ORDINANCE NO. 8068

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION SUBMITTED AS AN INITIATED AMENDMENT TO THE CHARTER BY ADDING A NEW SECTION 43A TO REQUIRE VOTER APPROVAL BY RESIDENTIAL NEIGHBORHOOD OF CERTAIN PROPOSED CHANGES TO LAND USE REGULATIONS THAT AFFECT EACH NEIGHBORHOOD; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. On July 16, 2015, a petition committee presented a petition with sufficient signatures of registered electors to initiate a vote on a proposed addition to the City Charter pursuant to section 31-2-210 C.R.S. The City Council is required to set the ballot title for the proposed amendment.

Section 2. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 3, 2015.

Section 3. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of making the amendment to the City Charter proposed by the petition committee with the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Neighborhood Right to Vote on Land Use Regulation Changes

Shall the Boulder Home Rule Charter be amended to give residents of neighborhoods the right to vote on certain changes to land use regulations for residential developments that may have an impact on their quality of life, neighborhood character or property values, including without limitation those that increase the maximum allowable building height, size, density, floor areas, or occupancy limits, changes to allowable uses, or reductions in on-site parking requirements, required setbacks, or solar access protection, or change zoning district designations or regulations within residential neighborhoods; and shall such neighborhoods be contiguous areas reasonably demarcated by the city that contain at least a portion of the MH, RE, RL-1&2, RM-1,2&3, RMX-1&2, RH-1-7 or RR-1&2 zoning districts, including without limitation at least 65 separate neighborhoods listed in the petition; and such other neighborhoods as the city may reasonably identify; and shall any changes to these land use regulations or combinations of neighborhoods adopted by city council not be effective for 60 days, and if within such 60 days, one or more residential neighborhood submits a petition signed by 10 percent of the registered electors of the neighborhood meeting the referendum requirements of the charter, such changes shall not be effective for that neighborhood unless approved by the voters of such neighborhood; and shall there be a separate election for each residential neighborhood that has submitted a proper petition; and shall the city pay the costs of such elections; and related details as set forth in the initiative petition for this measure?

For the Measure____ Against the Measure____

Section 4. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 5. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 6. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, and covers matters of local concern.

Section 9. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 10. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, or property. The City Council amended the ordinance on final reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow time for this matter to be placed on the November 3, 2015 ballot.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY this 18th day of August, 2015.

Mayor

Attest:

City Clerk

K:\CCCO\o-8068 as passed-2391.doc

READ ON SECOND READING, PASSED, ADOPTED, AS AN EMERGENCY MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

Mayor

Attest:

City Clerk

K:\CCCO\o-8068 as passed-2391.doc