

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1882, SERIES 2024**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on September 17, 2024 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 **AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE CHAPTERS 2.20 AND 4.02, CONCERNING THE QUASI-JUDICIAL ROLES OF THE OPEN SPACE ADVISORY BOARD AND THE PARKS AND PUBLIC LANDSCAPING ADVISORY BOARD.**

Published in the *Daily Camera* on September 8, 2024 with full ordinance.

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

**ORDINANCE NO. 1882
SERIES 2024**

AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE CHAPTERS 2.20 AND 4.02, CONCERNING THE QUASI-JUDICIAL ROLES OF THE OPEN SPACE ADVISORY BOARD AND THE PARKS AND PUBLIC LANDSCAPING ADVISORY BOARD

WHEREAS, the City previously created and established an Open Space Advisory Board (OSAB) and a Parks and Public Landscaping Advisory Board (PPLAB), which serve in an advisory capacity to the City Council; and

WHEREAS, City Council desires to formalize and clarify the quasi-judicial roles and responsibilities of the OSAB and PPLAB with respect to land development application review.

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

Section 1. Chapter 2.20 of the Louisville Municipal Code is hereby amended by the addition of a new Section 2.20.080 to read as follows:

**Chapter 2.20
Boards and Commissions**

Sec. 2.20.080. Parks and Public Landscaping Advisory Board.

A. There is created and established a Parks and Public Landscaping Advisory Board for the City.

B. The Board shall consist of seven members, each of whom shall be appointed by the City Council. The qualifications, terms, and other matters respecting membership of the Board shall be set by City Council resolution.

C. The members of the Board shall serve in an advisory capacity to City Council, and shall have principal responsibility for matters related to parks and public landscaping. The powers, duties and responsibilities of the Board shall be set forth in this section and by City Council resolution.

D. Development application review.

1. The Board shall review:

a. Preliminary and final subdivision plats and general development plans that include public use dedications or cash in lieu of public use dedications pursuant to Section 16.16.160 of the Code or public.

b. Land development applications that include, public parks or public streetscape landscaping in new development.

2. The intent of the Board's review is to advise the Planning Commission and City Council on those parts of the land development application related to:

a. Park development within the project boundaries, including the preferred locations for parks and whether the application meets the criteria for park development set forth in the City Code, Comprehensive Plan, and other City-adopted policies;

c. Infrastructure or improvements relating to parks;
and

d. If the application does not include a park dedication, the Board may recommend that the application be revised to include a park element.

3. The Board shall conduct a public hearing in connection with its review of land development applications. Public notice shall be provided in accordance with Sections 16.04.070 of the Code. The Board shall act as a quasi-judicial body in the conduct of the hearing.

4. After the public hearing is concluded, the Board shall adopt a resolution making findings concerning the matters set forth in this Section and recommending approval, approval with conditions or denial of the application.

Section 2. Section 4.02.040.D of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken thorough~~):

Sec. 4.02.040. Ongoing duties.

D. The board shall provide ~~comments~~ recommendations to the Council and/or Planning Commission on development applications as provided in Section 4.02.050. The City Manager or designee may also refer any development applications found to materially impact open space lands to the board for recommendation to the Council and/or Planning Commission. ~~proposals for land immediately adjacent to, or materially impacting, open space lands providing the comments are provided during the standard referral timeliness established for the city's development processes. Staff will coordinate providing the board with information on pending issues to provide the board a timely opportunity to provide such comments as part of the established planning process.~~

Section 3. Chapter 4.02 of the Louisville Municipal Code is hereby amended by the addition of a new Section 4.02.050 to read as follows:

**Chapter 4.02
Citizens Open Space Advisory Board**

Sec. 4.02.050. Development application review.

A. The Board shall review development applications that include proposals for public use dedications, cash in lieu of public use dedications, or public or private common open space. Specifically, the Board shall review:

1. Preliminary and final subdivision and general development plans that include public use dedications or cash in lieu of public use dedications pursuant to Section 16.16.160 of the Code.
2. Preliminary and final PUD applications that include a proposal for open space pursuant to Section 17.28.080 of the Code.
3. Preliminary and final PUD applications that include a

proposal for open space as part of a waiver request pursuant to Section 17.28.110 of the Code.

B. The intent of the Board's review is to advise the Planning Commission and City Council on those parts of the land development application related to:

1. Open space dedication and planning within the project boundaries, including the preferred locations for open space and whether the application meets the criteria for open space development set forth in the Charter, City Code and other City-adopted policies;

2. Development of trails and trail connections;

3. Land management standards and landscaping for private common open space;

4. Infrastructure or improvements relating to open space; and

5. If the application does not include an open space dedication, the Board may recommend that the application be revised to include an open space element.

C. The Board shall conduct a public hearing in connection with its review of land development applications. Public notice shall be provided in accordance with Sections 16.04.070 and 17.04.070 of the Code. The Board shall act as a quasi-judicial body in the conduct of the hearing.

D. After the public hearing is concluded, the Board shall adopt a resolution making findings concerning the matters set forth in this Section and recommending approval, approval with conditions or denial of the application.

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision 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 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville 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 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 3rd day of September, 2024.

Christopher M. Leh, Mayor

ATTEST:
Genny Kline, Interim City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST: