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## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: August 26, 2019

SUBJECT: A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, for prescribed regulations amendments to Title 12, Zoning Regulations, Vail Town Code, and amendments to Title 14, Development Standards, Vail Town Code, to update definitions, to remove redundant definitions, and regulations for retaining walls, and setting forth details in regard thereto. (PEC19-0017)

Applicant: Town of Vail  
Planner: Ashley Clark

### I. SUMMARY

The Community Development Department is proposing to update the Vail Town Code to amend definitions in Title 12 and Title 14 to remove redundant definitions and clarify the code.

### II. DESCRIPTION OF REQUEST

The Community Development Department is requesting that the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council for amendments to Sections 12-2-2, 14-2-1, and 14-10-8, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the removal of redundant definitions and update of definitions outlined below.

### III. PROPOSED TEXT AMENDMENT LANGUAGE

Section 12-2-2 of the Vail Town Code amended as follows (*italicized* indicates new language and ~~strikethrough~~ indicates language to be removed):

When used in this title, the words and phrases contained in this title shall have the specific meanings as defined in this section. *All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meanings, unless the context clearly indicates a different meaning was intended.*

ADMINISTRATOR: The ~~administrator~~ *Director of Community Development* or designee.

DWELLING UNIT: Any room or group of rooms in a *single-family*, two-family or multiple-family building with kitchen facilities designed for or used by one family as an independent housekeeping unit.

PLANNING AND ENVIRONMENTAL COMMISSION: ~~The body responsible for reviewing development proposals or any matters pertaining to the commission as provided by this code and to act in an advisory capacity to the town council. The planning and environmental commission focuses on evaluating projects based on the zoning ordinance, master plans, subdivision regulations, environmental concerns, etc. and as established by, The Commission established by Title 3, Chapter 2 of this Code.~~

VAIL COMPREHENSIVE PLAN: An Advisory Master Plan for the development of the Town of Vail. *The Vail Comprehensive Plan is a compendium of planning documents that are updated, amended and adopted by the Town Council. A copy of the current Comprehensive plan shall be kept by the Community Development Department and available for inspection during business hours.* ~~The Vail Comprehensive Plan is the compilation of numerous planning documents that include the Vail Village urban design guidelines/Vail Village design considerations (adopted June 11, 1980, and revised January 15, 1993), Ford Park/Donovan Park Master Plan (adopted August 5, 1985), Land Use Plan (adopted November 18, 1986), Vail Village Master Plan (adopted January 16, 1990), Streetscape Master Plan (adopted November 20, 1991), Transportation Master Plan (adopted January 1993), Municipal Cemetery Master Plan (adopted December 7, 1993), Comprehensive Open Lands Plan (adopted 1994), environmental strategic plan (adopted 1994), Ford Park management plan (adopted April 14, 1997), Lionshead Redevelopment Master Plan (adopted December 15, 1998), and art in public places strategic plan (adopted November 6, 2001).~~

Section 14-6.7.A of the Vail Town Code is hereby amended as follows (*italicized* indicates new language and ~~strikethrough~~ indicates language to be removed):

**14-6-7:       RETAINING WALLS:**

A.     General:

1.     All retaining walls are reviewed by the Design Review Board or the Administrator to determine compatibility to the existing topography *of and the Town of Vail*

materials in use. Retaining walls shall not exceed an exposed face height of six feet (6'). Within a front setback, retaining walls shall not exceed an exposed face height of three feet (3'), unless related to access to *or development of* a structure ~~constructed~~ on excessive slopes (in excess of *thirty* (30) percent). Retaining walls associated with a street located within a public right-of-way or access to an underground covered parking structure are exempt from these height limits, but must be approved by the Design Review Board *and shall meet the standards prescribed in Section 14-10-3 of this Code.*

2. Retaining walls shall be located a minimum of two feet (2') from adjacent private property boundaries and should be ten feet (10') from the edge of a public street unless otherwise approved by the Town Engineer.

3. All retaining walls over four feet (4') in height, measured from the bottom of a footing to the top of wall as per the adopted ~~Town of Vail~~ building code, shall be engineered and stamped by a licensed Colorado professional engineer (PE stamp) except in the right of way, where retaining walls over three feet (3') in height, measured in the same manner, shall require a PE stamp.

4. All retaining walls requiring a PE stamp shall be required to have submitted and approved, prior to building permit release, engineered stamped plans, profiles, sections, details, and engineering analyses and calculations for each wall type as required by the Town Engineer. At a minimum, unless otherwise directed, the engineering submittal shall include PE stamped plans, and PE stamped typical details with all engineering design parameters and calculated factor of safety provided on the details. Plans and details shall be cross referenced.

#### **IV. ROLES OF REVIEWING BODIES**

##### **Order of Review:**

Generally, text amendment applications will be reviewed by the Planning and Environmental Commission and the Commission will forward a recommendation to the Town Council. The Town Council will then review the text amendment application and make the final decision.

##### **Planning and Environmental Commission:**

The Planning and Environmental Commission is responsible for the review of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code, and

forwarding of a recommendation to the Town Council.

**Design Review Board:**

The Design Review Board held three separate work sessions to review the proposed text amendment. The board is supportive of the language submitted to the PEC for their review. The Design Review Board (DRB) has no formal review over a text amendment to the Vail Town Code.

**Town Council:**

The Town Council is responsible for final approval, approval with modifications, or denial of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code.

**Staff:**

The Town Staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the Planning and Environmental Commission a memorandum containing a description and background of the application; an evaluation of the application in regard to the criteria and findings outlined by the Town Code; and a recommendation of approval, approval with modifications, or denial.

**V. APPLICABLE PLANNING DOCUMENTS**

Staff believes that following provisions of the Vail Town Code and Vail Land Use Plan are relevant to the review of this proposal:

***Title 12, Zoning Regulations, Vail Town Code***

***CHAPTER 12-1, TITLE, PURPOSE AND APPLICABILITY (in part)***

***Section 12-1-2: Purpose:***

*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.*

*B. Specific: These regulations are intended to achieve the following more specific purposes:*

*1. To provide for adequate light, air, sanitation, drainage, and public facilities.*

2. *To secure safety from fire, panic, flood, avalanche, accumulation of snow, and other dangerous conditions.*
3. *To promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets.*
4. *To promote adequate and appropriately located off-street parking and loading facilities.*
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.*
7. *To prevent excessive population densities and overcrowding of the land with structures.*
8. *To safeguard and enhance the appearance of the Town.*
9. *To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.*
10. *To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.*
11. *To otherwise provide for the growth of an orderly and viable community.*

## **VI. ENVIRONMENTAL IMPACTS**

The proposed regulation amendment does not have identifiable environmental impacts.

## **VII. CRITERIA FOR REVIEW**

### **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 by removing repeated definitions and provided one clear definition for words used in the code. This added clarity will help to improve customer service as residents will be able to more easily navigate through the code and staff will be more effective in finding relevant sections applying them and answering questions about

them.

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 the community, as well as anyone who references the code, clear standards for planning and development review that can be applied consistently.

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 text amendment largely simplifies the existing regulation and adds clarity.

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 consistency and removing redundancy 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 the PEC and/or council determine other factors or criteria applicable to the proposed text amendments.

## **VIII. STAFF RECOMMENDATION**

The Community Development Department recommends that the Planning and Environmental Commission forward a **recommendation of approval** for the prescribed regulation amendment to the Vail Town Council. This recommendation is based upon the review of the criteria outlined in Section III of this memorandum and the evidence and testimony presented.

Should the Planning and Environmental Commission choose to forward a

recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission pass the following **motion**:

*"The Planning and Environmental Commission forwards a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Title 12, Zoning Regulations, Vail Town Code, to update definitions, including the removal of redundant definitions, and setting forth details in regard thereto."*

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission makes the following **findings**:

*"Based upon a review of Section III of the August 22, 2019 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission 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 outlined in Section 12-1-2, Purpose, Vail Town Code; 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."*