

ORDINANCE NO. 13

Series 2022

May 3, 2022: Introduced as Council Bill 12, Series 2022 by Councilor Mike Gallagher, seconded by Councilor Al Blum and considered in full text on first reading. Passed by a vote of 4 yes and 1 no.

June 7, 2022: Considered in full text on second reading. Passed by a vote of 4 yes and 1 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 16-3-20 OF ARTICLE III OF CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING RECREATIONAL STRUCTURE SETBACKS IN THE O-1, OPEN SPACE, PARK AND RECREATION AREA ZONE DISTRICT

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 of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, pursuant to the authority outlined herein, the City Council established zoning regulations codified in Chapter 16 of the Cherry Hills Village Municipal Code (“Municipal Code”); and

WHEREAS, pursuant to Ordinance 7, Series 2019, the City Council repealed and replaced Chapter 16 of the Municipal Code to modernize that chapter, resolve internal inconsistencies, make the chapter more accessible, and resolve potential misunderstandings regarding its application; and

WHEREAS, pursuant to Section 16-7-40(b)(11) of the Municipal Code, after reviewing and applying the revised Chapter 16, the Community Development Director (“Director”) has identified and recommends the amendment proposed herein to provide additional clarity, precision, and consistency in the application of that chapter; and

WHEREAS, at a meeting held on April 12, 2022, pursuant to Section 16-7-370 of the Municipal Code, the Planning and Zoning Commission recommended that City Council approve the amendment proposed by the Director with certain modifications, which are reflected in this Ordinance; and

WHEREAS, the City desires to add specific setbacks for recreational structure in the O-1, Open Space, Park, and Recreation Area Zone District, to provide clarity regarding the location of such structures, to ensure that development concerning such structures is consistent with the City’s master plan and existing development, and to promote the health, safety, convenience, and general welfare of the community; and

WHEREAS, pursuant to Sections 16-7-10(d)(1)(b) and 16-7-370 of the Municipal Code, and in consideration of the health, safety, and welfare of the public, the City Council desires to amend Chapter 16 of the Municipal Code as set forth herein.

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

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations by the City Council.

Section 2. Section 16-3-20 of the Cherry Hills Village Municipal Code is hereby amended by adding a new sub-section (d) entitled *Minimum Recreational Structure Setbacks for O-1*, to read as follows:

(d) Minimum Recreational Structure Setbacks for O-1. Recreational structure setbacks in the O-1 zoning district shall not be less than the minimums set out in Table 16-3-20.D., Minimum Recreational Structure Setbacks for O-1.

Table 16-3-20.D – Minimum Recreational Structure Setbacks for O-1

Table 16-3-20.D Minimum Recreational Structure Setbacks for O-1		
Club Acreage (total contiguous land area regardless of property lines)	10 ac. and below	Over 10 ac.
Min. Front Setback	40 ft.	75 ft.
Min. Side Setback	25 ft.	25 ft.
Min. Side Setback (Street)	10 ft.	25 ft.
Min. Rear Setback	25 ft.	25 ft.

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 be declared invalid.

Section 4. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 5. **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 6. **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. 13 Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 7th day of June, 2022.

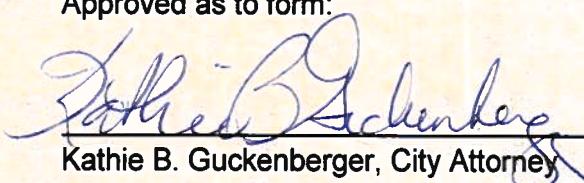
(SEAL)


Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:


Kathie B. Guckenberger, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 13, SERIES 2022
A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING SECTION
16-3-20 OF ARTICLE III OF CHAPTER
16 OF THE CHERRY HILLS
VILLAGE MUNICIPAL CODE
CONCERNING RECREATIONAL
STRUCTURE SETBACKS IN
THE O-1, OPEN SPACE, PARK
AND RECREATION AREA ZONE
DISTRICT

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