



**COMMUNITY DEVELOPMENT DEPARTMENT**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 369-8250

**Agenda Item No. 13**

**TO:** Mountain Village Town Council

**FROM:** Amy Ward, Community Development Director  
Drew Nelson, Senior Planner

**FOR:** Meeting of July 18, 2024

**DATE:** July 9, 2024

**RE:** Consideration of an Ordinance regarding a CDC Amendment of CDC Sections 17.4.3 Development Review Procedures, 17.4.11 Design Review Process, and 17.5.6 Building Design, regarding roofing materials and Design Review processes, First Reading

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**BACKGROUND**

Through the Community Development Code (CDC), the Design Review Board (DRB) reviews building design features, including roof materials and colors. Specifically, the DRB is responsible for reviewing all roofing materials proposed within the Village Center. The CDC requires a Class 3 design review for roofing materials in the Village Center, as well as the same outside of the Village Center for certain materials listed in the CDC (solar roof tiles and earthen green roofs). Generally, the DRB has reviewed these applications as a one-session process; however, the CDC is silent on this process and there is a lack of clarity as to whether this meets the full two-session requirements of the CDC for Class 3 design reviews. Staff is proposing a small change to identify these reviews as Final Architecture Reviews, requiring only one hearing before the DRB and streamlining the application process for owners and contractors.

Also, as buildings and residences in the Town are seeing the need to repair or replace their roofs, certain materials previously used for roofing are either outdated (cedar shakes) or no longer available (certain tile roofs in the Village Center). As such, roofing contractors and homeowners have proposed (and been approved for) standing seam metal roofs that are required to meet the color standards of the CDC. Staff and the DRB have interpreted that the CDC's requirement for "gray" standing seam metal roofs does include very dark bronze, often described as "classic bronze". Staff is proposing another small change to include dark/classic bronze as an approved color for roofs throughout the Town, allowing permits to be processed more quickly to replace certain materials that are no longer modern or safe (in the case of cedar shake shingles).

Finally, staff is recommending a small change to the section of the CDC that relates to review process itself for Class 3 design reviews that will eliminate a conflict around the actions taken by the DRB. Two separate sections state that the DRB "shall review and approve" initial reviews but later states that "no action will be taken" at the initial review. This conflicting language is problematic for the Town and staff is recommending that the DRB be allowed to take action on these reviews.

### **STAFF RECOMMENDATION**

Staff recommends approval to the Town Council of the proposed Community Development Code Amendments through the attached draft Ordinance.

### **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board reviewed the recommended changes at their July 11, 2024 regular meeting and recommended approval to the Town Council by a vote of 7 to 0. The DRB requested to add the ability to allow for “metal fascia” to be added to the allowable roofing materials under the CDC.

### **PROPOSED MOTION**

“I move to approve an Ordinance regarding the proposed changes to the Community Development Code to Sections 17.4.3 Development Review Procedures, 17.4.11 Design Review Process, and 17.5.6 Building Design as attached hereto as Exhibit A on first reading, and setting a second reading and public hearing for August 15, 2024.”

### **ATTACHMENT**

- Exhibit A - Proposed Redline CDC Amendment. Deletions are shown in ~~striketrough~~ and additions are shown in **bold and underlined**.
- Exhibit B – Draft Ordinance

Exhibit A

**17.4.3. Development Review Procedures**

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

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

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

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

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

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

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

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

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

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

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

a. *Initial Architecture and Site Review.* The Design Review Board shall review and approve an Initial Architecture and Site Review application before the application is allowed to proceed to a subsequent agenda for a public hearing and Final Review, **unless otherwise authorized elsewhere in this CDC under Section 17.5.6 as a single Final Architecture Review.** However, the public hearing and Final Review may be noticed concurrently with the Initial Architecture and Site Review application and such public hearing shall be continued in

the event the Sketch Review application hearing is not approved before the noticed date for the Final Review public hearing

#### 17.4.11. Design Review Process

##### C. Review Process

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

a. *Initial Architecture and Site Review.* The intent of the Initial Architecture and Site Review is to allow the DRB a preliminary review of the composition of the project to determine whether it is responsive to the Town Design Theme; fits within the context of the existing neighborhood and to identify potential variations. The review is not a public hearing ~~and no action will be taken.~~

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

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

#### 17.5.6. Building Design.

##### C. Roof Form.

##### 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 **and fascia** limited to the following: rusted, **dark/classic bronze**, 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 brown patina finish shall be completed prior to issuing a certificate of occupancy.

v. 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 high-quality design that fits within the architectural context of the building and the architectural context of the surrounding area.
- d. The following roofing material outside of the Village Center shall be approved by the DRB as a specific approval that is processed as a **Final Architecture Review of** 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. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (nonreflective).
  - ii. Earthen/Landscaped Green Roofs
- e. Village Center roofing material will require a **Final Architecture Review** of 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 patina copper
  - iv. Metal roofing material **and fascia** limited to the following: **dark/classic bronze,** black or gray standing seam bonderized (not reflective)
  - v. Zinc
  - vi. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (nonreflective).
  - 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 in the Village Center may be reviewed as a class 1 development application.
  - i. Permitted roof materials are listed in e.i-vii above.
  - ii. Rusted metal and/or corrugated 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. All rusted metal roofing materials shall be pre-treated to produce rusting 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.

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING SECTIONS 17.4.3, 17.34.11, AND 17.5.6 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE CONCERNING ROOFING MATERIALS AND DESIGN REVIEW PROCESSES**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, section 17.5.6.C.3 of the Mountain Village Municipal Code (“Code”) sets forth the Town’s design standards (“Design Standards”), including roofing materials allowed in the Village Center and throughout the Town; and

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

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to amend the Design Standards as set forth below.

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

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment. The Town Council hereby amends Section 17.5.6.C.3 of the Code as set forth in Exhibit A, attached hereto and incorporated by reference herein, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective 30 days after publication following second reading and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance was held on the \_\_\_ day of \_\_\_\_\_, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

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

**INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18th day of July, 2024.**

**TOWN OF MOUNTAIN VILLAGE:**

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

By: \_\_\_\_\_  
Martinique Prohaska, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this \_\_\_ day of \_\_\_\_\_, 2024.**

**TOWN OF MOUNTAIN VILLAGE:**

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

By: \_\_\_\_\_  
Martinique Prohaska, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk  
Approved as to Form:

\_\_\_\_\_  
David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2024-\_\_ ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2024, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

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 \_\_\_\_\_, 2024 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2024. At the public hearing, the Ordinance was considered, read by title, and approved with amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

5. The Ordinance has been republished as required by the Charter on \_\_\_\_\_, 2024, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
Susan Johnston, Town Clerk  
(SEAL)



## Exhibit A

### 17.4.3. Development Review Procedures

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#### 3. Roof Material.

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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 **and fascia** limited to the following: rusted, **dark/classic bronze**, 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.

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