

ORDINANCE NO. 9

Series 2013

May 7, 2013: Introduced as Council Bill 8, Series 2013 by Councilor Alex Brown, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 4, 2013: 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 16-1-20 OF THE CHERRY
HILLS VILLAGE MUNICIPAL CODE
CONCERNING INTERPRETATION OF
MINIMUM ZONING 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 has authority 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, the City has adopted zoning and land use regulations codified in Chapter 16 of the Municipal Code; and

WHEREAS, the City Council desires to clarify that private covenants to which the City is not a party are not enforceable by the City.

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

Section 1. Section 16-1-20 of the Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 16-1-20. Interpretation, minimum requirements.

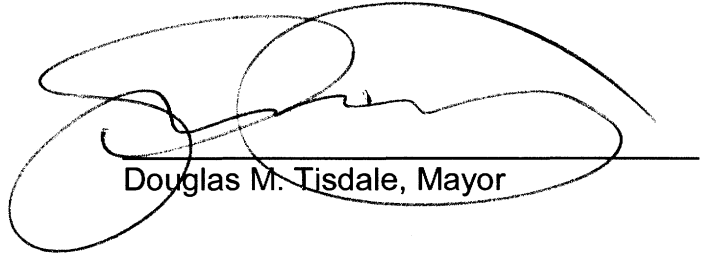
In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully City adopted rules, regulations or City ordinances, ~~deed restrictions or covenants~~, the most restrictive, or that imposing the higher standards, shall govern. The City will not consider, interpret or apply deed restrictions or covenants unless the City is a party to or beneficiary of them.

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. 9, Series 2013, by the City Council of the City of Cherry Hills Village, Colorado this 4th day of June, 2013.


(SEAL)


Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 9, SERIES 2013**

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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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