

**ORDINANCE NO. 12
SERIES OF 2018**

AN ORDINANCE FOR A ZONE DISTRICT BOUNDARY AMENDMENT, PURSUANT TO SECTION 12-3-7, AMENDMENT, VAIL TOWN CODE, TO ALLOW FOR A REZONING OF TWO PARCELS OF LAND LOCATED IN THE VICINITY OF 366 HANSON RANCH ROAD; A PORTION OF LOT D-1, BLOCK 2, VAIL VILLAGE FIFTH FILING AND A PORTION OF TRACT E, VAIL VILLAGE FIFTH FILING. THE REZONING WILL CHANGE THE ZONE DISTRICT FROM AGRICULTURE AND OPEN SPACE (A) DISTRICT TO THE PUBLIC ACCOMMODATION (PA) DISTRICT, 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, the subject property, described in **Exhibit A**, attached hereto and incorporated herein by this reference, (the "subject property");

WHEREAS, on August 7, 1973, the Town of Vail adopted Ordinance No. 8, Series of 1973, to establish comprehensive zoning regulations for the Town of Vail;

WHEREAS, the purpose of the amendment is to establish a development site with uniform zoning for the property known as 366 Hanson ranch Road;

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 zone district boundary amendment as

further described in Exhibit A: Agriculture and Open Space (A) District to the Public Accommodation (PA) District

Section 2. Condition Precedent and Expiration The rezoning set forth in Section 1 hereof shall take effect on the date that the Exemption Plat for the Lot 1, 366 Hanson Ranch Road Subdivision, is properly recorded with the Eagle County Clerk and Recorder; provided that, if the Exemption Plat for the Lot 1, 366 Hanson ranch Road Subdivision has not been properly recorded by August 7, 2020 the rezoning set forth in Section 2 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 zone district boundary 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;
- b. The zone district boundary amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and,
- c. The zone district boundary 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.
- 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

Portions of Lot d-1 and Tract E to be rezoned from Agriculture and Open Space (A) District to the Public Accommodation (PA) District.

