ORDINANCE NO. 9

Series 2012

June 19, 2012: Introduced as Council Bill 9, Series 2012 by Councilor Stewart, seconded by Councilor Roswell and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

July 17, 2012: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING MUNICIPAL CODE SECTIONS 16-1-10 AND 16-5-10
CONCERNING SHORT-TERM RENTAL OF SINGLE-FAMILY DWELLINGS
AND RENTAL OF SINGLE-FAMILY DWELLINGS FOR
PROHIBITED COMMERCIAL USES**

ABF554

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, the City of Cherry Hills Village is authorized to regulate property and construction within the boundaries of the City to further the health, safety and welfare of the citizens of the City of Cherry Hills Village; and

WHEREAS, the City of Cherry Hills Village has determined that it is in the best interest of the citizens of the City to amend Sections 16-1-10 and 16-5-10 of the Cherry Hills Village Municipal Code to establish a definition for short-term rental of single family dwellings, prohibit the short-term rental of single-family dwellings, and clarify that rental of single-family dwellings for the purpose of holding a party, special event, social gathering, wedding or similar use is a commercial use of the property and prohibited.

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

Section 1. Section 16-1-10 of the Cherry Hills Village Municipal Code is amended to read as follows:

Sec. 16-1-10. Definitions.

Dwelling unit means one (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease ~~on a weekly, monthly or longer basis~~, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Short-term rental means the renting or leasing of a single-family dwelling unit for a period of less than ninety (90) consecutive days, other than a house exchange for which there is no payment.

Section 2. Section 16-5-10 of the Cherry Hills Village Municipal Code is amended to read as follows:

Sec. 16-5-10. Permitted uses.

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

(1) Single-family dwellings: single-family dwellings~~.~~, provided that short-term rental of a single-family dwelling unit shall be prohibited. Solicitation, advertising or rental of a single-family dwelling unit for the purpose of holding a

party, special event, social gathering, wedding or similar use shall be considered a commercial use of the property and is prohibited.

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. 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 4. 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. 9, Series 2012, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of July, 2012.

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 9, SERIES 2012

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING MUNICIPAL CODE SECTIONS 16-1-10 AND 16-5-10 CONCERNING SHORT-TERM RENTAL OF SINGLE FAMILY DWELLINGS AND RENTAL OF SINGLE-FAMILY DWELLINGS FOR PROHIBITED COMMERCIAL USES

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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