

ORDINANCE NO. \_\_\_\_  
SERIES 2019

**AN ORDINANCE AMENDING SECTION 14-6-7.A. OF THE VAIL TOWN  
CODE TO CLARIFY DESIGN STANDARDS FOR RETAINING WALLS**

WHEREAS, Section 14-6-7.A. of the Vail Town Code establishes design standards for retaining walls and is in need of clarification;

WHEREAS, on August 26, 2019, the Planning and Environmental Commission considered the changes proposed by this ordinance and recommended that the Town Council approve such changes; and

WHEREAS, the Town Council finds and determines that the clarification of Section 14-6-7.A. is necessary to avoid ambiguity in the Vail Town Code.

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

Section 1. Section 14-6.7.A. of the Vail Town Code is hereby amended as follows (*italicized* indicates new language and ~~strike through~~ 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 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.

\* \* \*

Section 2. 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 3. The amendment of any provision of the Vail Town Code 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 ordinance previously repealed or superseded unless expressly stated herein.

Section 4. 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 \_\_\_\_ day of \_\_\_\_\_,  
2019 and a public hearing for second reading of this Ordinance is set for the \_\_\_\_ day  
of \_\_\_\_\_, 2019, in the Council Chambers of the Vail Municipal Building, Vail,  
Colorado.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, Town Clerk