

**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING THE COMMUNITY DEVELOPMENT CODE TO ALLOW FOR ACCESSORY DWELLING UNITS.**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (the “Charter”); and

WHEREAS, the Town, and the Telluride region as a whole, is in the midst of a housing crisis that directly threatens the quality of life of every Town resident, second homeowner, business, and visitor; and

WHEREAS, pursuant to the Town’s Community Housing Initiative, the Town Council of the Town of Mountain Village (“Town Council”) provided direction to pursue certain zoning incentives including Accessory Dwelling Units (“ADUs”); and

WHEREAS, Title 17 of the Town of Mountain Village Municipal Code (“Code”) is known as the Town of Mountain Village Community Development Code (“CDC”); and

WHEREAS, in compliance with Section 17.1.7 of the Code, the Design Review Board reviewed the proposed amendment and provided a recommendation to Town Council on August 5, 2021; and

WHEREAS, in compliance with C.R.S. § 31-23-304, Town Council held a public hearing on the proposed amendment on January 20, 2022; and

WHEREAS, the Town Council desires to amend the CDC to allow for ADUs as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment to the CDC. Section 17.3.4, Table 3-1 of section 17.3.3, and Chapter 17.8 are hereby amended to read as set forth in Exhibit A, attached hereto.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective on the 20th of January 2022 and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance was held on the 20th day of January 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th of December 2021.**

**TOWN OF MOUNTAIN VILLAGE:**

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

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 20th of January 2022.**

**TOWN OF MOUNTAIN VILLAGE:**

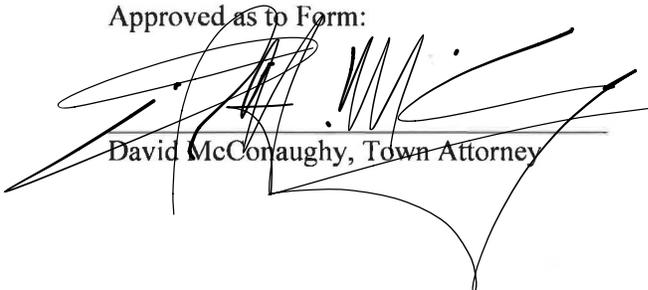
**TOWN OF MOUNTAIN VILLAGE, COLORADO,  
A HOME-RULE MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

Approved as to Form:

  
David McConaughy, Town Attorney

I, Susan Johnston, 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. 2022-01 ("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 December 20, 2021, 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			
Marti Prohaska	X			
Harvey Mogenson	X			
Patrick Berry			X	
Peter Duprey	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 December 29, 2021, in accordance with Section 5.2d 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 January 20, 2022. 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			
Marti Prohaska	X			
Harvey Mogenson	X			
Patrick Berry	X			
Peter Duprey	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 9th day of February 2022.

  
 Susan Johnston, Town Clerk  
 (SEAL)



## Exhibit A

### 17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

#### **Multi-Family Zone District**

1. **Permitted Uses.** Lots in the Multi-family Zone District shall be used for the construction of multi-family dwellings, including lodge units, efficiency lodge units, condominium units (attached or detached), workforce housing units, hotel units, hotel efficiency units, accessory commercial uses as limited below and other similar uses.
2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, and similar uses. Detached storage buildings are expressly prohibited in the Village Center and are only allowed in other projects for trash and recycling structures or buildings, bike storage/common community storage (such as bicycles), and similar situations.
3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, surface parking as limited by the Parking Regulations, and other similar uses.
4. **Commercial Area Limitation.** Commercial area is limited to restaurants and gift shops that primarily serve the guests and owners of a development, or as otherwise provided in the Comprehensive Plan.
5. **Accessory Dwelling Unit (ADU).** Accessory dwelling units are allowed within detached condominium dwelling units (not a multi-family building). The ADU is an accessory use and ancillary to the primary use. Such units shall:
  - a. Only be allowed if the primary detached condominium dwelling unit exists or is constructed concurrently;
  - b. Comply with the Design Regulations;
  - c. Have the following floor area limitations:
    - i. A maximum of 800 sq. ft. of floor area if the detached condominium dwelling unit is 4,000 sq. ft. or less of floor area; and
    - ii. If the detached condominium dwelling unit is in excess of 4,000 sq. ft., the accessory dwelling unit is limited to twenty percent (20%) of the floor area of the primary detached condominium dwelling unit or 1,500 square feet of floor area, whichever is less.
  - d. Be contained wholly within the detached condominium dwelling or must have a minimum of ninety (90) percent of the combined length of its first-floor exterior walls shared with the principal structure.
  - e. Provide separate access to the unit, a kitchen facility separate from the main detached condominium dwelling unit, and off-street parking as required by the Design Regulations. A common entrance can alternatively be provided; and
  - f. Be located so as to minimize visual impacts on the lot and on lots immediately adjacent to the proposed unit to the extent practical.
  - g. Notwithstanding the foregoing, an ADU shall not be permitted in any portion of a Multi-Family Zone that does not have year-round access via passenger car or light truck.
  - h. Not be used as a short term accommodation as defined in Chapter 17.8.

#### **Maintenance-Public Works Zone District**

1. **Permitted Uses.** Lots in the maintenance-public works zone district shall be used for municipal facilities such as maintenance shops, storage, infrastructure, fueling, offices and other similar uses.
2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include telecommunications antennas, storage buildings, fuel islands, snow storage/disposal and other similar buildings.
3. **Accessory Uses.** Permitted accessory uses include golf course maintenance, ski resort maintenance, infrastructure and other similar uses.

#### **Single-Family Zone District**

1. **Permitted Uses.** Lots in the single-family zone district may be used for the construction of one (1) single-family dwelling unit and one (1) accessory dwelling unit.
  - a. Three (3) lots in the single-family zone district have a zoning designation of non-subdividable duplex: Lot 213, Lot 245 and Lot 257B, with the following allowances and limitations to such lots:
    - i. Two (2) dwelling units may be constructed;
    - ii. One (1) dwelling unit shall be designated as a major duplex unit, and one (1) dwelling unit shall be designated as minor duplex unit;
    - iii. The square footage of the minor duplex unit may not exceed seventy-five percent (75%) of the square footage of the major unit;
    - iv. Dwelling units may be either detached or combined into one (1) structure; and
    - v. Accessory dwelling units shall not be allowed.
2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, ski tramways approved pursuant to the Conditional Use Permit Process, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ice skating rinks approved pursuant to the Conditional Use Permit Process, fenced dog areas, and similar uses. Storage buildings are expressly prohibited, except the DRB may approve a trash and recycling bin storage building at the end of a driveway longer than 100 feet provided such is designed in accordance with the Design Regulations.
  - a. All accessory buildings or structures shall be located in the rear yard to the extent practical.
  - b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.
  - c. Design requirements applicable to accessory dwelling units are in the Single-Family zone district.
  - d. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.
3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, firewood storage in the rear yard when a valid fireplace permit is held, ski surface parking as limited by Parking Regulations, private outdoor projection system onto the wall of a building to show movies or other media that is not visible from a public way or adjoining lot (buffering required), and other similar uses.

4. **Further Subdivision Prohibited and Rezoning Limited.** A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District.
5. **Accessory Dwelling Unit.** Accessory dwelling units are permitted in the Single-Family Zone District provided such units shall:
  - a. Only be allowed if the primary single-family dwelling unit exists or is constructed concurrently;
  - b. Comply with the Design Regulations;
  - c. Have the following floor area limitations:
    - i. A maximum of 800 sq. ft. of floor area if the primary single-family dwelling unit on the lot is 4,000 sq. ft. or less of floor area; and
    - ii. If the primary single-family dwelling unit is in excess of 4,000 sq. ft., the accessory dwelling unit is limited to twenty percent (20%) of the floor area of the primary single-family dwelling unit or 1,500 square feet of floor area, whichever is less.
  - d. Be physically attached (roof forms and foundation) to the primary single-family dwelling unit if the lot is less than or equal to 0.75 acres. Lots that are greater than 0.75 acres may develop an accessory dwelling unit that is detached from the main single-family dwelling unit;
  - e. Provide separate access to the unit, a kitchen facility separate from the main single-family dwelling unit, and off-street parking as required by the Design Regulations. A common entrance can alternatively be provided; and
  - f. Be located on a lot so as to minimize visual impacts to existing buildings on lots immediately adjacent to the proposed unit to the extent practical.
  - g. Notwithstanding the foregoing, an ADU shall not be permitted in any portion of a Single-Family Zone District that does not have year-round access via passenger car or light truck.
  - h. Not be used as a short term accommodation as defined in Chapter 17.8.

#### **Single-Family Common Interest Community Zone District**

1. **Permitted Uses.** Detached single-family condominium dwelling units are permitted in the Single-family Common Interest Community Zone District provided:
  - a. The official land use and density allocation list shows the lot to currently have condominium density, and such area has already been platted as a condominium community with owners now desiring to convert to a common interest community;
  - b. Three (3) or more single-family units are located in the same common interest community;
  - c. The detached single-family condominium dwellings are located in a common interest community;
  - d. The common interest community contains common elements such as parking areas, roads, tennis courts, driveways or amenity areas;
  - e. The Town has reviewed and approved concurrent rezoning and subdivision plat development applications to create the single-family common interest community, with 100% of all owners participating in the subdivision and rezoning processes;
  - f. The detached single-family dwellings meet the Design Regulations for single-family dwellings; and

- g. A plat note and development agreement related to the concurrent subdivision approval prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed based on the application of the requirements of the CDC.

2. **Accessory Buildings.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ski tramways approved pursuant to the Conditional Use Permit Process, fenced dog areas and other similar uses. Storage buildings are expressly prohibited.

- a. All accessory buildings or structures shall be located in the rear yard to the extent practical.
- b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.
- c. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, firewood storage in the rear yard when a valid fireplace permit is held, surface parking to meet the Parking Regulations, private outdoor projection system onto the wall of a building to show movies or other media that is not visible from a public way or adjoining lot (buffering required), and other similar uses. Accessory dwelling units are expressly prohibited.

4. **Accessory Dwelling Unit (ADU).** Accessory dwelling unit is allowed within a single family detached condominium dwelling unit (not a multi-family building). The ADU is an accessory use and ancillary to the primary use. Such dwelling units shall:

- a. Only be allowed if the primary detached condominium dwelling unit exists or is constructed concurrently;
- b. Comply with the Design Regulations;
- c. Have the following floor area limitations:
  - i. A maximum of 800 sq. ft. of floor area if the detached condominium dwelling unit is 4,000 sq. ft. or less of floor area; and
  - ii. If the detached condominium dwelling unit is in excess of 4,000 sq. ft., the accessory dwelling unit is limited to twenty percent (20%) of the floor area of the primary detached condominium dwelling unit or 1,500 square feet of floor area, whichever is less.
- d. Be contained wholly within the detached condominium dwelling or must have a minimum of ninety (90) percent of the combined length of its first floor exterior walls shared with the principal structure.
- e. Provide separate access to the unit, a kitchen facility separate from the main detached condominium dwelling unit, and off-street parking as required by the Design Regulations. A common entrance can alternatively be provided; and
- f. Be located so as to minimize visual impacts on the lot and on lots immediately adjacent to the proposed unit to the extent practical.
- g. Notwithstanding the foregoing, an ADU shall not be permitted in any portion of a Single-Family Common Interest Community Zone District that does not have year-round access via passenger car or light truck.
- h. Not be used as a short term accommodation as defined in Chapter 17.8.

**Section 17.3.3 USE SCHEDULE**

**Table 3-1 Town of Mountain Village Use Schedule**

Use/Zone	C L A S S 1 A O S	C L A S S 2 A O S	C L A S S 3 A O S	C L A S S 4 A O S	C L A S S 5 A O S	P O S	SF, SFCI	MF	MPW	CV	VC
Temporary real estate sales office associated in one unit of new development							C	C	C	C	C
Private outdoor tennis courts and tennis facilities			C	C	C		A				P
Private indoor tennis							C				
Public tennis courts	C	C	C								P
Town shops and storage		C	C					C		P	
Trash and recycling facilities			C					C		P	
Utility infrastructure, underground	P	P	P	P	P	P	P	P	P	P	P
Major Utility infrastructure, above ground	C	C	C	C	C		C	C	C	C	C
Minor utility infrastructure, above ground accessory to development	P	P	P	P	P		P	P	P	P	P
Vehicle sponsorship as limited by Sign Regulations	C	C	C							C	C
Water and sewer infrastructure	P	P	P	P	P	P	P	P	P	P	P
Water storage tanks	C	C	C	C	C		C	C	C	C	C
Water and sewer treatment facilities	C	C	C	C	C			C		C	
Water wells	P	P	P	P	P	C	P	P	P	P	P
Weddings, parties and private events (Refer to Special Event Regulations)	P	P	P				P	C		C	C
Wind turbines	C	C	C				C	C	C	C	
<b>Residential and Lodging Uses</b>											
Clothes line, rear yard not visible from public way							A	A			
Permitted accessory buildings or structures limited to detached garage, gazebo and similar accessory buildings							A	A	A	A	A
Single-family dwelling platted as a condominium dwelling unit							P (SFCI only)	P			P
Single family detached condominium dwelling unit							P (SFCI Only)				
Accessory dwelling unit							P	P <sup>1</sup>			
Condominium dwelling unit								P		P	P

Use/Zone	C L A S S 1 A O S	C L A S S 2 A O S	C L A S S 3 A O S	C L A S S 4 A O S	C L A S S 5 A O S	P O S	SF, SFCI	MF	MPW	CV	VC
Condominium-hotel dwelling unit								P		C	P
Detached condominium dwelling unit								P			
Nonsubdivided duplex							P				
Efficiency lodge dwelling unit								P		C	P
Employee apartment dwelling unit			C				A	P		P	P
Employee condominium dwelling unit			C					P		P	P
Employee dorm dwelling unit			C					P		P	P
Employee Single-family dwelling unit			C				P	P			
Hotel dwelling unit								P		C	P
Hotel efficiency dwelling unit								P		C	P
Industrial								P <sup>2</sup>			
Lodge								P		C	P
Parking, public garage			C					A	C	P	P
Parking, surface lot			C				A	A	C	A	C
Recreational facilities, private, non-commercial							C	A			C
Rentals, short or long-term							P	P		P	P
Single-family							P				
Single-family accessory garage							A				
Single-family accessory dwelling unit							A (SF only)				
Single-Family, general accessory uses in the rear yard such as a fenced in dog area.							A				
Construction staging			PM				PM	PM	PM	PM	PM
<b>Educational Facilities</b>											
School, private or public			C					C		P	C
College, private or public			C					C		P	C
Day-care, home								C		P	C
Day-care, non-profit or public								C		P	C

<sup>21</sup> Permitted within detached condominium dwelling units only.

<sup>22</sup>where industrial zoning is allowed as a legal non-conforming use.

## Chapter 17.8 DEFINITIONS

development, drainage and other improvements provided, however, the following exceptions may be allowed outside of the disturbance envelopes:

1. Trails;
2. Driveways;
3. Utilities provided such should be located under the driveway, if practicable;
4. Grading improvements associated with the overall subdivision that were reviewed and approved by the Town;
5. Tree removal for required fire mitigation or forest health; and/or
6. Other improvements as may be allowed by the review authority provided the natural integrity of the lot is maintained and development constraints are avoided.

**Domesticated Animal.** Domesticated animals are defined as (1) any animal normally domesticated and kept inside a dwelling, including but not limited to parakeets, canaries or aquarium fish; and (2) any dog or cat not otherwise regulated by Town ordinances.

**Drainage:** The removal of surface water or ground water from a lot by drains, grading or other means. Drainage, sometimes referred to in terms of storm water management, also includes water quality protection through the control of run-off to minimize erosion, sedimentation and other pollutants (oil, etc.) during and after development and includes the prevention or alleviation of flooding through detention or retention. Please refer to drainage design standards.

**Drainage Design Standards:** The grading and drainage design requirements of the Town as provided for in Chapter 5.

**Dwelling Unit:** Dwelling unit means a building or a portion of a building containing a single unit providing living facilities for one (1) or more persons, including permanent provisions for living, sleeping, a kitchen as limited herein, and sanitation. Dwelling units are further classified as:

**Accessory Dwelling Unit:** A dwelling unit that is located on the same lot or within the same primary dwelling (as applicable) as the primary single-family or detached condominium dwelling that meets the requirements for an accessory dwelling unit contained in Chapter 3. Each dwelling unit may have one (1) kitchen without size limitation. A separate entrance is allowed. Size limitations apply as contained in Chapter 3. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. Accessory Dwelling Unit can share a common entrance or common hallway within the primary dwelling unit. An Accessory Dwelling Unit shall not be provided to any person who, for a consideration, uses, possesses, or has the right to use or possess such accessory dwelling unit for a period of less than thirty (30) consecutive days.

**Multi-Family Dwelling Unit:** A building containing three (3) or more dwelling units on one (1) lot. Multi-family dwelling units include apartment units and condominium units and lodge units that may also be built with hotel units, hotel efficiency units and efficiency lodge units (Please refer to the zoning designation definition that contains specific allowances and limitations for each type of multi-family dwelling unit, that may limit kitchen and room configuration limitations for these unit types). When a kitchen size is not limited by a dwelling unit zoning designation definition, each dwelling unit may have one (1) kitchen without size limitation. For condominiums, wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit.

**Non-Subdivideable Duplex Dwelling Unit:** A lot containing either (a) a detached building containing only two (2) dwelling units that are located on one (1) lot; or (b) two (2) detached buildings with each building only containing one (1) dwelling unit, both as limited under the

single-family zone district requirements. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.

**Detached Condominium Dwelling Unit:** An individual Dwelling Unit, without common attachment, within a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the Owners of the separate ownership portions.

**Single-Family Detached Condominium Dwelling Unit:** A detached building containing only one (1) dwelling unit that is located within a condominium community with at least three (3) or more detached single-family condominium dwelling units located on one (1) lot. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common spaces. An accessory dwelling unit is permitted within the single family detached condominium dwelling (not detached).

**Single-Family Dwelling Unit:** A detached building containing only one (1) dwelling unit that is located on one (1) lot unless such is in the single-family common interest community zone district where three (3) or more single-family dwellings in such community. Each dwelling unit may have one (1) kitchen without size limitation. In addition, one (1) additional kitchen is permitted for homes over 5,000 sq. ft. for the preparation of large meals for guests if such kitchen cannot be locked off from the dwelling unit. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. An accessory dwelling unit is permitted.

**Easement:** A less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified by such easement.

**Easement Vacation:** The vacation or removal of an easement shown on a recorded subdivision plat that is dedicated to or held by the Town Council.

**Effective Date of CDC:** The date the CDC was effective after the second reading of the ordinance adopting such code.

**Efficacy:** Luminous efficacy is a measure of how well a light source produces visible light. It is the ratio of luminous flux to power, measured in lumens per watt (lm/W).

**Efficiency Lodge Unit:** See zoning designation definition.

**Employee:** A person who is employed within the Telluride R-1 School District and maintains residence in the town as set forth in the employee housing or workforce housing restriction.

**Employee Apartment:** See zoning designation and dwelling unit definitions.

**Employee Condominium:** See zoning designation and dwelling unit definitions.

**Employee Dorm:** See zoning designation definition.

**Monumented Land Survey:** A survey prepared by a Colorado licensed public land surveyor that finds or marks all property corners, property lines, existing improvements and construction and development improvements. The lot corners and lot lines included in the monument land survey may be limited down by the Planning Division to the area affected by development or construction.

**Mountain Village:** When used as a freestanding phrase not referring to the Town of Mountain Village or a Town document, Mountain Village shall mean the geographic, incorporated area of the Town.

**MPUD:** A master PUD as set forth in the PUD Regulations.

**MPUD Development Agreement:** The binding agreement between the developer and the Town required as a condition of approval of an outline PUD, which agreement includes requirements for dedication and conveyance of community benefits associated with all phases of the MPUD and which details the uses and densities associated with the individual parcels and/or phases of the MPUD as provided for in the PUD Regulations.

**Multi-Family Zone District:** A lot zoned as multiunit or multi-family that permits multi-family development with the following limited zoning designations as specifically zoned on each lot: hotel units, hotel efficiency units, lodge units, efficiency lodge units, condominium units, commercial space, workforce housing units and parking together with such public and semi-public facilities, private recreation facilities and related visitor-oriented uses as may be appropriately developed on the property.

**Municipal Facilities:** Facilities and services traditionally provided by the Town, such as water services, police protection, fire protection, maintenance/shops and similar uses.

**Natural Grade:** See definition of Grade.

**Native Grass Seed Mix:** The native grass seed mix as set forth in the Landscaping Regulations section of the Design Regulations.

**Nonconforming Structure:** Any building or structure legally established pursuant to the land use regulations in effect at the time of its development that does not comply with the CDC regulations.

**Nonconforming Use:** Any use of land, building or structure that was established pursuant to the land use regulations in effect at the time of its development but which use does not comply with the CDC regulations.

**Non-Domesticated Animal:** Any animal that is not a domesticated animal (Please refer to domesticated animal definition).

**Non-Subdivideable Duplex Lot:** A lot with a zoning designation of non-subdivideable duplex that allows for the construction of two (2) dwelling units consistent with the accessory dwelling unit requirements in the single-family zone district.

**Right-of-Way:** An area dedicated to public use for pedestrian and vehicular circulation, which may also accommodate public utilities and similar uses.

**Roofline:** The highest horizontal line of a building or structure as defined by ridges, gables, dormers or parapets and excepting chimneys, antennas, cupolas and steeples.

**Sale or Sell:** The exchange of goods or services for money or other consideration, including the offering of goods or services for donation except when offered to express religious, social or political belief.

**Sandwich Board Signs:** Freestanding signs with signage on two (2) sides.

**Seasonal Lighting:** Lighting installed and operated in connection with the holidays or other seasonal traditions.

**Service Commercial:** Any establishment of which the primary activity is the provision of personal or professional service as opposed to products, such as attorney services, surveying services, title services, real estate services or beauty services.

**Short Term Accommodation:** Means a building or any unit within a building may only be rented, leased or occupied for a period of less than 30 (thirty) consecutive days by any occupant (that is, any length of time between 1 and 29 consecutive days) and not as a primary residence.

**Sign:** Any object, device, display, structure or part thereof situated outdoors or indoors, which is used to advertise, identify, inform, display, direct or attract attention to an object, person, institution, organization, business, religious group, product service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Off-premise Signs:** Signs advertising goods, products or services that are not located or sold on the lot or premise on which the sign is located except for signs that project into a plaza area, directory signs and other off-premise signs as allowed by the Sign Regulations.

**Sign Area:** The area of the entire face of a sign shall be measured in determining sign area, including but not limited to the advertising surface and any framing trim or molding. On a two-sided sign where the faces are parallel to each other and separated by less than one (1) foot, only one (1) face is counted in calculating the sign area.

**Single-Family Condominium Dwelling Unit:** See zoning designation and dwelling unit definitions.

**Single-Family Dwelling Unit:** See zoning designation and dwelling unit definitions.

**Site:** The entire area included in the legal description of the land on which a development activity is proposed in a development application.

**Site Coverage:** The total horizontal area of any building, carport, porte-cochere or arcade and shall also include walkways, roof overhangs, eaves, exterior stairs, decks, covered porch, terraces and patios. Such horizontal measurement shall be from the driplines of buildings and from the exterior surface of the total wall assembly.

**Site-Specific Development Plan:** The final approved development application plans for a development where (a) a development permit has been issued and no further development approvals are required