

ORDINANCE NO. 2

Series 2012

January 3, 2012: Introduced as Council Bill 2, Series 2012 by Councilor Roswell, seconded by Councilor VanderWerf and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 21, 2012: 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
TO AMEND SECTION 16-11-40 OF THE CHERRY
HILLS VILLAGE MUNICIPAL CODE**

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, Section 16-11-40 of the Cherry Hills Village Municipal Code governs the area, height and yard requirements applicable to O-1, Open Space, Park and Recreation District; and

WHEREAS, the City of Cherry Hills Village has determined that it is in the best interests of the citizens of the City to amend Section 16-11-40 of the Cherry Hills Village Municipal Code to clarify the yard requirements applicable to O-1, Open Space, Park and Recreation District.

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

Section 1. Section 16-11-40 of the Cherry Hills Village Municipal Code is amended to read as follows:

Sec. 16-11-40. Area, height, lot width and yard and dimensional requirements.

Requirements specified in Subsections 16-5-30(a) through (e) (f) of this Chapter, and the regulations established for the R-1, 2½ Acre Residential District, shall apply to the O-1 Open Space, Park and Recreation Area District.

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. 2, Series 2012, by the City Council of the City of Cherry Hills Village, Colorado this 21st day of February, 2012.

Michael J. Wozniak
Michael J. Wozniak, Mayor

ATTEST:

Laura Smith
Laura Smith, City Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman
Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 2, SERIES 2012**

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AMEND SECTION 16-11-40 OF THE
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CODE

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

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