

**ORDINANCE NO. 6
SERIES OF 2017**

AN ORDINANCE FOR A ZONE DISTRICT BOUNDARY AMENDMENT, PURSUANT TO SECTION 12-3-7, AMENDMENT, VAIL TOWN CODE, TO ALLOW FOR A REZONING OF LOT 2E AND LOT 2E-1, BLOCK 1, VAIL LIONSHEAD SECOND FILING, FROM LIONSHEAD MIXED USE 1 (LMU-1) DISTRICT TO THE GENERAL USE (GU) DISTRICT, AND A REZONING OF LOT F-1, VAIL VILLAGE SECOND FILING LOT E AND F, LOT 2E VAIL/LIONSHEAD, SECOND FILING, BLOCK 1, A RESUBDIVISION OF LOT 2, FROM GENERAL USE (GU) DISTRICT TO LIONSHEAD MIXED USE 1 (LMU-1) DISTRICT, LOCATED AT 180 AND 250 SOUTH FRONTAGE ROAD WEST, 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"); and,

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

WHEREAS, Section 12-3-7, Amendment, Vail Town Code, sets forth the procedures for amending a zone district boundary; and,

WHEREAS, the subject property, described in **Exhibit A**, attached hereto and incorporated herein by this reference, (the "subject properties"); and,

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; and,

WHEREAS, the purpose of the amendment is to establish a development sites with uniform zoning for the redevelopment of the Evergreen Lodge and the Vail Valley Medical Center; and,

WHEREAS, on June 26, 2017, the Town of Vail Planning and Environmental Commission held a public hearing on the zone district boundary amendment to rezone the subject properties; and,

WHEREAS, on June 26, 2017, the Town of Vail Planning and Environmental Commission forwarded a unanimous recommendation of approval to the Vail Town Council for the zone district boundary amendment; and,

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; and,

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:

A rezoning of Lot 2E and Lot 2E-1, Block 1, Vail/Lionshead Second Filing, from Lionshead Mixed Use 1 (LMU-1) District to the General Use (GU) District, and a rezoning of Lot F-1, Vail Village Second Filing Lot E and F, Lot 2E Vail/Lionshead, Second filing, Block 1, a Resubdivision of Lot 2, from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District, located at 180 and 250 South Frontage Road West.

Section 2. Condition Precedent The rezoning set forth in Section 1 hereof shall take effect on the date that the Final Plats for Vail Village Second Filing, Lot E and Lot F, Lot 2E, Vail Lionshead Second Filing, Block 1, a Resubdivision of Lot 2, creating Lot F-1 and Vail/Lionshead, Second Filing, Block 1, A Resubdivision of Lot 2W, creating Lot 2E-1, is properly recorded with the Eagle County Clerk and Recorder; provided that, if either plat referenced above has not been properly recorded by August 1, 2020, the rezoning 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 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; and,
- 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; 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 11th day of July, 2017, and a public hearing for second reading of this Ordinance set for the 1st day of August, 2017, 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 1st day of August, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

Exhibit A

