

**ORDINANCE NO. 1429**  
**Series of 2015**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE COLORADO AMENDING LAND USE CODE SECTIONS 3-212.C.13.D(I) AND 3-213.C.10.D (I) , MAXIMUM FLOOR AREA, TO EXEMPT THE GROSS FLOOR AREA OF THE ONSITE AFFORDABLE HOUSING UNITS PROVIDED AS PART OF THE REQUIRED AFFORDABLE HOUSING MITIGATION WITHIN THE COMMERCIAL AND HISTORIC COMMERCIAL ZONE DISTRICTS IF 50% OF THE GROSS FLOOR AREA OF THE DEVELOPMENT PROJECT IS COMPRISED OF HOTEL USE WITH AN AMENDMENT PROPOSED TO MODIFY THE MAXIMUM GROSS FLOOR AREA OF ANY HOTEL UNIT FROM 600 SQUARE FEET TO 900 SQUARE FEET.

**WHEREAS** the Town Council recognizes incentivizing traditional hotels and maintaining traditional hotels is important to the community to diversify the short term accommodations available to tourists and the community; and,

**WHEREAS** the Planning and Zoning Commission has been reviewing a proposed Hotel development project at 300 E. Colorado Avenue, commonly known as the Willow Parking Lot; and,

**WHEREAS** the Planning and Zoning Commission encouraged the applicants to propose a Land Use Code amendment to effectuate a better development proposal by recognizing all required affordable housing and required parking could be provided onsite if the floor area of the onsite affordable housing units were exempt from the Gross Floor Area calculations for the project; and,

**WHEREAS** the Hotel Ajax Investment Partners did submit a Land Use Code proposed amendment to this affect; and,

**WHEREAS**, the Historic and Architectural Review Commission provided a recommendation to the Planning and Zoning Commission as to the proposed code amendment on January 21, 2015 as required by the Telluride Land Use Code; and,

**WHEREAS** the Planning and Zoning Commission provided a recommendation to the Town Council as to the proposed code amendment on January 22, 2015 as required by the Telluride Land Use Code.

**WHEREAS**, the Town Council adopted the proposed code amendment by Ordinance #1422, Series 2015; and,

**WHEREAS**, the applicant's determined to provide some suites in excess of the initial 600 square feet maximum room size; and,

**WHEREAS**, the applicant's proposed a code amendment to Ordinance #1422 to allow for a maximum hotel room size of 900 square feet; and,

**WHEREAS**, the Historic and Architectural Review Commission provided a recommendation to the Planning and Zoning Commission as to the proposed code amendment on July 30, 2015 as required by the Telluride Land Use Code; and,

**WHEREAS** the Planning and Zoning Commission provided a recommendation to the Town Council as to the proposed code amendment on July 30, 2015 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.**

A. Telluride Land Use Code Article 3, Division 2, at Section 3-212.C.13 Maximum Floor Area in the Commercial Zone District is amended to read as follows. New sub (d.) and renumbering the section accordingly:

- d. The Gross Floor Area of any onsite Affordable Housing Unit that is required by the development of the lot and provided to satisfy the affordable housing requirement of the site development shall be exempt from the Gross Floor Area limitations as set forth in this section but only if Hotel uses comprise a minimum of 50% of the Gross Floor Area of the onsite development. Should onsite affordable housing in excess of the requirement be provided, and is not associated with satisfying the mitigation requirements of other development, then the excess onsite affordable housing Gross Floor Area shall also be exempt from the Gross Floor Area calculation of all structures per lot provided all other regulations are met.

For the purposes of this subsection:

- i. The Gross Floor Area of any Hotel unit shall be traditional in size; ~~in no case~~ the maximum Hotel unit size shall not exceed 900 square feet; the average Hotel unit size shall not exceed 600 square feet per unit; and no Hotel unit shall include a Kitchen.
- ii. The Hotel portion of the onsite development shall be deed-restricted in perpetuity to Hotel use and shall survive foreclosure by legal instrument to the satisfaction of the Town Attorney.
- iii. The Hotel use shall not be condominiumized except as a single unit.

B. Telluride Land Use Code Article 3, Division 2, at 3-213.C.10 Maximum Floor Area in the Historic Commercial Zone District is amended to read as follows. New sub (d.) and rename accordingly:

- e. The Gross Floor Area of any onsite Affordable Housing Unit that is required by the development of the lot and provided to satisfy the affordable housing requirement of the site development shall be exempt from the Gross Floor Area limitations as set forth in this section but only if Hotel uses comprise a minimum of 50% of the Gross Floor Area of the onsite development. Should onsite affordable housing in excess of the requirement be provided, and

is not associated with satisfying the mitigation requirements of other development, then the excess onsite affordable housing Gross Floor Area shall also be exempt from the Gross Floor Area calculation of all structures per lot provided all other regulations are met.

For the purposes of this subsection:

- i. The Gross Floor Area of any Hotel unit shall be traditional in size; ~~in no case~~ the maximum Hotel unit size shall not exceed 900 square feet; the average Hotel unit size shall not exceed 600 square feet per unit; and no Hotel unit shall include a Kitchen.
- ii. The Hotel portion of the onsite development shall be deed-restricted in perpetuity to Hotel use and shall survive foreclosure by legal instrument to the satisfaction of the Town Attorney.
- iii. The Hotel use shall not be condominiumized except as a single unit.

**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.**

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.**

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.**

A public hearing on the ordinance shall be held on the 15 day of September, 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 25 day of September, 2015.

TOWN OF TELLURIDE

ATTEST

By:

Stewart Bauer

Telluride

Stuart Fraser, Mayor

Lauren Bloemsma, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 15 day of September, 2015.

TOWN OF TELLURIDE

ATTEST

By: Stuart Fraser  
Stuart Fraser, Mayor

Lauren Bloemsma  
Lauren Bloemsma, Town Clerk  
*TIFFANY KAVANAUGH, Interim Town Clerk*

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~~ <sup>Tiffany Kavanaugh Interim</sup>, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- 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 15 day of September, 2015.
- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Council meeting of 15 day of September, 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.



Tiffany Kavanaugh  
 Town Clerk