

**ORDINANCE NO. 2024-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING SECTIONS 17.4.3, 17.4.11, AND 17.5.14 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE CONCERNING PRIVATE ART AND DESIGN REVIEW PROCESSES**

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 (“Charter”); and

WHEREAS, Section 17.5.14.A of the Mountain Village Municipal Code (“Code”) sets forth the Town’s regulations (“Regulations”), including the installation of private art on private property allowed in the Village Center and throughout the Town; and

WHEREAS, in order to better meet current objectives of the Design Review Board and residents, the Town desires to update its Regulations to streamline the design review process as it relates to roofs in the Village Center; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to amend the Regulations 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. The Town Council hereby amends Sections 17.4.3, 17.4.11, and 17.5.14 of the Code as set forth in Exhibit A, attached hereto and incorporated by reference herein, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

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 November 22, 2024 (“Effective Date”) 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 21<sup>st</sup> day of November, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 7. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.


**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 October, 2024.**

**TOWN OF MOUNTAIN VILLAGE:**

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

By:   
Martinique Prohaska, Mayor

ATTEST:

  
Susan Johnston, Town Clerk


**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21<sup>st</sup> day of November, 2024.**


**TOWN OF MOUNTAIN VILLAGE:**

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

By:   
Martinique Prohaska, 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. 2024-14 ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading 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 October 17, 2024, by the affirmative vote of a quorum of the Town Council as follows:


Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride	X			
Tucker Magid	X			
Huascar Gomez	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 October 23, 2024 in accordance with Section 5.2(d) 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 November 21, 2024. At the public hearing, the Ordinance was considered, read by title, and approved with 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
Martinique Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride			X	
Tucker Magid	X			
Huascar Gomez	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 November, 2024.

  
 Susan Johnston, Town Clerk  
 (SEAL)



## Exhibit A

### **17.4.3. Development Review Procedures**

#### *G. Step 7: Schedule Review Authority Public Hearing*

##### *2. Class 3, 4 and 5 Applications.*

a. A public hearing shall be scheduled with the review authority in accordance with this section if the Planning Division determines that a class 3, 4 or 5 development application has met the following public hearing threshold requirements:

- i. The development application has addressed any required plan revisions;
- ii. The applicant has amended the development application to address any discretionary plan revisions or provided a written narrative why the development application does not need to be amended to address such discretionary requirements; and
- iii. The development application contains sufficient detail to allow a thorough review of the proposal by the review authority per the applicable requirements of this CDC and the applicable criteria for decision.

iv. For Class 3 applications, an Initial Architecture and Site Review hearing has been scheduled prior to the scheduled date for the Final Review public hearing, unless otherwise authorized elsewhere in this CDC under Sections 17.5.6 **and 17.5.14** as a single Final Architecture Review.

b. Certain class 5 applications are exempt from the need to conduct a public hearing as outlined in step 10 and the public hearing noticing requirements.

c. Class 3 applications will require a two-step process consisting of an Initial Architecture and Site Review hearing, followed by a public hearing for Final Architecture Review approval at a subsequent Design Review Board meeting, unless otherwise authorized elsewhere in this CDC under Sections 17.5.6 **and 17.5.14** as a single Final Architecture Review.

#### *J. Step 10: Review Authority Public Hearing or Meeting.*

*2. Class 3 Applications.* Unless otherwise authorized elsewhere in this CDC under Sections 17.5.6 **and 17.5.14** as a single Final Architecture Review, the DRB shall hold at least one (1) Initial Architecture and Site Review hearing and at least one (1) Final Review public hearing held at a subsequent DRB agenda for the purpose of considering recommendations from the Planning Division, the Design Review Board, other agencies and testimony from the applicant and the public.

#### *K. Step 11: Review Authority Action on a Development Application.*

*2. Class 3 Applications.* The following options are available to the review authority when acting on class 3 development applications:

a. *Initial Architecture and Site Review.* The Design Review Board shall review and approve an Initial Architecture and Site Review application before the application is allowed to proceed to a subsequent agenda for a public hearing and Final Review, unless otherwise authorized elsewhere in this CDC under Sections 17.5.6 **and 17.5.14** as a single Final Architecture Review. However, the public hearing and Final Review may be noticed concurrently with the Initial Architecture and Site Review application and such public hearing shall be continued in the event the Sketch Review application hearing is not approved before the noticed date for the Final Review public hearing

### 17.4.11. Design Review Process

#### C. Review Process

3. *Class 3 Development Applications.* All other Design Review Process development applications not listed above shall be processed as class 3 applications. Class 3 applications consist of two steps as outlined below, unless otherwise authorized elsewhere in this CDC under Sections 17.5.6 **and** 17.5.14 as a single Final Architecture Review.

a. *Initial Architecture and Site Review.* The intent of the Initial Architecture and Site Review is to allow the DRB a preliminary review of the composition of the project to determine whether it is responsive to the Town Design Theme; fits within the context of the existing neighborhood and to identify potential variations. The review is not a public hearing.

i. *Initial Architecture and Site Review Disclaimer.* Any comments or general direction by the DRB shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. An Initial Architecture and Site Review shall not be construed as a comprehensive review of the proposal under discussion, and as such, additional issues and/or concerns will most likely arise as part of the final review process.

b. *Final Review.* Held on a subsequent agenda after the Initial Architecture and Site Review, the Final Review is a public hearing to determine the project's consistency with the Town Design Theme and compliance with the CDC.

### 17.5.14 Private Art.

#### A. Private Art.

1. Private art may be located on a lot provided:

- a. A class 1 development application is submitted and approved by the Planning Division;
- b. The private art is located in the rear yard and is not visible from a public right-of-way, recreational trail, ski trail, ski lift or other public way;
- c. The private art meets the Zoning Regulations, including but not limited to general easement setback; and
- d. The private art is no taller than ten feet (10') from finished grade.

2. Private art that does not meet **all of** the criteria in section 1 above **as determined by Community Development Department staff** may be proposed as **a Final Architecture Review of** a class 3 application and shall be approved by the DRB only if it finds the private art **substantially complies with** ~~meets~~ the art criteria **set forth above** ~~for decision~~. (Ord. No. 2022-05 §1(B) (Exh. A)).