

ORDINANCE NO. 5
Series 2015

February 17, 2015: Introduced as Council Bill 2, Series 2015 by Councilor Klasina VanderWerf, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

March 17, 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 SECTIONS 16-16-10(c) AND 16-16-10(d)(2) OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE CONCERNING OFF-STREET PARKING REQUIREMENTS**

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 off-street parking requirements serving public, semipublic, commercial and other nonresidential uses; and

WHEREAS, the City Council has determined that allowing a reduction in parking requirements to promote the semirural character of the Village as envisioned in the Master Plan may be allowed if a proposed use has off-street parking areas that exist in a natural state and the adverse impacts associated with the limited use of such areas may be reasonably mitigated.

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

Section 1. Section 16-16-10(c) of the Cherry Hills Village Municipal Code is hereby amended as follows with deletions shown in strikethrough and additions shown in underline:

Sec. 16-16-10. Off-street parking requirements.

(c) Parking reduction. The City Manager shall, or City Council pursuant to approval under Article XX of this Chapter, may grant a parking reduction of up to forty ~~fifty~~ percent (~~40~~50%) of the required parking if the City Manager or City Council finds:

- (1) The parking needs of the use will be adequately served; and
- (2) If the joint use of the parking areas is proposed, varying time periods of use will accommodate proposed parking needs, and the applicant has provided adequate assurances that the time period of use will not change; and
- (3) If grass or other non-hardened surface area parking is proposed, the use has a minimum of fifty percent (50%) of required parking complying with the hard-surface requirements set forth in Section 16-16-10(d)(2) below and the use of grass or other natural, non-hardened areas is solely to accommodate overflow, special event or other similar temporary, peak parking demands, provided that the applicant has agreed to enter into a written mitigation agreement with the City to address the use and maintenance of any such natural off-street parking areas, including but not limited to the establishment of monthly or annual usage limits, inclement weather usage restrictions, re-seeding and re-vegetation requirements, watering or irrigation requirements, and conditions designed to limit the amount of mud or debris tracked onto adjacent City rights-of-way, including but not limited to the required installation of a vehicle tracking control (VTC) system.

Section 2. Section 16-16-10(d) of the Cherry Hills Village Municipal Code is hereby amended as follows:

Sec. 16-16-10. Off-street parking requirements.

(d) Off-street parking areas serving public, semipublic, commercial or other nonresidential uses:


(2) Surface requirements: Off-street parking areas shall be hard-surfaced with asphalt, concrete or porous surfacing engineered to support the weight of vehicles but permitting grass to grow through. Off-street parking areas for which a written mitigation agreement has been entered into pursuant to Section 16-16-10(c)(3) above may be located on natural, non-hardened surfaces. Any natural area approved for parking shall be exempt from the landscaping, striping and lighting requirements of this Section and Section 16-16-20.

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.

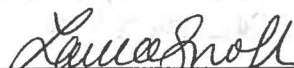
Adopted as Ordinance No. 5, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of March, 2015.

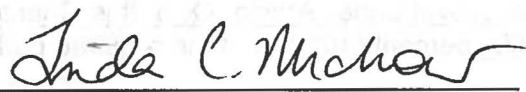
(SEAL)


Laura Christman, Mayor

ATTEST:

Approved as to form:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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