

ORDINANCE NO. 11
Series 2009

September 15, 2009: Introduced as Council Bill 15, Series 2009 by Mayor Pro Tem Russell Stewart, seconded by Councilmember Klasina VanderWerf, and considered by the title only on first reading. Passed by a vote of 5 yes and 0 no.

October 20, 2009: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING ZONING, BY AMENDING SECTIONS 16-8-90 AND 16-9-30(d)
CONCERNING ACCESSORY STRUCTURES AND/OR RECREATIONAL USE SETBACKS**

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 current City Code outlines setback requirements for accessory structures and/or recreational uses in the R-4 and R-3A residential districts that are more restrictive than the yard requirements for the primary structure; and

WHEREAS, the required setbacks for accessory structures and/or recreational uses in other zone districts in the City are not more restrictive than the yard requirements for the primary structure; and

WHEREAS, the City Council recognizes that the impact of accessory structures and/or recreational uses is generally not as significant as the impacts of the primary structure;

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

Section 1. That Section 16-8-90 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 16-8-90. Accessory structures.

The following limitations on accessory and/or recreational structures shall apply:

<i>Minimum Lot Area</i>	<i>Number of Structures</i>	<i>Area of Structures</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>
2½ acres	3	1,100 square feet	75 feet	25 feet	25 feet
1¼ acres	3	750 square feet	75 feet	25 feet	25 feet
1 acre	3	650 square feet	50 feet	25 feet	25 feet
½ acre	3	500 square feet	40 <u>25</u> feet	25 <u>15</u> feet	25 <u>15</u> feet
16,000 square feet	2	500 square feet	25 feet	7.5 feet (zero lot line allowed)	7.5 feet

Section 2. That Section 16-9-30(d) of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 16-9-30. Area, height and yard requirements.

(d) Accessory structures. Only two (2) accessory structures and/or recreational uses shall be permitted. The total area of all the accessory structures shall not exceed five hundred (500) square feet as set forth in Subsection (c) above. No accessory structure and/or recreational use shall be constructed within ~~forty (40)~~ twenty five (25) feet of the front lot line or ~~twenty-five (25)~~ fifteen (15) feet of any rear lot line or side lot line.

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. 11 Series 2009, by the City Council of the City of Cherry Hills Village, Colorado this 20th day of October, 2009.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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