



---

**Memorandum**

TO: Vail Town Council

FROM: Community Development Department

DATE: May 21, 2019

SUBJECT: Second reading of Ordinance No. 8, Series of 2019, an ordinance to update Section 12-2-2, Definitions of Words and Terms and Section 14-10-4, Architectural Projections, Decks, Balconies, Steps, Bay Windows, etc., Vail Town Code pursuant to Section 12-3-7, Amendment, to amend the definition of flat roof, add a definition for sloping roof and parapet, and to create regulations for parapet height.

Applicant: Town of Vail  
Planner: Ashley Clark

**I. SUMMARY**

The Community Development Department is proposing to update the Vail Town Code to add definitions related to roof pitches and respective maximum allowed heights and to add language to regulate parapets.

On April 22, 2019 the Planning and Environmental Commission (PEC) forwarded a recommendation of approval to the Vail Town Council, of the proposed text amendment, subject to the findings noted in Section VIII of the staff memorandum to the PEC. (Attachment B).

**II. ACTION REQUESTED OF THE TOWN COUNCIL**

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 8, Series of 2019, upon second reading.

**III. DESCRIPTION OF REQUEST**

The Community Development Department is requesting that the Vail Town Council consider the proposed amendments to Sections 12-2-2 and 14-10-4, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the addition of new definitions for sloping roof and parapet, to update the existing definition of flat roof and add regulations for parapet height.

Following are the proposed text amendments: (New language is shown in ***bold italics***. Text removed is shown in ~~strikethrough~~.)

## 12-2-2: Definitions of Words and Terms

ROOF, FLAT: ~~A roof that is not pitched and the surface of which is generally parallel to the ground.~~ ***A roof or portion of roof that has a sloping plane less than a rise of two inches (2") over a distance of twelve inches (12").***

***ROOF, SLOPING: A roof or portion of roof with a pitch greater than or equal to a rise of two inches (2") over a distance of twelve inches (12").***

***PARAPET: The extension of the main walls of a building above the roof level.***

14-10-4, Architectural Projections, Decks, Balconies, Steps, Bay Windows, etc.

***G. A parapet or guardrail, transparent or otherwise, may exceed the allowable building height by no more than thirty inches (30"), subject to a finding of the Design Review Board that the proposal meets the criteria enumerated in Section 12-11-1.***

## IV. BACKGROUND

The Town's zoning code began to regulate height in 1973 through Ordinance 8. This ordinance set standards for maximum allowed heights in some districts and required roofs to have a pitch of at least 4 feet in 12 feet. It also created a schedule of exceptions to height limit based on increased vertical rise per 12 feet horizontal (see image below).

### Ordinance 8 Series of 1973, Schedule of Exceptions to Height Limit

#### Schedule of Exceptions to Height Limit

<u>Vertical Rise per 12 feet Horizontal</u>	<u>Permitted Additional Height</u>
4 feet	1 foot
5 feet	2 feet
6 feet	3 feet
7 feet	4 feet
8 feet	5 feet
9 feet	6 feet
10 feet	7 feet
11 feet	8 feet
12 feet	9 feet
13 feet or greater	10 feet maximum

In 1980, the exception to maximum height was removed and maximum height limits were set for all zoning districts. The distinction between flat and sloping roofs was created. By 1987, the requirement to have a pitch of 4 feet in 12 feet was removed.

The 1991 Design Guidelines state that while a majority of roof forms have a pitch of at least 4 feet in 12 feet, other roof forms are allowed.

The current residential regulations for height are as follows:

<b>Zoning District</b>	<b>Flat Roof</b>	<b>Sloping Roof</b>
Hillside Residential	30'	33'
Single-Family	30'	33'
Two-Family	30'	33'
Two-Family Primary/Secondary	30'	33'
Residential Cluster	30'	33'
Low Density Multiple-Family	35'	38'
Medium Density Multiple-Family	35'	38'
High Density Multiple-Family	45'	48'
Housing	Set by PEC	Set by PEC
Vail Village Townhouse	35'	38'

## **V. CRITERIA FOR REVIEW**

Per Section 12-3-7, Amendment, Vail Town Code, before acting on a prescribed regulations amendment, the PEC and Town Council shall consider the following factors with respect to this proposal:

### **1. The extent to which the text amendment furthers the general and specific purposes of the zoning regulations; and**

The general purposes of the zoning regulations are for “promoting the health, safety, morals, and general welfare of the town, and to promote the coordinated and harmonious development of the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality”. This text amendment is intended to advance these purposes by providing clear standards in the zoning code of what constitutes a flat versus sloping roof and to create regulations for parapets. The amendment will provide clear direction for development on calculating the maximum allowed height and what standards apply to parapets.

### **2. The extent to which the text amendment would better implement and better achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town; and**

The proposed text amendment will provide staff, as well as anyone who references the code, clear standards for planning and development review that can be applied consistently. The dimensional criteria for height contained in the zoning code should be defined like any other dimensional standard, such as setbacks, gross residential floor area and site coverage. The codification of these standards will help better implement and better achieve the adopted goals, objectives and policies in Vail.

**3. The text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable; and**

The legislative history for height allowances in Vail from the original adoption of the Zoning Regulations and Design Regulations to today shows that Vail has adjusted its codes to accommodate design trends and technology. Today, roof construction practices allow for a wide range of roof pitches. Proposals reviewed by staff often include many different roof pitches, with some being more flat or sloping relative to others. This text amendment seeks to update the existing code to provide a clear standard for fair and consistent review of projects in Vail.

**4. The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives; and**

By increasing transparency in the zoning code, the proposed text amendment would promote a harmonious, convenient and workable relationship among land use regulations consistent with municipal development objectives. The text amendment does not conflict with other existing land use documents or municipal development objectives.

**5. Such other factors and criteria the Planning and Environmental Commission and/or council deem applicable to the proposed text amendments**

Staff will provide additional information as needed should Town Council determine other factors or criteria applicable to the proposed text amendments.

## **VI. RECOMMENDED MOTION**

Should the Vail Town Council choose to approve Ordinance No. 8, Series of 2019, upon second reading, the Planning and Environmental Commission recommends the Council pass the following **motion**:

*“The Vail Town Council approves, on second reading, Ordinance No. 8, Series of 2019, an ordinance to update Section 12-2-2, Definitions of Words and Terms and Section 14-10-4, Architectural Projections, Decks, Balconies, Steps, Bay Windows, etc., Vail Town Code pursuant to Section 12-3-7, Amendment, to*

*amend the definition of flat roof, add a definition for sloping roof and parapet, and to create regulations for parapet height and setting forth details in regard thereto.”*

Should the Vail Town Council choose to approve Ordinance No. 8 Series of 2019, the Planning and Environmental Commission recommends the Council make the following **findings**:

*“Based upon the review of the criteria outlined in Sections VII of the Staff memorandum to the Planning and Environmental Commission dated April 22, 2019 and the evidence and testimony presented, the Vail Town Council finds:*

- 1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town; and*
- 2. That the amendment furthers the general and specific purposes of the zoning 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.”*

## **VII. ATTACHMENTS**

- A. Ordinance No. 8, Series of 2019
- B. Staff Memo to PEC, April 22, 2019
- C. Public comment letters