

**ORDINANCE NO. 12
SERIES OF 2017**

AN ORDINANCE AMENDING SECTION 12-23-2, EMPLOYEE GENERATION AND MITIGATION RATES, VAIL TOWN CODE, TO AMEND TABLE 23-1, EMPLOYEE GENERATION RATES BY TYPE OF COMMERCIAL USE, AND TO AMEND THE DEFINITION OF NEXUS STUDY IN SECTION 12-2-2, DEFINITIONS, VAIL TOWN CODE, AND SETTING FORTH DETAILS IN REGARD THERETO.

WHEREAS, on April 3, 2007 the Vail Town Council adopted ordinance No. 7, Series of 2007 establishing Commercial Linkage requirements in the Town of Vail;

WHEREAS, pursuant to Section 12-23-2, each commercial development or redevelopment shall mitigate its impact on employee housing by providing employee housing units for twenty percent (20%) of the employees generated, pursuant to table 23-1 of Section 12-23-2, or the nexus study;

WHEREAS, Section 12-23-2 Employee Generation and Mitigation Rates, Table 23-1 Employee Generation Rates by Type of Commercial Use establishes the number of employees generated for each commercial use;

WHEREAS, there is a substantial, direct, and rational connection between the need for housing of employees generated by new commercial development and redevelopment and the requirements for the provision of employee housing, as documented in the report titled "2016 Vail Employer Survey, Summary of Results," (Nexus Study) prepared for the Town of Vail by RRC Associates, dated February 2017, a copy of which is on file with the Town Clerk and available for public inspection;

WHEREAS, the Nexus Study recommends changes to the current employee generation rates in Table 23-1, Section 12-23-2, Employee Generation and Mitigation Rates, Vail Town Code;

WHEREAS, on July 25, 2017, the Vail Local Housing Authority held a public meeting, reviewed the Nexus Study and forwarded a recommendation of approval to the Vail Town Council for the proposed text amendments to the Zoning Regulations;

WHEREAS, on August 28, 2017, the Town of Vail Planning and Environmental Commission held a public hearing and reviewed and forwarded a recommendation of approval to the Vail Town Council for the proposed text amendments to the Zoning Regulations in accordance with the procedures and criteria and findings outlined in Section 12-3-6 of the Vail Town Code;

WHEREAS, the Town Council finds and determines that the amendments are consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and are compatible with the development objectives of the Town, based upon Section VI of the Staff memorandum to the

Planning and Environmental Commission dated August 28, 2017, and the evidence and testimony presented;

WHEREAS, the Town Council finds and determines that the amendments further the general and specific purposes of the Zoning Regulations, based upon Section VI of the Staff memorandum to the Planning and Environmental Commission dated August 28, 2017, and the evidence and testimony presented; and

WHEREAS, the Town Council finds and determines that the amendments promote the health, safety, morals, and general welfare of the Town and promote 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, based upon Section V of the Staff memorandum dated August 28, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Section 12-2-2, Definitions, of the Vail Town Code is hereby amended as follows (text to be deleted is in ~~striketrough~~ text that is, to be added is **bold**. Sections of text that are not amended have been omitted.)

NEXUS STUDY: A report, prepared at the request of the town council, updated at least every five (5) years or more often if deemed necessary by the town council, analyzing the current and future employee housing needs resulting from new development and redevelopment in the town. **The “2016 Vail Employer Survey, Summary of Results” dated February 2017, prepared for the Town of Vail by RRC Associates, and on file with the office of the town clerk, analyzing the current and future employee housing needs resulting from new development and redevelopment in the town.**

Section 2. Section 12-23-2, Employee Generation and Mitigation Rates, of the Vail Town Code is hereby amended as follows (text to be deleted is in ~~striketrough~~ text that is, to be added is **bold**. Sections of text that are not amended have been omitted.)

Table 23-1
EMPLOYEE GENERATION RATES BY TYPE OF COMMERCIAL USE

<u>Types of Use</u>	<u>Employee Generation Rate</u>
Accommodation unit / limited service lodge unit	0.7 0.6 employee per net new units
Business office and professional office (excluding including real estate and property management office)	3.2 employees per 1,000 feet of new net floor area
Conference facility	0.8 employee per 1,000 feet of new net floor area
Eating and drinking establishment	6.75 10.2 employee per 1,000 feet of new net

	floor area
Health club	0.96 employee per 1,000 feet of new net floor area
Real estate office	5.1 employee per 1,000 feet of new net floor area
Retail store / personal service / repair shop	2.4 employee per 1,000 feet of new net floor area
Spa	2.1 employee per 1,000 feet of new net floor area

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Vail and the inhabitants thereof.

Section 5. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED
PUBLISHED ONCE IN FULL ON FIRST READING this 19th day of September 2017
and a public hearing for second reading of this Ordinance set for the 3rd day of October 2017, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING
AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk