

ORDINANCE NO. 14
Series 2001

October 2, 2001: Introduced as Council Bill No. 16 Series of 2001 by Ned Giles, Seconded by Doug Tisdale, and considered by the title only on first reading. Passed with a vote of 4 yes and 1 abstained.

November 6, 2001: Considered in full text on second reading. Passed with five votes yes and one vote abstained. Designated as Ordinance No. 14, Series 2001.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 6-19-2(B)(2) OF THE CITY CODE CONCERNING NONPROFIT INSTITUTIONS, PRIVATE CLUBS, PUBLIC RECREATIONAL FACILITIES, AND NONPROFIT RECREATIONAL FACILITIES

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, Chapter 19 of Title 6 of the City Code authorizes the City Council to approve applications for the establishment or expansion of Nonprofit Institutions, Private Clubs, Public Recreational Facilities, and Nonprofit Recreational Facilities; and

WHEREAS, an application for the establishment or expansion of Nonprofit Institutions, Private Clubs, Public Recreational Facilities, and Nonprofit Recreational Facilities may, pursuant to section 6-19-2, request that certain variances to the City Code be incorporated into the approval of the application; and

WHEREAS, the city manager is commissioned with certain administrative decision-making powers related to the processing of applications for the establishment or expansion of Nonprofit Institutions, Private Clubs, Public Recreational Facilities, and Nonprofit Recreational Facilities; and

WHEREAS, at the time of adoption of section 6-19-2, the City Council intended to incorporate the criteria imposed upon the Board of Adjustment in the consideration of variances pursuant to section 6-3-2(C) and in consideration of appeals of decisions made by the city manager under Chapter 19 of Title 6; and

WHEREAS, with the adoption of section 6-19-2, the City Council did not intend to adopt the super-majority vote of the Board of Adjustment imposed by state law (C.R.S. 31-23-307(1)) and required by City Code section 6-3-4(E); and

WHEREAS, the City Council desires to amend subparagraph (B)(2) of section 6-19-2 to better clarify the Council's intent in the vote required for a decision related to variances and to appeals associated with applications for the establishment or expansion of Nonprofit Institutions, Private Clubs, Public Recreational Facilities, And Nonprofit Recreational Facilities.

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

Section 1. Subsection (B)(2) of section 6-19-2 of the City Code for the City of Cherry Hills Village is hereby amended to read as follows:

2. City Council Review Procedures: Only after public hearing before the planning and zoning commission will the complete application be set for public hearing in front of the City Council. Notice shall be given of the public hearing pursuant to the requirements of subsection 6-2-4C of this title.

The City Council shall determine whether the application meets the requirements of this title 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 the application, approve with conditions, or deny the application. The City Council may table the matter to a date certain pending the provision of further information.

The City Council shall have the authority to hear and decide any requests for variances to this title brought in conjunction with the application process outlined in this chapter. In hearing such requests the City Council will utilize the criteria contained in subsection 6-3-2C(2)(a) through and including (i) of this title ~~and follow the rules of procedure applicable to the board of adjustment and appeals.~~ **A majority vote of a quorum of the City Council present and voting shall be required to approve any variance brought in conjunction with the application process outlined in this chapter.**

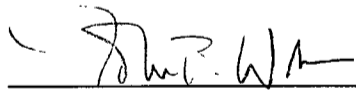
The City Council shall have the authority to hear and decide any appeals of a City Manager's decision ~~brought~~ made in conjunction with the application process outlined in this chapter. In hearing such requests the City Council will utilize the criteria contained in subsection 6-3-2A(1) of this title ~~and follow the rules of procedure applicable to the board of adjustment and appeals.~~ **A majority vote of a quorum of the City Council present and voting shall be required to reverse or affirm, wholly or partly, or to modify any decision of the city manager made in conjunction with the application process outlined in this chapter.**

The City Council may require reasonable conditions, other than the minimum requirements and conditions established in this chapter deemed reasonably essential for the health, safety and general welfare of the public.

Section 2. Other than the amendment of subsection (B)(2) of section 6-19-2 of the City Code described in Section 1 above, no other modification or amendment of any other part, provision, or subsection of section 6-19-2 is intended by this Ordinance.

Section 3. 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.

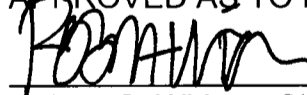
Adopted as Ordinance No. 14 Series 2001, by the City Council of the City of Cherry Hills Village, Colorado this 6 day of November, 2001.



John F. Welborn, Mayor

ATTEST:


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:


Robert C. Widner, City Attorney

MNB302

