

**ORDINANCE NO. 20  
Series 2010**

June 15, 2010: Introduced as Council Bill 19, Series 2010 by Councilor Harriet Crittenden LaMair, seconded by Councilor Mark Griffin, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

July 20, 2010: 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 SECTION 16-17-60,  
CONCERNING PROCEDURE FOR DEVELOPMENT RELATING TO  
DREDGING PONDS WITHIN THE FLOODPLAIN**

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 development within floodplain areas on property within the boundaries of the City; and

WHEREAS, the City of Cherry Hills Village has established floodplain management regulations for flood prevention and control pursuant to the authority contained in, among others, Title 24, Article 65.1; Title 29, Article 20; and Title 31, Article 23, C.R.S., and as authorized by the City Charter; and

WHEREAS, the City's floodplain management regulations have been established to promote the public health, safety and general welfare, to minimize flood losses in areas subject to flood hazards so as to minimize future flood blight areas and prolonged business interruptions and to promote the wise use of floodplain areas; and

WHEREAS, the City Council has determined that certain applications for a permit to dredge ponds in the floodplain provide a benefit to the public, including improved floodplain management by removal of sediment and debris that might inhibit water flow and by increasing water storage capacity; and

WHEREAS, the City Council has determined that administrative review procedures for floodplain development projects that are only intended for dredging of ponds in ineffective flow areas are appropriate, provided adequate notice is made to adjacent property owners.

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

Section 1. That Subsections 16-17-60(e) and (f) are renumbered as Subsection 16-17-60(f) and (g), respectively, and a new Subsection 16-17-60(e) is added to the City of Cherry Hills Village Municipal Code to read as follows:

**Sec. 16-17-60. Procedure for development.**

(e) Dredging of ponds and lakes: The City Manager or his or her designee may administratively approve an application for a floodplain development permit that is exclusively for dredging of ponds or lakes within an ineffective flow area. Such approval shall be in accordance with the following procedures and criteria:

(1) Dredging procedures shall follow all applicable regulations of the Arapahoe County Stormwater Management Manuel (ACSMM) and Urban Drainage and Flood Control District (UDFCD) criteria, as may be amended from time to time.

(2) The applicant shall be required to submit a hydraulic analysis, prepared by a professional engineer, for review and approval by the City Engineer. The applicant shall demonstrate that the dredging will not alter the floodplain boundary or increase base flood elevations.

ABF554

(3) All required permits shall be obtained by the applicant from those applicable federal, state or local governmental agencies before administrative approval will be granted.

(4) The applicant shall provide written notification of the request to all owners of property that are adjacent to the property that is the subject of the request and with floodplain intersecting the property. Such written notification shall be sent by certified mail, return receipt requested.

(5) The applicant shall provide written verification from the Office of the State Engineer demonstrating compliance with all applicable water rights and dam safety requirements.

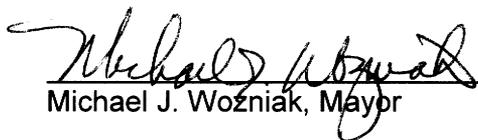
(6) The City Manager or his or her designee may approve, approve with conditions, or deny an application, or in the City Manager's reasonable discretion, present the application for review and decision by the City Council. The City Manager's discretion includes, but is not limited to, applications that may be reasonably considered to negatively impact other properties. City Council proceedings to address the application shall be quasi-judicial, with decisions rendered after considering evidence presented at a public hearing. The City Council review shall be based on the procedures and criteria outlined in this Subsection.

(7) The City Manager or his or her designee may attach conditions to any approval of a floodplain development permit for dredging as deemed necessary to further the purpose of this Article.

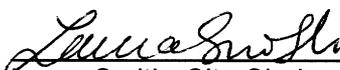
Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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 3. 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.

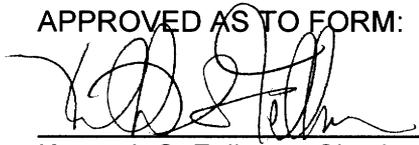
Adopted as Ordinance No. 20, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 20th day of July, 2010.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Laura Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

Published in *The Villager*  
Published 7/29/10  
Legal # 11662

# PUBLISHER'S AFFIDAVIT

STATE OF COLORADO, )

) SS.

COUNTY OF ARAPAHOE )

I, Robert Sweeney, do solemnly affirm that I am the Publisher of THE VILLAGER; that the same is a weekly newspaper published in Greenwood Village, County of Arapahoe, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterruptedly published in said County of Arapahoe for a period of at least 52 consecutive weeks prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Englewood, Colorado, as periodical class mail matter and that said newspaper is a newspaper within the meaning of the Act of General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper for the period of one consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated:

July 29, 2010

and the last publication of said notice, was in the issue of said newspaper dated:

\_\_\_\_\_, 2010

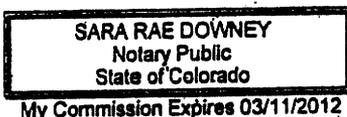
Robert Sweeney  
Publisher

Subscribed and affirmed to before me, a Notary Public.

This 29<sup>th</sup> day of July A.D., 2010

Sara Rae Downey  
Notary Public

My Commission expires:



## CITY OF CHERRY HILLS VILLAGE ADOPTION OF ORDINANCE ORDINANCE 20, SERIES 2010

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 SECTION 16-17-60, CONCERNING PROCEDURE FOR DEVELOPMENT RELATING TO DREDGING PONDS WITHIN THE FLOODPLAIN

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

Published in The Villager  
Published: July 29, 2010  
Legal # 1002