

## ORDINANCE NO. 5

### Series 2022

January 4, 2022: Introduced as Council Bill 4, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Mike Gallagher 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 XI OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING CONSTRUCTION PERMIT PREAPPLICATION NEIGHBORHOOD MEETINGS**

**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 15, Title 31 of the Colorado Revised Statutes, the City is authorized to regulate the construction of structures and to exercise its police powers for the health, safety, and welfare of its citizens; and

**WHEREAS**, the City has adopted construction practices as set forth in Article XI, Chapter 18 of the Cherry Hills Village Municipal Code ("Municipal Code") for the purpose of reasonably minimizing the detrimental health, safety, and general welfare impacts of construction activities on the residents of the community and to ensure that each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of neighboring property; and

**WHEREAS**, the City Council finds the amendment set forth in this ordinance furthers the health, safety and welfare of the community and the City's police powers.

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

Section 1. Sub-section (1) of Section 18-11-80 of the Municipal Code, entitled *Preapplication neighborhood input meeting*, is hereby amended to read as follows, with additions shown in underline, with the remainder of Section 18-11-80 to remain intact:

#### **Sec. 18-11-80. – Preapplication neighborhood input meeting.**

- (1) A preapplication neighborhood input meeting ("neighborhood meeting") shall be held, either virtually or in-person, 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 percent or more, or adds a second story to an existing one-story structure. The determination as to whether the meeting shall be held virtually or in-person shall be at the sole discretion of the Director. A neighborhood meeting must be held either virtually or in-person, but shall not be held via a combination of those two formats. 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 the applicant's property. The applicant and the 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.

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.



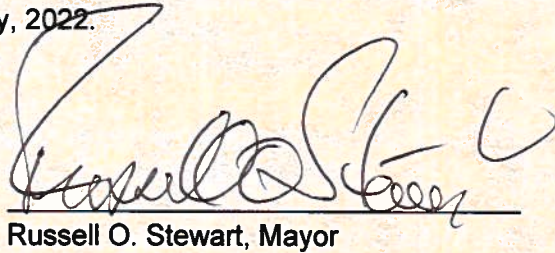
**Section 3. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

**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. 5, Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 1<sup>st</sup> day of February, 2022.

(SEAL)



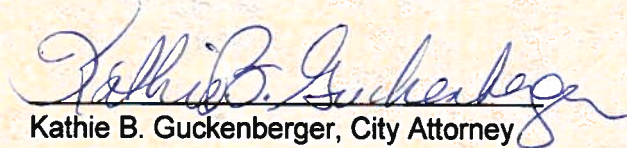
Russell O. Stewart, Mayor

ATTEST:



Laura Gillespie, City Clerk

Approved as to form:



Kathie B. Guckenberger, City Attorney

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**CITY OF CHERRY HILLS  
VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 5, SERIES 2022**

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY  
HILLS VILLAGE AMENDING  
ARTICLE XI OF CHAPTER 18 OF  
THE CHERRY HILLS VILLAGE  
MUNICIPAL CODE CONCERN-  
ING CONSTRUCTION PERMIT  
PREAPPLICATION NEIGHBOR-  
HOOD 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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