

ORDINANCE NO. 1
Series 2015

November 18, 2014: Introduced as Council Bill 12, Series 2014 by Councilor Russell Stewart, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

January 6, 2015: 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 ARTICLE XVI OF CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL
CODE CONCERNING SUPPLEMENTARY DISTRICT REGULATIONS, BY THE ADDITION
OF REGULATIONS REQUIRING CERTAIN UTILITIES TO BE PLACED UNDERGROUND
WHEN ASSOCIATED WITH THE NEW CONSTRUCTION OR MAJOR ADDITION OF ALL
SINGLE FAMILY RESIDENCES, INSTITUTIONAL STRUCTURES, OR SIMILAR LAND USES**

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 has authority 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, the City has adopted zoning regulations codified in Chapter 16 of the Municipal Code that, in relevant part, establish requirements for the new construction or major addition of all single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities; and

WHEREAS, the City has determined that it is necessary to require utilities to be located underground to further certain goals and policies articulated in the Master Plan, including but not limited to protecting and improving the aesthetics of the City.

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

Section 1. Article XVI of the Cherry Hills Village Municipal Code, entitled "Supplementary District Regulations," is hereby amended to include the following section:

Sec. 16-16-200. Utilities.

The purpose and intent of this Section is to protect and improve the aesthetics of the City by requiring that new or existing service lines associated with public utilities (telephone, electric service, cable television, gas lines and other similar utilities) be placed underground in conjunction with the construction of all new single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities. The burial of new or existing service lines shall also be required when a property owner proposes to undertake a major addition to an existing single family residence, nonprofit institution, private club, public recreational facility or nonprofit recreational facility. For purposes of this section, a major addition shall be defined as the addition or replacement of fifty percent (50%) or more of existing square footage of all structures existing on the lot of record. The obligation to place service lines underground shall not extend to existing overhead transmission or distribution lines that provide service to other properties. Facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.

Section 2. 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 3. 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.

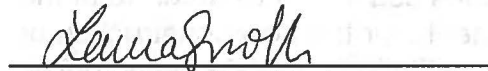
Adopted as Ordinance No. 1, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado this 6th day of January, 2015.

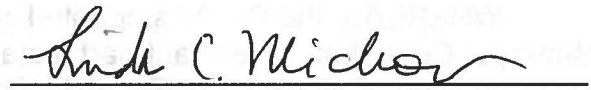
(SEAL)


Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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