



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: July 16, 2019

SUBJECT: Second reading of Ordinance No. 11, Series of 2019, an ordinance for a Prescribed Regulations Amendment to amendments to Title 12, Zoning Regulations, Vail Town Code, to clarify the permitted location of business activities in the commercial, business and mixed use zone districts, and setting forth details in regard thereto. (PEC19-0021)

Applicant: Matt Mire, Town of Vail
Planner: Jonathan Spence

I. SUMMARY

This is a proposal to clarify and codify the permitted location for business activities in the commercial, business and mixed use zone districts. The Town of Vail has experienced an increase in the practice of business operators soliciting potential customers who are not located on premise. It is the intent of this proposed amendment to clarify that this type of activity is not permitted.

On June 24, 2019, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation, for approval, for a Prescribed Regulations Amendment to amendments to Title 12, Zoning Regulations, Vail Town Code, to clarify the permitted location of business activities in the commercial, business and mixed use zone districts. Please find the staff memorandum to the PEC included as Attachment B and the draft minutes from the June 24th meeting included as Attachment C.

On July 2, 2019 the Vail Town Council unanimously approved Ordinance No. 11, Series of 2019 on first reading.

II. ACTION REQUESTED OF THE TOWN COUNCIL

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 11, Series of 2019, upon second reading.

III. DESCRIPTION OF THE REQUEST

This is a request to clarify and codify the permitted location for business activities in the

commercial, business and mixed use zone districts. The proposed amendment will add language to the existing regulations in all commercial, business and mixed use zone districts, other than Public Accommodation (PA) and Public Accommodation-2 (PA-2), to further clarify the acceptable location for business activity. This amended language is also intended to be added to the PA and PA-2 Districts where it is believed its omission is in error.

IV. PROPOSED TEXT AMENDMENT

Sections 12-7B-18, 12-7C-14, 12-7D-11, 12-7E-13, 12-7F-14, 12-7G-12, 12-7H-17 and 12-7I-17 are proposed to be modified as follows (new language in bold):

Proposed Language:

A. Limitations; Exception: All offices, businesses, and services permitted by Sections 12-XX-Z through 12-XX-Z shall be operated and conducted entirely within a building, except for permitted unenclosed parking or loading areas, and the outdoor display of goods. **For purposes of this Section, "conducted entirely within a building" means that all activities related to the permitted use, including contacting potential customers and clients, must occur completely inside of a building, and not in an open doorway of the building.**

B. Outdoor Displays: The area to be used for an outdoor display shall be located directly in front of the establishment displaying the goods and entirely upon the establishment's own property. Sidewalks, building entrances and exits, driveways and streets shall not be obstructed by outdoor displays.

The revised language (paragraphs A and B above, in their entirety) is also proposed to be incorporated into Articles A and J (Public Accommodation (PA) and Public Accommodation-2 (PA-2) which currently do not have language concerning locations of business activity.

V. REVIEW CRITERIA

Section 12-3-7(C)(2) of the Zoning Regulations identifies the criteria that the Town Council must consider before approving a change to the text of the code. These criteria include the following:

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

The proposed text amendment furthers the general and specific purposes of the zoning regulations by clearly informing the business community on acceptable locations for business activity. This text amendment meets the following purposes of the zoning regulations:

12-1-2 A

General: These regulations are enacted for the purpose of 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.

12-1-2 B

5. *To conserve and maintain established community qualities and economic values.*
6. *To encourage a harmonious, convenient, workable relationship among land uses, consistent with municipal development objectives.*

Staff finds this criterion to be met.

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 is compatible with the development objectives of the town. This change will establish clear and consistent language in the Vail Town Code regarding the regulation of business activity location in recognition of its effects on the Town's residents and guests. The following are relevant goals of the Town's Comprehensive Plan:

Vail Land Use Plan:

- Goal # 4.3. The ambiance of the Village is important to the identity of Vail and should be preserved. (Scale, alpine character, small town feeling, mountains, natural settings, intimate size, cosmopolitan feeling, environmental quality.)

Vail Village Master Plan:

- Goal #2: To foster a strong tourist industry and promote year-round economic health and viability for the Village and for the community as a whole.
- Goal #3: to recognize as a top priority the enhancement of the walking experience throughout the Village

Staff finds this criterion to be met.

3. The extent to which 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 amendment is in response to a need to further clarify the existing regulation in light of recent business activity. The amendment builds upon the existing regulation, providing the

business community with a clear understanding of acceptable locations for business activity.

Staff finds this criterion to be met.

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

The proposed text amendment provides a clear understanding of acceptable locations for business activity providing a workable relationship between business operations and the enjoyment of our residents and guests within the commercial and mixed use areas of the community.

As a result, staff finds this criterion to be met.

5. Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment.

VI. RECOMMENDED MOTION

Should the Vail Town Council choose to approve Ordinance No.11, Series of 2019, upon second reading, the Community Development Department recommends the Council pass the following **motion**:

“The Vail Town Council approves, on second reading, Ordinance No. 11, Series of 2019, an ordinance for a Prescribed Regulations Amendment to amendments to Title 12, Zoning Regulations, Vail Town Code, to clarify the permitted location of business activities in the commercial, business and mixed use zone districts, and setting forth details in regard thereto”

Should the Vail Town Council choose to approve Ordinance No. 11, Series of 2019, the Community Development Department recommends the Council make the following **findings**:

“Based upon the review of the criteria outlined in Sections VIII of the Staff memorandum to the Planning and Environmental Commission dated June 24, 2019 and the evidence and testimony presented, the Vail Town Council finds:

- 1. That the amendments are consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
- 2. That the amendments are compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and,*
- 3. 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.”

VII. ATTACHMENTS

- A. Ordinance No. 11, Series of 2019
- B. Staff Memorandum, PEC19-0021, June 24, 2019
- C. PEC Minutes, June 24, 2019 (in part)