

**ORDINANCE NO. 14
SERIES OF 2018**

AN ORDINANCE FOR PRESCRIBED REGULATION AMENDMENTS, PURSUANT TO SECTION 12-3-7, AMENDMENT, VAIL TOWN CODE, TO AMEND SECTION 12-2-2: DEFINITIONS OF WORDS AND TERMS PERTAINING TO COMMERCIAL SKI STORAGE/SKI CLUB, 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 Town duly existing under the Constitution and laws of the State of Colorado and its home rule charter (the "Charter");

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

WHEREAS, Section 12-3-7, Amendment, Vail Town Code, sets forth the procedures for amending the Town's Zoning Regulations;

WHEREAS, it is necessary to amend the definition of Commercial Ski Storage/Ski Club to more accurately describe what activities do not fall within its definition while maintaining the success of existing and future businesses within the Town of Vail ;

WHEREAS, the Town Council is committed to clarifying when ski operations pertaining to a lodge or dwelling unit are considered Commercial Ski Storage/Ski Club;

WHEREAS, the Community Development Department is committed to making the Town Code easily understood;

WHEREAS, from time to time is it necessary and prudent to update the Town Code; and

WHEREAS, on July 23, 2018, the Town of Vail Planning and Environmental Commission forwarded a unanimous recommendation of approval to the Vail Town Council for the amendment.

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

Section 1. Section 12-2-2, Definitions, Vail Town Code, shall be amended as follows (text that is to be added is **bold**):

COMMERCIAL SKI STORAGE/SKI CLUB: Storage for equipment (skis, snowboards, boots and poles) and/or clothing used in skiing related sports, which is available to the public or members, operated by a business, club or government organization, and where a fee is charged for hourly, daily, monthly, seasonal or annual usage. This use may have, but does not require, the following components:

A. Personal lockers,

- B. Boot dryers,
- C. Ski storage racks,
- D. Ski tuning,
- E. Food and beverage service,
- F. Areas for congregation and/or socializing,
- G. Restrooms and/or shower facilities,
- H. Nonwinter activities,
- I. Concierge ski services,
- J. Retail sales,
- K. Business center.

Ski storage that is part of a lodge, or dwelling unit, in which a fee is not charged **and is located within the lodge or dwelling unit**, is not considered commercial ski storage/ski club.

The following activities, when accessory to a retail operation, shall not be considered commercial ski storage/ski club:

- A. The outdoor display of skis or skiing related equipment that is available for sale, available for rent, rented or recently serviced. Outdoor display is subject to requirements of Section 12-14-21: OUTDOOR DISPLAY OF GOODS.**
- B. The storage, on levels other than the basement or garden level, of skis or skiing related equipment that is available for sale, available for rent, rented or recently serviced.**

Section 2. Pursuant to Section 12-3-7, Amendment, Vail Town Code, and the evidence and testimony presented in consideration of this ordinance, the Vail Town Council finds and determines the follows:

a. The amendments are 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;

b. The amendments further the general and specific purposes of the Zoning Regulations; and,

c. The amendments promote 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.

d. This ordinance is necessary and proper for the health, safety and welfare of the Town of Vail and the inhabitants thereof.

Section 3. 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 the inhabitants thereof.

Section 4. 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 5. 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 6. 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 7th day of August, 2018, and a public hearing for second reading of this Ordinance set for the 21st day of August 2018, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

Ordinance No. 14, Series 2018

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL
ON SECOND AND FINAL READING this 21st day of August 2018,, in the Council
Chambers of the Vail Municipal Building, Vail Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk