

ORDINANCE NO. 1427
Series of 2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE AMENDING THE TELLURIDE MUNICIPAL CODE AT CHAPTER 18, "LAND USE CODE" TO ALLOW A HEIGHT UP TO 40 FEET FOR A MAIN STAGE, AND TO ALLOW INCLUSION OF UP TO TWO ARCHITECTURAL ELEMENTS, BY AMENDING ARTICLE 3, DIVISION 2, SECTION 3-217 "PARK ZONE DISTRICT."

WHEREAS the Town of Telluride hosts many festivals and events at the Town Park that are enjoyed by residents and visitors; and

WHEREAS improvements to the Town Park Stage are supported by the Town Park Master Plan, which is incorporated into the Telluride Master Plan; and

WHEREAS the Telluride Land Use Code allows a maximum height of 25 feet in the Park Zone District; and

WHEREAS users of the Town Park Stage and technical consultants retained to assist with design have indicated that a Town Park Stage with a height above 25 feet and up to 40 feet would be an improvement and would benefit festivals and events; and

WHEREAS the inclusion of architectural elements on the Town Park Stage would improve the performance of the Town Park Stage; and

WHEREAS on June 25, 2015 the Planning and Zoning Commission reviewed the proposed Land Use Code Amendment, found that it meets the review criteria of Land Use Code Section 6-504, and provided a recommendation to the Town Council as to the amendment as required by the Telluride Land Use Code.

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

Section 1.

The Telluride Land Use Code Article 3, Division 2, Section 3-217.C.9 is amended as follows:

- 3-217.C.9 Maximum Building Height:
- a. Principal buildings, twenty-five feet (25').
 - b. Town Park Main Stage, located in accordance with the Telluride Town Park Master Plan, forty feet (40').
 - c. Upon review and approval of H.A.R.C, an architectural element, above the 40' limit, may be located on or adjacent to the Town Park Main Stage, provided that the element may not extend more than twenty percent (20%) beyond the highest point of the structure. No element shall exceed six hundred fifty (650) square feet of gross floor area or fifteen percent (15%) of the structure's ground coverage, whichever is less.
 - (1) No such element shall be permitted if it substantially reduces or blocks an adjacent structure's access to light or air.

- (2) No building shall be allowed more than two (2) architectural elements.
- (3) The burden of proof shall be on the applicant to establish how the excess in height will benefit the neighborhood and the Town.
- (4) In determining whether to approve an architectural element, H.A.R.C shall consider, but not be limited to, such site conditions as large lot size, placement of the structure on the lot, the relationship and proximity to adjacent neighboring structures, major street intersections and dead-end streets, and whether the element would create a positive focal point.

Section 2.

This ordinance shall not have any effect on existing litigation 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.

Section 3. Severability

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. Effective Date

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

Section 5. Public Hearing

A public hearing on the ordinance shall be held on the 4th day of August, 2015, in the Town Council Chambers, Rebekah Hall, 113 W. Columbia, Telluride, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado on the 14th day of July, 2015.

TOWN OF TELLURIDE

ATTEST

By: Stuart Fraser
Stuart Fraser, Mayor

Lauren Bloemsma
Lauren Bloemsma, Town Clerk
Tiffany Krumm, Interim

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 4th day of August.

TOWN OF TELLURIDE

ATTEST

By: Stuart Fraser
Stuart Fraser, Mayor

Tiffany Kavanaugh
~~Lauren Bloemsma~~, Town Clerk
TIFFANY KAVANAUGH, INTERIM

APPROVED AS TO FORM:

Kevin J. Geiger

Kevin J. Geiger, Town Attorney
STATE OF COLORADO)
COUNTY OF SAN MIGUEL) ss.
TOWN OF TELLURIDE)



I, ~~Lauren Bloemsma~~^{TIFFANY KAVANAUGH}, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify: ^{Interim}

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on 4 day of August, 2015.
- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Council meeting of 4 day of August, 2015 by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Stuart Fraser, Mayor	✓			
Ann Brady, Mayor Pro-Tem	✓			
Sean Murphy	✓			
Kristen Permakoff	✓			
Bob Saunders		✓		
Jenny Patterson	✓			
Todd Brown	✓			

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.
- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.

(SEAL)

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Town Clerk

