ORDINANCE NO. 6
Series 2016

June 19, 2016: Introduced as Council Bill 6, Series 2016 by Councilor Alex Brown, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

August 16, 2016: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
AMENDING ARTICLE XI OF CHAPTER 16
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE
TO ESTABLISH A NEW O-2 ZONING DISTRICT TO BE KNOWN AS THE OPEN SPACE, CONSERVATION AND HISTORIC AREA ZONING DISTRICT, AND TO MAKE CORRESPONDING CHANGES IN SECTION 16-4-10 AND SECTION 16-15-40 OF CHAPTER 16 CONCERNING OPEN SPACE ZONING REGULATIONS**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City desires to establish land use and zoning regulations for properties owned by the City with special conservation, historical and cultural value; and

WHEREAS, the City desires to govern development of such properties to ensure that development is consistent with the City's master plan and surrounding development and promotes the health, safety, convenience and general welfare of the community; and

WHEREAS, the City desires to provide flexibility in the O-2 zoning district to make improvements, maintain, repair and use properties in a manner consistent with the historical use of properties and any applicable conservation easements associated with properties under the supervision of a City Council-appointed advisory committee; and

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

Section 1. Article XI of Chapter 16 of the Cherry Hills Village Municipal Code is hereby repealed and reenacted to create two divisions in order to retain the existing O-1 zoning district under Division 1 and to add a new O-2 zoning district under Division 2 to read in full as follows:

Article XI – O-1 and O-2, Open Space Districts

Division 1. O-1: Open Space, Park and Recreation Area District

Sec. 16-11-10. - Permitted uses.

The following uses shall be permitted in the O-1 District:

(1) Unimproved open space.
(2) Bridle and pedestrian paths.
(3) Growing and preservation of trees and other nursery stock.
(4) Protection of watercourses and watersheds from erosion and floods.

Sec. 16-11-20. - Uses permitted as special exceptions.

The following uses are permitted as special exceptions by the City Council, provided that such uses may be approved, expanded or increased only in accordance with Article XX of this Chapter:

(1) Private clubs.
(2) Public and nonprofit recreational facilities.
(3) Grazing of livestock, provided that no such use shall be permitted if offensive or injurious because of odor, noise or other nuisance.
(4) Irrigation canals, lakes and similar uses.

Sec. 16-11-30. - Conditional uses.

The following uses shall be permitted as conditional uses in the O-1 District: wireless communication facilities.

Sec. 16-11-40. - Area and dimensional requirements.

Requirements specified in Subsections 16-5-30(a) through (f) of this Chapter shall apply to the O-1 Open Space, Park and Recreation Area District.

Division 2. O-2: Open Space, Conservation and Historic Area District

Sec. 16-11-110. Purpose and intent. The purpose and intent of this Article is to establish a new zoning district that promotes conservation values and historic preservation of properties owned or leased by the City and provides for development, maintenance and operation of such properties consistent with the Master Plan and semi-rural character of Cherry Hills Village.

Sec. 16-11-120. Permitted uses

The following uses shall be permitted in the O-2 District:

(1) Unimproved open space and wildlife habitat.

(2) Bridle and pedestrian paths and trails.

(3) Irrigation canals, ponds and similar uses.

(4) Agricultural uses and facilities, including conservation of agricultural resources and structures, and equestrian uses and facilities, when operated by a nonprofit entity, including keeping, raising and boarding livestock and horses.

(5) Single-family dwellings and caretaker's dwellings associated with historic use of properties or maintenance operations of properties.

(6) Community, educational, cultural and recreational facilities and activities.

(7) Museums, public libraries and galleries when operated by a nonprofit entity.

(8) Government and nonprofit offices.

Sec. 16-11-130. Conditional uses.

The following uses shall be permitted as conditional uses in the O-2 District: wireless communication facilities.

Section 2. Subsection (a) of Section 16-4-10 of Chapter 16 of the Cherry Hills Village Municipal Code is hereby amended to add O-2 zoning district to the categories of zoning districts to read in full as follows:

16-4-10. Official zoning map adopted.

(a) The City is hereby divided into the following categories of zones or districts, as shown on the official zoning map which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this Chapter.

R-1 2½-Acre Residential District

R-2 1¼-Acre Residential District

R-3 1-Acre Residential District

R-3A Variable Lot Residential District

R-4 ½-Acre Residential District

R-5 16,000-Square-Foot Residential District

O-1 Open Space, Park and Recreation Area District

O-2 Open Space, Conservation and Historic Area District

C-1 Community District

C-2 Limited Commercial District

Section 3. Subsection (b)(2) of Section 16-15-40 of the Cherry Hills Village Municipal Code is hereby amended to remove the references to O-1 zoning district in order to avoid conflict with Section 16-15-50(1) which exempts signs erected by the City in its governmental capacity, to read as follows:

Section 16-15-40. Permanent Signs.

(b) Authorized permanent signs: The following signs shall be authorized as permanent signs upon issuance of a sign permit in accordance with this Section:

(2) Within the C-1, C-2 ~~and O-1~~ Zone Districts:

a. Within the C-1, Community Zone District: One (1) sign not to exceed six (6) square feet is allowed for each lot.

b. Within the C-2, Limited Commercial Zone District:

1. One (1) sign not to exceed six (6) square feet is allowed for each tenant.

2. Two (2) ground signs not to exceed eighteen (18) square feet each are allowed on any parcel zoned C-2.

~~c. Within the O-1, Open Space, Parks and Recreation Zone District: Any sign erected by the City or its agent, including but not limited to signs identifying public places such as parks, trails and public buildings or informing the public of rules relating to such public places.~~

Section 4. Codification Amendments. The codifier of the City's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 5. 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.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 6, Series 2016, by the City Council of the City of Cherry Hills Village, Colorado this 16th day of August, 2016.

(SEAL)

Laura Christman, Mayor

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 6, SERIES 2016

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Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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