

ORDINANCE NO. 1 **Series 2014**

December 10, 2013: Introduced as Council Bill 21, Series 2013 by Councilor Mark Griffin, seconded by Councilor Russell Stewart and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

January 21, 2014: 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 CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING THE ADOPTION BY REFERENCE OF THE NATIONAL GREEN BUILDING STANDARD

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, to promote environmentally sensitive development within the City of Cherry Hills Village, the City Council has adopted the 2012 National Green Building Standards with incentives for compliance;

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

Section 1. That Chapter 18, Article II of the City of Cherry Hills Village Municipal Code, concerning building regulations, is hereby amended to include the adoption by reference of the National Green Building Standard to read in full as follows:

Article II International Residential Code

Sec. 18-2-30. Adoption of National Green Building Standard.

Pursuant to state law, there is hereby adopted by reference the *2012 National Green Building Standard ICC 700-2012*, including Appendix Chapters, as published jointly by the National Association of Home Builders of the United States, 1201 15th Street NW, Washington, DC 20005-2800 and by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 National Green Building Standard*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code relates to criteria for rating the environmental impact of design and construction practices to achieve conformance with specified performance levels for green residential buildings in the City of Cherry Hills Village. The National Green Building Standard shall be referred to herein as the "Standard."

Sec. 18-2-40. Amendments to the Standard.

The code adopted herein is hereby modified by the following amendments:

(1) Section 102.1 Applicability, is hereby revised to read as follows:

102.1 Applicability. The provisions of this Standard shall apply to new one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress (a "Dwelling Unit") and their building sites.

Sec. 18-2-50. Incentive Rebate Program.

To encourage the construction of Dwelling Units to the Green Building Standard, the City of Cherry Hills Village hereby authorizes the following rebates for Dwelling Units that achieve specified rating levels defined in Section 303 of the Standard, as evidenced by a "Home Innovation NGBS Green Certified" certificate issued by the National Association of Home Builders Research Center:

RATING LEVEL	BUILDING PERMIT FEE REBATE (% of Fee Paid Pursuant to Table 1A – Building Permit Fees)
Bronze	10%
Silver	15%
Gold	20%
Emerald	25%

The rebate shall be paid to the owner of the Dwelling Unit within ninety (90) days following (i) the building official's receipt of a "Home Innovation NGBS Green Certified" certificate issued by the National Association of Home Builders Research Center specifying the level of certification achieved and (ii) the City's issuance of a certificate of occupancy for the Dwelling Unit.

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. **Effective date and time.** 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. 1 Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this 21st day of January, 2014.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

Approved as to form:

Laura Smith, City Clerk

Linda C. Michow, City Attorney

Published in the Villager
Published: _____
Legal # _____