

ORDINANCE NO. 2020-02

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTIONS 17.4.11.E.5 DESIGN VARIATIONS AND SECTION 17.5.6 BUILDING DESIGN 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, from time to time.
- D. The Design Review Board provided a unanimous recommendation to Town Council regarding the CDC amendment.
- E. Town Council held a first reading of an ordinance on December 12, 2019
- F. The Town Council held a public hearing and second reading on January 16, 2020
- G. The CDC amendments reduce the number and rigor of design variation criteria
- H. The Town Council finds that the CDC amendment streamlines design review and reduces process.
- I. The CDC amendment is consistent with the Mountain Village Comprehensive Plan.

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, sections 17.4.11.E.5 and 17.5.6 are 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any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 February 15, 2020.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 16th of January 2020 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 12th of December, 2019

TOWN OF MOUNTAIN VILLAGE:

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

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Deputy Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 16th of January, 2020

TOWN OF MOUNTAIN VILLAGE:

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

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Deputy Town Clerk

Approved As To Form:


Jim Mahoney, Assistant Town Attorney

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

1. The attached copy of Ordinance No.2020-02 ("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 December 12, 2019, 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			
Patrick Berry	X			
Natalie Binder			X	
Peter Dupre	X			
Jack Gilbride	X			
Marti Prohaska	X			

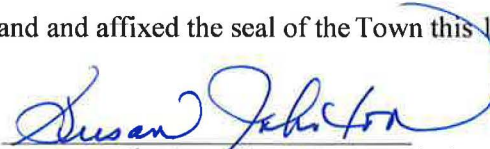
3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on December 18, 2019, 2020 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 January 16, 2020. 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			
Patrick Berry	X			
Natalie Binder			X	
Peter Dupre	X			
Jack Gilbride	X			
Marti Prohaska	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 16th day of January, 2020.


Susan Johnston, Deputy Town Clerk

(SEAL)



Design Variation Process.

a. The DRB may grant design variations to the following Design Regulations sections:

- i. Building siting design;
- ii. Grading and drainage design;
- iii. Building design;
- iv. Landscaping regulations;
- v. Trash, recycling and storage areas;
- vi. Lighting regulations;
- vii. Sign regulations; and
- viii. Commercial, ground level and plaza area regulations.

b. A design variation request shall be processed concurrently with the applicable Design Review Process development application.

c. A design variation request shall outline the specific variations requested and include the section number.

d. A design variation may provide creativity in architectural design.

ed. A design variation request shall provide a narrative on how the variation request meets the design variation criteria for decision.

fe. The applicant must meet the following following criteria ~~shall be met~~ for the review authority to approve a design variation:

- i. The design variation ~~is compatible~~ may contrast with the design context of the surrounding area;
- ii. The design variation is ~~consistent contextually compatible~~ with the town design theme although creativity is encouraged;
- ~~iii. The strict development application of the Design Regulations(s) would prevent the applicant or owner from achieving its intended design objectives for a project;~~
- ~~iv. The design variation is the minimum necessary to allow for the achievement of the intended design objectives;~~
- ~~viii.~~ iii. The design variation is consistent with purpose and intent of the Design Regulations;
- ~~iv.~~ v. The design variation does not have an unreasonable negative impact on the surrounding neighborhood;
- ~~v.~~ vi. The ~~proposed~~ design variation meets all applicable Town regulations and standards; and
- ~~vii.~~ vii. The design variation supports a design interpretation that embraces nature, recalls the past, interprets our current times, and moves us into the future, ~~while respecting the design context of the neighborhood surrounding a site.~~

gf. Cost or inconvenience alone shall not be sufficient grounds to grant a design variation.

gh. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the design variation process.

~~Center only), or wood, with dimensions that are ten inches (10") or greater for timber or timber veneer and sixteen inches (16") or greater for log homes or log bases.~~ Where the base of a building meets natural grade, the materials must be appropriate to be adjacent to accumulated snow.

2. Windows and doors in stone and stucco areas shall be recessed back from the face of the exterior material by a minimum of five inches (5") with variations in the depth of the window and door recessions provided throughout the building to convey the desired heavy, thick massing.
 - a. Window trim or built up areas around the windows shall not be included in the measurement, such measurement to be made from the predominant face of the exterior wall assembly.
3. The exterior material requirements reinforce the desired massing set forth in this section.

B. Exterior Wall Form

1. General (Applies to All Development)

- a. The overall form of residential exterior walls shall be simple in design.
- b. Walls need to portray a massing that is substantially grounded to the site.

2. Village Center Wall Form Additional Requirements

- a. The form of exterior walls within the Village Center shall form and define the public spaces they confine as well as the interior uses of the building. Spaces defined by the walls shall be contained courtyards and plazas or continuous flowing streets. Angles shall be soft, repetitive 90-degree turns and open-ended, disjointed spaces shall be avoided.
- b. Exterior walls along small commercial retail streets and plazas shall reinforce the "village street" concept with relatively narrow frontages and/or vertical "townhouse" proportions. Ground level, commercial spaces shall be architecturally defined from office or residential spaces above.

C. Roof Form

1. Roof Design Elements

- a. The roof shall be a composition of multiple forms that emphasize sloped planes, varied ridgelines and vertical offsets.
- b. Dormers may be included to add interest and scale to major roof areas and to make habitable use of space within the roofs. Dormers may have gable or shed forms.
- c. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams and to prevent the need for heat tracing.
- d. The DRB may require long ridgelines to be stepped to avoid long spans of unbroken ridges when such elements are not in proportion to the design and scale of the building, or to ensure the building design is following the topography of the site.

achieving the building massing requirements, wood siding shall meet the following standards:

- a. Log and log siding shall be a larger diameter on lower and first floor elevations and smaller diameter on upper floors. minimum sixteen inches(16") in diameter on the first and lower floor elevations as provided under the building design standards, and nine inches (9") in diameter on upper floors. When milled logs are used, hand-hewed logs are preferred. When log siding, heavy timber or wood siding are used, corner detailing shall be provided.
- ~~b. Heavy timber shall be a minimum size of eight inches by eight inches (8" x 8").~~
- ~~e.b. Wood siding shall have no minimum dimension either painted or stained, including reclaimed barn wood. be a minimum size of one inch by eight inches (1" x 8") in dimension and either painted or stained. Reclaimed barn wood shall be an average of eight inches (8") in width.~~
- ~~d.c. Board and batten wood siding shall not be the predominant siding pattern. When board and batten siding is proposed the minimum size shall be one inch by eight inch (1" x 8") boards and one inch by eight inch (1" x 8") battens.~~

3. **Metal.** The review authority may review and approve metal as a siding material. Metal, soffit material and fascia material require-as specific approvals in a development application.

- a. Permitted metal siding types include rusted corrugated, rusted sheet metal panels, zinc panels, copper panels and other metal types reviewed and approved by the DRB.
- b. Copper metal shall be treated to produce a patina prior to the issuance of a certificate of occupancy.
- c. Corrugated metal shall be treated to produce rusting prior to the issuance of a certificate of occupancy.

4. **Stucco.** Stucco is only allowed in the Village Center and allowed as a subordinate exterior material in all other zone districts. In addition to achieving the building massing requirements, stucco siding shall meet the following standards:

- a. The primary exterior wall finish in the Village Center shall be stucco with a minimum use of twenty-five percent (25%) stone and a maximum of twenty percent (20%) wood as an exterior wall material.
- b. Stucco walls shall portray a building of mass and, therefore, must be used over large surfaces rather than on small isolated areas in the Village Center. Stucco walls shall have a smooth undulating surface with soft rounded corners and deeply recessed doors and windows to reinforce the building mass.
- c. Two-coat or three-coat stucco construction shall be detailed on the Design Review Process and construction plans.
- d. Stucco colors shall be primarily light earth tones and are subject to the approval of the review authority.
- e. Exterior Insulation Finished System or "EIFS" is prohibited due to the high alpine conditions and the prevalent water damage issues occurring in past EIFS installations.

5. **Non-combustible Materials.** The Town Building Codes may require certain non-combustible wall assemblies or synthetic materials. In such circumstances, the DRB may