

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1837, SERIES 2022**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on June 21, 2022 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027 or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed **ORDINANCE AMENDING TITLE 9, ARTICLE VIII OF THE LOUISVILLE MUNICIPAL CODE TO REGULATE THE POSSESSION OF UNFINISHED FRAMES AND RECEIVERS, AND UNSERIALIZED FIREARMS.**

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Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

**ORDINANCE NO. 1837
SERIES 2022**

**AN ORDINANCE AMENDING TITLES 15, 16, AND 17 OF THE LOUISVILLE
MUNICIPAL CODE CONCERNING MAILED NOTICES OF PUBLIC HEARINGS AND
CERTAIN LAND USE APPLICATIONS UNDER REVIEW**

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

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

WHEREAS, City staff's capacity has been diminished due to impacts from the 2021 Marshall Fire and staff must prioritize efforts that are in service of recovery and rebuilding; and

WHEREAS, the mailing of public notices 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, during the April 14, 2022 Planning Commission hearing the Commission recommended the City Council adopt the amendments to the Louisville Municipal Code ("LMC") set forth in this ordinance; and

WHEREAS, the City Council, after proper notice as required by law, has held a public hearing on this ordinance, and has determined that such ordinance should be adopted.

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

Section 1. Footnote (1) of the Table set forth in Section 15.36.240 of the Louisville Municipal Code, regarding public notices for historic preservation commission hearings, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

(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.

Section 2. Footnote (1)(a) of the Table set forth in Section 16.04.070 of the Louisville Municipal Code, regarding public notices for subdivision hearings, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

(a) *Mailed notice.* At least 15 days prior to any public hearing which requires notification by mail, the applicant shall provide notice by first class 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.~~ The city shall prepare the notice content and provide it to the applicant, along with a list, generated from the Boulder County Assessor's database, of the names and addresses of all property owners within 500 feet of the subject site. At least three (3) business days before the public 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 the notice was mailed shall be attached to the notarized certification.

Section 3. Footnote (1)(a) of the Table set forth in Section 17.04.070 of the Louisville Municipal Code, regarding public notices for zoning hearings, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

(a) *Mailed notice.* At least 15 days prior to any public hearing which requires notification by mail, the applicant shall provide notice by first class 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.~~ The city shall prepare the notice content and provide it to the applicant, along with a list, generated from the Boulder County Assessor's

database, of all property owners within 500 feet of the subject site. At least three (3) business days before the public 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 the notice was mailed shall be attached to the notarized certification.

Section 4. Subsection (B)(2) of Section 17.40.105 of the Louisville Municipal Code, regarding public notices for special review uses, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

2. ~~Upon receipt of a completed application, city staff's conclusion of its initial review of the completed application, the City staff will notify the applicant, and following such notification the planning division applicant shall send by first class mail a notice notification of the application to all 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. The city shall prepare the notice content and provide it to the applicant, along with a list, generated from the Boulder County Assessor's database, of the names and addresses of all property and business owners within 500 feet of the subject site. 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. Section 17.44.030 of the Louisville Municipal Code, regarding public notices for hearings on rezoning applications, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.44.030. - Special procedure.

Before submitting a report and recommendation on any proposed amendment to this title, as required in subsection 17.44.020.A, the planning

commission shall hold a public hearing on the proposed amendment with the following special conditions required:

A. A notice of such hearing shall be published in a newspaper of general circulation within the city at least 15 days prior to the hearing date. 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.

B. For proposed amendments to the zoning district map initiated by the city council or by the planning commission, 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.~~

C. For proposed amendments to the zoning district map requested by one or more private landowners, the applicant(s) shall provide notice of the public hearing by first class mail, at least 15 days prior to the hearing date, to all property owners within 500 feet of the subject site(s). The city shall prepare the notice content and provide it to the applicant, along with a list, generated from the Boulder County Assessor's database, of the names and addresses of all property owners within 500 feet of the subject site(s). At least three (3) business days prior to the public hearing, the applicant shall deliver to city staff a signed and notarized certification, in a form provided by the city, 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.

~~D. C.~~ The planning commission within 30 days following the public hearing or within such time as is mutually agreed upon by the planning commission and the applicant, shall either recommend approval of the application, approval with modifications, or denial of the application, with such recommendation of the planning commission being transmitted to the city council.

~~E. D.~~ For proposed amendments to the zoning ordinance, a fee shall be charged to cover the cost of advertising and processing. Such fee shall be in an amount established annually by the city manager in accordance with section 17.04.080.

Section 6. Section 17.48.090 of the Louisville Municipal Code, regarding notices required for appeals before the board of adjustment, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Section 17.48.090 –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 written notice of appeal specifying the grounds for such appeal. ~~Accompanying the notice of appeal will be and~~ a filing fee ~~which shall be in the 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 (10) days prior to the hearing on the appeal, and Within the same notice period, the appellant shall provide notice by first class mail to property owners within 500 feet of the property on which the decision was made. The city shall prepare the notice content and provide it to the appellant, along with a list, generated from the Boulder County Assessor's database, of the names and addresses of all property owners within 500 feet of the subject site. At least three (3) business days prior to the appeal hearing, the appellant shall deliver to city staff a signed and notarized certification, in a form provided by the city, 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.

At the hearing, a party may appear in person or by agent or attorney. The board may affirm, reverse, reverse wholly or partly, or modify the order, requirement, decision or determination appealed; and may make such order, requirement, decision or determination as in their opinion ought to be made concerning the premises, and to that end shall have all powers of the officer from whom the appeal is taken.

Section 7. Subsection (E)(3)(iv)(a) of Section 17.52.050 of the Louisville Municipal Code, regarding notices required for administrative variance requests, is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

(a) Upon city staff's conclusion of its initial review of the completed application, the City staff will notify the applicant, and following such notification, the applicant shall send by first class mail a notice ~~The planning division shall mail notification of the application to all property and business owners within 500 feet of 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~~ The city shall prepare the notice content and provide it to the applicant, along with a list, generated from the city's business registration database and the Boulder County Tax Assessor's database, of the names and addresses of all property and business owners within 500 feet of the subject site. 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. ~~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.

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