



---

## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: April 11, 2022

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 14, Development Standards, Vail Town Code, Title 12 Zoning Regulations, Vail Town Code, and Title 11, Sign Regulations, Vail Town Code to correct out of date references and setting forth details in regard thereto. (PEC22-0003)

Applicant: Town of Vail  
Planner: Jonathan Spence

### I. SUMMARY

The Community Development Department is proposing to update the Vail Town Code to correct out of date references identified by an audit performed by the code company. These updates are meant to reflect changes in state law (Colorado Revised Statutes) and are not substantive in nature.

### 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the Vail Town Council for amendments to Sections 12, pursuant to Section 12-3-7, Amendment, Vail Town Code, to correct out of date references. These out of date references to Colorado Revised Statutes were discovered by a routine audit performed by the code company.

### III. PROPOSED TEXT AMENDMENT LANGUAGE

Please see the draft ordinance prepared by the Town's legal staff included as Attachment A for an understanding of the limited scope of the changes.

#### **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 (DRB) has no review authority over a text amendment to the Vail Town Code. The DRB 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.

##### **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 prescribed regulation amendment does not have any 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 address minor changes in state law and out of date references in order to maintain an accurate municipal code.

Staff finds that the proposed text amendment meets this criterion.

### **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 update the Town Code to reflect changes to state law and the references thereto. The changes will not have bearing on development objectives of the Town of Vail.

Staff finds that the proposed text amendment meets this criterion.

### **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 proposed text changes are the result of changes made to Colorado Revised Statutes which the code, at times, references. The amendments bring the code up to date with applicable statutes.

Staff finds that this criterion is not applicable.

### **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 amendments will have no effect on the town’s land use regulations or their effectiveness thereof.

Staff finds that this criterion is not applicable.

**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 VII 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 prescribed regulations amendments to Title 12 Zoning Regulations, Vail Town Code, to correct out of date references and setting forth details in regard thereto. (PEC22-0003)."*

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 VII of the April 11, 2022 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."*

**IX. ATTACHMENTS**

A. Draft Ordinance correcting various sections of Title 12.