#### ORDINANCE NO. 2024-

# AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING SECTION 17.3.10 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE CONCERNING THE OPEN SPACE MAP

WHEREAS, the Town of Mountain Village ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended ("Charter"); and

WHEREAS, Section 17.3.10 of the Mountain Village Municipal Code ("Code") outlines the Town's platted open space requirements and refers to the "2012 Open Space Map"; and

WHERAS, the purpose of maintaining an Open Space Map is to depict all parcels within the Town zoned as Open Space and to aid Town Staff and the public in tracking replacement Open Space if and when such parcels are rezoned; and

WHEREAS, although the Open Space Map is used as a point of reference in conjunction with the relevant provisions of the Code, in order to avoid confusion, the Town desires to update references to the Open Space Map to the most recent version and authorize Town Staff to continue to update the map as needed, from time to time; and

WHEREAS, the Town Council desires to amend the Code accordingly, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

<u>Section 2. Amendment</u>. The Town Council hereby amends Section 17.3.10 of the Code as set forth in Exhibit A, attached hereto. For reference only, a copy of the most recent Open Space Map is attached hereto as Exhibit B. The Town Council hereby authorizes Town Staff to update the Open Space Map as needed, from time to time.

<u>Section 3. Severability</u>. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

<u>Section 4. Safety Clause</u>. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

<u>Section 6. Public Hearing</u>. A public hearing on this Ordinance was held on the \_\_\_ day of \_\_\_\_\_, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

required by Article V, Section 5.9 of the Charter.	to public hearing before the Town Council of the Town of			
Mountain Village, Colorado on the day of				
TOWN OF MOUNTAIN VILLAGE:	TOWN OF MOUNTAIN VILLAGE, COLORADO, A HOME-RULE MUNICIPALITY			
ATTEST:	By: Martinique Prohaska, Mayor			
Susan Johnston, Town Clerk				
HEARD AND FINALLY ADOPTED by the T day of, 2024.	Town Council of the Town of Mountain Village, Colorado this			
TOWN OF MOUNTAIN VILLAGE:	TOWN OF MOUNTAIN VILLAGE, COLORADO, A HOME-RULE MUNICIPALITY			
	By: Martinique Prohaska, Mayor			
ATTEST:				
Susan Johnston, Town Clerk				
Approved as to Form:				
David McConaughy, Town Attorney				

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as

("Town") do hereby certify that:	wn Clerk	of the Tov	vn of Moun	tain Village, Colorado
1. The attached copy of Ordinance No. 2024("Or	dinance")	is a true, o	correct, and	complete copy thereof.
2. The Ordinance was introduced, read by title, appr the Town Council the Town ("Council") at a regu Blvd., Mountain Village, Colorado, on Town Council as follows:	ılar meetir	ng held at	Town Hall,	455 Mountain Village
Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				
<ul><li>Home Rule Charter.</li><li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2024. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat</li></ul>	Blvd., Mo as consid	untain Vil ered, read	lage, Colora l by title, a	ado, on, and approved without
Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
171011111111111111111111111111111111111				
Scott Pearson, Mayor Pro-Tem				
Scott Pearson, Mayor Pro-Tem Harvey Mogenson Peter Duprey				
Scott Pearson, Mayor Pro-Tem Harvey Mogenson Peter Duprey Jack Gilbride				
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Scott Pearson, Mayor Pro-Tem Harvey Mogenson Peter Duprey Jack Gilbride				
Scott Pearson, Mayor Pro-Tem Harvey Mogenson Peter Duprey Jack Gilbride Tucker Magid	cords of th	ne Town.		

#### Exhibit A

#### 17.3.10 Platted Open Space Requirements

- A. *Preservation as to Acreage and General Location*. Active and passive open space shall be preserved as to acreage and general location as depicted on the 2012 Open Space Map, which shall be maintained by the Town Clerk and may be updated by Town staff time to time and documented in the associated open space table as recorded at Reception Numbers 426871, 426872, and 426873 ("2012 Open Space Map").
- B. Open Space Percentage Requirement. Active and passive open space within the Original PUD Boundary as depicted on the 2012 Open Space Map shall not be less than sixty percent (60%) of the total acreage within the Original PUD Boundary, excluding village core open space unless such open space has otherwise been provided as Replacement Open Space as provided for in Section 1.5.
- C. *Prohibition on Rezoning of Passive Open Space*. Passive open space within the Original PUD Boundary as shown on the 2012 Open Space Map shall be maintained and shall not be rezoned, nor shall the acreage of such passive open space be reduced below 151.3 acres.
- D. *Rezoning of Active Open Space Permitted*. Active open Space as depicted on the 2012 Open Space Map may be rezoned and replatted as envisioned in the Comprehensive Plan provided:
  - 2. The active open space to be rezoned or replatted is replaced by an equal amount of acreage that is not depicted as such on the 2012 Open Space Map, with such replacement acreage to be zoned as active open space ("Replacement Open Space");
  - 4. The Replacement Open Space is located within any subarea plan as depicted on the 2012-Open Space Map, or Lot 420 subject to compliance with the provisions of section I below, in which case the Replacement Open Space shall be deemed to be in the same general location as the active open space parcels that have been rezoned and replatted for resort development purposes; and,
- E. Village Core Replacement Open Space. Village core open Space as depicted on the 2012 Open Space Map may be used as Replacement Open Space within the Mountain Village Center Subarea Plan provided:
  - 2. The 2012 Open Space Map is amended shall be updated by Town staff to depict the Replacement Open Space.

### Exhibit B

## [OPEN SPACE MAP]

