

**ORDINANCE 1**  
Series 2002

November 20, 2001: Introduced as Council Bill 14 Series of 2001 by Doug Tisdale, seconded by Viola Lahana, and considered by the title only on first reading. Passed unanimously.

January 15, 2002: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 1, Series 2002.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, AMENDING TITLE 6, CHAPTERS 13, 15 & 17 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE TO ALLOW RETAIL USES AS CONDITIONAL USES IN THE C-2 ZONE DISTRICT.**

WHEREAS, Title 6 of the Municipal Code for the City of Cherry Hills Village contains a Limited Commercial Zone District (C-2); and

WHEREAS, the C-2 Zone District does not permit retail sales uses common to many commercial properties in the Denver area; and

WHEREAS, commercial retail uses may be compatible with neighboring uses where the impacts of such use can be evaluated; and

WHEREAS, the City Council for the City of Cherry Hills Village has determined that the C-2, Limited Commercial Zone District should be amended to include retail sales as a conditional use and to make other amendments to the District use requirements.

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

**SECTION 1.** Section 6-1-1 of the Municipal Code is amended to add the following definition:

**Retail Uses:** Establishments engaged in the retail sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental and related to the sale of such goods or merchandise including eating and drinking establishments.

**SECTION 2.** Section 6-13 of the Municipal Code is hereby amended as follows:

**Chapter 13**

**C-2, Limited Commercial District**

**Section:**

- 6-13-1: Permitted Uses
- 6-13-2: Conditional Uses
- 6-13-3: Height Regulations and Minimum Yard Requirements
- 6-13-4: Landscaping
- 6-13-5: Signs

**6-13-1: Permitted Uses**

- A. Office Structures
- B. Medical and dental clinics

**6-13-2: Conditional Uses**

- A. Retail uses (the provisions and procedures relating to conditional uses found in Chapter 17 of this Title shall apply).

**6-13-3: Height Regulations and Minimum Yard Requirements**

- A. Height Regulations: No structure shall exceed ~~sixteen feet (16')~~ ~~forty-five feet (45')~~ in height. No structure shall be less than one story above the ground. Chimneys and roof



~~mounted mechanical equipment may be built to a height of five feet (5') above the highest point of the roof. Wireless communications facilities may be built to a reasonable height not to exceed fifty (50) feet above existing grade. Radio and television antennae may be built to a reasonable height not to exceed fifty feet (50') above the ground measured vertically. This Section with respect to chimneys and antennae shall apply only to structures installed or constructed subsequent to the date of this amendment.~~

B. Minimum Yard Requirements: ~~No structure shall be located less than fifty feet (50') from any street line or less than twenty feet from any non-streeten (10) feet from any property line. New construction shall maintain a setback of twenty eight feet (28') from the back of the curb adjacent to Hampden Ave. (U.S. 285).~~

~~6 13 4: Landscaping: Suitable landscaping of grass, trees and shrubs shall be provided and continuously maintained in the vicinity of each structure.~~

~~6 13 5: Signs: In C-2 Districts the design and size of signs identifying permitted structures shall be subject to the approval of the City council with the advice of the Planning and Zoning Commission (which approval shall not be unreasonably withheld).~~

SECTION 3. The Municipal Code shall be amended by adding Section 6-17-2(B) as follows:

B. RETAIL USES: In addition to meeting all other requirements of this Chapter 17, retail uses are permitted in the C-2, Limited Commercial District, subject to the following:

1. Landscaping, consisting of grass, trees, shrubs and other appropriate landscaping materials comparable and compatible with surrounding retail and commercial properties shall be provided and continuously maintained in the vicinity of each retail use.
2. The signage requirements found in Section 6-15-8(B)(1) of the Municipal Code shall apply.
3. The Off-Street Parking Requirements found in Section 6-15-1 of the Municipal Code shall apply.

SECTION 4. Section 6-15-8(B)(1) of the Municipal Code is hereby amended as follows:

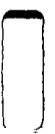
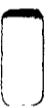
1. Identification Signs For Schools, Churches, And Subdivisions And Property Zoned C-2:
  - a) Identification signs for schools, churches and subdivisions:-  
i) One ground sign, wall sign, or entry feature sign is permitted for each subdivision or institution
  - b) Identification signs for property zoned C-2:
    - i) One wall sign not to exceed six (6) square feet is allowed for each tenant.
    - ii) Two ground signs not to exceed eighteen (18) square feet each are allowed on any parcel zoned C-2.

SECTION 5. Section 6-17-5 (A) is hereby amended as follows:

A. The procedure for amending any approved conditional use permit shall be the same as prescribed for original approval. ~~No amendment approved by the Planning Commission City Council after consideration and recommendation from the Planning & Zoning Commission shall violate the conditions, requirements or limitations set forth in this Code. Provided the applicable conditions of Section 6-17-5(B) are met, City Manager or Manager's designee may approve administrative amendments for those changes specified below:~~

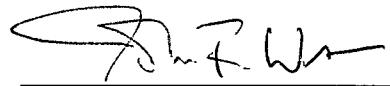
SECTION 6. Section 6-17-5 (B)(3) is hereby amended as follows:

3. An increase in the approved gross floor area greater than five percent (5%) above the amount approved in the application by the ~~Planning Commission City Council after consideration and recommendation from the Planning & Zoning Commission~~



**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.

Adopted as Ordinance No. 1, Series 2002,  
By the City Council of the  
City of Cherry Hills Village, Colorado,  
The 15<sup>TH</sup> day of January, 2002.



John F. Welborn, Mayor

ATTEST:

  
Jennifer Pettinger, City Clerk

Robert Widner, City Attorney

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