

**NOTICE OF PUBLIC HEARING
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**

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 17th day of May, 2022.**

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING this 16th day of
August, 2022.**

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk

Published in the *Daily Camera* on August 21, 2022 with full ordinance.

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

Second Reading Amendments

Ordinance No. 1837, Series 2022 is revised to read as follows (amendments are shown
in **bold underline** and ~~**bold strikeout**~~):

**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, the City has previously adopted standards for mailed notices of public hearings and certain land use applications under review, and desires to update such standards; and

WHEREAS, the City staff's practice has been to place Code-required mailed notices in stamped envelopes; 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 the practice of stuffing and stamping envelopes has become overly burdensome; 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, including the mailing of Code-required notices; and

WHEREAS, the City Council desires to amend the Louisville Municipal Code to eliminate the requirement that mailed notices be placed in stamped envelopes, and to permit greater flexibility in the mailed notice process, including the ability of City staff to outsource the mailing of Code-required notices to a third party; and

WHEREAS, the City Council further desires to expand the radius within which properties will receive mailed notices for certain types of public hearings and land use applications under review from 500 to 750 feet of the property that is the subject of the application; 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 cause to be mailed ~~mail~~ a public notice ~~in the applicant prepared stamped envelopes~~ to all properties within 500 feet of the subject property.

Section 2. **Table 1 set forth in Section 16.04.070 of the Louisville Municipal Code, regarding Public Notice Requirements, is hereby amended to read as follows (words added are underlined; words deleted are stricken through):**

Land Use Application	Mailed Notice	Posted Notice			Published Notice
		Public Facilities (1)	City Website	Subject Property	
Annexation	Refer to section 16.32.040	Refer to Section 16.32.040			Refer to Section 16.32.040
Plat	All affected properties within <u>750</u> 500 feet 15 days prior to hearing date	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	15 days prior to hearing date
Minor Plat	All affected properties within <u>750</u> 500 feet 15 days prior to hearing date	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	15 days prior to hearing date

Section 23. 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 cause to be mailed ~~mail~~ a public notice ~~in the applicant prepared stamped envelopes~~ to all properties within 500 750 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 4. Subsection (A) of Section 16.12.110 of the Louisville Municipal Code, regarding mailed notices for public hearings on minor subdivision applications, is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

A. Subdivider may apply through the minor subdivision procedure by submitting all the applications and information required in this title for consideration of a subdivision. The planning commission shall hold a public hearing after giving notice is given as set forth in section 16.04.070, concerning such minor subdivision and may give approval of a final plat at that time. Notice by mail shall only be required to be made to real property owners located within ~~500~~ 750 feet of the property line of the proposed subdivision. The requirement of filing a preliminary plat and holding a public hearing thereon is waived under this process. The planning commission after holding a public hearing shall approve, disapprove or approve such final plat with modifications and submit the plat together with the commission's recommendations to the city council.

Section 5. Table 1 set forth in Section 17.04.070 of the Louisville Municipal Code, regarding Public Notice Requirements, is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

Land Use Application	Mailing	Posting			Published Notice
		Public Facility (1)	City Website	Subject Property	
Zoning/Rezoning	All affected properties within <u>750'</u> 500' 15 days prior to hearing date	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	15 days prior to hearing date
Planned Unit Development	All affected properties within <u>750'</u> 500' 15 days prior	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior	15 days prior to hearing date

	to hearing date			to hearing date	
Special Review Use	All affected properties within <u>750'</u> 500' 15 days prior to hearing date	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	15 days prior to hearing date
Administrative Special Review Use	All affected properties within <u>750'</u> 500' 15 days prior to hearing date	72 hours prior to hearing date	21 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	21 days prior to hearing date
Variance / Floodplain Development Permit	All affected properties within 500' 15 days prior to hearing date	72 hours prior to hearing date	15 days prior to hearing date	All adjoining public ROW 15 days prior to hearing date	15 days prior to hearing date

Section 3 6. 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, **except a hearing on a variance request or a floodplain development permit, the applicant shall provide notice by first class mail** the city shall **cause to be mailed** ~~mail~~ a public notice in the applicant prepared stamped envelopes to all properties within **500 750** feet of the subject property. **At least 15 days prior to any hearing on a variance request or floodplain development permit, the city shall cause to be mailed a public notice 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 4-7. 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 confirmation of the receipt of a completed application, ~~city staff's conclusion of its initial review of the completed application~~, the ~~City staff planning division shall cause to be mailed a will notify the applicant, and following such notification of the application to the planning division applicant shall send by first class mail a notice notification of the application to~~ all property and business owners within 500 750 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 8. Subsection B of 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, the planning division shall cause to be sent by first class mail~~ 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~~ 750 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.

Section 6 9. 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 planning division shall cause to be sent via first class mail ~~provide~~ notice by 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.

Section 10. Subsection (C) of Section 17.48.110, regarding mailed notices for hearings on applications for variance requests, is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

C. For each application for variance from the provisions of this title, the board of adjustment shall fix a reasonable time for the hearing on the application, give public notice by publication of a notice and posting of the property consistent with section 17.04.070 at least 15 days prior to the hearing on the application, and cause ~~provide~~ notice to be provided by mail to property owners within 500 feet of the property for which the application has been made at least 15 days prior to the hearing.

Section 711. 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 cause to be mailed ~~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 12. 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 13. 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 14. 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 17th day of May, 2022.

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly, P.C.
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