ORDINANCE NO. 3
Series 2014

March 18, 2014: Introduced as Council Bill 2, Series 2014 by Councilor Mark Griffin, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

April 1, 2014: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 18-10-80 OF THE
CHERRY HILLS VILLAGE MUNICIPAL CODE
CONCERNING PRE-APPLICATION
NEIGHBORHOOD INPUT MEETINGS**

MNB302

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, Chapter 18 of the Cherry Hills Village Municipal Code governs building regulations for construction of homes in the City; and

WHEREAS, the City of Cherry Hills Village has determined that preapplication neighborhood input meetings should be required prior to submitting building permit applications for new homes and certain additions to homes in order to foster dialogue among neighbors about construction projects before they commence; and

WHEREAS, the City of Cherry Hills Village intends to streamline the process for neighborhood input meetings and clarify that building permits submitted after a neighborhood input meeting is completed must conform to the site plan and building height and bulk plane drawings provided for the neighborhood input meeting.

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

Section 1. Section 18-10-80 of the Cherry Hills Village Municipal Code is hereby amended as follows:

Sec. 18-10-80. Preapplication neighborhood input meeting.

(a) A preapplication neighborhood input meeting (*neighborhood meeting*) shall be held prior to submitting an application for a permit to construct a new single-family dwelling, commercial, community or institutional structure, or an addition to any such structure that increases the square footage by fifty percent (50%) or more or adds a second story to an existing one-story structure ~~if requested by an affected property owner or homeowners' association~~. An *affected property owner* shall mean the owner of property contiguous to or across any street from any portions of the applicant's property. A *homeowners' association* shall mean a homeowners' association registered with the City with jurisdiction over ~~covering~~ the applicant's property. The applicant and City are entitled to rely on the registration information provided by the homeowners' associations to the City for purposes of preparing any notices or otherwise contacting homeowners' associations.

~~(b) An applicant shall be required to send notice to all affected property owners and any homeowners' associations by certified mail, return receipt requested, stating: (1) their intent to submit an application for a building permit~~

~~and generally describing the scope of the project; and (2) that a neighborhood meeting will be made available upon written request to the City. Such notice language shall be furnished to the applicant by the City.~~

~~(c) If an affected property owner or homeowners' association makes a written request for a neighborhood meeting within fifteen (15) days after the mailing of the notice required in Subsection (b) above, the meeting shall be scheduled by the City Manager within thirty (30) days of such request. If a written request is not received within the fifteen-day timeframe stated above, an applicant may submit an application for a building permit; provided, however, that, if a building permit application is not submitted within the one hundred eighty (180) days of the mailing notice required in Subsection (b) above, all procedures regarding neighborhood meetings described herein must again be met prior to submitting an application for a building permit.~~

(b) The purpose of a neighborhood meeting is to inform affected property owners and homeowners' associations about proposed development and to seek input and comments about its design and potential impacts on the neighborhood which could reasonably be mitigated. A neighborhood meeting is not required to generate complete consensus on all aspects of the proposed development, nor to supplant or add to the applicable standards or requirements of this Code.

(~~d~~c) Procedures for neighborhood meetings. Upon receipt of a complete application, the City shall set a time, date and place for the meeting during the City's normal business hours. At least fifteen (15) days prior to the neighborhood meeting date, the applicant shall be required to send written notice of the neighborhood meeting to all affected property owners and homeowners' associations by certified mail, return receipt requested, stating: (1) the purpose of the meeting and generally describing the scope of the project; and (2) the time and place of the meeting. Such notice language shall be furnished to the applicant by the City. ~~Neighborhood meetings shall be held during the City's normal business hours and shall be attended by the City Manager.~~ At least seven (7) days prior to the neighborhood meeting date, the applicant shall submit to the City the following documents that are required to be available at the meeting:

(1) A schedule detailing the anticipated dates of construction, including the major phases of construction, such as excavation and grading, foundation work, framing, exterior finish work, interior finish work and landscaping.

(2) A preliminary construction staging plan meeting the requirements of Section 18-10-40 of this Article.

(3) A preliminary site plan, drawn to scale and in accordance with an accurate survey, including the following information:

a. The size and location of any proposed structures and existing structures;

b. The setback distances from lot lines to any proposed structures in accordance with the parcel's zoning; and

c. Existing contours in one-foot intervals in USGS datum.

(4) Building height and bulk plane drawings demonstrating the height and three-dimensional extent of the proposed structures in accordance with the parcel's zoning. The design elements of the building, including the architectural style, colors and materials, are not required.

(~~e~~d) The applicant, or applicant's representative, shall be required to attend the meeting to present ~~review~~ the documents submitted in accordance with this Section. ~~The purpose of the meeting shall be for the applicant, or~~

~~applicant's representative, to hear comments from the neighbors in response to the documents submitted in accordance with Subsection (d) above. Comments provided during the neighborhood meeting are to be considered advisory to the applicant and shall not create any binding obligations.~~ Copies of any written comments submitted to the City prior to the neighborhood meeting shall be provided to the applicant, or applicant's representative, at or before the meeting. ~~Summary minutes of the meeting shall be kept by the City. Upon completion of the meeting, the applicant may submit an application for a building permit in accordance with Subsection (c) above.~~

(e) Compliance with the neighborhood meeting procedures in this Section 18-10-80 is a condition precedent to submitting a building permit application. A building permit application must substantially conform to the site plan and building height and bulk plane drawings submitted under Subsection (c)(3) and (4) above. If a building permit application is not submitted within one hundred eighty (180) days of the neighborhood meeting date, or the site plan and building height and bulk plane drawings do not substantially conform to those submitted for the neighborhood meeting, an applicant shall be required to conduct an additional neighborhood meeting in accordance with this Section prior to submitting an application for a building permit.

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. 3 Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of April, 2014.

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

Approved as to form:

Linda C. Michow, City Attorney

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CHERRY HILLS

CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2014

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 18-10-80 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING PRE-APPLICATION NEIGHBORHOOD INPUT MEETINGS

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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