ORDINANCE NO. 8

Series 2012

May 15, 2012: Introduced as Council Bill 8, Series 2012 by Councilor LaMair, seconded by Councilor Griffin and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

June 5, 2012: 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 CHAPTER 18 OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE CONCERNING BUILDING REGULATIONS,
BY THE ADDITION OF SECTION 18-10-80 ESTABLISHING
PRE-APPLICATION NEIGHBORHOOD INPUT MEETINGS**

ABF554

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 pre-application neighborhood input meetings should be required prior to submitting building permit applications for new homes and certain additions to homes <u>if requested by neighboring property owners or HOAs</u> in order to foster dialogue among neighbors about construction projects before they commence.

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

<u>Section 1</u>. Chapter 18, Article X of the Cherry Hills Village Municipal is amended by the addition of a new Section 18-10-80, to read:

Sec. 18-10-80. Pre-application neighborhood input meeting.

(1) A pre-application 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 50% or more or adds a second story to an existing one-story structure <u>if requested by an affected property owner or home owners' association</u>. <u>An "affected property owner" shall mean the owners of property contiguous to or across any street from any portions of the applicant's property. A "home owners' association" shall mean a home owners' association registered with the City covering the applicant's property.</u>

<u>(2) An applicant shall be required to send notice to all affected property owners and any home owners' 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.</u>

<u>(3) If an affected property owner or home owners' association makes a written request for a neighborhood meeting within 15 days after the mailing of the</u>

notice required in Subsection (2), the meeting shall be scheduled by the City Manager within 30 days of such request. If a written request is not received within the 15-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 180 days of the mailing notice required in Subsection (2) all procedures regarding neighborhood meetings described herein must again be met prior to submitting an application for a building permit.

(4) Procedures for neighborhood meetings. At least 15 days prior to the neighborhood meeting date, the applicant shall be required to send notice of the neighborhood meeting to all affected property owners and home owners' 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 or his or her designee. ~~(2)~~ At least 7 days ~~P~~prior to the neighborhood meeting, the applicant shall submit ~~a request for such meeting on a form furnished by the City and~~ to the City the following items:

a. 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.

b. A preliminary construction staging plan meeting the requirements of Sec. 18-10-40.

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

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

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

3. Existing contours in 1' intervals in USGS datum;

~~4. The location of any easements or encumbrances; and~~

~~5. The location of any designated 100-year floodplain boundaries.~~

d. 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.

~~(3) Upon receiving a request and the required items in Subsection (2), the City Manager shall schedule the neighborhood meeting during the City's normal operating hours.~~

~~(4) At least 15 days prior to the meeting date, the applicant shall be required to send notices of the neighborhood meeting by certified mail, return receipts requested, to the owners of all property contiguous to, including across any street from, any portions of the applicant's property and to any home owners' association registered with the City in which the applicant's property is located. Said notice shall include the purpose, time, date and place of the meeting. Meetings shall be held at the Village Center and attended by the City Manager or his or her designee.~~

(5) The applicant, or applicant's representative, shall be required to attend the meeting to review the documents submitted in accordance with this Subsection ~~(2) with those persons attending the meeting~~. 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 ~~(2)~~ (4). 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 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 (3).

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. 8, Series 2012, by the City Council of the City of Cherry Hills Village, Colorado this 5th day of June, 2012.

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 8, SERIES 2012

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING BUILDING REGULATIONS, BY THE ADDITION OF SECTION 18-10-80 ESTABLISHING 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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