

ORDINANCE NO. 1

Series 2025

August 19, 2025: Introduced as Council Bill 1, Series 2025 by Councilor Susan Maguire, seconded by Councilor Doug Robinson and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

September 2, 2025: 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 16-2-20, 16-3-10, 16-3-230, 16-4-230, AND 16-7-130 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE RELATED TO CORRECTIONS TO THE ZONING MAP, ALIGNING RECREATIONAL STRUCTURES WITH THE DEFINITION FOR RECREATIONAL STRUCTURES, ADDRESSING WALL SIGNS ON COMMERCIAL PROPERTY, CLARIFYING TREE MITIGATION REQUIREMENTS, AND CORRECTING A CROSS- REFERENCE IN THE CODE

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"), which regulations include correcting the official zoning map, defining recreational structures, wall signage on commercial property, tree mitigation, and processing land use applications; and

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

WHEREAS, at a meeting held on July 8, 2025, pursuant to Section 16-7-370(b) of the Municipal Code, the Planning and Zoning Commission recommended that City Council approve the amendments proposed by the Director; and

WHEREAS, pursuant to Sections 16-7-10(d)(1)(b) and 16-7-370(a) 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. Section 16-2-20(e) Amended. Subsection (e) of Section 16-2-20 of the Cherry Hills Village Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 16-2-20. – Official zoning map adopted.

(e) ~~Destruction and Replacement of~~ Corrections to the Official Zoning Map. ~~In the event If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, needs correction as a result of drafting errors, omissions, or inconsistencies with previously approved ordinances to rezone properties, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting errors or omissions in the prior official zoning map, but n~~No such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the city clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Cherry Hills Village, Colorado, as adopted in section 16-2-20 of the Municipal Code."

Section 2. Table 16-3-10.C.1 Amended. Table 16-3-10.C.1-Minimum Building Setbacks and Floor Area Ratio, located in Section 16-3-10 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strike~~through:

Table 16-3-10.C.1. Minimum Building Setbacks and Floor Area Ratio					
Standard	Residential Zoning District				
	R-1	R-2	R-3	R-4	R-5
Single-Family Detached Dwellings					
Min. Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Min. Side Setback	50 ft.	40 ft.	25 ft.	10 ft. / 30 ft. ¹	7.5 ft.
Min. Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Max. Floor Area Ratio ²	23%	23%	25%	30%	30%
Residential Accessory Buildings, Accessory Structures, and Recreational Facilities Structures ³					
Max. Number	3 ⁴	3	3	2	2
Max. Combined Floor Area and Footprint ⁵	1,100 sf. ⁴	750 sf.	650 sf.	500 sf.	500 sf.
Front Setback	75 ft. ⁴	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft. ⁴	25 ft.	25 ft.	15 ft.	7.5 ft.
Nonresidential Buildings					
Min. Front Setback (Generally)	150 ft.	150 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Front Setback (State Highways)	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Side Setback	50 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Min. Rear Setback	100 ft.	50 ft.	50 ft.	N/A ⁶	N/A ⁶
Max. Floor Area Ratio ²	23%	23%	25%	N/A ⁶	N/A ⁶

Table Notes:			
¹ The first measurement is minimum setback / the second measurement is minimum sum of side setbacks.			
² The floor area ratio standard shall not apply on legal lots of record with a net lot area of 10,000 square feet or less.			
³ Guest houses are allowed only in the R-1 and R-2 zoning districts as provided in Sec. 16-2-610, <i>Guest Houses</i> . Guest houses are subject to the floor area limitations of Sec. 16-2-610, <i>Guest Houses</i> , and the floor area ratio limitations for the lot, but are not counted against the floor area and footprint limitations under this table subheading. Guest houses that are located in accessory buildings are counted against the maximum number limitations and are subject to the setback limitations under this table subheading.			
⁴ Lots in the R-1 zoning district that are at least 5 acres in area are allowed additional accessory buildings, accessory structures, and recreational facilities <u>structures</u> , as follows:			
Lot Area		Max. Number	Max. Combined Floor Area and Footprint ⁴
At least	Up to, but no including		
5 ac.	10 ac.	4	1,800 sf.
10 ac.	15 ac.	5	2,250 sf.
15 ac.	20 ac.	6	2,700 sf.
20 ac.	not limited	7	3,150 sf.
⁵ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational facilities <u>structures</u> .			
⁶ Nonresidential buildings are not allowed in the R-4 and R-5 zoning districts.			

Section 3. Table 16-3-10.C.2 Amended. Table 16-3-10.C.2-Minimum Building Setbacks and maximum building coverage (R-3A), located in Section 16-3-10 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Table 16-3-10.C.2. Minimum Building Setbacks and maximum building coverage (R-3A)					
Standard	Adjusted Lot Area ¹				
	2.5 ac. or more	1.25 to 2.5 ac. ²	1 to 1.25 ac. ²	0.5 to 1 ac. ²	16,000 sf. to 0.5 ac. ²
Minimum Setbacks for Principal Buildings					
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	50 ft.	40 ft.	25 ft.	15 ft.	Total of 15 ft. ³
Rear Setback	50 ft.	40 ft.	25 ft.	25 ft.	25 ft.
Residential Accessory Buildings, Accessory Structures, and Recreational Facilities <u>Structures</u>					
Max. Number	3	3	3	3	2
Max. Combined Floor Area	1,100 sf.	750 sf.	650 sf.	500 sf.	500 sf.

and Footprint ⁴					
Front Setback	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.
Side Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Rear Setback	25 ft.	25 ft.	25 ft.	15 ft.	7.5 ft.
Minimum Buffers ⁵					
R-1 Zoning District ⁶	—	100 ft.	100 ft.	100 ft.	100 ft.
R-2 Zoning District ⁶	—	—	100 ft.	100 ft.	100 ft.
S. University Blvd. and E. Hampden Ave.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Maximum Lot Coverage					
Max. Lot Coverage	20%	20%	20%	30%	30%
Table Notes: ¹ Adjusted lot area is the Lot Area, plus the area of all adjoining public rights-of-way bounded by the lot line that bounds the right-of-way, the projections of the roughly side or rear (as applicable) lot lines into the right-of-way, and such lines or curves that represent an outward projection of the lot lines that bound the right of way up to a distance of 30 feet or to the centerline of the right-of-way, whichever distance is shorter. ² The first measurement is "at least" / the second measurement is "up to, but not including". ³ Side setbacks must total 15 feet, but one side setback may be as little as zero feet (a "zero lot line"), provided that: (1) if a side setback is less than 7.5 feet, the Director has confirmed that there is sufficient area between the building and the side lot line for adequate maintenance and emergency access, or appropriate easements are provided over the adjacent lot for these purposes; (2) the spacing between buildings that are constructed on adjacent lots is not less than 10 feet. ⁴ Sum of floor area (for buildings) and footprint (for structures and recreational uses that are not buildings) for all accessory buildings, accessory structures, and recreational facilities structures. ⁵ Buffers are measured from the zoning district or right-of-way boundary line, even if the boundary line is not a lot line. ⁶ Improvements within these buffers are limited to a permanent landscaped area which may include trees, plants, trails, and comparable landscape features. Buffer areas must be free of all other improvements, buildings or structures.					

Section 4. Section 16-3-230(b) Amended. Subsection (b) of Section 16-3-230, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

- Sec. 16-3-230. – Permanent signs.**
- (b) Illumination.
- (1) Artificial illumination shall be permitted only for:
- a. Subdivision entry signs; ~~and~~
 - b. Detached signs on nonresidential lots; and

- c. Attached wall-mounted signs for lots zoned C-2, Limited Commercial District.
- (2) Illumination, where allowed, shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or surface area of the sign.
- (3) If a sign is illuminated, the light source shall be turned off between the hours of 11:00 p.m. and sunrise the following morning.

Section 5. Section 16-4-230(b)(1) Amended. Subsection (b)(1) of 16-4-230 of the Cherry Hills Village Municipal Code is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 16-4-230. – Tree preservation.
(b) Applicability.

(1) Generally. Any established tree removed from within the minimum primary structure setback area required in the R-1, R-2, R-3, R-3A, R-4, or R-5 zoning districts by Section 16-3-10, *General Lot and Building Standards for Residential Zoning Districts* must be replaced in accordance with the requirements of subsection (~~ed~~)(2), below, if the tree was removed:

- a. In conjunction with:
 - i. Development of a new residence; or
 - ii. An expansion of an existing residence that increases the floor area of such residence by fifty percent (50%) or more; or
- b. Within the twelve (12) months preceding the date upon which a building permit application for such development or expansion was submitted.

Section 6. Table 16-7-130 Amended. Table 16-7-130.-Discretionary Approvals and Permits, located in Section 16-7-130 of the Cherry Hills Village Municipal Code, is hereby amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Table 16-7-130 Discretionary Approvals and Permits						
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued/Adopted By	Reference ¹
Land Use/Zoning						
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	N/A	PZC	City Council	Art. II, Div. 4, <i>Requirements and Conditions for Conditional Uses</i>
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PZC	City Council	Sec. 16-2-40, <i>Standards for Rezoning</i>
Major Special Event Permit	Setup, operation, and tear-down of major special event	Prior to commencement of setup of major special event	Special events that are not subject to permitting.	PZC (see Sec. 16-7-330, <i>Major Special Events</i> , for specific	City Council	Art. II, Div. 6, <i>Major Special Events</i> , and Sec. 16-7-330, <i>Major</i>

				requirement s)		<i>Special Events</i>
Site Development						
Site Plan or Site Plan Amendme nt	All developme nt that is above the thresholds set out in Section 16-7- 120(e); or that includes the developme nt or expansion of a cemetery or columbariu m that is accessory to a place of assembly	Prior to issuance of building permit that expands or modifies a building or allows for intensificati on of its use; or prior to issuance of GESC permit, whichever comes first	Single- family detached buildings and accessory buildings on individual residential lots	PZC	City Council	<i>passim</i>
Developm ent Agreeme nt; Improvem ents Agreeme nt; Public Improvem ents Agreeme nt (however titled)	Providing timing and security for implement ation of infrastruct ure constructio n plans or landscape plans; vesting developme nt rights	Prior to issuance of constructio n permits, or as set out in the developme nt agreement	Agreement s that may be approved administrat ively (see Table 16- 7-120, <i>Administra tive Approvals and Permits</i>)	PZC	City Council	Sec. 16-7- 365, <i>Agreemen ts (Develop ment, Improvem ents, Major Special Events, and Vested Rights; Article VII, Division 5, Vested Rights</i>
Floodplai n Developm ent Permit	Developm ent within a Special Flood Hazard Area (see Secs. 16-	Prior to issuance of building permit or GESC Permit within	N/A	Floodplain Administrato r and PZC	City Council	Art. V, <i>Floodplain Managem ent and Flood Damage Preventio</i>

	5-130, Establishm ent of Floodplain Developm ent Permit, and 16-5-140, Complianc e)	Special Flood Hazard Area or area subject to a LOMR-F				n; Sec. 16-7-360, <i>Floodplain Developm ent Permit</i>
Vacation/Abandonment						
Vacation of Easement or Right-of-Way	Vacation of plats or abandonm ent of easements or rights-of-way	N/A	N/A	N/A	City Council	Ch. 11, Art. V, Cherry Hills Village Municipal Code
Amendments						
Text Amendme nt to this Chapter	Amending the text of this Chapter	N/A	N/A	PZC	City Council	Art. IV and Sec. 8.3, Cherry Hills Village Home Rule Charter
Master Plan Amendme nt	Amending the text or maps of the Master Plan	N/A	N/A	PZC	City Council	Sec. 8.3, Cherry Hills Village Home Rule Charter
Relief						
Variance	Authorizin g developme nt which does not strictly comply with the requireme nts of this Chapter	Prior to issuance of permits that authorize the constructio n or site work	Variances shall not authorize uses which are otherwise prohibited in the zoning district, nor authorize developme nt that does not comply with the Floodplain Managem	Director	BOAA	Sec. 16-7-410, <i>Variances</i>

			ent Regulation s			
Floodplai n Variance	Authorizin g departures from the standards set out in Art. V, <i>Floodplain Managem ent and Flood Damage Prevention</i>	Prior to issuance of building permit or GESC Permit within Special Flood Hazard Area or area subject to a LOMR-F	N/A	Floodplain Administrato r and PZC	City Council	Art. V, <i>Floodplain Managem ent and Flood Damage Preventio n; Sec. 16-7-530, Floodplain Variances</i>
Administr ative Appeals	See Secs. 16-7-540, <i>Administrative Appeals to Board of Adjustment and Appeals</i> ; and 16-7-550, <i>Administrative Appeals to City Council</i>					
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this Chapter or other parts of the Cherry Hills Village Municipal Code.						

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. 1 Series 2025, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of September, 2025.

(SEAL)


Kathleen Brown
Kathleen Brown, Mayor

ATTEST:

Approved as to form:

Laura Gillespie
Laura Gillespie, City Clerk

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney
Joshua Myers

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 1, SERIES 2025

A BILL FOR AN ORDINANCE OF THE
CITY OF CHERRY HILLS VILLAGE
AMENDING SECTIONS 16-2-20, 16-3-
18, 16-3-220, 16-4-230, AND 16-7-430
OF THE MUNICIPAL CODE RELATED
TO CORRECTIONS TO THE ZONING
MAP, ALIGNING RECREATIONAL
STRUCTURES WITH THE DEFINITION
FOR RECREATIONAL STRUCTURES,
ADDRESSING WALL SIGNS ON
COMMERCIAL PROPERTY, CLARIFYING
TREE MITIGATION REQUIREMENTS,
AND CORRECTING A CROSS
REFERENCE IN THE CODE

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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