



TO: Mountain Village Town Council

FROM: Michelle Haynes, Planning and Development Services Director, Paul Wisor, Town Attorney

FOR: August 19, 2021

DATE: August 12, 2021

RE: First Reading of an Ordinance regarding Amendments To The Community Development Code Consistent With The Town Of Mountain Village Community Housing Initiatives; Specifically, Amendments To Reintroduce Duplex Development Within An Overlay District In The Single Family Zone District, Modifications To The Definition Of Accessory Dwelling Unit (ADU), Removing Mother-In-Law Suite, Allowing For A One Step Design Review For Deed Restricted Projects, Providing Lot Coverage And ADU Square Footage Increases In Exchange For Voluntary Deed Restrictions Of ADU's, Clarifying That An ADU Is Allowed Within Detached Condominium Development And Other Conforming Amendments

OVERVIEW

The Town Council launched a Community Housing Initiative in May of 2021, which consists of a multi-pronged approach to incentivize and create community housing in the Town of Mountain Village. The Town of Mountain Village continues to be a leader in supporting existing and new community housing in Mountain Village and the greater Telluride region.

ZONING INCENTIVES OVERVIEW

Town Council provided direction to pursue the zoning incentives as described in this memo. The zoning incentives included re-introducing duplex development as an overlay within the single-family zone district in a limited vicinity called the Duplex Overlay District. This also included providing more clarity regarding accessory dwelling units, ADUs, specifically that they are allowed within detached condominiums in addition to the Single-Family zone district. We also propose zoning incentives related to ADU's. If an ADU is voluntarily deed restricted, the size of the ADU can increase by 200 square feet over the size that is otherwise allowed. Second, if an ADU is voluntarily deed restricted, the overall lot coverage can be increased by 5% on the property. These incentives will be further described below.

ATTACHMENTS

- A. Ordinance inclusive of exhibit A. Redline CDC Amendments
- B. Proposed Duplex primary and secondary overlay

RE-INTRODUCE DUPLEX DEVELOPMENT

Subdividable duplex and non-subdividable duplex zoning designations were first introduced as part of the final Mountain Village Planned Unit Development Agreement and allowed within the single-family zone district in 1991, before the Town incorporated. These zoning designations carried into our incorporation and settlement agreement with the County.

Single family, subdividable duplex and non-subdividable duplex carry the following zoning designations and person equivalents found in the table below.

Table 1. Zoning Designations in the single-family zone district and person equivalents

Zoning Designation	Person Equivalent
Single family	4
Non-Subdividable Duplex	6.5
Subdividable Duplex	8

In 2013 when the CDC replaced the Land Use Ordinance (LUO) duplex zoning designations were removed except in a handful of cases where duplexes were already platted but not yet built.

Below are the definitions of each with proposed modifications shown as strikethroughs.

Non-Subdividable 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.

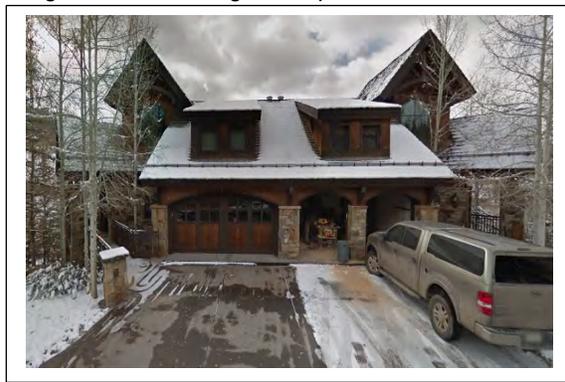
Subdividable Duplex Dwelling Unit: A Lot zoned as Subdividable Duplex, which may be used for the construction of two (2) Dwelling Units. A Subdividable Duplex Lot may be condominiumized by staff subdivision application.

Here are a few examples of attached duplex development

Figure 1. Conceptual image of an attached duplex



Figure 2. An existing MV duplex home circa 2000



The primary difference between a non-subdividable duplex and a subdividable duplex is that the **non-subdividable** duplex's second unit could only be rented and would be required to be deed restricted. The **subdividable duplex** second unit could be held in

separate ownership via a condominium regime and need not be deed-restricted but could participate in the YES program to deed-restrict one or both units.

Duplex History Detail

Non-Subdividable Duplex Zoning Designation. The original intent of the non-subdividable duplex designation was to assist in meeting the affordable housing requirements of the Mountain Village with the following general requirements:

- 1) The non-subdividable duplex lot may not be further subdivided.
- 2) The second unit may be attached or detached.
- 3) The second unit may only be used as an affordable housing unit and rented. Meaning it is deed restricted.
- 4) There is one access point of the public right of way to serve both units.

Subdividable Duplex Zoning Designation. The purpose and intent of a subdividable duplex unit (attached or detached) is similar to the non-subdividable duplex in the following ways but also different as noted below:

- 1) The property must acquire the necessary density, subdivision and rezone and does not otherwise increase the density limitation of the town.
- 2) If the second unit is deed restricted, Town Council can create the workforce density as part of the rezone and density transfer process.
- 3) There is one access point of the public right of way to serve both units.
- 4) The units may be held in separate ownership through a condominium map process.

Staff recommends the following modifications to the definitions.

Non-subdividable duplex. Staff recommends the Town re-instate the non-subdividable duplex as originally intended so the second unit stays in the same ownership, is deed restricted by legal instrument to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children, consistent with CDC Section 17.3.9. Given the unit is required to stay within the same ownership, it is likely one part of the duplex would be rented Staff also recommends a requirement that both units must be constructed at the same time.

Subdividable duplex. Staff recommends the second unit may be (but not required to be) deed restricted by legal instrument to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children, consistent with CDC Section 17.3.9 and allowed to have separate ownership. Deed restriction of either or both units are eligible to participate in the YES program. Staff also recognizes that there is a no further subdivision provision in the CDC and have suggested some edits to allow for the re-introduction of duplex development within the overlay district. We recommend modifying the definition so that the units can be condominiumized. The CDC is otherwise clear that in the event detached duplex units were constructed as detached, the property could not be further subdivided by plat or later rezoned to two single family lots.

A rezone and density transfer application would be needed should someone wish to rezone from single family to either duplex designation. In the event that the second unit is voluntarily deed restricted, Town Council can create the workforce housing density which would save the application money and time because otherwise, additional density would be required to be purchased by the developer through the density bank.

Other land use matters of relevance.

In both duplex scenarios the site coverage, height limitations and parking requirements are the same as that carried by the single-family zoning so although you may see two units attached or detached, the massing and context will be similar to that of a single-family home.

Staff analysis: Re-introducing duplex development within a discrete overlay district in combination with the YES program is one means to incentive the development of additional housing inventory in the Mountain Village. It also varies the mix of housing inventory which is a goal of any Community Housing Initiative.

DUPLEX OVERLAY PROPOSED

Staff recommends re-introduction of non-subdividable duplex and subdividable duplex zoning designations within a **Duplex Overlay** to be shown as a layer within the single family zone district, on the official zone district map. Staff recommends a zone #1 and zone #2. Within zone #2 adjacent owner consent would be needed as part of a rezone and density transfer application to propose duplex development.

ACCESSORY DWELLING UNIT

Accessory Dwelling Units are allowed within the single-family zone district as attached [to the primary home] if the lot size is less than .75 acres and detached [from the primary home] if the lot size is over .75 acres. This accessory use is considered ancillary to the primary home, allows for a separate lock-off entrance and a full kitchen. Traditionally the ADU's were intended for caretaker and ancillary uses to manage estate properties in the Mountain Village. ADU's have functioned like this, and provided long term and short-term rental options for homeowners at their discretion. The ADU's size is limited and subordinate to the main dwelling consistent with the regulations found in the CDC.

The original definition of the ADU allowed for it as a normal incidental to, subordinate to and devoted exclusively to the main use of the residence (1998 LUO)

The current definition is as follows:

Accessory Dwelling Unit: A single-family dwelling that is located on the same lot as the primary single-family dwelling that meets the zoning requirements for an accessory dwelling unit under the municipal code. 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.

The current CDC also allows for a mother-in-law suite in detached condominiums. This is very similar to an ADU except there must be a common shared entrance, and the kitchen facility is limited in size. Staff recommends removing this and replacing it with an allowance for an ADU.

Proposal

Pursuant to Council direction, staff has removed the definition of a mother-in-law suite, then integrating some of the mother-in-law language into the ADU definition. Staff clarified that an ADU is allowed within detached condominiums in addition to the single-family zone district and SFCI.

Proposed definition:

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.

Allowable Zone Districts:

The proposed CDC amendment will make it clear that an ADU is allowed in the Single-Family zone district, Single family Common Interest Community (SFCI) zone district, and Multi-Family zone district when the unit configuration is a detached condominium dwelling unit.

ADU's are recommended to be prohibited within duplex development.

Parking:

In the CDC there is no parking requirement for an ADU; however, it can be determined by the Design Review Board parking is required pursuant to development review on a case-by-case basis per CDC Section 17.5.8.A(5). Staff is recommending that this flexibility is maintained for any future ADUs.

ADDITIONAL ADU ZONING INCENTIVES

Staff added two additional zoning incentives to the ADU provisions in the case where the owner voluntarily enters into a deed restriction for the ADU. 1) Deed restricted ADUs can be constructed with an additional 200 square feet of bonus floor area. 2) Owners proposing a deed restricted ADU can increase their overall lot coverage by 5% from the Lot Coverage requirements provided in the CDC.

ADDITIONAL BROAD INCENTIVES

Staff recommends that if a project is comprised of 60% or more of deed restricted housing, then the process is expedited by a one step design review application. This means that all the requirement of the initial and final review are provided in one application.

NEXT STEPS

If Town Council recommends moving forward, below is a proposed outline of the CDC timeline and amendment process:

- May 20, 2021 – Launched the Community Housing Initiatives*
- June 17, 2021 – Work session to receive direction regarding zoning incentives in the Community Development Code (CDC)*
- August 5, 2021 – Design Review Board recommendation on proposed zoning incentives*
- August 19, 2021 – First Reading of an Ordinance regarding proposed zoning incentives*
- September 16, 2021- Second Reading of an Ordinance regarding proposed zoning incentives

*Completed

RECOMMENDED MOTION

I move approve on first reading an Ordinance regarding the CDC amendments supporting Community Housing Initiatives found attached to the ordinance as exhibit A. To also direct staff to update the Official Zoning Map to include the duplex overlay generally shown as exhibit C and request the Town Clerk to set a public hearing for September 16, 2021.

/mbh

ORDINANCE NO. 2021-__

AN ORDINANCE REGARDING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE CONSISTENT WITH THE TOWN OF MOUNTAIN VILLAGE COMMUNITY HOUSING INITIATIVES; SPECIFICALLY, AMENDMENTS TO REINTRODUCE DUPLEX DEVELOPMENT WITHIN AN OVERLAY DISTRICT IN THE SINGLE FAMILY ZONE DISTRICT, MODIFICATIONS TO THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU), REMOVING MOTHER-IN-LAW SUITE, ALLOWING FOR EXPEDITED REVIEW FOR DEED RESTRICTED PROJECTS, PROVIDING LOT COVERAGE AND ADU SQUARE FOOTAGE INCREASES IN EXCHANGE FOR VOLUNTARY DEED RESTRICTIONS OF ADU'S, CLARIFYING THAT AN ADU IS ALLOWED WITHIN DETACHED CONDOMINIUM DEVELOPMENT AND OTHER CONFORMING 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, including incentivizing community housing (also known as workforce housing) in the CDC, from time to time.

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 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.
- D. The Planning Department is also directed to amend the Official Zone District Map accordingly.

Section 2. Ordinance Effect

- E. 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.
- F. 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 _____, 2021.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 19th of August, 2021 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 19th of August, 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 16th of September, 2021

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:

Paul Wisor, 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. _____ ("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 _____, 2021, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				

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 _____, 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 August 19, 2021. 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				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				

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 _____ day of _____, 2021.

Susan Johnston, Town Clerk

(SEAL)

CHAPTER 17.3 ZONING AND LAND USE REGULATIONS

17.3.1 PURPOSE

The purpose and intent of the Zoning and Land Use Regulations is to create a zoning scheme that is consistent with the Town's Comprehensive Plan in order to insure compatibility of land uses, efficient and economical use of land and adequate light and air in development projects. These regulations are also intended to:

- A. Establish zone districts and zone district requirements and incorporate by reference the Official Zoning Map;
- B. Specify accessory and conditional land uses that are permitted within each zone district;
- C. Outline specific zoning designations to be applied to each lot;
- D. Preserve the person-equivalent Density Limitation in the Original PUD Boundary;
- E. Provide for density transfers and the establishment and regulation of the Town density bank;
- F. Preserve the platted open space requirement and provide for rezoning of open space for development as envisioned in the Comprehensive Plan;
- G. Establish building height, site coverage, general easement and setback requirements;
- H. Establish requirements for rezoning hotbed sites identified in the Comprehensive Plan; and
- I. Provide regulations concerning nonconforming uses, structures and lots.

17.3.2 ZONE DISTRICTS ESTABLISHED

A. Zone Districts

The following zone districts are established for use within the Town:

- a. Active Open Space Zone District ("AOS");
 - i. Limited use, ski resort active open space ("class 1 AOS");
 - ii. Limited use, golf course active open space ("class 2 AOS");
 - iii. Full use, ski resort active open space ("class 3 AOS");
 - iv. Resource conservation active open space ("class 4 AOS"); and
 - v. Right-of-way active open space ("class 5 AOS").
 - b. Passive Open Space Zone District ("POS");
 - c. Civic Zone District ("CV");
 - d. Multi-Family Zone District ("MF");
 - e. Maintenance-Public Works Zone District ("MPW");
 - f. Single-family Zone District ("SF");
 - i. Subdividable Duplex/Non-Subdividable Duplex
 - ~~f.g.~~ Single-family Common Interest Community Zone District ("SFCI");
 - ~~g.~~ h. Village Center Zone District ("VC"); and
 - ~~h.~~ i. PUD Zone District ("PUD").
2. These zone districts were established in order to implement the Comprehensive Plan's land use plan policies including but not limited to the land uses envisioned in the future land use plan map.
- a. The Comprehensive Plan future land use map shall be implemented by:

- i. Ensuring all development applications that are required to be in general conformance with the Comprehensive Plan are compliant with the land use plan policies and future land use map of the Comprehensive Plan (Please refer to the Town Comprehensive Plan regulations in Chapter 1); and;
- ii. Ensuring that the ski resort operator and the golf resort operator's land will be rezoned in the future to be in general conformance with the land use plan policies and the future land use plan as set forth in the Comprehensive Plan, including but not limited to the public benefit number 9 in the Comprehensive Plan public benefits table, that requires Telluride Ski Resort operator and Telluride Golf Resort operator's land to be rezoned to be consistent with the six open space classifications shown on the future land use plan and as set forth in this CDC.

B. Zone District Descriptions and Land Uses

The following sections provide a description of the zone districts and the general uses allowed within each zone district. The land uses allowed in each zone district are more specifically set forth in the land Use Schedule.

1. Active Open Space Zone Districts' Classifications. Active open space has the following zone district classifications:

- a. **Limited Use Ski Resort Active Open Space (Class 1 AOS)**
The Class 1 AOS Zone District is intended to provide open space areas limited to active recreational uses, recreational trails, ski resort uses limited to snowmaking systems, ski runs, ski events and related activities, tramways and related facilities and other similar uses that involve limited vertical development.
- b. **Limited Use Golf Course Active Open Space (Class 2 AOS)**
The class 2 AOS Zone District is intended to provide open space areas limited to golf course facilities and related activities, such as greens, tees, fairways, golf cart paths, infrastructure, waterworks, irrigation, pump houses, electrical, lightning shelters, recreational trails and similar uses.
- c. **Full Use Ski Resort Active Open Space (Class 3 AOS)**
The class 3 AOS Zone District is intended to provide open space areas with more intensive land uses than those permitted in the class 1 AOS and class 2 AOS zone districts that are typically associated with the operation and maintenance of a ski resort and the community at large, which are limited to ski resort uses, active recreation uses, recreational trails, community infrastructure, equestrian facilities, workforce housing, telecommunications antenna and similar uses.
- d. **Resource Conservation Active Open Space (Class 4 AOS)**
The class 4 AOS Zone District is intended to provide open space areas limited to passive open space uses such as recreational trails, picnicking areas, nature interpretation, nature viewing and similar uses.
- e. **Right-of-Way and Access Active Open Space (Class 5 AOS)**
The class 4 AOS Zone district is intended to provide open space areas limited to roadways, driveways, vehicular signage, utilities, parking, infrastructure, telecommunications antennas, recreational trails, ski runs and associated infrastructure at road-ski run intersections, community infrastructures and similar uses.

2. Passive Open Space Zone District. The Passive Open Space Zone District ("POS") is

intended to provide open space areas limited to passive open space uses, land in a natural state, environmental restoration such as wetland mitigation and forest management, fire mitigation, subsurface utilities and infrastructure, and similar uses.

3. **Civic Zone District.** The Civic Zone District ("CV") is intended to provide civic land uses limited to municipal facilities, community facilities, workforce housing, hotbed development in accordance with the Comprehensive Plan, and similar uses. This zone district shall only be applied to the Town Hall Subarea and is expressly prohibited elsewhere, including but not limited to the ski resort operator's shops area located off of Prospect Creek Drive.
4. **Multi-Family Zone District.** The Multi-family Zone District ("MF") is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses.
5. **Maintenance-Public Works Zone District.** The Maintenance-Public Works Zone District ("MPW") is intended to provide land for public works uses limited to community infrastructure, recreational trails, maintenance facilities, public works facilities and similar uses. This zone district, or a PUD zone district with the same land uses, shall be applied to any rezoning of the ski resort operators shops area located off of Prospect Creek Drive.
6. **Single-Family Zone District.** The Single-family Zone District (SF) is intended to provide lower density single-family residential areas limited to single-family dwellings and similar uses. ~~Subdividable and Non-subdividable duplex zoning designations are permitted to continue~~ are allowed within the single-family zone district consistent with the Subdividable and Non-Subdividable Overlay on lots 213, 245 and 257B unless such lots are rezoned to the have a single-family zoning designation found on the Official Zoning Map. Lots 213, 245 and 257B have existing duplex zoning designation use and are allowed to continue within the single-family zone district.
7. **Single-Family Common Interest Community Zone District.** The Single-family Common Interest Community Zone District ("SFCI") is intended to provide lower density, single-family residential areas limited to single-family dwellings that are platted as single-family lots subject to limitations set forth in the Subdivision Regulations, and similar uses.
8. **Village Center Zone District.** The Village Center Zone District ("VC") is intended to provide for a mix of high intensity and high density land uses in the Village Center limited to commercial, multi-family, recreational trails, active recreation uses, recreational facilities, parking facilities, visitor-oriented uses, conferencing facilities, cultural facilities and uses, workforce housing, resort support and similar uses.
9. **PUD Zone District.** The Planned Unit Development ("PUD") Zone District is intended to provide for a development to achieve the new land uses envisioned in the Comprehensive Plan and/or the PUD purposes set forth in the PUD Regulations, with a variety of land uses as envisioned in the Comprehensive Plan.

17.3.3 USE SCHEDULE

A. The Town of Mountain Village Land Use Schedule ("Use Schedule"), Table 3-1, establishes specific permitted, accessory, conditional and not permitted land uses for each zone district.

1. The Use Schedule lists the following notations:

P = permitted use;
A = accessory use;
C = conditional use;

PM = permitted with Planning and Building division staff approval of construction mitigation plan (Staff may classify to conditional use based on impacts and extent of construction staging);

PT = permitted use in Town Hall Plaza only;

SE = special event development application required; and

PVC = permitted Village Center only

2. Blank cells in the Use Schedule under each of the respective zone districts indicate that the use appearing next to that blank cell is expressly prohibited in that zone district.
3. The Director of Community Development shall render the final administrative decision concerning the scope, application and meaning of terms in this Use Schedule.
4. Any conforming land use in the Use Schedule, or any use approved pursuant to section B below can be proposed as a permitted, accessory or conditional land use in the PUD Zone District as a part of a PUD development application as set forth in the PUD Regulations.

Table 3-1: Town of Mountain Village Land Use Schedule

Use/Zone	C	C	C	C	C	P	SF,	MF	MPW	CV	VC
	L	L	L	L	L	O	SFCI				
	A	A	A	A	A	S					
	S	S	S	S	S						
	S	S	S	S	S						
	1	2	3	4	5						
	A	A	A	A	A						
	O	O	O	O	O						
	S	S	S	S	S						
Commercial (Sale of Goods)											
Bakery										PT	P
Bar, Lounge, nightclub								A		PT	P
Book, hobby/toy store										PT	P
Clothing store										PT	P
Coffee shop								A		PT	P
Delicatessen/café										PT	P
Drug store/pharmacy										PT	P
Florist										PT	P
General commercial, retail								A		PT	P
Grocery store										PT	P
Home decorating										PT	P
Jewelry store										PT	P
Liquor store										PT	P
Novelty, curio and souvenir										PT	P
Restaurant (no drive through)								A		PT	P
Farmers' market			SE							SE	P
Special events			SE							SE	SE
Sporting goods and rentals								PC		PT	P
Vending apparatuses			PVC							PT	P
Professional Services											
Bank, financial institution										PT	P/C
Beauty, barber shop										PT	P/C
General office										PT	P/C
Insurance										PT	P/C

Use/Zone	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	P O S	SF, SFCI	MF	MPW	CV	VC
Medical center or medical offices										PT	P/C
Real estate office										PT	P/C
Office			C					A		PT	P/C
Private school										PT	P/C
Entertainment											
Auditorium, conferencing								A		P	P
Bowling alley							A	A		P	P
Busking			PVC							PT	
Dance studio							A			P	P
General indoor entertainment							A			P	P
General outdoor entertainment	C	C	PVC				A			P	P
Pool hall											P
Theater, indoor							A	A		P	P
Theater, outdoor			SE				A	A		C	C
Special events	SE	SE	SE		SE						SE
Open Space, Public and Infrastructure Uses											
Access roads, driveways	C	C	C	P	P			P	P	P	P
Active open space			P		P		P	P	P	P	P
Active recreation uses without any buildings	P	P	P								
with buildings	C	C	C								
Alpine slide			C								
Amphitheater			C								
Bus or transit station adjoining existing transit route			C	P	P		P	P		P	P
Camping	C	C	C	C	C						
Cemetery			C								
Church			C					C		PT	P
Community center					C			C		C	C
Community gardens	C	C	C	C				C		C	C
Community Infrastructure			C				C	C	P	P	C
Composting, rear yard with no nuisance			C				P	P	P	C	
Conference center								A		P	P
Cross-country, nordic skiing	P	P	P	P	P	P	P	P	P	P	P
Cross-country nordic center			P	C	C			C		C	C
Dog Daycare/Veterinarian										C	C
Drainage infrastructure, storm drainage infrastructure	P	P	P	P	P	P	P	P	P	P	P
Workforce housing			C				C	P		P	P

Use/Zone	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	C L A S S I F I C A T I O N S	P O S	SF, SFCI	MF	MPW	CV	VC
Fire station										PT	
Forestry management, forest enhancement, fire mitigation	P	P	P	P	P	P	P	P	P	P	P
Garden located in rear yard							P	P			
General recreational structures and improvements with no buildings or structures	P	P	P	P	P		P	P	P	P	P
General recreational structures and improvements with buildings or structures	C	C	C							P	P
Golf course uses	P	P	P								
Golf club house											P
Golf halfway houses	C	C	C								
Golf course maintenance building and associated outdoor storage		C	C					C			
Government office										P	
Grading infrastructure such as retaining walls	P	P	P	P			P	P	P	P	P
Greenhouse			C				C	C	C	C	C
Heliport			C							C	C
Hospital, clinic										P	C
Ice skating facility, outdoor private or public			PVC				C	C		C	P
Ice skating facility, indoor private or public			C								P
Infrastructure, below grade and above grade pedestals	P	P	P	P	P	C	P	P	P	P	P
Infrastructure, above grade	C	C	C	C	P	C	P	P			
Landscaping infrastructure	P	P	P	P	P	P	P	P	P	P	P
Library, museum										PT	C
Miniature golf			C								C
Multipurpose facility	C		C								P
Municipal Facilities			C					C	P	P	P
Natural area protection and preservation	P	P	P	P	P	P	P	P	P	P	P
Nature center building	C	C	C								
Nature center, outdoor interpretation	P	P	P	P	P	P	P	P	P	P	P
Parking garage			C					A		P	A
Parking, surface lot for guests			C				A	A	A	A	C
Passive open space uses	P	P	P	P	P	P	P	P	P	P	P
Police station										PT	C
Police video equipment	P	P	P	P	P		P	P	P	P	P

Use/Zone	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	P O S	SF, SFCI	MF	MPW	CV	VC
Post office			C							PT	
Private art							PC				
Public art			P					P		P	P
Recreational center/sports training facility	C	C	C							PT	P
Recreational trails	P	P	P	P	P	P	P	P	P	P	P
Recreational facilities general, without built structures	P	P	P	P	P	P	P	P	P	P	P
Recreational facilities general, with built structures	C	C	C	C	C		P	P	P	P	P
Renewable Energy Systems	C	C	C		A		P	P	P	P	P
Riding stables, equestrian			C							C	
Ski area explosives storage			C								
Ski area maintenance facilities and limited employee parking			C								
Ski area, general uses without impact	P	P	P	P							P
Ski area, general uses that may have impacts	C	C	C	C	C		C	C	C	C	C
Ski area offices			C								PC
Ski area outdoor storage			P								
Ski area ski patrol facilities			P								
Ski area ski racing facilities	P		P	P							
Ski area special events	P		P	P							
Ski area racing structures	P		P								
Permanent ski area rental, demo facilities that are not a special event			C								
Ski area snow making facilities and associated storage	P	P	P	P			P	P	P	P	P
Ski area restaurants			C								P
Ski area schools	PT		C								
Ski slopes	P	P	P	P				P		P	P
Ski trails	P	P	P	P		P	P	P	P	P	P
Ski lifts, tramways and structures	P	P	P	P		C	C	C		P	P
Ski area or Town, non-commercial refueling facility			C					C	C	C	
Snowcat access	P	P	P	P		P	P	P	P	P	P
Snow making systems and equipment	P	P	P	C	C						
Snow storage			P								
PV solar system, private			C				P	P	P	P	P

Use/Zone	C L S S 1 A O S	C L S S 2 A O S	C L S S 3 A O S	C L S S 4 A O S	C L S S 5 A O S	P O S	SF, SFCI	MF	MPW	CV	VC
PV solar system, commercial			C					C	C	C	C
Telecommunication antenna	C	C	C	C				C/P	C/P	C/P	C/P
Cell on Wheels (COW)	P	P	P	P	P	P	P	P	P	P	P
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	
Residential and Lodging Uses											
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

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
<u>Single family detached condominium dwelling unit</u>							<u>P</u> <u>(SFCI</u> <u>Only)</u>				
<u>Accessory dwelling unit</u>							<u>P</u>	<u>P</u> ¹			
Condominium dwelling unit								P		P	P
Condominium-hotel dwelling unit								P		C	P
<u>Detached condominium dwelling unit</u>								<u>P</u>			
Non-subdivided duplex ²							P				
<u>Subdividable duplex</u> ³							<u>P</u>				
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								<u>P</u> ²⁴			
Lodge								P		C	P
Parking, public garage			C					A	C	P	P
Parking, surface lot			C					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

²¹—Permitted within detached condominium dwelling units only.

²—Permitted within the primary and secondary duplex overlay found on the Official Zoning Map.

³—Permitted within the primary and secondary duplex overlay found on the Official Zoning Map.

⁴—where industrial zoning is allowed as a legal non-conforming use.

Use/Zone	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	C L A S S I F I C A T I O N	P O S S I B L E	SF, SFCI	MF	MPW	CV	VC
Educational Facilities											
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

B. Uses Not Listed in Use Table

1. No development permit or building permit shall be issued for a use not listed in the Use Schedule unless the Director of Community Development determines that the proposed use either:
 - a. Similar to, or is closely related to, a land use classification set forth above and does not have greater impacts; or
 - b. The proposed use falls within the zone district descriptions and general uses section set forth above or the specific zone district requirements sets forth below.
2. For uses that are clearly not listed as a permitted, accessory, or conditional use by the Zoning and Land Use Regulations, the Director of Community Development shall make determination of whether the use is allowed as a code interpretation.

C. Primary Use Establishment Prior to Accessory Use

1. The primary use on a lot must be established prior to or concurrent with any proposed accessory use. An accessory use shall not be permitted on a lot until the primary use is established.
2. For adjoining lots owned by the same owner where a primary use has been established on one lot, an accessory use shall not be established on the adjoining lot unless the lot line is vacated pursuant to the Subdivision Regulations, and any density is transferred pursuant to the density transfer.

D. Prohibited Uses

1. Horses, all-terrain vehicles, snowmobiles, motor bikes or other motorized vehicles shall not be allowed to be used or operated within or on a lot except as otherwise specifically permitted by rules and regulations of the Town or the CDC.
 - a. Exceptions:
 - i. Those motorized vehicles specifically permitted for the uses and activities deemed necessary by ski resort operator, golf resort operator and/the Town for the safe and efficient operation of the ski area, golf

4. **Permitted Uses.** Lots in the active open space zone districts shall be used for uses set forth in the Use Schedule for each active open space zone district and other similar uses.
5. **Accessory Buildings or Structures.** Permitted accessory buildings or structures shall be directly related to the specific uses set forth in the use table as determined by the Planning Division.
6. **Accessory Uses.** Permitted accessory uses include those typically associated with active open space uses, such as benches, picnic areas, signs, nature interpretation and other similar uses.

B. Passive Open Space Zone District

1. **New Use Process.** As a condition to the commencement of any permitted use of a lot within the passive open space zone district as limited in the Use Schedule (Table 3-1), or a change in use of an existing passive open space use, a conditional use permit shall be obtained.
2. **Permitted Uses.** Lots in the passive open space zone district shall be used for passive open space uses and other similar uses.
3. **Accessory Buildings or Structures.** No building, structures shall be allowed in the passive open space zone district.
4. **Accessory Uses.** Permitted accessory uses include those typically associated with the specific uses allowed in the active open space zone district as set forth in the Use Schedule.

C. Civic Zone District

1. **Permitted Uses.** Lots in the Civic Zone District shall be used for the construction of municipal buildings and facilities, transportation facilities, commercial uses, offices and hotbed development as envisioned in the Comprehensive Plan, and other similar uses.
2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include transportation buildings, storage buildings and other similar structures.
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.

D. 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 located within the detached condominium dwelling (not detached).
- 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.

4.6.

E. **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.

F. **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. Non-subdividable and subdividable duplex zoning designations are allowed within the Duplex Overlay as depicted on the Official Zoning Map contained within a portion of the Single Family Zone District with the following regulations: Three (3) lots in the single-family zone district have a zoning designation of non-subdivideable duplex: Lot 213, Lot 245 and Lot 257B, with the following allowances and limitations to such lots:
 - b.
 - e.a. Two (2) dwelling units may be constructed;
 - d. One (1) dwelling unit shall be designated as a major duplex unit, and one (1) dwelling unit shall be designated as minor duplex unit;

- ~~e. The square footage of the minor duplex unit may not exceed seventy-five percent (75%) of the square footage of the major unit;~~
- ~~f.b. Dwelling units may be either detached or combined into one (1) structure; and~~
- ~~c. Accessory dwelling units shall not be allowed.~~
- ~~d. The duplex development must be constructed at the same time concurrently.~~
- ~~e. Duplex development requires a rezone and density transfer application. If ½ of the duplex unit is deed restricted consistent with CDC Section 17.3.9, Town Council may elect to create the associated workforce housing density.~~
- ~~g.f. Should duplex development be contemplated within the secondary duplex overlay, adjacent owner consent is required as part of the rezone and density transfer application.~~

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, except as allowed in the duplex overlay for duplex development only. 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 or to subdividable or non-subdividable duplex zoning as permitted. Subdividable and non-subdividable duplex zoning designations may not be further subdivided except for the creation of a condominium regime and separate ownership in the instance of the subdividable duplex zoning designation. See definitions.

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 may 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. An Accessory Dwelling Unit may increase in size by an additional 200 square feet if deed restricted by legal instrument to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children, consistent with CDC Section 17.3.9.
- h. Lot coverage can increase by 5% if an Accessory Dwelling Unit is deed restricted by legal instrument, to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children. Both g & h may be applied to the same property consistent with CDC Section 17.3.9.
- f. _____

G. Single-Family Common Interest Community Zone District

1. **Permitted Uses.** Detached single-family condominium dwellings 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-

- g. family dwellings; and
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 located within the detached condominium dwelling (not detached).
- 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 may 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. An Accessory Dwelling Unit may increase in size by an additional 200 square feet if deed restricted by legal instrument to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and

17.3.5 OFFICIAL ZONING MAP

- A. The boundaries of zone districts and their application within the Town as established by this CDC are depicted on the Official Zoning Map. The Official Zoning Map is a part of this CDC and is incorporated herein by reference.
- B. The Town Council may amend the Official Zoning Map from time to time to create a new map as a legislative process, provided the zone districts assigned to a lot are not changing.
- C. The Official Zoning Map shall be updated to reflect new zone districts applied to a lot as a part of the Rezoning Process without the need for any public meeting, with the Town Mayor authorized to sign such amended map.

17.3.6 ZONING DESIGNATIONS

- A. Each lot within the town has one or more of the following zoning designations that establish the permitted uses and density for that lot:
 - 1. Commercial;
 - 2. Condominium;
 - 3. Efficiency lodge;
 - 4. Employee apartment;
 - 5. Employee condominium;
 - 6. Employee dorm;
 - 7. Employee single-family;
 - 8. Hotel;
 - 9. Hotel efficiency;
 - 10. Industrial lodge;
 - 11. Non-subdividable duplex;
 - 12. Open space:
 - a. Passive open space;
 - b. Limited ski use active open space (Class 1 AOS);
 - c. Limited golf course active open space (Class 2 AOS);
 - d. Full use active open space (Class 3 AOS);
 - e. Resource conservation active open space (Class 4 AOS); or
 - f. Right-of-way active open space (Class 5 AOS).
 - 13. Parking;
 - 14. Single-family; and,
 - 15. Single-family common interest community;
 - ~~15,16.~~ Subdividable duplex.
- B. Zoning designations are specified in the definitions Chapter of the CDC.
- C. It is intended that the zoning designations limit the permitted uses allowed on a lot more than the broad zone district requirements with specific density allocations on a lot as set forth on the official land use and density allocation list and adopted resolutions affecting a lot.
- D. Where there is a conflict between the official land use and density allocation list and a currently effective resolution on a lot, the currently effective resolution shall prevail.
- E. A lot may not be zoned to include the industrial zoning designation because the Comprehensive Plan envisions the slow phase out of industrial uses from the town over time. Lots with this zoning designation prior to the effective date of the CDC are considered legal, conforming uses.

- F. A lot may not be rezoned to include the non-subdivideable zoning designation because there are only three (3) lots with this designation at the time of adopting the CDC, and the Town desires to ensure the integrity of the single-family zone district.

17.3.7 DENSITY LIMITATION

- A. By agreement between San Miguel County and the Town, the total density allowed within the Original PUD Boundary, either platted or banked, is 8,027 person equivalents (“Density Limitation”).
- B. Density transfers, subdivisions, PUDs and rezonings within the Original PUD Boundary shall not increase the Density Limitation.
 - 1. Density in the incorporated area of the town outside the Original PUD Boundary is not included in the Density Limitation calculation.
 - 2. Commercial floor area is not limited by the Density Limitation and may be proposed in locations in accordance with the Comprehensive Plan.
 - 3. New workforce housing density created by the Town subject to the workforce housing restriction is not included in the Density Limitation calculation.
- C. The person-equivalent density is calculated based on the actual unit-to-person equivalent density conversion factors listed in Table 3-2.
- ~~C.D.~~ In the event ½ of a subdividable or non-subdividable duplex unit is deed restricted by legal instrument to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children, consistent with CDC Section 17.3.9, Town Council can elect to create the workforce housing density as part of the rezone and density transfer application process.

Table 3-2: Person-Equivalent Density Conversion Table

Zoning Designation	Actual Unit	Person-Equivalent Density
<u>Subdividable duplex</u>	<u>1</u>	<u>8.0 person equivalents</u>
Single-family	1	4.0 person equivalents
Single-family common interest community	1	3.0 person equivalents
Non-subdivideable duplex	1	6.5 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
<u>Employee Single Family</u>	<u>1</u>	<u>4.0 person equivalent</u>

17.3.8 DENSITY TRANSFER AND DENSITY BANK POLICIES

- A. The density bank was created for the purpose of preserving undeveloped density for future development.
- B. Density may be transferred from one lot to another lot or to the density bank provided the density transfer is approved pursuant to the density transfer and rezoning processes as concurrent development applications, except for MPUD development application that may defer density transfer to the final PUD plan stage.

Hotel efficiency	2.0
Industrial	0
<u>Zoning Designation</u>	<u>Density (In Person Equivalents)</u>
Lodge unit	0.75
Non-subdividable duplex	6.5
Open space	
Passive open space	0
Limited ski use active open space (Class 1 AOS)	0
Limited golf course active open space (Class 2 AOS)	0
Full use active open space (Class 3 AOS)	0
Resource conservation active open space (Class 4 AOS)	0
Right-of-way active open space (Class 5 AOS)	0
Parking	0
Single-family	4
Single-family common interest community	3
Subdividable Duplex	8

Density Allocation: The number of person equivalents or amount of commercial floor area or industrial floor area assigned to a specific lot in the town. Some lots do not have a maximum floor area or area (as applicable) for commercial or industrial uses allocated by the official land use and density allocation list or by a resolution, and in such cases the amount of commercial or industrial floor area or area allowed on a lot shall be that in existence as of the effective date of the CDC.

Density Bank: The density bank is owned and administered by the Town and was created for the purpose of preserving undeveloped density for future development. The density bank holds reserved, previously approved and platted density until such time as that density is transferred onto a lot for entitlement and subsequent development.

Density Bank Certificate: The official certificate issued by the Town to the owner of density in the density bank.

Density Limitation: The total maximum density within the boundaries of Original PUD Boundary, including zoned, platted or banked density is 8,027 person equivalents except for new workforce housing subject to the workforce housing restriction (Please refer to Chapter 3).

Density Transfer: The transfer of density from a lot to another lot, the transfer of density to or from the density bank, or the transfer of density within the density bank pursuant to the density transfer process and the density transfer and density bank policies.

Density Transfer and Density Bank Policies: The density transfer and density bank policies set forth in the Zoning Regulations contained in Chapter 3 to transfer density from one lot to another lot or into or out of the density bank.

Density Transfer Process: The development application process established in the development application procedures contained in Chapter 4.

Design Review Board or DRB: The Town of Mountain Village Design Review Board as provided for in the Town Charter and the CDC with the primary responsibilities of conducting the Design Review Process and also recommendations as the Planning and Zoning Advisory Board for the Town.

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:

250 Accessory Dwelling Unit: ~~A single-family~~ ~~An accessory~~ 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.~~

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-Subdividable 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 ~~areas that cannot be locked off from the dwelling unit.~~ An accessory dwelling unit mother-in-law suite 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 mother-in-law suite 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.

~~**Mother-in-Law Suite:** A suite that is accessed from a common hallway in the home that does not contain a separate entrance, lock or the ability to lock off a common foyer that may contain a bedroom, small living area, and a limited kitchen facilities consisting of a sink, microwave, two element burner and a six (6) cubic foot (maximum) refrigerator.~~

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:** See zoning designation definition. 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

2. **Minor Event:** Any special event for which daily attendance is expected to be less than one thousand (1,000) people; or
3. **Major Event:** Any special event for which daily attendance is expected to be more than one thousand (1,000) people and/or the special event is to take place on multiple consecutive days.
4. **Ski Area Event:** Any special event conducted by or sponsored by the ski resort operator, which is typically associated with normal ski resort operations such as ski races, ski competitions, and ski related product demonstrations, that are to take place solely on land owned by the ski resort operator that is used for ski resort operations.

Weddings conducted entirely on private property that provide for adequate infrastructure that do not have any significant adverse impacts are not considered a special event.

Special Event Permit: The permit issued by the Planning Division in order for a person or entity to conduct a special event pursuant to the Special Event Regulations, except for ski area events that meet the criteria set forth in the Special Event Regulations.

Specific Zone District Requirements: The specific zone district requirements for each zone district as outlined in Chapter 3 of this CDC.

SPUD: A site-specific PUD as set forth in the PUD Regulations.

SPUD Process: See site-specific PUD Process.

Staff: See Planning Division.

State: The State of Colorado.

Steep Slopes: Slopes that are thirty percent (30%) or greater.

Stipulated Settlement Order: The 1999 Stipulated Settlement Order in *BOCC v. Town of Mountain Village*, 97 CV 133, as recorded at reception number 329093 on September 8, 1999, in the public records of the San Miguel County Clerk and Recorder's Office as may be amended by the parties to such order and approved by the San Miguel County District Court from time to time.

Streams, Intermittent: Those areas where waters produce a defined channel or bed that flows part of the year.

Streams, Perennial: Those areas where waters produce a defined channel or bed that flows year-round.

Stop Work Order: The administrative order to halt, cease and enjoin development, construction, work, use or activity that is in violation of the requirements of the CDC.

Structure: Anything constructed or built on a site whether temporary or permanent.

Subdividable Duplex: See zoning designation definition.

Subarea Plan: One of the three (3) subarea plans in the Comprehensive Plan within the three (3) subareas including the Village Center Subarea, the Town Hall Subarea and the Meadows Subarea.

mechanical, plumbing and heating; wholesale sales and distributors; welding and machine shops; food service distribution; cleaning and janitorial supply; bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives, paving, excavation, hauling and other contracting services involving heavy equipment, maintenance and repair of trucks and heavy equipment, electric utility substation, water treatment plant, water storage and distribution facilities, snow making facilities, ski area maintenance operations, cable TV operations and other service facilities. A lot shall not be re-zoned to include this zoning designation due to the Comprehensive Plan's envisioned phase out of industrial uses from the town over time. Lots with this zoning designation prior to the effective date of the CDC are considered legal, conforming uses.

Lodge: A zoning designation that means a two (2) room space plus a mezzanine with up to two separate baths and a full kitchen. These units may be in a condominium community.

Non-Subdividable Duplex: A zoning designation that means the construction of two (2) dwelling units. Creation of a non-subdividable duplex dwelling unit requires a density transfer and rezone application. If the second unit is deed restricted, Town Council can create the deed restricted density as part of the rezone and density transfer process. The units must be held in the same ownership and cannot be condominiumized or further subdivided.

~~**Non-Subdividable Duplex:** A legal, non-conforming zoning designation that means construction of two (2) dwelling units as provided for in the Zoning Regulations and the single-family zone district. A lot may not be re-zoned to include this zoning designation in order to ensure the integrity of the overall single-family zone district. Lots with this zoning designation prior to the effective date of the CDC are considered legal, non-conforming uses.~~

Parking: A zoning designation that means for parking uses, including but not limited to the following: private or public vehicle parking structures or surface parking, private office and commercial uses that are transportation, tourist or town-related and that are accessory to a parking structure, general access, utility installation and maintenance, drainage and transportation systems and all buildings and incidental facilities related to the use. Notwithstanding the above, no use is allowed that is incompatible with the general resort nature of the town.

Single-Family: A zoning designation that means construction of a building containing one (1) dwelling unit and one (1) accessory dwelling unit (accessory dwelling unit can also be detached per accessory dwelling unit requirements) as provided for in the zoning regulations.

Single-Family Common Interest Community: A zoning designation that means a detached building containing only one (1) single-family dwelling unit that is located within a common interest community with at least three (3) or more single-family dwelling units in such community.

Single-Family Condominium: A zoning designation that means a detached building containing only one (1) dwelling unit that is located within a condominium community with at least three (3) or more single-family dwelling units located on a lot.

Subdividable Duplex: A zoning designation that the construction of two (2) dwelling units. Creation of a subdividable duplex lot requires a density transfer and rezone application. If the second unit is deed restricted, Town Council can create the deed restricted density as part of the rezone and density transfer process. The units can be condominiumized and owned by separate owners, but otherwise restricted from further subdivision.

Duplex Overlay Primary– use by right – Lawson Overlook & Lawson Point Area

Duplex Overlay Secondary– duplex with adjacent property owner consent area (Russell Drive and Double Eagle)

