

ORDINANCE NO. 4

Series 2022

January 4, 2022: Introduced as Council Bill 3, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 1, 2022: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING ARTICLES II AND III OF CHAPTER 17 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING A REFERENCE TO THE CITY'S CURRENT MASTER PLAN AND AMENDING PUBLIC NOTICE REQUIREMENTS PERTAINING TO THE CITY'S SUBDIVISION REGULATIONS

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

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City is authorized to regulate the development and subdivision of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted subdivision regulations codified in Chapter 17 of the Cherry Hills Village Municipal Code ("Municipal Code"), which Chapter was updated pursuant to Ordinance 8, Series 2019; and

WHEREAS, the City Council desires to amend Chapter 17 to reference the most current version of the City's Master Plan and to amend public notice requirements pertaining to the City's Subdivision Regulations; and

WHEREAS, the City Council finds the regulations set forth in this ordinance further the health, safety and welfare of the community and are in furtherance of the City's police powers.

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

Section 1. Section 17-2-50 of the Municipal Code, entitled *Definitions*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 17-2-50 to remain intact:

Sec. 17-2-50. – Definitions.

Master Plan means the ~~2008~~ currently adopted version of the Cherry Hills Village Master Plan, ~~as amended or superseded.~~

Section 2. Section 17-3-115 of the Municipal Code, entitled *Notice of hearing*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 17-3-115. – Notice of hearing. Notice of the public hearing shall be provided in accordance with Table 16-7-255D.

(a) Mailed Notice.

~~(1) Written notice of the public hearing at which the plat will be considered shall be given at least ten (10) fifteen (15) days in advance by the subdivider by receipted personal service or receipted certified mail to the owners of all property (exclusive of streets, alleys and easements) within five hundred (500) one thousand (1,000) feet of any portion of the proposed subdivision, and a certificate of mailing shall be filed with the City Clerk.~~

~~(2) Such written notice shall specify that the proposed plat may be inspected at the City offices during normal working hours prior to the hearing and that any person may appear at said meeting to protest such subdivision.~~

~~(3) If a variance is requested by the subdivider in accordance with Section 17-3-420 of this Chapter, the written notice shall make specific reference thereto.~~

~~(b) Published Notice. Notice of the date, time, place, and purpose of the public hearing shall be published at least once in a newspaper of general circulation in the City on the City of Cherry Hills Village website at least fifteen (15) calendar days prior to the public hearing.~~

~~(c) Posted Notice.~~

~~(1) Notice shall be posted on the subject property, if practical, on a sign at least two (2) feet by three (3) feet in dimension, for a period of fifteen (15) days prior to the public hearing, and posted in a conspicuous location at the Village Center approved by the Council.~~

~~(2) The Director shall determine the location of signs and the required number of signs on the subject property in his or her discretion to provide adequate notice to the public.~~

~~(3) All required signs shall be removed no later than one (1) week following the hearing or continued hearing.~~

~~(d) Cost of Notice. Publication costs shall be paid by the City (and included in the application fee) and posting costs shall be paid by the applicant. The applicant shall pay any costs associated with notification.~~

Section 3. Sub-section (b) of Section 17-3-120 of the Municipal Code, entitled *Referrals; action required by commission*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 17-3-120 to remain intact:

Sec. 17-3-120. – Referrals; actions required by commission.

(b) Public Hearing.

~~(1) The Chairman of the Commission shall schedule a public hearing of the Commission to consider the proposed subdivision. Notice of the hearing date shall be given at least fifteen (15) days in advance in accordance with 17-3-115.~~

(2) Following the hearing referred to in the preceding Subsection, the The Chair of the Commission shall schedule a public hearing of the Commission and notice such hearing in accordance with the public notice requirements in Table 16-7-255D. The Commission shall recommend approval, recommend approval with conditions, or reject the preliminary plat. If the preliminary plat receives a recommendation of approval or conditional approval by the Commission, it shall be sent to the Council for decision. If the preliminary plat is rejected, the subdivider may appeal to the City Council.

Section 4. Sub-section (a) of Section 17-3-230 of the Municipal Code, entitled *Action required by council*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 17-3-230 to remain intact:

Sec. 17-3-230. – Action required by council.

(a) Generally. The final plat submittal, along with the recommendations of the Director, shall be presented at a regular meeting of the Council. Notice of the hearing meeting date shall be ~~given at least fifteen (15) days in advance in accordance with Section 17-3-115~~ Table 16-7-255D.

Section 5. Section 17-3-350 of the Municipal Code, entitled *Minor subdivision and minor amendment approval procedure*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 17-3-350. – Minor subdivision and minor amendment approval procedure.

(a) Commission Hearing.

(1) The Commission shall hold a public hearing to consider the subdivision's conformance with the requirements of this Code and this Article. Notice of the hearing date shall be given at least fifteen (15) days in advance in accordance with Section 17-3-115. The Commission shall notice such hearing in accordance with the public notice requirements in Table 16-7-255D.

(2) The Commission shall recommend approval or approval with conditions or shall reject the minor subdivision or minor amendment.

(b) Council Hearing. Upon a Commission's recommendation of approval or approval with conditions, the Council shall consider minor subdivision or minor amendment application at a public hearing and notice such hearing in accordance with the public notice requirements in Table 16-7-255D. ~~Notice of the hearing date shall be given at least 15 days in advance in accordance with Section 17-3-115.~~ Upon a Commission's rejection, the applicant may appeal to the City Council at a public hearing and notice such hearing in accordance with the public notice requirements in Table 16-7-255D.

Section 6. Sub-section (c) of Section 17-3-520 of the Municipal Code, entitled *Process*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 17-3-520 to remain intact:

Sec. 17-3-520. – Subdivision renaming process.

(c) Public Hearing. The City Council shall consider the proposed subdivision name change at a duly noticed public hearing. Notice of the public hearing shall be given in accordance with ~~Section 17-3-115~~ Table 16-7-255D. ~~The applicant shall be responsible for all public hearing costs and for posting in accordance with this Section.~~

Section 7. 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 be declared invalid.


Section 8. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 9. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

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

Adopted as Ordinance No. 4, Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of February, 2022.


(SEAL)


Russell O. Stewart, Mayor

ATTEST:


Laura Gillespie, City Clerk

Approved as to form.


Kathie B. Guckenberger, City Attorney

Published in the Villager
Published: 2-10-22
Legal #: 10625

CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 4, SERIES 2022

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING ARTICLES
II AND III OF CHAPTER 17 OF
THE CHERRY HILLS VILLAGE
MUNICIPAL CODE CONCERNING
A REFERENCE TO THE CITY'S
CURRENT MASTER PLAN AND
AMENDING PUBLIC NOTICE
REQUIREMENTS PERTAINING
TO THE CITY'S SUBDIVISION
REGULATIONS

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: February 10, 2022
Legal # 10626