

**ORDINANCE NO. 4**  
**Series 2009**

April 21, 2009: Introduced as Council Bill 6, Series 2009 by Mayor Pro Tem Stewart, seconded by Councilmember Roswell, and considered by the title only on first reading. Passed by a vote of 5 yes and 0 no.

May 5, 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 2 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,  
 CONCERNING ADMINISTRATION AND PERSONNEL,  
 BY AMENDING SECTION 2-6-10,  
 CONCERNING THE PURPOSE OF THE PLANNING AND ZONING COMMISSION**

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 by Section 8.1 of the Cherry Hills Village Charter to appoint boards and commissions, including the Planning and Zoning Commission; and

WHEREAS, the powers and duties of the Planning and Zoning Commission are set forth in the Cherry Hills Village Charter and Municipal Code; and

WHEREAS, pursuant to Section 2-6-10 (1) of the Municipal Code, the Planning and Zoning Commission is charged with preparing and maintaining a Master Plan as described in state statute; and

WHEREAS, C.R.S. §§ 31-23-206 and 208 provide that the creation and adoption of a Master Plan is a function of the Planning and Zoning Commission, and that the role of the City Council is limited to approval or rejection of the Master Plan; and

WHEREAS, the City Council is concerned that the City's elected officials do not have sufficient authority, oversight and involvement in the Master Plan approval process; and

WHEREAS, the City Council desires to structure the purpose and authority of the Planning and Zoning Commission for the Master Plan approval process so that it is similar to its role in connection with other land use activities by conveying upon the City Council the ultimate authority to adopt the Master Plan and any amendments thereto.

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

Section 1. That Section 2-6-10 of the Cherry Hills Village Municipal Code, concerning the purpose of the Planning and Zoning Commission, is hereby amended to read as follows:

**Sec. 2-6-10. Purpose.**

The Planning and Zoning Commission, as created by Section 8.3 of the City Charter, has been established for the following purposes:

- (1) To prepare and maintain, subject to periodic revision and amendments as necessary, a Master Plan as described by state statute and to submit the proposed Master Plan, or any amendments thereto, to the City Council for the Council's adoption, modification or rejection.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the City Council amendments to the Zoning Map of the City.
- (4) To study and recommend appropriate zoning classifications for all annexations to the City.

(5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.

(6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall:

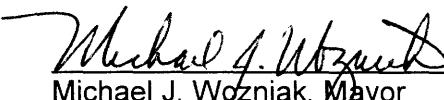
- limit the City Council's authority to approve, modify or reject the Master Plan;  
or
- permit the Planning and Zoning Commission to make amendments or changes in the zoning of the City, such powers expressly being reserved by the City Council.

(7) Except as superseded or modified by this Chapter, the provisions of Parts 2 and 3, Article 23, Title 31, C.R.S., shall be applicable to the Planning and Zoning Commission.

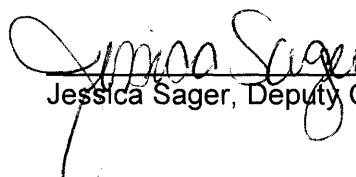
Section 2. Effective date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

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.

Adopted as Ordinance No. 4 Series 2009, by the City Council of the City of Cherry Hills Village, Colorado this 5th day of May, 2009.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Jessica Sager, Deputy City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

Published in the Villager  
Published May 21, 2009  
Legal # 2273

**CITY OF CHERRY HILLS VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 04, SERIES 2009**

A bill for an ordinance of the City of Cherry Hills Village amending Chapter 2 of the Cherry Hills Village Municipal Code, concerning administration and personnel, by amending Section 2-6-10, concerning the purpose of the Planning and Zoning Commission

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: May 21, 2009  
Legal # 2273