

ORDINANCE NO. 1
Series 2010

November 19, 2009: Introduced as Council Bill 18, Series 2009 by Councilor Alex Brown, seconded by Mayor Pro Tem Russell Stewart, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

January 5, 2010: 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 CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING ZONING, BY AMENDING SECTION 16-8-80,
CONCERNING R-3A VARIABLE LOT RESIDENTIAL DISTRICT BUFFER
REQUIREMENTS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, On March 5, 1996, the City Council for the City of Cherry Hills Village adopted Ordinance No. 1, Series 1996, establishing the R-3A zone district; and

WHEREAS, in establishing the R-3A zone district, the City Council established three categories of buffers in the R-3A zone district; and

WHEREAS, the City Council's intent in establishing the R-3A buffers was to mitigate the impacts of the R-3A zoning on the City of Cherry Hills Village community specifically as it relates to abutting larger lot subdivisions; and

WHEREAS, in the R-3A zone district a 50-foot buffer is required for all R-3A lots within 50 feet of unplattd residential zone districts that require a larger minimum lot size than R-3A; and

WHEREAS, the 50-foot buffer requirement has resulted in one or more internal subdivision buffers; and

WHEREAS, the City Council has determined to amend the City of Cherry Hills Village Municipal Code ("Municipal Code") to allow removal of 50-foot internal subdivision buffers, provided certain criteria are met.

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

Section 1. That Section 16-8-80 of the City of Cherry Hills Village Municipal Code is hereby amended by the addition of subsection (f) to read as follows:

Sec. 16-8-80. Buffer requirement.

(a) A buffer shall consist of a permanent landscaped area, with improvements limited to certain landscape amenities such as trees, plants and trails. ~~All landscaped buffer areas may be considered for credit against land dedication requirements at the time of final platting based on the design of the development and the ultimate use and ownership of the buffer.~~

(b) An R-3A lot, any portion of which is within one hundred (100) feet of existing platted lots of a larger minimum lot size than the proposed R-3A lot, shall be separated from the adjoining lots by a one-hundred-foot buffer area which may be credited as setback. Such buffer area must be free of any improvements such as structures, pools, tennis courts, patios, decks, fences or driveways.

(c) An R-3A lot, any portion of which is within fifty (50) feet of unplattd residential zone districts that require a larger minimum lot size than the proposed R-3A lot, shall be separated from the adjoining zone district by a fifty-foot buffer area which may be credited as setback. Such buffer area must be free of any improvements such as structures, pools, tennis courts, patios, decks, fences or driveways.

(d) R-3A lots which are adjacent to public rights-of-way existing at the time of adoption of the initial ordinance codified herein shall provide a buffer of at least fifty (50) feet adjacent to said public right-of-way.

(e) Buffer requirements shall not apply where property in a neighboring residential zone district, platted or unplatte, is in use, at the time of platting of the R-3A lots as, or in conjunction with operation of, a church or school, or where the adjacent public rights-of-way border property in use, at the time of platting, as, or in conjunction with the operation of, a church or school.

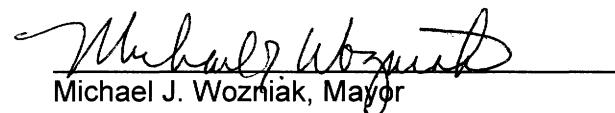
(f) A buffer established pursuant to paragraph (c) of this Section may be removed in accordance with the procedures outlined in Article III, Division 4, Chapter 17 of this Code, unless such buffer was used as a credit against the land dedication requirements at the time of final platting. Such buffer removal request shall be made by all property owners within the subdivision that are subject to the buffer and accompanied by written approval of the request by all property owners contiguous to the entire length of the buffer being removed.

(g) Removal of a buffer established pursuant to subsection (c) of this Section shall not be deemed to change the building envelope for any lot as originally established with said buffer.

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 2010, by the City Council of the City of Cherry Hills Village, Colorado this 5th day of January, 2010.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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Legal # 1062

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ADOPTION OF ORDINANCE
ORDINANCE 1, SERIES 2010

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CHERRY HILLS VILLAGE MUNICIPAL
CODE, CONCERNING ZONING, BY
AMENDING SECTION 16-8-80, CON-
CERNING R-3A VARIABLE LOT RESI-
DENTIAL DISTRICT BUFFER
REQUIREMENTS

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

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