

**ORDINANCE NO. 13
SERIES OF 2018**

AN ORDINANCE FOR A PRESCRIBED REGULATION AMENDMENT, PURSUANT TO SECTION 12-3-7, AMENDMENT, VAIL TOWN CODE, TO AMEND SECTION 12-10-16 EXEMPT AREAS; PARKING FUND ESTABLISHED, VAIL TOWN CODE, TO REMOVE 1A, LOT 2A, TRACT K, TRACT L AND TRACT M OF A RESUBDIVISION OF VAIL LIONSHEAD, BLOCK 1, FROM THE “PARKING PAY-IN-LIEU” ZONES FOR PARKING REGULATIONS PURPOSES, 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 a zone district boundary;

WHEREAS, Ordinance No. 30, Series of 1982 adopted parking fee rates for various uses within the Town;

WHEREAS, Ordinance No. 4, Series of 2001 amended the Town’s “parking pay-in-lieu” policy to be consistent with master plan goals and objectives;

WHEREAS, on July 9, 2018, the Town of Vail Planning and Environmental Commission held a public hearing on the prescribed regulation amendment to remove 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1, from the “parking pay-in-lieu” zones for parking regulations purposes;

WHEREAS, on July 9, 2018, the Town of Vail Planning and Environmental Commission forwarded a unanimous recommendation of approval to the Vail Town Council for the prescribed regulation amendment;

WHEREAS, the Vail Town Council finds and determines 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;

WHEREAS, the Vail Town Council finds and determines that the amendment to the Town Code furthers the general and specific purposes of the Zoning Regulations; and

WHEREAS, the Vail Town Council finds and determines that the amendment

promotes 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. This ordinance adopts the following prescribed regulation amendment to remove 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1, from the “parking pay-in-lieu” zones for parking regulations purposes, as further described in Exhibit A.

Section 2. Condition Precedent The prescribed regulation amendment set forth in Section 1 hereof shall take effect on the date that the Final Plat for Vail/Lionshead, First Filing, a Resubdivision of a Part of Lots 1,2,3 and Tract E, Block 1, is properly recorded with the Eagle County Clerk and Recorder; provided that, if the Final Plat referenced above has not been properly recorded by August 7, 2020, the prescribed regulation amendment set forth in Section 1 hereof shall not take effect.

Section 3. 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 prescribed regulation 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; and,
- b. The prescribed regulation amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and,
- c. The prescribed regulation 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; and,
- d. 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

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 21st day of August, 2018.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

Exhibit A

Parcels to be removed from the “parking pay-in-lieu” zones for parking regulations purposes

