

ORDINANCE NO. 3

Series 2004

December 16, 2003: Introduced as Council Bill 17 Series 2003 by Doug Tisdale, seconded John Love, and considered by the title only on first reading. Passed unanimously

February 18, 2004: Considered in full text on second reading. Passed unanimously.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 16 OF THE CITY CODE TO ADD A NEW ARTICLE 21 AUTHORIZING THE ISSUANCE OF MAJOR EVENT PERMITS FOR EVENTS OF NATIONAL OR REGIONAL IMPORTANCE

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, the City is authorized to regulate land uses by virtue of its home rule authority and Title 31, Article 23, C.R.S.; and

WHEREAS, several institutions and recreational facilities capable of supporting events of national and regional importance are located within the City of Cherry Hills Village; and

WHEREAS, on occasion, events of national or regional importance may be proposed for property devoted to institutional and recreational facilities such as, but not limited to, national golf tournaments, regional and state-wide high school sports competitions, and national educational or religious conferences; and

WHEREAS, the City may benefit generally from the conduct of events of national or regional importance by increased recognition of the City, increased sales taxes, and taxes generated by ticket sales; and

WHEREAS, due to the size and scope of events of national or regional importance, certain provisions of the City Code may unreasonably impair the ability to organize and conduct such events in a manner that balances the institution's or recreational facility's interests and the public health, safety, and welfare; and

WHEREAS, the City Council desires to authorize major events upon properties used for institutional uses and recreational facilities under limited circumstances and only where such major events are appropriately conditioned to ensure that the event does not adversely impact the health, safety, or welfare of the public or cause unreasonable traffic congestion.

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

Section 1. Chapter 16 of the City Code for the City of Cherry Hills Village, Colorado, is hereby amended by the addition of a new Article XXI to read in full as follows:

ARTICLE XXI

Major Event Permit

Sec. 16-21-10. Legislative Purpose.

The purpose of this Article is to establish procedures and submittal requirements for applications to conduct major events of national or regional importance within the City of Cherry Hills Village. Due to the potential for significant impacts caused by major events upon residents, streets and public improvements, law enforcement, and other administrative resources, this Article is intended to provide the City the greatest possible degree of legislative discretion and authority in the review and approval of major event permits.

Sec. 16-21-20. Definitions.

Major event means any organized assemblage of more than 2,000 people during any one day for the purpose of participation, attendance, and observation of a nationally or



regionally advertised or televised sporting, recreational, entertainment, conference, seminar, or other similar event or activity. A major event shall not include normal day-to-day, routine, regularly scheduled, or seasonal operations lawfully conducted by nonprofit institutions, private clubs, public recreational facilities, or nonprofit recreational facilities within the City of Cherry Hills Village, such as but not limited to regularly scheduled or seasonal religious services, funerals, weddings, or regularly scheduled local high school sporting events. A major event shall not include events or functions expressly authorized by a development agreement or other contract approved by the City of Cherry Hills Village.

Support services means any use of property to provide services in support of a major event, including but not limited to parking areas, passenger drop-off and pick-up areas, concession or vendor booths, equipment staging and storage areas, media equipment areas, information centers, bus stops and bus staging areas, sanitation facilities, and trash collection areas.

Sec. 16-21-30. Applicability; Permit Required.

- (a) A major event may only be conducted upon property owned by and used for a nonprofit institution, private club, public recreational facility, or nonprofit recreational facility as these uses are defined by Section 16-1-10 of this Chapter. An application for a major event permit may, however, identify and propose the use of additional property, regardless of such additional property's zone district designation, necessary to provide support services to the site of the major event. No property shall be identified as a site for support services unless the applicant has first obtained express written authorization from the owner of the support service site consenting to the use of the owner's property for such support service use. Unless otherwise approved by the City Council in its absolute discretion, support services shall not be conducted on property held by the City or any special district for use as a park, trail, or open space, or any area used for public parking associated with a park, trail, or open space area.
- (b) A permit issued in accordance with this Article shall be required prior to the conduct of any major event.
- (c) Major event permits shall be issued by resolution of the City Council. The resolution shall incorporate the approved application, conditions of approval imposed by the City Council, and any written agreement between the applicant and the City deemed necessary by the City Council to ensure compliance by the applicant with this Article and the City Code.
- (d) Issuance of a major event permit in accordance with this Article shall constitute authorization to conduct the major event and the support services only as specifically described in the resolution issuing the permit. Where a use expressly authorized in the resolution conflicts with a regulation imposed by the applicable zoning district(s) for the property or with a standard imposed by this Chapter, the approval of the application shall be deemed approval of a temporary exception to such regulation or standard only for the duration of the major event.

Sec. 16-21-40. Pre-submittal meeting.

- (a) Not less than one (1) year prior to the date of the proposed major event, the applicant shall contact the Community Development Director and schedule a pre-submittal meeting. The pre-submittal meeting shall provide the applicant an opportunity to informally discuss the proposed major event with the City's administrative staff and receive suggestions and comments concerning potential issues and concerns raised by the proposed major event. Suggestions and comments by the City's administrative staff shall be advisory in nature and shall not be deemed binding decisions by the City regarding the applicant's preparation of a preliminary or formal application for a major event permit.
- (b) The time limits provided by this section may be waived by the City Manager upon good cause shown.

Sec. 16-21-50. Preliminary application review.

- (a) Following the pre-submittal meeting and not less than nine (9) months prior to the date of the proposed major event, an applicant for a major event permit shall submit a preliminary application to the City for administrative review by the Planning and Zoning Commission. The preliminary application shall include a letter of intent fully describing



the proposed major event, identifying any other property proposed for support services, a general or conceptual site plan including the major event site and all sites for support services, and a preliminary proposed traffic and parking management plan. The applicant shall provide a sufficient number of eleven-inch-by-seventeen-inch reductions of the site plan and other oversized documents to permit the Planning and Zoning Commission's review as specified by the Community Development Director.

- (b) The Planning and Zoning Commission shall administratively review the preliminary application to determine if the application and proposed use is generally consistent with the standards set forth in this Article and the City Code. No notice or public hearing is required for the administrative review of the preliminary application. The Planning and Zoning Commission may recommend or suggest changes to the application and proposed plan for the major event plan. Recommendations and suggestions by the Planning and Zoning Commission shall be advisory in nature and shall not be deemed binding decisions by the City regarding the applicant's preparation of a formal application for a major event permit.
- (c) The time limits provided by this section may be waived by the City Manager upon good cause shown.

Sec. 16-21-60. Application requirements.

- (a) A complete application for a major event permit shall include or contain the following:
 - (1) Letter requesting approval of a major event permit and describing fully the proposed major event, including but not limited to dates and hours of event operation (including dates of set-up and post-event activities), estimated number of participants and attendees for all event dates, and the specific use and location of all property upon which the major event will be conducted and upon which all supporting services will be provided.
 - (2) Payment of the application fee required by Appendix A to this Code.
 - (3) Letters of authorization from the owner of the property upon which the major event will be conducted and from the record owner of all property upon which supporting services will be provided.
 - (4) A site plan of the property upon which the major event will be conducted and site plans for all supporting service sites. All site plans shall be an original drawing in black ink on twenty-four-inch-by-thirty-six-inch media and contain the following information:
 - i. Major event name, date of the drawing, scale, north arrow;
 - ii. All proposed ingress and egress points, curb cuts, and driveway locations and dimensions;
 - iii. Temporary buildings, structures, and shelters;
 - iv. Traffic patterns, directions, and widths on all interior roads and on the adjacent street network, and proposed routes of unimpeded access and circulation for emergency vehicles;
 - v. Pedestrian circulation patterns, existing and proposed sidewalks and paths, seating and grandstand areas, and areas of proposed attendee assembly;
 - vi. Parking locations including number and dimensions of parking spaces, handicapped parking, and types of parking surface;
 - vii. Sources of public and private utility services including any additional temporary services;
 - viii. Temporary fencing and barricades;
 - ix. Temporary signage;
 - x. Additional lighting; and



xi. Additional information and site plan data deemed relevant to the applicant or requested by the City as necessary to show the scope and impact of the major event and use of all properties.

(5) The following studies and reports shall be prepared and submitted to the City with the application:

i. Traffic study and management plan conforming to the requirements of Article XVI of this Chapter including a city-wide evaluation of projected vehicle travel patterns and volumes generated by the major event, proposed routes of traffic, street closures, proposed new traffic signage and signalization, proposed modification of existing traffic signage and signalization, proposed number and locations of personnel to assist in traffic management.

ii. Parking report including estimates and projections of demand by vehicle types and sizes, duration of parking, numbers and location of personnel to assist in parking management.

iii. Signage plan describing and illustrating the size, location, type and material of all signs.

iv. Lighting plan including location, type, and height of lighting devices that are proposed in addition to existing lighting sources.

v. Security plan including proposed staffing needs, duties, location, hours, and source of personnel (private company and/or City police). Where the application proposes the use of officers of the Cherry Hills Village Police Department, the application shall include a proposal conforming to the requirements of the City's policy for use of extra duty officers and the applicant shall contact the Chief of Police regarding officer availability.

vi. Sanitation plan including number and location of trash receptacles, dumpsters, and portable toilets. Such plan shall include an estimate of the number of necessary portable toilets based upon professional standards used for the type of major event proposed. The plan shall also include a proposed schedule for trash pick-up and toilet servicing during the event and identify the company or companies proposed to provide such service.

vii. Emergency medical and ambulance service plan including the number of personnel, equipment, locations, and hours and type of on-site service during the major event. The plan shall also identify the anticipated emergency routing of an ambulance from the major event to the nearest or appropriate hospital(s) or medical center(s).

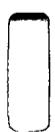
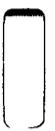
viii. Amplified sound plan including a description of sources, placement, volumes, times, duration and dates of amplified sound.

(b) The Community Development Director or the City Manager may require additional information, studies, or reports determined as necessary to fully evaluate the impact of the major event.

(c) The submission of plans, studies, and reports required by this section may be waived by the City Manager upon a finding by the Manager that the submission is unnecessary or inappropriate for the particular major event request. Notwithstanding the City Manager's waiver as authorized by this subsection, the City Council may require the preparation and submission of any plans, studies, or reports deemed by the Council as necessary to evaluate fully the impacts of any major event.

Sec. 16-21-70. Major Event Agreement Required.

(a) Unless otherwise determined by the City Council as unnecessary or inappropriate for the particular major event request, the applicant shall enter into a written agreement memorializing the applicant's obligations and duties in, and the conditions imposed upon, the conduct of the major event. The major event agreement shall include terms and conditions deemed appropriate by the City to guarantee and ensure the applicant's conduct of the major event in accordance with the approved major event permit. The agreement may include requirements for the applicant to provide cash deposit(s) or other forms of financial security or guarantees, at the City's election, in amounts and



forms sufficient to protect the City from incurring costs or expenses resulting from the applicant's non-performance or default in the conduct of the major event. The major event agreement shall require each applicant to agree to indemnify, hold harmless, and defend the City of Cherry Hills Village, its City Council, agents, and employees from any and all liability, actions, claims, damages, costs, or expenses including attorney's fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with any willful act or negligence of the applicant, its agents, employees, vendors, and affiliates. The form of agreement shall be approved by the City Attorney.

- (b) The development agreement may provide for a program of reimbursement of review fees actually incurred by the applicant pursuant to Section 16-21-80. Such reimbursement shall be available where the major event directly generates tax revenues pursuant to Article 6 of Chapter 4 of the City Code in excess of \$100,000. In addition such reimbursement shall only be available when the amount of such tax revenue in excess of \$100,000 is sufficient to fund the amount of such reimbursement.

Sec. 16-21-80. Review expenses.

Every applicant for a major event permit shall pay for planning and engineering review services, attorney, and consultant fees and other costs and expenses incurred by the City and made necessary as a result of the application. An initial deposit into a non-interest-bearing escrow account held by the City shall be made at the time the application is filed with the City. The amount of this initial deposit shall be as set forth in Appendix A to this Code. The City shall have the right and authority to make disbursements from the escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to the application. Any balances remaining in the escrow account following approval, denial or withdrawal of the application shall be returned to the applicant without interest. In the event the deposited funds are exhausted before final disposition of the application, the applicant shall make a supplemental deposit to the escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (10) days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to impose a lien on the property proposed for the major event and the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection against the property in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws.

Sec. 16-21-90. Application review process.

Upon receipt of a complete application and payment of all fees and required review deposit, the application shall be processed in accordance with this section.

(a) Planning and Zoning Commission Review.

(1) The City Manager shall refer the application to the Planning and Zoning Commission by setting the application on a Planning and Zoning Commission agenda. The Planning and Zoning Commission shall hold a public hearing preceded by public notice thereof as provided in Subsection 16-2-40(c) of this Chapter.

(2) The Planning and Zoning Commission shall determine whether the application meets the requirements of this Article based on the application and on evidence and testimony presented at the public hearing. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application. The Planning and Zoning Commission may continue consideration of the application to a date certain in order to obtain additional information or to enable a full and complete consideration of the application.

(b) City Council Review.

(1) Following the Planning and Zoning Commission's public hearing, the City Manager shall set a public hearing by the City Council on the application. Notice shall



be given of the public hearing pursuant to the requirements of Subsection 16-2-40(c) of this Chapter.

(2) The City Council shall determine whether the application meets the requirements of this Article based on the application, the Planning and Zoning Commission's recommendation, and evidence and testimony presented at the public hearing. The City Council may approve, approve with conditions, or deny the application. The City Council may continue consideration of the application to a date certain in order to obtain additional information or to enable a full and complete consideration of the application.

(3) The City Council may impose conditions upon the issuance of the major event permit deemed reasonably essential to ensure conformance with applicable requirements of this Article, this City Code, or otherwise necessary to protect the health, safety and general welfare of the public.

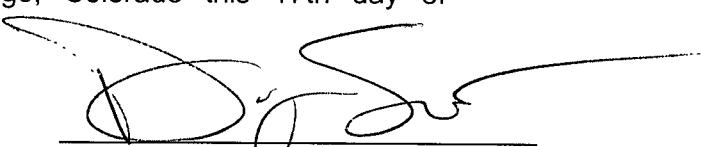
Sec. 16-21-100. Standards for Approval of Major Event Permit.

A major event permit shall only be issued upon a finding that:

- (a) The proposed event is a major event within the meaning of Section 16-21-20 and 16-21-30 of this Article; and
- (b) The major event will provide one or more significant and important public benefits to the City of Cherry Hills Village; and
- (c) The major event is appropriately sized in relationship to the site and, together with any proposed support services, can be conducted in an organized and efficient manner; and
- (d) The major event will not result in unreasonable traffic congestion or create a hazard to vehicular or pedestrian traffic; and
- (e) The major event will provide sufficient parking in terms of parking spaces and areas to accommodate parking demand; and
- (f) The major event will be conducted in a manner that eliminates, mitigates, or reasonably controls adverse impacts upon adjacent properties and upon the public generally; and
- (g) The major event will not unreasonably impair the public health, safety, or welfare.

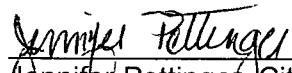
Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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 or unconstitutional.

Adopted as Ordinance No. 03 Series 2004, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of February, 2004.

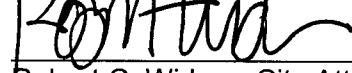


Douglas Scott, Mayor

ATTEST:


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:


Robert C. Widner, City Attorney

