



Memorandum

To: Vail Town Council

From: Community Development Department

Date: April 19, 2016

Subject: Second reading of Ordinance No. 7, Series of 2016, an Ordinance to amend Section 11-7-15, Ski Base Area Signs of the Vail Town Code, pursuant to Section 11-3-3 Prescribed Regulations Amendment, in order to allow advertising of on-mountain recreational activities, and setting forth details in regard thereto. (PEC160007)

Applicant: Vail Resorts, represented by Jeff Babb
Planner: Brian Garner

I. SUMMARY

The applicant, Vail Resorts, represented by Jeff Babb, is requesting a second reading of Ordinance No. 7, Series of 2016 for a Prescribed Regulations Amendment to amend Section 11-7-15, *Ski Base Area Signs*, of the Vail Town Code in order to allow advertising of on-mountain recreational activities, and setting forth details in regard thereto. The amendment is applicable to the ski base areas of Vail Village, Lionshead, Golden Peak, Cascade Village, and any other future portals immediately adjacent to a ski lift or tow (PEC160007).

This ordinance would amend the text of Section 11-7-15, *Ski Base Area Signs*, of the Vail Town Code to allow advertising for on-mountain recreational activities. The purpose of the amendment is to clarify and differentiate between advertising of on-mountain recreational activities and commercial uses. This ordinance will enable the applicant, Vail Resorts, to advertise summer activities that take place on the mountain such as Epic Discovery, which is a recreational activity in addition to a commercial enterprise.

As currently written, staff interprets the prohibition of commercial uses to include any commercial enterprise on the mountain, including recreational activities. The applicant, Vail Resorts, is unable to display signage for Epic Discovery as a result of this conclusion. Therefore, this amendment will clarify the distinction between commercial uses and recreational activities and allow signage for Epic Discovery and similar on-mountain recreational uses that are clearly distinct from commercial uses.

Changes Since First Reading

As requested by the Town Council at the April 5, 2016 Town Council meeting, the language has been tightened-up with the addition of “corporate sponsors” to the sign types prohibited by the Ordinance. The change requested by the Council now reads as follows:

*c. Signs advertising on-mountain **corporate-sponsors**, eating and drinking establishments, retail stores and establishments, and other commercial uses shall be prohibited.*

No other changes are proposed from first reading.

II. PLANNING AND ENVIRONMENTAL COMMISSION RECOMMENDATION

On March 14, 2016 the Planning and Environmental Commission (PEC) recommended the Vail Town Council **approve, with amendments**, Ordinance No. 7, Series of 2016, upon first reading, with a vote of 6-0-0. The amendments approved by the PEC included some minor revisions to the text of the ordinance, which are reflected in the version presented for second reading.

This recommendation was based upon the review of the criteria outlined in Section VI of the March 14, 2016 memorandum to the Planning and Environmental Commission, and the evidence and testimony presented.

III. BACKGROUND

In the ski season of 2009/2010 staff and Jeff Babb, Vail Resorts Operations Director, performed a walk-through inspection of each of Vail Mountain’s ski yards. The result was the identification of numerous types and locations for signage which did not conform with the regulations of Title 11, Sign Regulations, Vail Town Code. It was determined that Title 11, Sign Regulations, Vail Town Code, did not address ski yard signs because the base areas of Vail Mountain were not located within the Town of Vail boundaries, until annexation zoning occurred in 2006. Several examples of signs that did not meet the Town’s sign regulations were portable signs, flags, digital lift availability signs and ticket office signs. Also, the quantity of signs was nonconforming. At that time, the Community Development Department worked with Vail Resorts to draft an amendment specifically for ski base area signs harmonious with the Sign Regulations of the Vail Town Code.

On September 27, 2010 the Planning and Environmental Commission recommended approval of proposed Prescribed Regulations Amendments to the Vail Town Council and was subsequently approved by Town Council. Unforeseen in 2010 was the need to advertise on-mountain recreational activities that didn’t exist at that time and as a result, the advertising of all “commercial uses” was prohibited. Today with the impending launch of Epic Discovery this summer, Vail Resorts has identified a desire to advertise the recreational activities available on the mountain.

IV. ACTION REQUESTED OF THE TOWN COUNCIL

Should the Vail Town Council choose to approve Ordinance No. 7, Series of 2016 upon second reading, the Planning and Environmental Commission recommends the Council passes the following **motion**:

“The Vail Town Council approves Ordinance No. 7, Series of 2016, an ordinance amending Section 11-7-15 of the Vail Town Code, Ski Base Area Signs, in order to allow advertising of on-mountain recreational activities, and setting forth details in regard thereto.”

Should the Vail Town Council choose to approve Ordinance No. 7, Series of 2016 the Community Development Department recommends the Council makes the following **findings**:

1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and compatible with the development objectives of the town; and
2. That the amendment furthers the general and specific purposes of the sign regulations; and
3. That the amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.

V. ATTACHMENTS

- A. Ordinance No. 7, Series of 2016
- B. PEC Memorandum, dated March 14, 2016, with attachments
- C. March 14, 2016 PEC meeting results