

ORDINANCE NO. 7

Series 2012

March 6, 2012: Introduced as Council Bill 6, Series 2012 by Councilor Brown, seconded by Councilor VanderWerf and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

April 17, 2012: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
TO AMEND SECTION 16-8-80 OF THE CHERRY
HILLS VILLAGE MUNICIPAL CODE
CONCERNING R-3A BUFFER REQUIREMENTS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate property and construction within the boundaries of the City to further the health, safety and welfare of the citizens of the City of Cherry Hills Village; and

WHEREAS, Section 16-8-80 of the Cherry Hills Village Municipal Code establishes a buffer requirement within the R-3A Variable Lot Residential Zone District; and

WHEREAS, the City of Cherry Hills Village has determined that it is in the best interests of the citizens of the City to amend Section 16-8-80 of the Cherry Hills Village Municipal Code to change the restrictions within the buffer required pursuant to this Section.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 16-8-80 of the Cherry Hills Village Municipal Code is amended to read as follows:

Sec. 16-8-80. Buffer requirement.

~~(a) A buffer shall consist of a permanent landscaped area, with improvements limited to certain landscape amenities such as trees, plants, and trails.~~

~~(b) (a) An R-3A lot, any portion of which is within one hundred (100) feet of existing platted lots of a larger minimum lot size than the proposed R-3A lot, shall be separated from the adjoining lots by a one-hundred-foot buffer area which may be credited as setback. Such buffer area must be free of any improvements such as structures, pools, tennis courts, patios, decks, fences or driveways.~~

~~(c) (b) An R-3A lot, any portion of which is within fifty (50) feet of unplatted residential zone districts that require a larger minimum lot size than the proposed R-3A lot, shall be separated from the adjoining zone district by a fifty-foot buffer area which may be credited as setback. Such buffer area must be free of any improvements such as structures, pools, tennis courts, patios, decks, fences or driveways.~~

(e) ~~(c)~~ R-3A lots which are adjacent to public rights-of-way existing at the time of adoption of the initial ordinance codified herein shall provide a buffer of at least fifty (50) feet adjacent to said public right-of-way.

(d) Uses within buffers in the R-3A, Variable Lot Residential District:

(i) One hundred foot buffers pursuant to Subsection (a) and fifty foot buffers pursuant to Subsection (c): Uses within these buffers are limited to a permanent landscaped area which may include landscape amenities such as trees, plants, and trails. These buffer areas must be free of all other improvements, buildings, or structures.

(ii) Fifty foot buffers pursuant to Subsection (b): Uses within this buffer are limited to landscape amenities (such as trees, plants, and trails), fences, walls, driveways, patios and decks. This buffer must be free of all other improvements, buildings and structures.

(e) Buffer requirements shall not apply where property in a neighboring residential zone district, platted or unplatted, is in use, at the time of platting of the R-3A lots, as, or in conjunction with operation of, a church or school, or where the adjacent public rights-of-way border property in use, at the time of platting, as, or in conjunction with the operation of, a church or school.

(f) A buffer established pursuant to Subsection (c) of this Section may be removed in accordance with the procedures outlined in Chapter 17, Article III, Division 4 of this Code, unless such buffer was used as a credit against the land dedication requirements at the time of final platting. Such buffer removal request shall be made by all property owners within the subdivision that are subject to the buffer and accompanied by written approval of the request by all property owners contiguous to the entire length of the buffer being removed.

(g) Removal of a buffer established pursuant to Subsection (c) of this Section shall not be deemed to change the building envelope for any lot as originally established with said buffer.

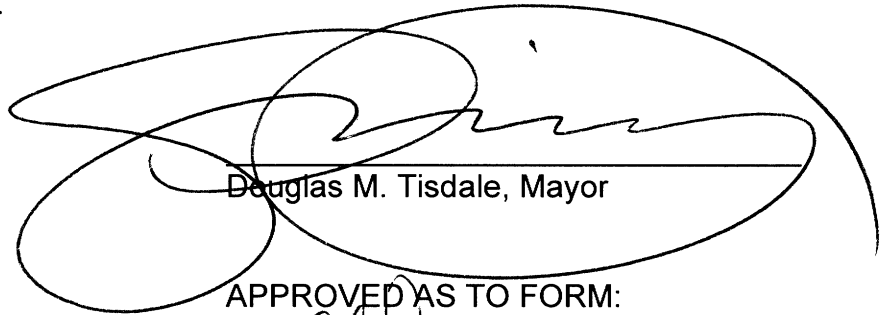
Section 2. Section 16-1-10 of the Cherry Hills Village Municipal Code is amended by deleting the following definition:

Buffer means a permanent landscaped area, with improvements limited to certain landscape amenities such as trees, plants and trails.

Section 3. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 7, Series 2012, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of April, 2012.




Douglas M. Tisdale, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Kenneth S. Fellman, City Attorney

ABF554

Published in *The Villager*
Published: 4-26-12
Legal #: 2348

**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 7, SERIES 2012**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE TO AMEND SECTION 16-8-80 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING R-3A BUFFER REQUIREMENTS

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in *The Villager*
Published: April 26, 2012
Legal #: 2348