

Cherry Hills Village Municipal Code

(6) Nothing in this Section shall be construed to limit or prohibit the approval of a temporary use or temporary structure if such use or structure is authorized as part of a major event permit or contract approved by the City. (Prior code 6-15-7; Ord. 8, 1992; Ord. 9 §1, 2003; Ord. 5 §1, 2004; Ord. 7 §22, 2004)

Sec. 16-16-80. Storage of travel homes and boats.

It is unlawful to park or store travel homes in the front yard area of property or on any public street, highway, road, alley or other right-of-way for a period of time in excess of twenty-four (24) hours. It is lawful to store said travel homes, trailers or boats in other areas of the property if they are located in such a position on the property so as to be reasonably screened from the view of those off the property. Screening may be in the form of fencing, landscaping or other opaque materials. (Prior code 6-15-9; Ord. 16, 1980; Ord. 9 §1, 2003)

Sec. 16-16-90. Permanent or moveable trash containers.

It shall be permissible for residents to have either moveable or permanent containers for the collection of brush, rubbish, trash, garbage, dung or other substance, so long as they are not offensive or injurious because of odor or other nuisances. Said containers shall have lids which shall remain closed except during the process of being emptied. Said containers shall also be located in such a position on the property so as to be reasonably screened from the view of those off the property. Containers may be set at the edge of the right-of-way for pickup on a temporary basis. Once the containers have been emptied, they must be returned to their storage areas within twelve (12) hours. (Prior code 6-15-10; Ord. 16, 1980)

Sec. 16-16-100. Construction of berms.

(a) The construction of berms is permitted only in accordance with this Section following issuance of a berm permit.

(b) Before commencing construction of any berm, the property owner shall submit to the City an application for a berm permit and information deemed sufficient by the City to demonstrate or describe the following:

- (1) The location of the proposed berm(s);
- (2) A survey that shows the height of the preconstruction grade of the property along all points of the proposed berm(s);
- (3) The width, height and length of the proposed berm(s) along all points of the proposed berm(s);
- (4) A description and source of the materials used to form the berm(s);
- (5) A description of the type and location of grasses, groundcovers, shrubs, trees and other landscaping materials to be installed on the berm(s); and
- (6) A description of any potential modification or redirection of the preconstruction or historic surface drainage patterns as the result of the proposed berm(s).

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(c) The City shall issue a berm permit where the City finds that the proposed berm(s) will meet the following standards and criteria:

(1) Except as provided in this Section, berms shall not exceed six (6) feet in height at any point as measured from the preconstruction grade or, if the berm is adjacent to a public street, from the grade of the centerline of an adjacent public street, whichever is less. Berms adjacent to a rear or side lot line and not adjacent to a public street or a private street shall not exceed four (4) feet in height at any point as measured from the preconstruction grade. Berms located within the building envelope of a lot shall not exceed three (3) feet in height and do not require a permit.

(2) Nonprofit institutions, public recreational facilities and nonprofit recreational facilities shall comply with all provisions of this Section, except that such entities shall be permitted to have berms of up to ten (10) feet in height as measured at and along the base from the preconstruction grade, provided that no portion of any berm with a height or width greater than that allowed by Subsection (c)(1) or (3) herein shall be within one hundred (100) feet of any lot line.

(3) Berms shall not exceed the maximum slope of four (4) units horizontal to one (1) unit vertical (4:1).

(4) Except as provided in this Section, berms shall not exceed fifty-two (52) feet in width measured at the base of the berm along the preconstruction grade. Berms adjacent to a rear or side lot line and not adjacent to a public street or a private street shall not exceed thirty-six (36) feet in width measured at the base of the berm along the preconstruction grade.

(5) Berms shall be prohibited within any floodplain, unless otherwise authorized by a City-issued floodplain development permit.

(6) Grading for berms is prohibited in the City's rights-of-way and easements without first obtaining a right-of-way permit from the City.

(7) Berms shall be prohibited within the sight triangle of any intersection.

(8) No buildings or structures of any kind or type shall be permitted upon or within any berm.

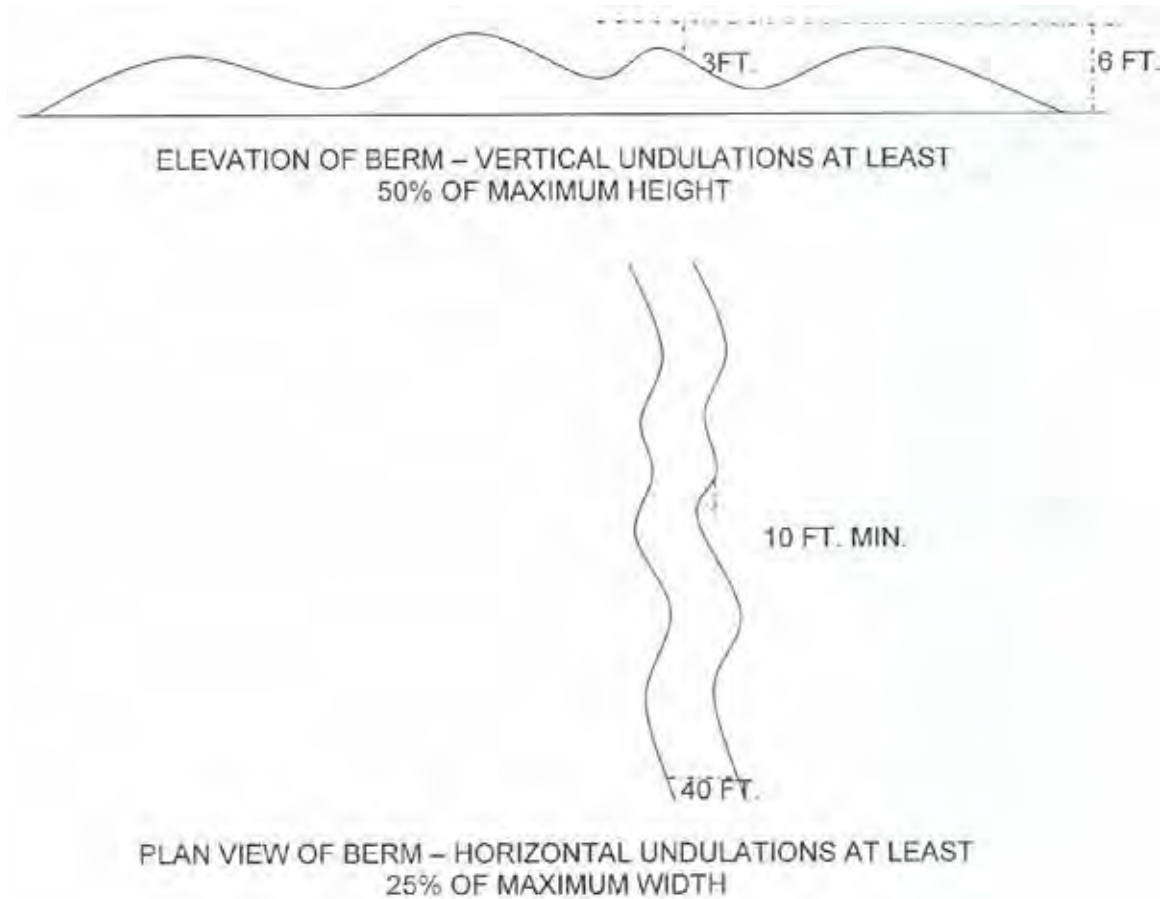
(9) All areas of the berm(s) shall be covered with grasses, groundcovers, rock, mulch or other landscaping materials sufficient to prevent erosion. Such landscaping must be installed within ninety (90) days of completion of the finished grading.

(10) Berms shall not be designed to collect, redirect or release surface water upon adjacent property in a manner inconsistent with the historic or preconstruction conditions or applicable law without the written consent of the adjacent landowner.

(11) Berms shall be designed with both horizontal and vertical undulations so that the top of the berm undulates and so that the sides of the berm undulate to form a serpentine-like pattern. Vertical undulations shall be at least fifty percent (50%) of the maximum height, and horizontal undulations shall be at least twenty-five percent (25%) of the maximum width, all as depicted

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below. The City shall review berm plans to assure that there are sufficient horizontal and vertical undulations to make the berm appear natural.



(12) Berms shall connect into existing grades at their perimeter to ensure that berms appear natural.

(13) During construction of the berm and until all landscaping is completed, appropriate erosion control is required.

(d) A berm permit shall be valid for ninety (90) days following the date the permit is issued. All work on the site authorized by such berm permit shall be completed within ninety (90) days of the date of issuance thereof; thereafter, said berm permit shall expire and be deemed cancelled. A new permit will be required to complete the work. The new permit fee will be based on the remaining work to be completed. If a new permit is not obtained, the property shall be restored to its preconstruction grade within ninety (90) days. If a new permit is not obtained and the property is not restored to its preconstruction grade within ninety (90) days, the City may initiate the appropriate actions or proceedings in accordance with Section 16-2-60 of this Code.

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(e) At the time of completion of the berm and prior to final inspection, the property owner shall submit to the City an as-built survey that shows the width, height and length of the finished berm(s) along all points of the berm(s).

(f) Variances may be granted to the standards and criteria of this Section in accordance with Section 16-3-50 of this Chapter.

(g) The City may impose one (1) or more conditions upon the issuance of a berm permit where such condition(s) are reasonably necessary to implement the requirements of this Code or to protect the health, safety or welfare of the public.

(h) In addition to any other penalty for violation of this Section as provided in Article IV of Chapter 1 or Section 16-2-60, the City may require the immediate removal of any berm constructed contrary to this Section and reimbursement to the City of any costs associated with such action. (Prior code 6-15-11; Ord. 12, 1985; Ord. 12, 2000; Ord. 9 §1, 2003; Ord. 12 §1, 2003; Ord. 10 §1, 2004)

Sec. 16-16-110. Parking structures.

(a) 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 zoning district unless specifically permitted as set forth in this Section.

(b) Detached parking structures may be accessory structures to nonprofit institutions, private clubs, public and nonprofit recreational facilities and other nonresidential structures, provided that such structures meet the following criteria:

(1) Height restriction.

a. No portion of any such structure fronting on or adjacent to any private or public property line or right-of-way shall exceed eight (8) feet above the midpoint of the structure at natural grade.

b. The minimum height above grade called for in this Subsection may be increased to twelve (12) feet above the midpoint of the structure at natural grade if additional fill is placed at a slope no greater than one (1) vertical to three (3) horizontal so that no more than six (6) feet 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-of-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 (50) feet of any property line.

(4) Top of structure. For purposes of this Section, the *top of the structure* is defined as either:

a. The top of the roof level of the parking structure; or