

ORDINANCE NO. 2

Series 2022

January 4, 2022: Introduced as Council Bill 1, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 1, 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 ARTICLE VI OF CHAPTER 2 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING THE POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION REGARDING WIRELESS TELECOMMUNICATION FACILITIES

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 Section 8.3 of the City's Charter, the City's Planning and Zoning Commission ("P&Z") is charged with exercising the functions and powers and performing the duties assigned to it by the Charter and the ordinances of the City; and

WHEREAS, pursuant to Ordinance 10, Series 2019, the City Council created a new Chapter 20 of the Cherry Hills Village Municipal Code ("Municipal Code") to contain regulations concerning wireless telecommunications facilities that were previously housed within Chapter 16 of the Code; and

WHEREAS, in consideration of the health, safety, and welfare of the public, the City Council desires to amend Section 2-6-10(2) of the Municipal Code to reflect the powers and duties of P&Z with respect to the regulation of wireless telecommunication facilities as set forth in Chapter 20 of the Code.

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

Section 1. Sub-section (2) of Section 2-6-10 of the Municipal Code, entitled *Powers and duties*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 2-6-10 to remain intact:

Sec. 2-6-10. – Powers and duties

(2) The Planning and Zoning Commission shall implement the provisions of Chapters 16, and 17, and 20 of this Code and shall perform all functions and powers referred to in said chapters where reference is made.

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. 2, Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of February, 2022.

(SEAL)



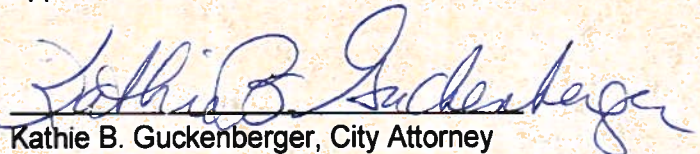
Russell O. Stewart, Mayor

ATTEST:

Approved as to form:



Laura Gillespie, City Clerk



Kathie B. Guckenberger, City Attorney

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**CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 2, SERIES 2022**

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OF THE CITY OF CHERRY
HILLS VILLAGE AMENDING
ARTICLE VI OF CHAPTER 2 OF
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MUNICIPAL CODE CONCERNING
THE POWERS AND DUTIES OF
THE PLANNING AND ZONING
COMMISSION REGARDING
WIRELESS TELECOMMUNICA-
TION FACILITIES**

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

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