pursuant to the Town Charter.
- H. On February 20th, 2020 Town Council held a second reading and public hearing on the Ordinance and approved the application with conditions.
- I. The meeting held on January 9th, 2020 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.
- J. 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 there have been changes in conditions in the vicinity, namely voluntary compliance and education regarding zoning designations and associated uses.
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.

K. The Town Council finds that the application meets the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

1. The applicant has the requisite required density of 3 person equivalents to execute a rezone from condominium to condominium zoning designation.
2. The applicant has met or exceeded the parking requirement of 1 parking space.
3. The application meets the criteria for decision as detailed within this staff memo of record.

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

1. The applicant shall submit a condominium map amendment and associated declarations, to the Town for review and approval showing the Units 2 and 3 as one renumbered Condominium Unit prior to issuance of a certificate of occupancy to combine the units
2. The lot list shall be updated to reflect the rezone from 2 Condominium units to one Condominium unit.
3. The applicant intends to hold the excess density in the density bank.
 - a. The Town will issue a density bank certificate
 - b. The owner is 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.
4. The approved Ordinance and density certificate must be submitted as part of the owner's building permit application prior to work commencing.
5. The applicant has agreed to keep two parking spaces, above the one parking space requirement, consistent with the DRB's recommendation to Town Council.
6. As part of the building permit, the applicant will need to decommission one kitchen to a wet bar as defined by the CDC, consistent with the definition of a multi-family dwelling.

Section 1. Effect on Zoning Designations

A. This Ordinance does not change any other zoning designation on the properties it only affects Phase One, Units 2 and 3.

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 21, 2020 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 20th day of February 2020 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 16th day of January 2020.

TOWN OF MOUNTAIN VILLAGE

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

By: 
Laila Benitez, Mayor

ATTEST:

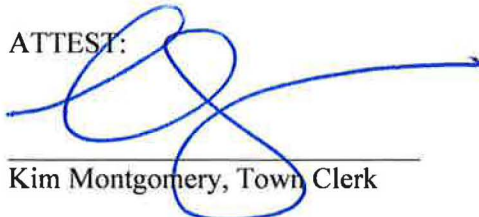

Kim Montgomery, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 20th day of February 2020

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

By: 
Laila Benitez, Mayor

ATTEST:


Kim Montgomery, Town Clerk

Approved as To Form:


Jim Mahoney, Assistant Town Attorney

I, Kim Montgomery, 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.2020-04 ("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 at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on January 16, 2020, 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			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder			X	
Jack Gilbride	X			

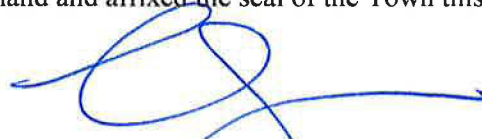
3. After the Council’s approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on January 24, 2020 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 20, 2020. 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			
Martinique Davis Prohaska			X	
Peter Duprey	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 20th day of February, 2020.



 Kim Montgomery, Town Clerk

(SEAL)

