

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTION 17.5.6.C.3, AMENDING THE ROOF MATERIAL SECTION

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 the Roof Material Section 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, section 16.5.6.C.3 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.

Section 2. Ordinance Effect

- D. 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any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 July 14th, 2018.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 14th of June, 2018 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 17th of May 2018

TOWN OF MOUNTAIN VILLAGE:

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

ATTEST:



Laila Benitez, Mayor



Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 14th of June 2018.

TOWN OF MOUNTAIN VILLAGE:

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

ATTEST:



Laila Benitez, Mayor



Jackie Kennefick, Town Clerk

Approved As To Form:



Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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. 2018-05 ("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 May 17, 2018, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Dan Jansen	X			
Bruce MacIntire	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on May 23rd, 2018 in accordance with Section 5.2b 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 June 14, 2018. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem			X	
Dan Jansen	X			
Bruce MacIntire			X	
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 14th day of June 2018.

(SEAL)



Jackie Kennefick
 Jackie Kennefick, Town Clerk

3. Roof Material

- a. All roofing material shall be of a type and quality that will withstand high alpine climate conditions.
- b. The review authority may require class A roofing materials as a fire mitigation measure.
- c. Permitted roof material outside the Village Center include:

Metal roof material limited to the following: Rusted, black or gray standing seam-, bonderized or corrugated metal (not reflective);

~~i.~~ Zinc;

~~ii.i.~~ Minimum 1/2" slate; and

~~ii. iv.~~ ~~Synthetic materials that have been approved by the Design Review Board for general use after having been used on individual projects and the Board makes the finding that the material has proven to meet the standards stated below.~~ Copper;

~~(a) Copper shall only be considered when it is proposed with a brown or verde brown-patina finish, where visible except for the Village Center where a verde patina finish is required.~~

~~(b) The brown patina copper finish shall be completed prior to issuing a certificate of occupancy.~~

~~d.a. Village Center roofing material shall be concrete tile or synthetic materials that emulate concrete tile of the color burnt sienna except for special copper accent roofs that shall require specific approval of the DRB.~~

~~e.d.~~ The following roofing materials outside of the Village Center may shall be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:

~~i.~~ Copper;

~~(a) Copper shall only be considered when it is proposed with a brown or verde patina finish where visible except for the Village Center where a verde patina finish is required.~~

~~(b) The copper finish shall be completed prior to issuing a certificate of occupancy.~~

~~ii.~~ Galvanized corrugated or standing seam metal (not rusted or reflective);

~~iii.i.~~ Synthetic roofing material that accurately emulates wood shake, concrete and slate tile or any other roofing material permitted or existing in Mountain Village.

(a) Synthetic roofing material shall be:

(i.) Durable

(ii.) High strength, both material and shape;

- (iii.) Low absorption or permeability;
- (iv.) High freeze/thaw damage resistance;
- (v.) Color throughout the tile (not surface applied); and
- ~~(vi.)~~ High-quality design that fits within the architectural context of the building and the architectural context of the surrounding area.

~~ii.~~ Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).

~~e.~~ Village Center roofing material will require a class 3 development application and building specific design review. The following roof materials shall be approved by the DRB if the DRB finds the roofing material is consistent with the town design theme and applicable Design Regulations:

~~i.~~ Burnt sienna concrete tile, shall be concrete tile or synthetic materials that emulate concrete tile of the color burnt sienna except for special copper accent roofs that shall require specific approval of the DRB.

~~ii.~~ Earth tones compatible with burnt sienna concrete tile in color and texture.

~~iii.~~ Brown patina copper

~~iv.~~ Standing seam or bonderized metal (dark grey or black) (not rusted)

~~v.~~ Zinc

~~vi.~~ Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).

~~vii.~~ Some variation of roof material color is permissible by specific DRB approval as long as it is contextually compatible in design, color, theme and durability.

~~f.~~ Modification to roof materials on dormers and secondary roof forms may be reviewed as a class 1 development application.

~~i.~~ Permitted roof materials are listed in e.i-vii above.

~~ii.~~ bevel edged corrugated (not rusted) metal may be approved so long as it is contextually compatible in design, color, theme and durability.

~~(vi.)~~

~~f.g.~~ The following requirements are applicable to all roofing:

- i. Metal roofing surface shall not reflect an excessive amount of light when viewed against direct sunlight.
- ii. Unless the DRB grants a specific approval for a non-rusted metal roof, corrugated and standing seam roofing materials shall be pre-treated to produce rusting prior to placement on the roof, and prior to the issuance of a certificate of occupancy.

~~g.h.~~ The installation or re-installation of wood shakes, glazed tile and asphalt shingles is prohibited, except for the repair or replacement of wood shake roof areas that are 25% or less of the total roof surface area.

~~h.i.~~ Roof flashing, Gutters Downspouts and Similar Hardware:

- i. In the Village Center, all exposed metal flashing, gutters, downspouts and other roof hardware shall be copper except when ~~either~~ structural requirements dictate the use of stronger materials such as for snow fences.
- ii. In all other areas, other metal guttering besides copper may be approved by the review authority to allow it to match roofing material, such as the use of rusty steel guttering on a rusty metal roof.
- iii. When steel or iron are used, they shall be either rusted to match the roof or finished with a baked on enamel paint or, subject to the prior approval of the review authority, a silicon modified alloy or special epoxy paint system of a color approved by the review authority.

3. Roof Material

- a. All roofing material shall be of a type and quality that will withstand high alpine climate conditions.
- b. The review authority may require class A roofing materials as a fire mitigation measure.
- c. Permitted roof material outside the Village Center include:
 - i. Metal roof material limited to the following: rusted, black or gray standing seam, bonderized or corrugated metal (not reflective);
 - ii. Zinc;
 - iii. Minimum 1/2" slate; and
 - iv. Copper;
 - (a) Copper shall only be considered when it is proposed with a brown patina finish.
 - (b) The copper finish shall be completed prior to issuing a certificate of occupancy.
- d. The following roofing materials outside of the Village Center shall be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:
 - i. Synthetic roofing material that accurately emulates wood shake, concrete and slate tile or any other roofing material permitted or existing in Mountain Village.
 - (a) Synthetic roofing material shall be:
 - (i.) Durable
 - (ii.) High strength, both material and shape;
 - (iii.) Low absorption or permeability;
 - (iv.) High freeze/thaw damage resistance;
 - (v.) Color throughout the tile (not surface applied); and
 - (vi.) High-quality design that fits within the architectural context of the building and the architectural context of the surrounding area.
 - ii. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
- e. Village Center roofing material will require a class 3 development application and building specific design review. The following roof materials shall be approved by the DRB if the DRB finds the roofing material is consistent with the town design theme and applicable Design Regulations:
 - i. Burnt sienna concrete tile
 - ii. Earth tones compatible with burnt sienna concrete tile in color and texture
 - iii. Brown copper
 - iv. Standing seam or bonderized metal (dark grey or black) (not rusted)
 - v. Zinc

- vi. Solar roof tiles so long as they are contextually compatible in design, theme and durability (non-reflective).
 - vii. Some variation of roof material color is permissible by specific DRB approval as long as it is contextually compatible in design, color, theme and durability.
- f. Modification to roof materials on dormers and secondary roof forms may be reviewed as a class 1 development application.
- i. Permitted roof materials are listed in e.i-vii above.
 - ii. Bevel edged corrugated (not rusted) metal may be approved so long as it is contextually compatible in design, color, theme and durability.
- g. The following requirements are applicable to all roofing:
- i. Metal roofing surface shall not reflect an excessive amount of light when viewed against direct sunlight.
 - ii. Unless the DRB grants a specific approval for a non-rusted metal roof, corrugated and standing seam roofing materials shall be pre-treated to produce rusting prior to placement on the roof, and prior to the issuance of a certificate of occupancy.
- h. The installation or re-installation of wood shakes, glazed tile and asphalt shingles is prohibited, except for the repair or replacement of roof areas that are 25% or less of the total roof surface area.
- i. Roof flashing, Gutters Downspouts and Similar Hardware:
- i. In the Village Center, all exposed metal flashing, gutters, downspouts and other roof hardware shall be copper except when structural requirements dictate the use of stronger materials such as for snow fences.
 - ii. In all other areas, other metal guttering besides copper may be approved by the review authority to allow it to match roofing material, such as the use of rusty steel guttering on a rusty metal roof.
 - iii. When steel or iron are used, they shall be either rusted to match the roof or finished with a baked on enamel paint or, subject to the prior approval of the review authority, a silicon modified alloy or special epoxy paint system of a color approved by the review authority.