

ORDINANCE NO. 17

SERIES OF 2000

October 17, 2000: Introduced as Council Bill No. 18 Series of 2000 by Doug Tisdale, seconded by John Love, and considered by the title only on first reading. Passed unanimously.

November 21, 2000: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 17, Series 2000.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING THE F-1, FLOOD PLAIN AND RECREATION AREA DISTRICT AND TO AMEND OTHER RELATED PROVISIONS OF TITLE 6.

WHEREAS, the City Council of the City of Cherry Hills Village desires to protect the parks and open spaces in the Village; and

WHEREAS, the current zoning of those parks and open spaces is F-1, Flood Plain and Recreation Area District; and

WHEREAS, the Council desires to amend the title and the uses of this zone district to more accurately reflect the current and intended uses in the zone district; and

WHEREAS, the council desires to make other amendments to Title 6 related to the desired changes to the F-1 zone district;

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:

"PUBLIC RECREATIONAL FACILITY: A recreational facility for the use of the general public including golf courses, parks, playgrounds, swimming pools, tennis courts and similar recreational uses."

SECTION 2. Chapter 10, Title 6 of the Municipal Code is hereby amended as follows:

**CHAPTER 10
F-1, FLOOD PLAIN OPEN SPACE, PARK AND RECREATION AREA DISTRICT**

SECTION:

6-10-1:	Permitted Uses
6-10-2:	Uses Permitted Only As Special Exceptions By The City Council
6-10-3:	Area, Height, Lot Width and Yard Requirements

6-10-1: Permitted Uses:

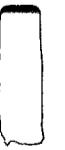
- A. Unimproved Open Space. ~~Grazing of livestock, provided that no such use shall be permitted if offensive or injurious because of odor, noise or other nuisance.~~
- B. Bridle and pedestrian paths. ~~Irrigation canals, lakes, watershed protections and similar uses.~~
- C. Growing and preservation of trees and other nursery stock, and
- D. Protection of watercourses and watersheds from erosion and floods.
- D. Bridle and pedestrian paths.

6-10-2: Uses Permitted Only As Special Exceptions By City Council:

The following uses are permitted as special exceptions by the City Council, provided that such use may be approved, expanded or increased only in accordance with Chapter 19 of this Title 6.

- A. Private clubs, ~~provided that such use may be approved, expanded or increased only in accordance with Chapter 19 of this Title 6.~~
- B. Public and Nonprofit Recreational Facilities, ~~provided that such use may be approved, expanded or increased only in accordance with Chapter 19 of this Title 6.~~

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- C. Grazing of livestock, provided that no such use shall be permitted if offensive or injurious because of odor, noise or other nuisance.
- D. Irrigation canals, lakes, and similar uses.
- E. Detached parking structures, provided that such structures meet the following criteria:
 - 1. Height Restriction: No portion of any such structure fronting on or adjacent to any private or public property line or right of way and within three hundred feet (300') of such lines shall exceed eight feet, zero inches (8'0") above either: a) any portion of the existing grade of such private or public property line or right of way, or b) the natural grade at the structure. The structure shall be reasonably screened from view from neighboring properties and rights or way by densely planted trees and shrubs, berms and other landforms or fences. Specific plans and landscaping drawings for any such structure shall be subject to review by the planning and Zoning Commission and approved by the Council prior to issuance of a building permit.
 - 2. Exception: The minimum height above grade called for in subsection C1 of this Section may be increased to twelve feet (12') above the private or public property line or right of way grade or the natural grade at the structure if additional fill is placed at a slope no greater than one vertical to three (1) horizontal so that no more than six feet (6') of the structure projects above the revised grade at the parking structure. Landscaping and screening requirements shall be the same as in subsection C1 of the section.
 - 3. Distance From Property Line: In all cases no such parking structure shall be permitted within fifty feet (50') of any property line or right of way.
 - 4. Top of Structure: For purposes of this subsection, the top of the structure is defined as either: a) the top of the roof level of the parking structure; or b) the top elevation of any parapet wall above the floor level, whichever is highest.

6-10-3:

Area, Height, Lot Width and Yard Requirements:

Requirements specified in subsections 6-5-2A through D of this Title, regulations established for the R-1, 2½ Acre Residential District, shall apply to the FQ-1 Flood Plain, Open Space, Park and Recreation Area District.

SECTION 3.

Section 6-15-12 is hereby amended as follows:

6-15-12: **PARKING STRUCTURES:** No parking structure, attached or detached, above or below ground, other than a garage for the housing of vehicles intended primarily for the transportation of and owned by residents of the structure to which the garage is attached or accessory, shall be permitted in any zone district unless specifically permitted by other provisions of this Title, as follows:

- A. Detached parking structures may be accessory structures to Nonprofit Institutions, Private Clubs, Public and Nonprofit Recreational Facilities, and other non-residential structures, provided that such structures meet the following criteria:
 - 1. Height Restriction: No portion of any such structure fronting on or adjacent to any private or public property line or right of way shall exceed eight feet, zero inches (8'0") above the midpoint of the structure at natural grade.

The minimum height above grade called for in this subsection may be increased to twelve feet (12') above the midpoint of the structure at natural grade if additional fill is placed at a slope no greater than one vertical to three (3) horizontal so that no more than six feet (6') of the structure projects above the revised grade at the parking structure.
 - 2. Screening: The structure shall be screened from view from neighboring properties and rights or way by densely planted trees and shrubs, berms and other landforms or fences.



3. Distance From Property Line: In all cases no such parking structure shall be permitted within fifty feet (50') of any property line.
4. Top of Structure: For purposes of this subsection, the top of the structure is defined as either: a) the top of the roof level of the parking structure; or b) the top elevation of any parapet wall above the floor level, whichever is highest.

SECTION 4. City Staff shall amend the official zoning map to properly reflect the change of the title of the F-1, Flood Plain and Recreation District to O-1, Open Space, Park and Recreation District. Properties currently shown on the official zoning map as F-1 shall be re-designated as O-1.

SECTION 5. Chapter 19, Title 6 of the Municipal Code shall be amended as follows:

1. The title of Chapter 19 shall be amended to read: "Nonprofit Institutions, Private Clubs, Public Recreational Facilities and Nonprofit Recreational Facilities"
2. Section 6-19-1(A) is hereby amended as follows:

"The procedures and submittal requirements set forth in this Chapter 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 extent such request seeks..."
3. Section 6-19-2 is hereby amended as follows:

PROCEDURES: Any application by a nonprofit institution, private club, public recreational facility or nonprofit recreational facility is subject to the following review processes:"
4. Section 6-19-3 is hereby amended as follows:

SUBMITTAL REQUIREMENTS: A complete application for a nonprofit institution, private club, public recreational facility or nonprofit recreational facility or an expanded or increased use of an existing nonprofit institution, private club, public recreational facility or nonprofit recreational facility, includes review by staff, city consultants, referral agencies and must contain the following:"
5. Section 6-19-3(K) is hereby amended as follows:
 - A. "Any applicant, other than the City, for a Nonprofit Institution, Private Club, Public Recreational Facility or Nonprofit Recreational Facility or expanded or increased uses to a Nonprofit Institution, Private Club, Public Recreational Facility or Nonprofit Recreational Facility shall also 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 said application. An initial deposit into a non interest-bearing escrow account held by the Director of Finance shall be made at the time the application is filed with the City. The amount of this initial deposit shall be five thousand dollars (\$5,000.00). The City shall have the right and authority to make disbursements from said 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 said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application, shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said 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 a lien on the property that is the subject of the application, or the City may elect to certify the assessed costs and expenses to the Office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws. Nothing herein shall authorize the City to charge the applicant for costs and expenses the City incurs as a result of litigating a matter against the applicant or against a third party.



SECTION 6. Should any section, clause, sentence or part of this ordinance be adjudged by any court to be unconstitutional or invalid, the same shall not effect, impair or invalidate the ordinance as a whole or any part thereof, other than the part so declared to be invalid, provided that the ordinance resulting from such invalidation is consistent with the City Council's original legislative intent.

SECTION 7. Lawful uses of property existing upon the effective date of this ordinance shall not be rendered illegal or unlawful by this ordinance.

Adopted as Ordinance No. 17, Series 2000, by the City Council of the City of Cherry Hills Village, Colorado, the 21st day of November, 2000.

Viola Lahana

Viola Lahana, Mayor Pro-Tem

ATTEST:

Darlene French

Darlene French, City Clerk

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