

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER FITZGERALD
COUNCIL BILL NO. 03
ORDINANCE NO. 1548
Series 2014

TITLE: AN ORDINANCE AMENDING SECTION 26-109 OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING PUBLIC NOTICING REQUIREMENTS (CASE NO. ZOA-14-02)

WHEREAS, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

WHEREAS, the Wheat Ridge City Council ("Council") has previously enacted regulations concerning the noticing requirements associated with public hearings for land use applications; and

WHEREAS, the City has identified a need to update these requirements for the purposes of clarity, cost savings, sustainability, efficiency; and

WHEREAS, the City believes that this update does not diminish the quality, duration, or extent of public notification;

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

Section 1. Subsection 26-109.B of the Code, concerning published notice, is hereby amended as follows:

B. ~~Newspaper publication~~ **PUBLISHED NOTICE.** At least ten (10) days prior to any public hearing for a specific site or development which requires approval by the planning commission, board of adjustment or city council, the director of community development shall cause to be published, **ON THE CITY'S WEBSITE AND** in the legal section of a newspaper of general circulation within the city, a notice of public hearing. The notice shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by ~~both~~ **STREET** address and legal description. **A LEGAL DESCRIPTION OF THE PARCEL UNDER CONSIDERATION SHALL ALSO BE SPECIFIED IN THE NOTICE PUBLISHED ON THE CITY'S WEBSITE.**

[...]

Section 2. Subsection 26-109.C of the Code, concerning posted notice, is hereby amended as follows:

C. *Posted notice.* At least ~~ten (10)~~ **FIFTEEN (15)** days prior to any public hearing for a specific site development which requires approval by the planning commission, board of adjustment or city council, the director of community development shall cause to be prepared, and the applicant shall post, a sign (one (1) per street frontage) upon the parcel under consideration for approval which provides notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. The sign shall be posted within the property boundaries, shall be affixed to a flat surface, shall measure twenty-two (22) inches in height by twenty-eight (28) inches in width, shall be elevated a minimum of thirty (30) inches from the ground (however, not more than six (6) feet above ground), shall be visible from the street without any obstructions, shall be legible and displayed for fifteen (15) days prior to the public hearing. The sign shall be maintained in good condition by the applicant throughout the ~~ten (10)~~ **FIFTEEN (15)** day posting period. The sign shall be removed within seventy-two (72) hours from the date the public hearing is concluded. The fact that a parcel was not continuously posted the full ~~ten (10)~~ **FIFTEEN (15)** days may not, at the discretion of the hearing authority, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made.

Section 3. Subsection 26-109.D of the Code, concerning letter notice, is hereby amended as follows:

D. *Letter notice.* At least ~~ten (10)~~ **FIFTEEN (15)** days prior to any public hearing which requires notification by letter, the director of community development shall cause to be sent, by ~~certified~~ **FIRST CLASS** mail, a letter to adjacent property owners within three hundred (300) feet of the property under consideration and to owners of property included within the area under consideration. The letters shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing by the hearing authority and shall not be regarded as constituting inadequate notice.

Section 4. Subsection 26-115.A of the Code, concerning variances, is hereby amended as follows:

A. *Purpose.* Where it is desired to gain relief from the strict application of any provision of this chapter or to seek an interpretation of the provisions or associated official maps, appeal to the appropriate authority as described below shall be made in accordance with the requirements relating to the specific type of appeal. Where a public hearing is required, notification shall occur by newspaper publication, posting, and ~~certified~~ letter as prescribed in section 26-109.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City

Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of April, 2014, ordered published with Public Hearing and consideration on final passage set for Monday, April 28, 2014 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 28th day of April, 2014.

SIGNED by the Mayor on this 28th day of April, 2014.

ATTEST:



Janelle Shaver
Janelle Shaver, City Clerk

Joyce Jay
Joyce Jay, Mayor

Approved as to form

Gerald E. Dahl
Gerald E. Dahl, City Attorney

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