

ORDINANCE NO. 20
Series of 2016

AN ORDINANCE REPEALING AND REENACTING ORDINANCE NO. 11, SERIES 1990, ESTABLISHING SPECIAL DEVELOPMENT DISTRICT NO. 24, WARNER DEVELOPMENT, PURSUANT TO ARTICLE A, SPECIAL DEVELOPMENT (SDD) DISTRICT, CHAPTER 9, TITLE 12, ZONING REGULATIONS, VAIL TOWN CODE AND SETTING FORTH DETAILS IN REGARD THERETO

WHEREAS, the Town of Vail, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Vail Town Charter;

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified;

WHEREAS, Ordinance No. 11, Series of 1990, established Special Development District No. 24, Warner Development;

WHEREAS, amendments to a Special Development District are permitted pursuant to the parameters set forth in Section 12-9A-10, Vail Town Code;

WHEREAS, the Planning and Environmental Commission of the Town held a public hearing on August 8, 2016 to consider the proposed amendment in accordance with the provisions of the Vail Town Code and forwarded a recommendation of approval to the Council by a vote of 5-0;

WHEREAS, the Council finds that the proposed amendment to Special Development District No. 24, complies with the design criteria outlined in Section 12-9A-8, Vail Town Code;

WHEREAS, the Council finds that the Special Development District amendment complies with the standards listed Article 12-9A, Special Development District, or that a practical solution consistent with the public interest has been achieved;

WHEREAS, the Council finds that the Special Development District amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;

WHEREAS, the Council finds that the Special Development District amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas;

WHEREAS, the Council finds that the Special Development District 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;

WHEREAS, the approval of this Special Development District amendment, and the development standards in regard thereto, shall not establish a precedent or entitlements elsewhere within the Town;

WHEREAS, all notices as required by the Town of Vail Municipal Code have been sent to the appropriate parties.

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

Section 1. Ordinance No. 11, Series of 1990, is hereby repealed and reenacted as follows: (all additions are illustrated with ***bold italics***, deletions are illustrated with ~~strikethrough~~, and text not affected has been omitted):

Section 1.

The Town council finds that the procedures for a zoning amendment as set forth in Chapter 18.66 of the Municipal code of the Town of Vail relating to zoning amendments have been fully satisfied.

Section 2.

The Town Council hereby rezones Lots 3, 4, and 5 of Vail Valley Third Filing a replat of Sunburst, to Special Development District No. 24.

Section 3.

The Town Council finds that the development plan for Special Development District No. 24 meets each of the standards set forth in Section 18.40.080 of the Municipal Code of the Town of Vail or demonstrates that either one or more of them is not applicable, or that a practical solution consistent with the public interest has been achieved. In accordance with Section 18.40.040, the development plan for Special Development District No. 24 is approved. The development plan is comprised of those plans submitted by Junge Reich Magee AIA, and consists of the following documents:

1. Site plan dated February 8, 1990.
2. Site/Landscape plan dated May 8, 1989.
3. Roof ridge height study and building elevations for Lots 3, 4, and 5 numbered AI, A6 and A7.

4. Floor plans for Lot 3, dated January 29, 1990.
5. Floor plans for Lot 4, dated January 22, 1990.
6. Floor plans for Lot 5, dated January 31, 1990.

Section 4.

Development standards for Special Development District No. 24 are approved by the Town Council as a part of the approved development plan as follows:

- A. SETBACKS:
Setbacks shall be as indicated on the site plan set forth in Section 3 of this Ordinance.
- B. HEIGHT:
Building height shall be as indicated on the elevations and roof ridge plans set forth in Section 3 of this Ordinance.
- C. COVERAGE:
Site coverage shall be as follows:
 1. Site coverage on Lot 3 shall not exceed 2595 square feet.
 2. Site coverage on Lot 4 shall not exceed 3726 square feet.
 3. Site coverage on Lot 5 shall not exceed 2878 square feet.
- D. DENSITY:
Development in SDD No. 24 shall be limited to 1 primary/secondary structure each on lots 3, 4, and 5. Gross Residential Floor Area within SDD No. 24 shall be as follows:
 1. GRFA on Lot 3 shall not exceed 3300 square feet.
 2. GRFA on Lot 4 shall not exceed 5500 square feet.
 3. GRFA on Lot 5 shall not exceed 3550 square feet.
- E. LANDSCAPING:
The area of the site to be landscaped shall generally be as indicated on the landscape plan set forth in Section 3 of this Ordinance.

- F. PARKING:
Parking in SOD No. 24 shall be met in accordance with the off-street parking requirements as specified in Section 18.52 of the Municipal Code of the Town of Vail, and as generally indicated in the site plan as set forth in Section 3 of this Ordinance.

Section 5.

The following are conditions of approval for Special Development District No. 24:

1. The use of the secondary units on lots 3, 4, and 4, as indicated on floor plans referenced in Section 3 of this Ordinance, shall be permanently restricted to long term employee housing rental. An agreement outlining this restriction shall be submitted by the owner to the Town of Vail and said agreement shall be reviewed, approved and recorded prior to the issuance of any temporary certificate of occupancy on this project. Section 18.13.080 of the Municipal Code of the Town of Vail shall be used for the wording of this agreement, except that the units shall be permanently restricted to employee housing rentals. The Town of Vail shall be a party to this agreement and the agreement shall be recorded by the Town of Vail at the Eagle County Clerk and Recorder's office. Restrictions concerning the use of these units shall run with the land.
2. The owners of Lots 3, 4, and 5 shall submit an annual report to the Town of Vail demonstrating that the lot's secondary units are rented and occupied as stipulated in Condition #1.
3. ~~The pool area on Lot 4 shall be permanently restricted to a pool. A declaration shall be filed of record in the office of the Eagle County Clerk and Recorder in a form approved by the Town Attorney.~~

Section 6.

Amendments to the approved development plan may be granted pursuant to Section 18.40.100 of the Municipal code of the Town of Vail.

Section 2. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Vail and inhabitants thereof.

Section 3. 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 by declared invalid.

Section 4. The repeal or the repeal and reenactment of any provisions of Vail Municipal 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 repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby 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, heretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 16th day of August, 2016 and a public hearing for second reading of this Ordinance set for the 6th day of September, 2016, at 6:00 p.m. in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDER PUBLISHED in full this 6th day of September, 2016.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk