

ORDINANCE NO. 6
Series 2015

April 7, 2015: Introduced as Council Bill 6, Series 2014 by Councilor Alex Brown, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

May 5, 2015: 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
 REPEALING AND RE-ENACTING SECTION 16-20-10 OF CHAPTER 16 OF THE CHERRY
 HILLS VILLAGE MUNICIPAL CODE CONCERNING NONPROFIT INSTITUTIONS, PRIVATE
 CLUBS, PUBLIC RECREATIONAL FACILITIES AND NONPROFIT RECREATIONAL
 FACILITIES, BY THE ADDITION OF REVIEW CRITERIA FOR EXPANDED USE PERMIT
 REQUESTS**

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 expansion of all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities; and

WHEREAS, the City has determined that it is necessary to clarify review criteria for expanded use permit requests to ensure that development is regulated and the character of the City is maintained.

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

Section 1. Section 16-20-10 of the Cherry Hills Village Municipal Code, entitled "General," is hereby amended to read as follows:

Sec. 16-20-10. General.

- (a) The purpose of this Article is to establish procedures, and submittal requirements and review criteria which the City will use to review and approve certain uses, or expansions or increases to those uses. For purposes of this Article, references to the "Commission" shall mean either the Planning and Zoning Commission or the Parks and Trail Commission, as designated in Paragraph 16-20-40(1) of this Chapter.
- (b) The procedures and submittal requirements set forth in this Article shall apply to all requests to establish all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities and shall apply to requests to expand or increase all nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities to the extent such request seeks:
 - (1) The physical alteration of any building or structure by more than one thousand (1,000) square feet;
 - (2) The creation, addition, modification or increase in size of any parking area, including the reconfiguration or alteration of the size, number or location of one (1) or more parking spaces or drive aisles;
 - (3) The addition or increase in number, size or intensity, or a change or modification in direction of existing exterior lighting other than changes or modifications which are determined by the City Manager to bring exterior lighting into greater conformance with the requirements of this Article; or

- (4) The creation, addition, modification or increase in outdoor recreational fields or recreational facilities, including, but not limited to, playgrounds, parks, courts and swimming pools; or
 - (5) Any increase or modification to a previously approved use that could result in increased traffic or parking demands or an increase in the number of employees, enrollment, attendees or memberships above previously City approved limits, or above maximum levels documented in a prior application reviewed and approved or conditionally approved by the City.
- (c) In addition to the standards of this Chapter, as applicable, all requests submitted under this Article XX shall be evaluated based on the following general standards:
- (1) The proposed use is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City.
 - (2) The proposed use complies with all applicable City ordinances and is consistent with all other City policies and plans.
 - (3) The bulk and scale of any proposed design is compatible with the site and the character of the surrounding area.
 - (4) Drainage and transportation systems are designed to encourage the use of natural materials and comply with the character of the surrounding area.
 - (5) The proposed use will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues.
 - (6) Sufficient parking in terms of parking spaces and areas to accommodate parking needs is provided and designed to minimize the impact on the character of the surrounding area.
 - (7) Adverse impacts on adjacent properties as a result of the proposed scope of work will be eliminated, mitigated, or reasonably controlled, including but not limited to lighting and noise.
- (d) The City Manager can require any or all of the information required in Section 16-20-50 below that impacts the area affected by the proposed activity, or is otherwise required by this Code. In addition, the City Manager may request that the applicant hold a meeting with affected neighbors and the City in order to make the determination. (~~Prior code 6-19-1; Ord. 13, 2000; Ord. 17, 2000; Ord. 13 §1, 2013~~)
- (e) Any expanded use permit approved or conditionally approved by the City shall automatically expire if the improvements described in the permit application are not constructed or the use is not commenced within two (2) years of the date of City approval. The City Manager or his or her designee may grant extensions of time to the permit expiration date, not to exceed six (6) months, for good cause shown but only if an application for such extension is made in writing and filed with the City prior to the end of the applicable two (2) year expiration period.

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. 6, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado this 5th day of May, 2015.



(SEAL)

Laura Christman
Laura Christman, Mayor

ATTEST:

Laura Smith
Laura Smith, City Clerk

Approved as to form:

Linda C. Michow
Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 6, SERIES 2015

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING AND RE-ENACTING SECTION 16-20-10 OF CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING NONPROFIT INSTITUTIONS, PRIVATE CLUBS, PUBLIC RECREATIONAL FACILITIES AND NONPROFIT RECREATIONAL FACILITIES, BY THE ADDITION OF REVIEW CRITERIA FOR EXPANDED USE PERMIT REQUESTS

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

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