

**ORDINANCE NO.
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 15, TITLE 16, AND TITLE 17 OF THE
LOUISVILLE MUNICIPAL CODE CONCERNING MAILED NOTICE OF PUBLIC
HEARINGS**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, the City has previously adopted mailed notice of public hearings standards and desires to update such standards; and

WHEREAS, city staff's capacity has been diminished due to impacts from the 2022 Marshall Fire and staff must prioritize efforts that are in service of recovery and rebuilding; and

WHEREAS, the mailing of public notice can be accomplished by the applicant while reducing the impact to staff's workload; and

WHEREAS, the City Council desires to ensure that the most efficient and cost-effective methods are used in conducting city business; and

WHEREAS, after a duly noticed public hearing held on ... 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated ... 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Chapter 15.36 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 15.36.240. – Buildings and Construction-Historic Preservation-Public Notice-Footnotes (1)

~~Mailed notice. At least 15 days prior to any public hearing which requires notification by mail, the city shall mail a public notice in the applicant prepared stamped envelopes to all properties within 500 feet of the subject property.~~

Mailed notice. At least 15 days prior to any public hearing, the applicant shall send via first class mail a public notice. The city shall prepare the notice content and

give it, along with a mailing list of all property owners within 500 feet of the subject site, to the applicant as the basis for the mailing. The mailing list shall be generated from the Boulder County Assessor's database. At least three (3) business days before the hearing, the applicant shall deliver to city staff a signed, notarized certification in a form provided by the city, confirming that the mailing was accomplished by the required date. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 2. Chapter 16.04 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 16.04.070 Subdivisions-General Provisions-Public Notice-Footnotes
(1) (a) *Mailed Notice.*

~~*Mailed notice.* At least 15 days prior to any public hearing which requires notification by mail, the city shall mail a public notice in the applicant prepared stamped envelopes to all properties within 500 feet of the subject property. The applicant shall provide stamped envelopes properly addressed to properties within 500 feet of the subject property to the city at the time of application.~~

Mailed notice. At least 15 days prior to any public hearing, the applicant shall send via first class mail a public notice. The city shall prepare the notice content and give it, along with a mailing list of all property owners within 500 feet of the subject site, to the applicant as the basis for the mailing. The mailing list shall be generated from the Boulder County Assessor's database. At least three (3) business days before the hearing, the applicant shall deliver to city staff a signed, notarized certification in a form provided by the city, confirming that the mailing was accomplished by the required date. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 3. Chapter 17.04 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Section 17.04.070 – Zoning-General Provisions-Public notice-Footnotes (1)
(a)

~~*Mailed notice.* At least 15 days prior to any public hearing which requires notification by mail, the city shall mail a public notice in the applicant prepared stamped envelopes to all properties within 500 feet of the subject property. The applicant shall provide stamped envelopes properly addressed to properties within 500 feet of the subject property to the city at the time of application.~~

Mailed notice. At least 15 days prior to any public hearing, the applicant shall send via first class mail a public notice. The city shall prepare the content of the notice and give it, along with a mailing list of all property owners within 500 feet of the subject site, to the applicant as the basis for the mailing. The mailing list shall be generated from the Boulder County Assessor's database. At least three (3) business days before

the hearing the applicant shall deliver to city staff a signed, notarized certification in a form provided by the city, confirming that the mailing was accomplished by the required date. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 4. Chapter 17.40 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

Section 17.40.105 – Zoning-Special Review Use-Administrative special review use procedure (B) (2).

~~Upon receipt of a completed application, the planning division shall mail notification of the application to property and business owners within 500 feet of the subject property. The applicant shall submit to the planning division stamped envelopes with the names of such owners, for the planning division's use. Property owners shall be identified by the Boulder County Tax Assessor's database. Business owners shall be identified by the city's business registration database. A public notice of the application shall be posted, consistent with [Section 17.04.070](#), on the property, and also on the city's website, at the police station, public library, city hall, and recreation center. The notice shall advise the public of the filing of the application and the opportunity to submit comments on the application to the planning division. Additionally, a public notice shall be published in the legal section of a newspaper of general circulation within the city 15 days prior to deadline for public comments. The notice shall specify the kind of action requested; the 15-day comment period; and the location of the parcel under consideration. The applicant shall reimburse the city for the cost of publication of the notice of the hearing.~~

2. Upon city staff's conclusion of an initial review of a completed application, the applicant shall send by first class mail notification of the application in process. The content of the notice shall be prepared by city staff and given to the applicant. The notice shall be mailed to all property owners and businesses within 500 feet of the subject site. The list of property owners and businesses shall be generated from the Boulder County Assessor's database and city staff will deliver to the applicant the list of required names and addresses. The applicant shall deliver to city staff a signed, notarized certification in a form provided by the city, confirming that the mailing was accomplished. The list of addresses to which notice was mailed shall be attached to the notarized certification.

A public notice of the application shall be posted, consistent with Section 17.04.070, on the property, and also on the city's website, at the police station, public library, city hall, and recreation center. The notice shall advise the public of the filing of the application and the opportunity to submit comments on the application to the planning division. Additionally, a public notice shall be published in the legal section of a newspaper of general circulation within the city 15 days prior to deadline for public comments. The notice shall specify the kind of action requested; the 15-day comment period; and the location of the parcel under consideration. The applicant shall reimburse the city for the cost of publication of the notice of the hearing.

Section 5. Chapter 17.44 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Section 17.44.030 – Zoning-Amendments-Authorization to initiate amendments (B)

For proposed amendments to the zoning district map, a written notice of such hearing shall be sent by first class mail, at least 15 days prior to the hearing date, to property owners within 500 feet of the area in question, as such ownership is available in the city clerk's office. In addition, a notice declaring that rezoning is being applied for shall be posted, at least 15 days prior to the hearing on the property proposed for rezoning, along the part of such property fronting on a street.

For proposed amendments to the zoning district map requested by one or more private landowners, the applicant(s) shall provide notice by first class mail at least 15 days prior to the hearing date. Mailed notice shall be sent to property owners within 500 feet of the subject site(s). The content of the notice shall be prepared by city staff and delivered to the applicant. The list of property owners shall be generated from the Boulder County Assessor's database and city staff will deliver to the applicant the list of required names and addresses. At least three (3) business days prior to the hearing, a signed and notarized certification, in a form provided by the city, that the mailing was accomplished by the required date shall be delivered to city staff. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 6. Chapter 17.48 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Section 17.48.090 – Zoning-Board of Adjustment-Appeals

Appeals to the board of adjustment concerning any order, requirement, decision or determination made by the zoning administrator charged with the enforcement of this title may be taken by any persons aggrieved who are affected by any decision of the zoning administrator, or by the city manager of the city on behalf of the city. Such appeals must be taken within 30 days of the decision made which is being appealed. Appellant shall file with the zoning administrator and with the board a notice of appeal specifying the grounds for such appeal. Accompanying the notice of appeal will be a filing fee which shall be in an amount set by the city manager in accordance with section 17.04.080. The zoning administrator shall immediately transmit to the board all papers constituting a record of action upon which the appeal was taken. The board of adjustment shall fix a reasonable time for the hearing of the appeal, and give public notice by publication of a notice at least ten days prior to the hearing on the appeal. The appellant shall provide notice by first class mail, the content of which shall be prepared by city staff and delivered to the applicant. Mailed notice shall be sent to property owners within 500 feet of the property on which the decision was made. The list of names and addresses will be generated by city staff from the Boulder County Assessor's database and will be given to the appellant for use in accomplishing the mailing. At least three (3) business days prior to the hearing, a signed and notarized certification, in a form provided by the city, that the

mailing was accomplished by the required date shall be delivered to city staff. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 7. Chapter 17.52 of the LMC is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Section 17.52.050 – Zoning-Administration and Enforcement-Zoning administrator –Powers and duties (E) (3) (iv) (a).

~~The planning division shall mail notification of the application to property and business owners adjacent to the subject property. Public right-of-way and private streets or alleys will not be considered when determining adjacency. The applicant shall submit to the planning division stamped envelopes with the names of such owners, for the planning division's use. Property owners shall be identified by the Boulder County Tax Assessor's database. Business owners shall be identified by the city's business registration database. A public notice of the application shall be posted on the property, and also on the City's web-site, at the Police Station, Public Library, City Hall, and Recreation Center. The notice shall advise the public of the filing of the application and the opportunity to submit comments on the application to the planning division.~~

Upon city staff's conclusion of an initial review of a completed application, the applicant shall send by first class mail, notification of the application in process. The content of the notice shall be prepared by city staff and given to the applicant. The notice shall be mailed to all property owners and businesses within 500 feet of the subject site. The list of property owners and businesses shall be generated from the Boulder County Assessor's database and city staff will deliver to the applicant the list of required names and addresses. The applicant shall deliver to city staff a signed, notarized certification in a form provided by the city, confirming that the mailing was accomplished. The list of addresses to which notice was mailed shall be attached to the notarized certification.

Section 8. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. The repeal or modification of any provision of the Louisville Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this _____ day of _____, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this _____ day of
_____, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk