

ORDINANCE NO. 18

Series 2022

November 15, 2022: Introduced as Council Bill 16, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Dan Sheldon and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

December 14, 2022: 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 SECTION 16-4-230 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING TREE REPLACEMENT REQUIREMENTS

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 is authorized 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, pursuant to the authority outlined herein, the City Council established zoning regulations codified in Chapter 16 of the Cherry Hills Village Municipal Code ("Municipal Code"); and

WHEREAS, at a meeting held on October 11, 2022, pursuant to Section 16-7-130 and 16-7-370 of the Municipal Code, the Planning and Zoning Commission considered a proposed text amendment concerning the caliper of required replacement trees, as directed by City Council, and recommended that City Council approve the proposed amendment with one modification, which is reflected in this Ordinance; and

WHEREAS, pursuant to Section 16-7-10(d)(1)b. of the Municipal Code, and in consideration of the health, safety, and welfare of the public, the City Council desires to amend Chapter 16 of the Municipal Code as set forth herein.

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

Section 1. Section 16-4-230(d) of the Municipal Code, entitled *Replacement Requirements*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~ with the remainder of 16-4-230(d) to remain unchanged:

- (1) Established trees that have been or will be removed must be replaced, in the aggregate, as provided in Table 16-4-230, Tree Replacement Schedule.
- (2) All replacement trees shall have a minimum caliper size of two (2) inches, ~~and a maximum caliper size of two and one half (2 1/2) inches~~, at the time of planting.

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 be declared invalid.

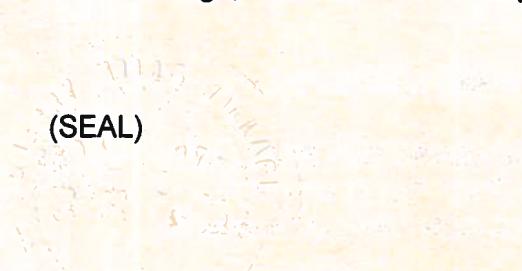
Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 4. Codification Amendments. The codifier of the City's Municipal Code, Municode, 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. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No.18 Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 14th day of December, 2022.

(SEAL)



Russell O. Stewart

Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:

Kathie B. Guckenberger

Kathie B. Guckenberger, City Attorney

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CITY OF CHERRY HILLS VIL-
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ADOPTION OF ORDINANCE
ORDINANCE 18, SERIES 2022

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING SECTION
16-4-230 OF THE CHERRY HILLS
VILLAGE MUNICIPAL CODE
CONCERNING TREE REPLACE-
MENT REQUIREMENTS

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

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