

**ORDINANCE NO. 12
Series 2008**

June 3, 2008: Introduced as Council Bill 10, Series 2008 by Councilmember Scott Roswell, seconded by Councilmember Harriet LaMair, and considered by the title only on first reading. Passed by a vote of 5 yes and 0 no.

July 1, 2008: 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 AMENDING SECTION 18-10-
20, CONCERNING CONSTRUCTION PRACTICES DEFINITIONS; AND BY
AMENDING SECTION 18-10-30, CONCERNING ADMINISTRATION OF
CONSTRUCTION PRACTICES**

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 building construction practices for property within the boundaries of the City; and

WHEREAS, the City of Cherry Hills Village is experiencing a significant increase in construction activities in areas of the City that are already predominantly developed; and

WHEREAS, the City Council finds that construction activities in areas of the City that are already predominantly developed have an adverse impact on the health, safety and welfare of residents of the City who reside in the vicinity of such activities; and

WHEREAS, the City Council desires to amend the City Code to better balance the rights of individuals to construct improvements on their property against the rights of individuals who reside in the vicinity of construction projects.

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

Section 1. That Section 18-10-20 of the Cherry Hills Village Municipal Code concerning definitions for construction practices is hereby amended to read as follows:

Section 18-10-20. Definitions.

Construction activity means any site preparation, landscaping, building construction, sign erection, paving, fencing, planting or other improvement or modification of any real property or existing improvement thereon, ~~that requires a building or other permit from the City pursuant to this Chapter or Chapter 16 of this Code; provided, however, that any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work or mechanical work shall not be considered a construction activity for purposes of Sections 18-10-30 and 18-10-40 of this Article.~~

Section 2. That Section 18-10-30 of the Cherry Hills Village Municipal Code concerning administration of construction practices is hereby amended to read as follows:

Section 18-10-30. Administration.

(a) A construction staging plan shall be submitted along with the application for a permit for any construction activities. In instances when a building permit or other permit from the City is not required for a construction activity, or for any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work or mechanical work, such construction activity shall still be subject to the minimum requirements outlined in Sections 18-10-40 (2) (a) through (i) of this Article even though a construction staging plan may not be required. The City Manager or his or her designee may require a construction staging plan be submitted for review and approval, for proposed or current construction activities, if the City Manager or his or her designee determines that a construction staging plan is necessary to ensure that construction is conducted in such a manner so as to minimize the impacts resulting from the construction activity on the general public and the occupants of neighboring property. It shall be unlawful to perform, or for the owner of any construction site to allow to be

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performed, any construction activity prior to ~~(i) the issuance of a building or other permit from the City pursuant to this Chapter or Chapter 16 of this Code, and (ii) the City's full approval of the construction staging plan, when such construction staging plan is required by this Section.~~

(b) The construction staging plan shall be subject to the review and approval of the City Manager or his or her designee. Such review shall be conducted to ensure that the construction activities will be conducted in compliance with the requirements of this Article; provided, however, that if the City Manager or his or her designee determines that a deviation of a construction staging plan from the requirements of this Article will result in no greater adverse impacts on adjacent properties than would occur if the plan were to fully comply with the provisions of this Article, then the City Manager or his or her designee may approve the plan in his or her reasonable discretion.

(c) The City Manager or his or her designee may impose reasonable conditions upon any approval of a construction staging plan to ensure that the construction activities will be conducted in compliance with the requirements of this Article.

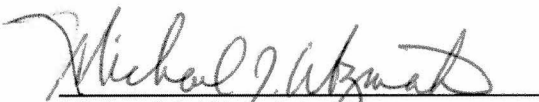
(d) A construction staging plan may be modified or amended upon the written approval of the City Manager or his or her designee. Any modification to or amendment of a construction staging plan shall be reviewed and approved under the same standards, and shall be subject to the same conditions, as are set forth in this Section for the review and approval and conditioning of the initial construction staging plan. (Ord. 06 §1, 2006)

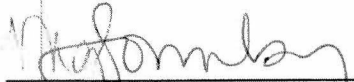
(e) Any construction activity performed by a property owner or occupant of property without the assistance of a contractor, or any landscaping, planting or grading work that disturbs less than 500 square feet of property area and less than 10 cubic yards of soil shall not be subject to requirements of this Article.

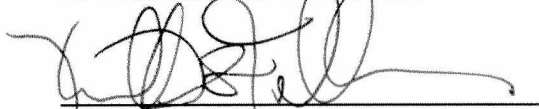
Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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 be declared invalid.

Section 4. Effective date and time. This Ordinance shall become effective at 12:00 a.m. on the eleventh (11th) day 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. 12 Series 2008, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of July, 2008.


Michael J. Wozniak, Mayor

ATTEST:

Melissa G. Formby, City Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman, City Attorney

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