

ORDINANCE NO. 16

Series of 2020

AN ORDINANCE AMENDING TITLE 12, ZONING REGULATIONS, VAIL TOWN CODE, PURSUANT TO SECTION 12-3-7, AMENDMENT, TO AMEND SECTION 12-16-7: USE SPECIFIC CRITERIA AND STANDARDS, VAIL TOWN CODE, TO AMEND THE USE SPECIFIC CRITERIA FOR FUNICULARS AND OTHER SIMILAR CONVEYANCES, AND SETTING FORTH DETAILS IN REGARD THERETO

WHEREAS, the Planning and Environmental Commission (the "PEC") held a properly noticed public hearing on the proposed amendment on October 12, 2020 in accordance with the provisions of the Vail Town Code;

WHEREAS, the PEC recommended approval of the proposed amendment at its October 12, 2020 meeting, and has submitted its recommendation to the Town Council;

WHEREAS, the Council finds that the proposed amendment is 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;

WHEREAS, the Council finds that the proposed amendments further the general and specific purposes of Title 12, Zoning Regulations, Vail Town Code; and

WHEREAS, the Council finds that the proposed 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.

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

Section 1. Title 12-16-7(A)11, Funiculars and other similar conveyances, is hereby amended to read as follows:

11. Funiculars and other similar conveyances:

*a. Funiculars and other similar conveyances shall only be allowed when designed for the purpose of providing **pedestrian** access to a residential dwelling, **an accessory structure, or recreation facility/structure**, as determined by the planning and environmental commission.*

b. Funiculars and other similar conveyances shall only be allowed when significant site constraints prevent conventional means of vehicular access to the residential

dwelling, an accessory structure, or recreation facility/structure, as determined by the planning and environmental commission. "Significant site constraints" shall be defined as natural features such as mature trees, natural drainages, stream courses, and other natural water features, rock outcroppings, wetlands, excessive slopes, other natural features, and existing structures that may create practical difficulties in the site planning and development of the lot.

c. Funiculars and other similar conveyances shall only be allowed when designed to be compatible with both the site upon which they are located and the residential dwelling to which they provide access, as determined by the planning and environmental commission.

d. Funiculars and other similar conveyances shall only be allowed when designed to be appropriately screened.

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 effect 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 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 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 3rd day of November, 2020, and a public hearing for second reading of this Ordinance set for the 17th day of November, 2020, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Town Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 17th day of November, 2020.

Dave Chapin, Town Mayor

ATTEST:

Tammy Nagel, Town Clerk