



Planning Commission Staff Report
February 11, 2013

Agenda #: **Regular Item #1**

Title: Public Notice Code Amendment

Applicant: City of Loveland Development
Services Department

Request: Code Amendment to Titles 16 & 18

**Staff
Planner:** Noreen Smyth, Senior Planner

Staff Recommendation:

Staff recommends that the Planning Commission recommend approval of the proposed amendment to City Council.

Summary of Analysis

This is a public hearing to consider a staff-initiated text amendment to the public notice sections of Title 16, the Subdivision Code, and Title 18, the Zoning Code. This amendment was pursued in response to challenges applicants have experienced in meeting the Code's lake front mailed notice requirement. In addition to tweaking that provision, the amendment further proposes to change certain other aspects of the public notice section of the Code. These other changes center on simplifying the method of measuring mailed notice distance, clarifying the chapter through a reorganization of the text, and allowing for public notice for properties fronting parks or golf courses, for director decisions and for applications that had not previously been included in the public notice chapter. Minor textual corrections have also been made.

The proposed amendment has undergone review by the Planning Commission at a study session in October 2012 and by the Title 18 Committee at a series of four meetings. Both the Commissioners and the Committee members voiced support for the proposal. The attached draft text amendment reflects changes sought by both. Staff believes that all key issues have been resolved.

I. ATTACHMENTS:

- 1) Draft Chapter 16.18 Text Amendment
- 2) Draft Chapter 18.05 Text Amendment
- 3) Existing Section 16.16
- 4) Existing Chapter 18.05
- 5) Title 18 Committee Meeting Staff Memorandums (7/26/12, 8/23/12, 9/20/12 and 11/15/12)
- 6) Planning Commission Study Session Memorandum (10/17/12)

II. KEY ISSUES:

Staff believes that all key issues have been resolved through the Title 18 Committee, Planning Commission study session and staff review processes.

III. BACKGROUND:

The attached amendments to the public notice provisions of Titles 16 and 18 were initiated by staff a number of months back in response to issues encountered by applicants in enacting the lake front mailed notice requirement. The draft amendment underwent review by the Title 18 Committee at a series of meetings in the latter half of last year and by the Planning Commission at an October 22 study session. Numerous further improvements to the draft amendments have followed as result of Title 18 Committee and Planning Commission input.

Earlier Title 18 Committee changes to the draft were summarized for the Planning Commission at the study session. During the session, the Commission expressed general support for the amendment as proposed. However, there was concern that reducing the lake front mailed notice requirement from *all* properties fronting the lake to instead only properties within *double* the standard notice distance may not be adequate in all situations. Also, the Commission indicated interest in including properties fronting golf courses and public parks in the expanded notice distance.

The comments of the Planning Commission were then reviewed at the following Title 18 Committee meeting. The Committee supported applying the expanded lake front mailed notice requirement to properties fronting golf courses and public parks. It considered the doubling of the notification distance for properties fronting lakes, parks and golf courses to be suitable, but supported allowing staff the authority to expand the notice distance to all fronting property owners in certain situations.

IV. OUTREACH:

Information about the draft amendment and the Planning Commission public hearing date has been emailed to area developers and development consultants. It has also been posted on the city website. An invitation to call staff with questions, submit comments in writing in advance of the

public hearing and/or attend the hearing in person was included with both the email and the website posting. No phone calls or written comments have been received on the matter.

V. STRUCTURE OF THE AMENDMENT:

Included with this report are the Title 16 public notice draft amendment and the Title 18 public notice draft amendment. Other chapters within both Titles 16 and 18 will require updates to section number references where the public notice chapter is referenced. These corrected section numbers will be included with the draft amendment sent to City Council should the Planning Commission recommend approval of the proposal.

The current Title 16 public notice provisions are within the broader “Review Procedures” chapter. The draft amendment proposes to pull the public notice provisions out of that chapter and place them in a new and separate chapter. This will allow greater similarity between the public notice format in the text of Titles 16 and 18 and make it easier to find the provisions within Title 16.

Cross-out versions of the public notice chapters have not been prepared because of the significant amount of reorganization that has occurred. The attached public notice texts, if the amendment is approved, will represent complete replacements of their respective sections in Titles 16 and 18.

VI. AMENDMENT CONTENT:

The attached draft versions of the public notice provisions of Titles 16 and 18 reflect the most recent changes sought by the Commission and the Committee, along with additional minor corrections included by staff. The amendments to the text are summarized as follows:

- Application of the lake front expanded mailed notice distance to properties on golf courses and public parks
- Application of the expanded mailed notice distance to all lakes in the city
- Application of the expanded mailed notice distance *only* when the subject property fronts a lake/park/golf course
- Measurement of the lake/park/golf course notice distance at double the standard notice distance, allowing the Current Planning Manager discretion to extend it to full lake/park/golf course notification
- Inclusion of public streets/rights-of-way when determining notice distance
- Expanded standard mailed notice distances to account for the inclusion of public streets/rights-of-way in the notice distance
- Greater specification on how to measure the notice distance
- Modification of the small application size category from *Under 20 acres* to *Under 5 acres*
- Inclusion of public notice for staff decisions not standardly required to be noticed but anticipated to impact other properties

- Inclusion of a notice distance for BE District developments requiring a public hearing
- Inclusion of a notice distance for height exceptions requiring a public hearing
- Expanded time period for obtaining the property owners list for the mailed notices
- Organization of the public notice provisions by type of meeting instead of type of notice
- Inclusion of staff decision (Special Review and Major Home Occupation) notice requirements in their respective chapters instead of duplicating it in the public notice chapter
- Minor wording changes in the text to improve clarity

VII. SUMMARY:

While a large number of both substantive and clarifying changes are proposed, the most significant changes center on:

- 1) The method of measuring both the lake front and the standard mailed notice distance;
- 2) The inclusion of a notice requirements for applications that had not previously been included in the public notice chapter and an expanded mailed notice for properties fronting golf courses and public parks; and
- 3) Clarifying the Chapter's requirements through a reorganization of the text and other minor wording changes.

Staff will be prepared to discuss the amendment with Commission members at the February hearing.

Action to be taken by the Planning Commission

Conduct the public hearing on the proposed text amendment, taking comments from members of the public if requested. If the Commission considers that adequate analysis of the request has occurred and seeks no changes or only minor changes to the amendment, it can vote on the proposal.

16.18

PUBLIC NOTICE REQUIREMENTS

Sections:

- 16.18.010 Purpose.**
- 16.18.020 Neighborhood meetings.**
- 16.18.030 Public hearings.**
- 16.18.040 Staff decisions (minor subdivisions).**
- 16.18.050 Additional notice requirements.**
- 16.18.060 Notice for appeals.**

16.18.010 Purpose.

- A. Purpose. This section provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as required within Title 16.
- B. Applicability. Public notice shall not be required for Final Plats for Major Subdivisions, Boundary Line Adjustments, Lot Mergers, or Simple Plats.

16.18.020 Neighborhood meetings.

- A. Applicability. Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.
- B. Mailed Notice for Neighborhood Meetings.
 - 1. Deadline for Mailing. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.18.020(B)(3)(a) at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.18.050(C).
 - 2. Content. The written (mailed) notice for neighborhood meetings shall include the following:
 - a. Time, date, and location of the meeting.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.

- h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
- 3. Requirements for Mailing.
 - a. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-1 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
 - b. Area of Notification. The distances specified in Table 16.18-1 Mailed Notice Distance Requirements for Neighborhood Meetings, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c through f of this subsection 16.18.020(B)(3). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-1 MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS			
Application Type	Application Size		
	Under 21 acres	21 – 50 acres	Greater than 50 acres
Preliminary Plat	600 ft.	900 ft.	1,200 ft.

- c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
- d. Lake, golf course and park front notification.
 - a. Should the subject property front a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 16.18-1. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
 - b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting beyond the distance specified in (a) above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
- e. Reduction in Notification Area. All notification distances in Table 16.18-1 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at

- least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
- f. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-1 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
- C. Posted Notice for Neighborhood Meetings.
- 1. Deadline for Posting. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.
 - 2. Content. The posted notice for neighborhood meetings shall include the following:
 - a. Time, date, and location of the meeting.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. City of Loveland Current Planning Division contact information, including the division phone number.
 - 3. Requirements for Posting.
 - a. It shall be the applicant's responsibility to have the sign(s) created at a sign company.
 - b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the neighborhood meeting. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
 - c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.18.050(C).

16.18.030 Public hearings.

- A. Applicability. Mailed, posted and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings and staff's responsibility to publish notice for public hearings.
- B. Mailed Notice for Public Hearings.
 - 1. Deadline for Mailing. At least fifteen (15) days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.18.030(B)(3)(a) at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.18.050(C).
 - 2. Content. The written (mailed) notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.

- d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at City Hall.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
 - i. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
3. Requirements for Mailing.
- a. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-2 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
 - b. Area of Notification. The distances specified in Table 16.18-2 Mailed Notice Distance Requirements for Public Hearings, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c through g of this subsection 16.18.030(B)(3). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-2 MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS			
Application Type	Application Size		
	Under 21 acres	21 – 50 acres	Greater than 50 acres
Preliminary Plat	600 ft.	900 ft.	1,200 ft.
Obsolete Subdivisions	See Chapter 16.36		
Vacation (of easements or rights-of-way)	See Chapter 16.36		

- c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
- d. Lake, golf course and park front notification.
 - a. Should the subject property front a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park

- that are within two times the distances specified in Table 16.18-2. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
- b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting beyond the distance specified in (a) above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
 - e. Reduction in Notification Area. All notification distances in Table 16.18-2 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
 - f. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-2 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the public hearing.
 - g. Mineral Estate Owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty (30) days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act (C.R.S. § 24-65.5-101 et seq.) (the "act"). An affidavit of the applicant's compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of the act.
- C. Posted Notice for Public Hearings.
- 1. Deadline for Posting. At least fifteen (15) days prior to a public hearing, the applicant shall post a notice on the subject property.
 - 2. Content. The posted notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. City of Loveland Current Planning Division contact information, including the division phone number.
 - 3. Requirements for Posting.
 - a. It shall be the applicant's responsibility to have the sign(s) created at a sign company.

- b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the public hearing. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
 - c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.18.050(C).
- D. Published Notice for Public Hearings.
- 1. Deadline for Publishing. Notice shall be published by the Current Planning Division at least fifteen (15) days prior to a public hearing.
 - 2. Content. The published notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. City of Loveland Current Planning Division contact information, including the division phone number.
 - h. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
 - 3. Requirements for Publishing. Notice of the public hearing shall be published one (1) time in a newspaper of general circulation.

16.18.040 Staff decisions (minor subdivisions).

- A. Applicability. Mailed and posted public notice is required for staff decisions. It is the applicant's responsibility to mail and post public notice for staff decisions.
- B. Mailed Notice for Staff Decisions.
 - 1. Deadline for Mailing. Within fifteen (15) days after the preliminary approval of a minor plat of subdivision, the planning division shall formulate a preliminary written statement of findings and the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.18.040(B)(3)(a) at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to final approval of the minor subdivision and shall satisfy the requirements of Section 16.18.050(C).
 - 2. Content. The written (mailed) notice for staff decisions shall include the following:
 - a. Date of the decision.
 - b. The application(s) to be considered.

- c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
 - i. A statement that interested parties may submit an appeal in accordance with the requirements of Chapter 18.80 of this Code and the date of the ten (10) day deadline for filing an appeal.
3. Requirements for Mailing.
- a. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-3 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
 - b. Area of Notification. The distances specified in Table 16.18-3 Mailed Notice Distance Requirements for Staff Decisions, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c through f of this subsection 16.18.040(B)(3). All properties that fall wholly or partially within the distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-3 MAILED NOTICE DISTANCE REQUIREMENTS FOR STAFF DECISIONS			
Application Type	Application Size		
	Under 21 acres	21 – 50 acres	Greater than 50 acres
Minor Subdivision	300 ft.	300 ft.	300 ft.

- c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
- d. Lake, golf course and park front notification.
 - a. Should the subject property front a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 16.18-3. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.

- b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting beyond the distance specified in (a) above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
 - e. Reduction in Notification Area. All notification distances in Table 16.18-3 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
 - f. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-3 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the staff decision.
- C. Posted Notice for Staff Decisions.
- 1. Deadline for Posting. The applicant shall post notice on the subject property of the staff decision within fifteen (15) days after the preliminary staff decision and keep it posted for the duration of the ten (10) day appeal period.
 - 2. Content. The posted notice for staff decisions shall include the following:
 - a. Date of the decision.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. City of Loveland Current Planning Division contact information, including the division phone number.
 - 3. Requirements for Posting.
 - a. It shall be the applicant's responsibility to have the sign(s) created at a sign company.
 - b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 10-day appeal period. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
 - c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the final approval for which the notice was given and shall meet the requirements of Section 16.18.050(C).
- D. Optional Notice.

1. Notice of staff decisions authorized under this Title but not otherwise subject to specific notice requirements may be required by the Current Planning Manager when the following circumstances exist:
 - a. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this Title; and
 - b. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
 - c. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.
2. Type and Distance of Optional Notice. Notice type(s) and distance for optional notice shall be at the discretion of the Current Planning Manager. In no instance shall mailed notice exceed 300 feet from the boundary of the subject property.

16.18.050 Additional notice requirements.

- A. Computation of Time. In computing any period of time prescribed for the purpose of giving notice under this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. Notice Cost. All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for the published notice.
- C. Applicant's Certification. Prior to the neighborhood meeting, public hearing, or final staff decision, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant.
- D. Failure to Provide Notice, Defective Notice. Failure to provide the required affidavit or evidence of a defective mailing list prior to a neighborhood meeting or public hearing shall result in termination of the review process until proper notice is provided meeting all applicable provisions under this section.
- E. Continuation of Hearings and Neighborhood Meetings. A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

16.18.060 Notice for appeals.

Any final decision that is appealed under this section is subject to the same notice standards as the original notice.

Yellow highlighting indicates changes made to the draft since the October 22, 2012 Planning Commission study session.

Chapter 18.05

PUBLIC NOTICE REQUIREMENTS

Sections:

18.05.010	Purpose.
18.05.020	Neighborhood Meetings.
18.05.030	Mailed Notice for Neighborhood Meetings.
18.05.040	Posted Notice for Neighborhood Meetings.
18.05.050	Public Hearings.
18.05.060	Mailed Notice for Public Hearings.
18.05.070	Posted Notice for Public Hearings.
18.05.080	Published Notice for Public Hearings.
18.05.090	Staff Decisions.
18.05.100	Computation of Time.
18.05.110	Notice Cost.
18.05.120	Applicant's Certification.
18.05.130	Failure to Provide Notice, Defective Notice.
18.05.140	Continuation of Hearings.
18.05.150	Notice for Appeals.

18.05.010 Purpose.

This Chapter provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as specified within Title 18.

18.05.020 Neighborhood Meetings.

Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.

18.05.030 Mailed Notice for Neighborhood Meetings.

A. **Deadline for Mailing.** At least fifteen (15) days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.030.C(1), at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120

B. **Content.** The written (mailed) notice for neighborhood meetings shall include the following:

1. Time, date, and location of the meeting.
2. The application(s) to be considered.
3. Project name.

4. Applicant's name.
5. Vicinity map identifying the site within the neighborhood context.
6. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
7. Description of the proposal for the subject property, including existing and proposed zoning, if applicable.
8. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number and e-mail address.
9. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.

C. Requirements for Mailing.

1. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-1 and Sections 18.05.030.C (3) through (7), shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
2. Area of Notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-1 Mailed Notice Distance Requirements, shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.030.C (3) through (7). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 18.05-1 MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS			
Application Type	Application Size		
	Under 5 acres	5 – 50 acres	Greater than 50 acres
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Major Home Occupation	All members of the neighborhood <i>as defined in Section 18.48.020</i>		
PUD General Development Plan	1,200 ft.	1,200 ft.	1,200 ft.
PUD Preliminary Development Plan	600 ft.	900 ft.	1,200 ft.
Rezoning	600 ft.	900 ft.	1,200 ft.
Special Review	600 ft.	900 ft.	1,200 ft.
Variance	200 ft.	200 ft.	200 ft.

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake, golf course and park front notification.
 - a. Should the subject property front a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-1. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
 - b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting beyond the distance specified in (a) above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
5. Reduction in Notification Area. All notification distances in Table 18.05-1 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
6. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-1 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.

18.05.040 Posted Notice for Neighborhood Meetings.

A. Deadline for Posting. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.

B. Content. The posted notice for neighborhood meetings shall include the following:

1. Time, date, and location of the meeting.
2. The application(s) to be considered.
3. Project name.
4. City of Loveland Current Planning Division contact information, including the division phone number.

C. Requirements for Posting.

1. It shall be the applicant's responsibility to have the sign(s) created by a sign company.
2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site

and ensure that the sign(s) remain in place during the full 15-day period leading up to the neighborhood meeting. The Current Planning Division shall provide the applicant with specifications for the posting location of the required signs.

3. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.050 Public Hearings.

Mailed, posted and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings; the City is responsible to publish notice for public hearings.

18.05.060 Mailed Notice for Public Hearings.

A. Deadline for Mailing. At least fifteen (15) days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.060.C(1), at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

B. Content. The mailed notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.
3. Project name.
4. Applicant's name.
5. Vicinity map identifying the site within the neighborhood context.
6. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
7. Description of the proposal for the subject property.
8. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
9. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
10. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.

C. Requirements for Mailing.

1. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-2 and Sections 18.05.060.C (iii) through (vii), shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.

2. Area of Notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-2 Mailed Notice Distance Requirements, shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.060.C (3) through (7). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 18.05-2 MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS			
Application Type	Application Size		
	Under 5 acres	5 – 50 acres	Greater than 50 acres
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Be District Site Developments Plans*	300 ft.	300 ft.	300 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Height Exception	300 ft.	300 ft.	300 ft.
PUD General Development Plan	1,200 ft.	1,200 ft.	1,200 ft.
PUD Preliminary Development Plan	600 ft.	900 ft.	1,200 ft.
Rezoning	600 ft.	900 ft.	1,200 ft.

* For Be District site developments plans requiring approval of Planning Commission as indicated in 18.24.050

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake, golf course and park front notification.
 - a. Should the subject property front a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-2. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
 - b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting beyond the distance specified in (a) above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
5. Reduction in Notification Area. All notification distances in Table 18.05-2 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for

- infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
6. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-2 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the public hearing.
 7. Mineral Estate Owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty (30) days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act (C.R.S. § 24-65.5-101 et seq.)(the "act"). An affidavit of the applicant's compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of the act.

18.05.070 Posted Notice for Public Hearings.

A. Deadline for Posting. At least fifteen (15) days prior to a public hearing, the applicant shall post a notice on the subject property.

B. Content. The posted notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.
3. Project name.
4. City of Loveland Current Planning Division contact information, including the division phone number.

C. Requirements for Posting.

1. It shall be the applicant's responsibility to have the sign(s) created by a sign company.
2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the public hearing. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
3. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.080 Published Notice for Public Hearings.

A. Deadline for Publishing. Notice shall be published by the current planning division at least fifteen (15) days prior to a public hearing.

B. Content. The published notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.
3. Project name.
4. Applicant's name.
5. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
6. Description of the proposal for the subject property.
7. City of Loveland Current Planning Division contact information, including the division phone number.
8. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.

C. Requirements for Publishing. Notice of the public hearing shall be published one (1) time in a newspaper of general circulation.

18.05.090 Staff Decisions.

A. Required Notice. Mailed or posted public notice is required for certain staff decisions relating to special review and major home occupation applications. Refer to Code Section 18.40 for requirements applicable to special review application and Section 18.48.020 for requirements applicable to major home occupation application.

B. Optional Notice. Notice of staff decisions authorized under this Title but not otherwise subject to specific notice requirements may be required by the Current Planning Manager when the following circumstances exist:

1. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this Title; and
2. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
3. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.

C. Type and Distance of Optional Notice. Notice type(s) and distance for optional notice shall be at the discretion of the Current Planning Manager. In no instance shall mailed notice exceed 300 feet from the boundary of the subject property.

18.05.100 Computation of Time.

In computing any period of time prescribed for the purpose of giving notice under the provisions of this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.

18.05.110 Notice Cost.

All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for Published Notice.

18.05.120 Applicant's Certification.

Prior to the neighborhood meeting or public hearing, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant in Sections 18.05.020 and 18.05.050.

18.05.130 Failure to Provide Notice, Defective Notice.

Failure to provide the required affidavit, or evidence of a defective mailing list prior to a neighborhood meeting or public hearing, shall result in termination of the review process until proper notice is provided, meeting all applicable provisions herein.

18.05.140 Continuation of Hearings and Neighborhood Meetings.

A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

18.05.150 Notice for Appeals.

Any final decision that is appealed under this chapter is subject to the same notice standards as the original notice.

16.16.070 Public notice requirements.

- A. Purpose. This section is intended to provide standards for public notice to be given for neighborhood meetings, public hearings, and Director decisions as required under Title 16.
- B. Applicability. Notification shall be given to the public by one (1) or more of the methods provided in Table 16.16.070-1:

Table 16.16.070-1 REQUIRED PUBLIC NOTICE			
	Mailed Notice	Posted Notice	Published Notice
Neighborhood Meetings	Required	Required	Not required
Planning Commission Public Hearings: Preliminary Plat; Obsolete Subdivisions; Vacation (of easements or rights-of-way)	Required	Required	Required
Director Decision: Minor Subdivisions	Required	Required	Not required

- C. Public notice shall not be required for Final Plats for Major Subdivisions, Boundary Line Adjustments, Lot Mergers, or Simple Plats.
- D. Content of Public Notice. Where public notice is required for neighborhood meetings, public hearings, director's decisions, or as otherwise required under this title, the notice shall include the following:
1. Time, date, and location of the meeting or hearing.
 2. The type(s) of application to be considered.
 3. Project name.
 4. Applicant's name.
 5. Description of the location of the subject property by legal description, and general location using street address and/or nearest street intersection.
 6. Description of the proposal for the subject property.
 7. Primary contact (applicant or applicant's consultant(s)) information, including name of individual; name of company; phone number; e-mail address.
 8. Secondary contact (City of Loveland Current Planning Division) information, including name of reviewing planner; phone number of reviewing planner; e-mail address of reviewing planner.
 9. For public hearing notices, a statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
 10. For director decision notices, a statement that interested parties may submit an appeal in accordance with the requirements of Chapter 18.80 of this Code. (Ord. 5581 § 6, 2011)
- E. Mailed Notice. At least fifteen (15) days prior to a neighborhood meeting, public hearing, or the date of the director's decision, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.16.070.E.1 at the address listed for each owner. An affidavit of the applicant's

compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of Section 16.16.070. (Ord. 5581 § 6, 2011)

1. A list certified by the applicant of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the radius distances provided in Table 16.16.070-2 shall be submitted to the Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder.
2. For all applications requiring mailed notice, the radius distances specified in Table 16.16.070-2 Area of Public Notice Distance by Application Type and Size, shall be used to determine the area to which such notice shall be given, except as provided in Sections 16.16.070.E. 3 and 4.

Table 16.16.070-2 AREA OF MAILED NOTICE DISTANCE BY APPLICATION TYPE AND SIZE			
Application Type	20 acres or less	21 – 50 acres	Greater than 50 acres
Obsolete Subdivisions	See Chapter 16.36		
Preliminary Plat	500 ft.	750 ft.	1,000 ft.
Minor Subdivision	150 ft.	150 ft.	150 ft.
Vacation (of easements or rights-of-way)	See Chapter 16.36		

(Ord. 5581 § 6, 2011)

3. All notification radius distances in Table 16.16.070-2 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland. Such radii shall be calculated exclusive of water bodies except as provided below, public rights-of-way except as provided below, and public streets. The right-of-way of Interstate 25 shall be included when calculating notification radius distances. The following lakes shall be included when calculating notification radius distances: Boedecker Lake, Boyd Lake, Horseshoe Lake, and Lake Loveland. The first tier of lots that have frontage on any of these lakes shall be included in the area of public notice regardless of the distance from the subject site should any portion of the lake be within the notification radius.
4. The area of required notification may be expanded up to twice the radius specified in Table 16.16.070-2 if development associated with an approved application would likely impact properties beyond the specified notification radius, as determined by the Current Planning Manager. Development impacts may include but are not limited to vibration, noise, odor, glare or increased traffic. A determination to expand the notification area must be provided in writing to the applicant at least twenty one (21) days prior to the neighborhood meeting.

5. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given in accordance with the requirements of C.R.S. ss 24-65.5-101 et seq. and an affidavit of the applicant's compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of Section 16.16.070.J.
- F. Posted Notice. At least fifteen (15) days prior to the neighborhood meeting, public hearing or Director's decision on the proposed application, the applicant shall post a notice on the subject property. Such notice shall be readily visible from each public street or highway adjoining the property and shall meet the provisions of Section 16.16.070.F.1. An affidavit of the applicant's compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of Section 16.16.070.J. Where Posted Notice is required under this Chapter, the following shall apply:
 1. The Current Planning Division shall provide the specifications for the notice to be posted on the site, along with an 8-1/2" x 11" example of the wording as it should appear on the sign and the number and location of signs required for the site.
 2. It shall be the applicant's responsibility to have the sign(s) created at a sign company, post the sign(s) on the site, and ensure that the sign(s) remain in place during the period leading up to the public hearing or Director's decision.
- G. Published Notice. In addition to the requirements set forth in Sections 16.16.070.E and 16.16.070.F, notice of the time, date and place of the public hearing or Director's decision, along with a statement of the nature of the matter to be considered, including a description of the location of the subject property and the agency or office and telephone number where further information may be obtained shall be published one (1) time in a newspaper of general circulation by the Current Planning Division at least fifteen (15) days prior to any public hearing.
- H. Computation of Time. In computing any period of time prescribed for the purpose of giving notice under this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- I. Notice Cost. All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for the Published Notice.
- J. Applicant's Certification. Prior to the neighborhood meeting, public hearing, or Director's decision, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant as provided in Sections 16.16.070.E and 16.16.070.F.
- K. Failure to Provide Notice, Defective Notice. Failure to provide the required affidavit or evidence of a defective mailing list prior to a neighborhood meeting or public hearing shall result in termination of the review process until proper notice is provided meeting all applicable provisions under this Chapter.
- L. Continuation of Hearings. A hearing for which proper notice was given may be continued to a later date without again complying with the public notice requirements of

this Chapter, provided that the date, time, and location of the continued hearing is announced to the public at the time of continuance. (Ord 5424 § 4, 2009)

Chapter 18.05

PUBLIC NOTICE REQUIREMENTS

Sections:

18.05.010	Purpose.
18.04.020	Applicability.
18.05-030	Content of Notice.
18.05.040	Mailed Notice.
18.05.050	Posted Notice.
18.05.060	Computation of Time.
18.05.080	Notice Cost.
18.05.090	Applicant's Certification.
18.05.100	Failure to Provide Notice, Defective Notice.
18.05.110	Continuation of Hearings.

18.05.010 Purpose.

This Chapter provides standards for public notice for neighborhood meetings, public hearings, and Director decisions as specified within Title 18.

18.05.020 Applicability.

Notification shall be given to the public by one (1) or more of the methods provided in Table 18.05-1:

Table 18.05-1 REQUIRED PUBLIC NOTICE			
	Mailed Notice	Posted Notice	Published Notice*
Neighborhood Meetings	Required	Required	Not required
Planning Commission	Required	Required	Required
Public Hearings:			
Annexation, Zoning;			
Comprehensive Plan			
Amendment;			
General Development Plan;	See Chapter 18.72	See Chapter 18.72	See Chapter 18.72
Preliminary Development			
Plan;			
Rezoning;			
Special Review;			
Vacation;	See Chapter 18.72	See Chapter 18.72	See Chapter 18.72
Variance;			
Vested Property Right	See Chapter 18.72	See Chapter 18.72	See Chapter 18.72
Director Decisions:	Required	Required	Not required
Home Occupations;			
Special Review			

*Does not include notice for City Council meetings

18.05.030 Content of Notice.

Where public notice is required for neighborhood meetings or public hearings, or as otherwise required under this title, the notice shall include the following:

- A. Time, date, and location of the meeting or hearing.
- B. The type(s) of application to be considered.
- C. Project name.
- D. Applicant's name.
- E. Description of the location of the subject property by legal description, and general location using street address and/or nearest street intersection.
- F. Description of the proposal for the subject property.
- G. Primary contact (applicant or applicant's consultant(s)) information, including name of individual; name of company; phone number; e-mail address.
- H. Secondary contact (City of Loveland Current Planning Division) information, including name of reviewing planner; phone number of reviewing planner; e-mail address of reviewing planner.
- I. For public hearing notices, a statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
- J. For Director decision notices, a statement that interested parties may submit an appeal and the deadlines and requirements for filing an appeal.

18.05.040 Mailed Notice.

- A. **Deadline for Mailing.** At least fifteen (15) days prior to a neighborhood meeting, a public hearing, or the date of the Director's decision, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.040.B, at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the provisions of Section 18.05.090
- B. **Ownership List.** A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the radius distances provided in Table 18.05 -2 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within thirty (30) days prior to the mailing.
- C. **Area of Notification.** For all applications requiring written (mailed) public notice, the radius distances specified in Table 18.05-2 Area of Public Notice Distance by Application Type and Size, shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.040.D and E.

Table 18.05-2 AREA OF MAILED NOTICE DISTANCE BY APPLICATION TYPE AND SIZE			
Application Type	20 acres or less	21 – 50 acres	Greater than 50 acres
Radius Distance in Feet- See Section 18.05.040.D			
Annexation, Zoning	1,000 ft.	1,000 ft.	1,000 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland, Colorado Comprehensive Master Plan		
PUD General Development Plan	1,000 ft.	1,000 ft.	1,000 ft.

PUD Preliminary Development Plan	500 ft.	750 ft.	1,000 ft.
Home Occupation	300 ft.	See Section 18.48.020	
Rezoning	500 ft.	750 ft.	1,000 ft.
Special Review	500 ft.	750 ft.	1,000 ft.
Variance	150 ft.	150 ft.	150 ft.

- D. Reduction in Notification Area. All notification radius distances in Table 18.05-2 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland. Such radii shall be calculated exclusive of water bodies except as provided below, public rights-of-way except as provided below, and public streets. The right-of-way of Interstate 25 shall be included when calculating notification radius distances. The following lakes shall be included when calculating notification radius distances: Boedecker Lake, Boyd Lake, Horseshoe Lake, and Lake Loveland. The first tier of lots that have frontage on any of these lakes shall be included in the area of public notice regardless of the distance from the subject site should any portion of the lake be within the notification radius.
- E. Expansion of Specified Notification Area. The area of required notification may be expanded up to twice the radius specified in Table 18.05-2 if development associated with an approved application would likely impact properties beyond the specified notification radius, as determined by the Current Planning Manager. Development impacts may include but are not limited to vibration, noise, odor, glare or increased traffic. A determination to expand the notification area must be provided in writing to the applicant at least twenty one (21) prior to the neighborhood meeting.
- F. Mineral Estate Owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given in accordance with the requirements of C.R.S. ss 24-65.5-101 et seq. and an affidavit of the applicant's compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of Section 18.05.090.

18.05.050 Posted Notice.

- A. Posting Deadline. At least fifteen (15) days prior to the neighborhood meeting, public hearing or Director's decision on the proposed application, the applicant shall post a notice on the subject property. Such notice shall be readily visible from each public street or highway adjoining the property and shall meet the provisions of Section 18.05.050.B. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of Section 18.05.090
- B. Posting Requirements. The Current Planning Division shall provide the specifications for the notice to be posted on the site, an 8-1/2" x 11" example of the wording as it should appear on the sign, and the number and location of signs required for the site. It shall be the applicant's responsibility to have the sign(s) created at a sign company, post the sign(s) on the site, and ensure that the sign(s) remain in place during the period leading up to the public hearing or Director's decision.

18.05.060 Published Notice.

In addition to the requirements set forth in Sections 18.05.040 and 18.05.050, notice of the time, date and place of the public hearing or Director's decision, along with a statement of the nature of the matter to be considered, including a description of the location of the subject property and the agency or office and telephone number where further information may be obtained shall be published one (1) time in a newspaper of general circulation by the Current Planning Division at least fifteen (15) days prior to any public hearing.

18.05.070 Computation of Time.

In computing any period of time prescribed for the purpose of giving notice under the provisions of this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.

18.05.080 Notice Cost.

All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for the Published Notice.

18.05.090 Applicant's Certification.

Prior to the neighborhood meeting, public hearing, or Director's decision, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant in Sections 18.05.040 and 18.05.050.

18.05.100 Failure to Provide Notice, Defective Notice.

Failure to provide the required affidavit, or evidence of a defective mailing list prior to a neighborhood meeting or public hearing shall result in termination of the review process until proper notice is provided, meeting all applicable provisions herein.

18.05.110 Continuation of Hearings.

A hearing for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Chapter, provided that the date, time, and location of the continued hearing is announced to the public at the time of continuance. (Ord. 5425 § 1, 2009)



Title 18 Committee Meeting

Discussion Topic: Chapter 18.05 Public Notice Code Amendment

Various chapters within Title 18 require notification of the public as part of the City's procedures for hearings, meetings and staff decisions related to zoning requests. These chapters then refer the reader to Chapter 18.05 for a detailed description of the process and requirements for notifying the public.

Approximately three years ago, Chapter 18.05 was amended to address concerns related to the mailed public notice for development proposals near lakes, and at the same time, the entire chapter was reorganized to improve clarity. After a few years of implementing the lake front notice requirement and working with the reorganized notice provisions, staff believes the notice requirements can be further tweaked to improve the purpose and intent of the public notice provisions.

Background

For meetings and decisions requiring public notice, the determination of which property owners to notify by mail was based (with certain exceptions) on distance from the subject property. For lakes, the notification distance was measured exclusive of the lake, meaning that if the lake fell within the standard notification distance, the measurement would cease at the edge of the water and continue again on land. This was considered to provide adequate notice of owners of lake front properties around smaller lakes, but did not adequately account for the potentially broad impact of developments near the shores of larger lakes.

Recognizing that lake front properties have a uniquely large viewshed that is potentially impacted by any development proposal in close proximity to the lake, a few years ago the City sought to increase the opportunity for such property owners to be notified by mail of such proposals. To address the matter, instead of "jumping" over the four largest lakes (Boyd, Horseshoe, Loveland, and Boedecker) when measuring notice distance, a provision was added requiring all properties on these lakes to be notified by mail in the event that any portion of the lake fell within the standard notification distance.

Implementation

Implementation of the provision requiring mailed notice to all lake front property owners on the four largest lakes has been found to be problematic in a number of

zoning requests. A recent and rather noteworthy example concerned a variance request for a property on Boyd Lake. The request was for a setback encroachment of an existing deck which was not visible from any lake front property beyond those within very close proximity of the subject property. Mailed notification to all owners of property within 150 feet was required. As Boyd Lake fell within the notification distance, all lake front properties on Boyd had to be mailed a hearing notice. That applicant was burdened with a cost for the mailed notification that was disproportionate to the majority of other applicants and excessive given the nature of the request. Also, Boyd Lake property owners receiving the notification may have been unduly concerned about a perceived impact to their property.

Staff envisions encountering more situations in the future involving an exceedingly large number of lake front property mailed notices. Given this, staff has devised a proposed amendment to the Code to more appropriately determine the impacted lake front properties that warrant receiving mailed notice. Staff still considers it appropriate to increase the scale of notification of lake front property owners. However, the measurement can be limited to exclude properties for which it can be reasonably anticipated that no or minimal impact would occur due to distance from the subject property.

Proposed Amendment

Because of the great distance between the far ends of the largest lakes, and also because of the curves to shorelines that limit viewsheds, it is unlikely that all lake front property owners will be impacted by all development applications in close proximity to a lake. Therefore, staff recommends eliminating the requirement to notify all owners of lake front properties when the standard notification distance includes any portion of the lake. Instead, after analysis of a variety of approaches to measuring lake front notification, staff recommends the following distance-based approach to lake front property notification:

Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 18.05-2 (Mailed Notice Distance Requirements).

A doubling of the notification distance for lake front properties significantly increases the likelihood (over the standard notification distance alone) that a lake front property will be mailed notice for development proposals in the vicinity of a lake. Unlike the Code's current approach to lake front measurement, this approach also ensures that properties at a great distance from a development proposal will not receive mailed notification. In addition, since the standard notice distance is larger for types of applications that are greater in magnitude (such as Planned Unit Developments), lake front notification with this approach will also be larger for applications of greater magnitude, as it is a doubling of the standard distance. It should be noted that although a lesser number of lake front

property owners will receive mailed notice with the proposed amendment over the City's current approach, all property owners can still potentially see the required posting of a hearing notice on the property, in the newspaper, or at the Civic Building.

In staff's opinion, the standard notification distances specified in Chapter 18.05 and their doubling for lake front properties provide appropriate notice with the exception of the variance distance. At 150 feet, often only adjacent property owners are eligible to receive the variance mailed notice, and at its doubling to 300 feet, few additional lake front property owners would receive the mailed notice for requests near a lake. An increase in the variance mailed notice distance to 200 feet (and respectively to 400 feet for lake front notice) is recommended in the proposed amendment.

Because of the logical approach to lake front notice proposed by this amendment, staff further recommends that no distinction be made between the notification procedures on small lakes and large lakes in the City. As the amendment is written, no lake will be excluded from the notice distance measurement and, in the event that any portion of any lake falls within the standard notice distance, all lake front property owners within double the standard notification distance will be notified.

Additional Changes

Reorganization

While the impetus for the current proposal to amend Chapter 18.05 is the lake front notification provision, staff would like to broadly reorganize the chapter as part of the amendment. The current organization of the chapter groups neighborhood meeting, public hearing, and staff decision notice requirements together. This has caused confusion in how the requirements are interpreted and applied, since in actual practice, the approach and information provided in the public notice for each of these matters varies significantly. Given this complexity, the proposed amendment segments the chapter into type of meeting to clarify the distinction.

The most noteworthy change in this regard is that notification requirements for Director (or staff) decisions, that is, Special Reviews and Major Home Occupations, have been removed in entirety from Chapter 18.05. The information in the public notice and the manner of providing the notice differs significantly for these types of requests versus neighborhood meetings and public hearings. This is because a staff decision public notice occurs after a decision has been made, while the neighborhood meeting and public hearing notice occurs before a decision. Also, additional public notices are required for staff decisions if an appeal is filed. Rather than going into detail about these staff decision notice procedures in 18.05, the proposed amendment refers the reader to the respective Special Review and Major Home Occupation sections of the

Code. While referring a reader in the Code to another section of the Code is not ideal, this method is already utilized in Chapter 18.05 for Comprehensive Plan Amendments and Vested Right hearings, which are noticed in a less straightforward manner than other types of applications.

Measuring Distance

The Code requires notification distance to be measured exclusive of public streets and rights-of-way. This has been a difficult requirement to implement for two reasons: 1) the method of exclusion is unclear for streets/rights-of-way that are configured in manner where the end of the street/right-of-way is far from the subject property. For example, where a street extends in a perpendicular manner from a subject property, it is unclear how to exclude it from the measurement; 2) for applications requiring a large notice distance, there can be an excessive number of streets/rights-of-way to exclude.

It is proposed that the Code be amended to clarify how to measure notice distance and to limit the streets and rights-of-way excluded. Two statements in this regard have been added to the proposed amendment:

- The references to *radius* have been removed and notification distance is instead “measured from the perimeter of the subject property.”
- Only streets and rights-of-way that are “abutting” will be excluded from the distance measurement, eliminating any need to exclude multiple streets/rights-of-way in any single direction or streets/rights-of-way that are perpendicular to a subject property.

In addition to the textual clarification, simple diagrams can be added to the Code to illustrate the measurement methods above.

Conclusion

Attached is a draft of the proposed text amendment to the Public Notice Requirements chapter of the Municipal Code. Because of the extensive reorganization proposed for this chapter, a strike through version of the proposed changes has not been prepared for the Committee. The attached version is a total replacement of Chapter 18.05.

Proposed changes to the Chapter center on: 1) method of measuring the lake front property mailed notice requirement; 2) specifying the method of measuring the standard mailed notice distance, and 3) clarifying the Chapter’s requirements through a reorganization of the text.

Substantive changes proposed for Chapter 18.05 include:

- Changing the lake front notification procedures to reduce the required mailed notification area while still keeping the lake front notice distance larger than the standard notice distance.
- Expanding the mailed notice distance for variances.
- Including public streets and rights-of-way in the notification distance unless the street or right-of-way directly abuts the subject property.

Clarifying changes proposed include:

- Specifying that the notice distance requirements are measured from the property boundary.
- Moving the public notice requirements and procedures for Director decisions (Special Review and Major Home Occupations) from the public notice chapter to their respective chapters.
- Organizing the public notice chapter by type of meeting.
- Assorted minor wording changes in the text.

Staff will be prepared to discuss the text amendment with the Title 18 Committee members at the July meeting. Staff can further analyze the proposed changes with members at the following Committee meeting and then finalize a draft amendment reflecting any Committee changes.

LIST OF ATTACHMENTS:

1. Draft Text Amendment

RECOMMENDED ACTION:

Provide City staff with feedback on the proposed text amendment.



Title 18 Committee Meeting

Discussion Topic: Chapter 18.05 Public Notice Code Amendment

Zoning Code Chapter 18.05 details the requirements for notifying the public of hearings, meetings and staff decisions related to zoning requests. Approximately three years ago, the Chapter was amended to address concerns related to the public notice for development proposals near lakes, and at the same time, the entire chapter was reorganized to improve clarity. After a few years of implementing the amended chapter, staff believes the notice requirements can be further tweaked to improve the intent of the public notice provisions.

Background

For Chapter 18-related meetings and decisions requiring public notice, the determination of which property owners to notify by mail is based on distance from the subject property. Prior to the amendment of three years ago, the notification distance was always measured exclusive of lakes, meaning that if a lake fell within the standard notification distance, the measurement would cease at the edge of the water and continue again on land.

This “lake jumping” measurement method was considered to provide adequate notice to owners of properties fronting smaller lakes, but there was concern that it did not adequately account for the broad impact of developments near larger lakes. Recognizing that lake front properties have a uniquely large viewshed that is potentially impacted by any development in close proximity to the lake, the City increased the opportunity for such property owners to receive mailed notice of development proposals. Instead of “jumping over” the four largest lakes (Boyd, Horseshoe, Loveland, and Boedecker) when measuring notice distance, a provision was added to Chapter 18.05 requiring all properties on these lakes to be notified by mail in the event that any portion of the lake fell within the standard notification distance.

Implementation

Implementation of the provision requiring mailed notice to all lake front property owners on the four largest lakes has been found to be problematic. A recent and rather noteworthy example concerned a variance request for a property on Boyd Lake. The request was for a setback encroachment of an existing deck which was not visible from any lake front property beyond those within very close proximity of the subject property. Mailed notification to all owners of property within 150 feet was required. As Boyd Lake fell within the notification distance, all lake front properties on Boyd had to be mailed a

hearing notice. That applicant was burdened with a cost for the mailed notification that was disproportionate to the majority of other applicants and excessive given the nature of the request. Also, Boyd Lake property owners receiving the notification may have been unduly concerned about a perceived impact to their property.

Because this has been a recurring issue, staff is proposing a Code amendment to more appropriately determine the impacted lake front properties that warrant receiving mailed notice. Staff still considers it appropriate to increase the scale of notification of lake front property owners. However, the measurement can be limited to exclude properties for which it can be reasonably anticipated that no or minimal impact would occur due to distance from the subject property.

Proposed Amendment

Because of the great distance between the far ends of the largest lakes, and because of the curves to shorelines that limit viewsheds, it is unlikely that all lake front properties will be impacted by all development applications in close proximity to a lake. After analysis of a variety of approaches to measuring lake front notification, staff recommends replacing the requirement to notify all lake front property owners with the following distance-based approach to lake front notification:

Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 18.05-2 (Mailed Notice Distance Requirements).

A doubling of the notification distance for lake front properties significantly increases the likelihood (over the standard notification distance alone) that a lake front property will be mailed notice for development proposals in the vicinity of a lake. Unlike the Code's current approach to lake front measurement, this approach also ensures that properties at a great distance from a development proposal will not receive mailed notification. In addition, since the standard notice distance is larger for types of applications that are greater in magnitude (such as PUDs), lake front notification with this "doubling" approach will also be larger for applications of greater magnitude. It should be noted that although a lesser number of lake front properties will receive mailed notice with the proposed amendment over the City's current approach, all property owners can still potentially see the required posting of a notice on the property, in the newspaper, or at the Civic Building.

In staff's opinion, the standard notification distances specified in Chapter 18.05 and their doubling for lake front properties provide appropriate notice with the exception of the variance distance. At 150 feet, often only adjacent property owners are eligible to receive the variance mailed notice, and at its doubling to 300 feet, few additional lake front property owners would receive the mailed notice for requests near a lake. An increase in the variance mailed notice distance to 200 feet (and respectively to 400 feet for lake front notice) is recommended in the proposed amendment.

Because of the logical approach to lake front notice proposed by this amendment, staff further recommends that no distinction be made between the notification procedures on small lakes and large lakes in the City. As the amendment is written, no lake will be excluded from the notice distance measurement and, in the event that any portion of any lake falls within the standard notice distance, all lake front property owners within double the standard notification distance will be notified.

Additional Changes

Reorganization

While the impetus for the current proposal to amend Chapter 18.05 is the lake front notification provision, staff would like to broadly reorganize the chapter as part of the amendment. The chapter is currently organized by type of notice (posted, mailed and newspaper) and groups neighborhood meeting, public hearing, and staff decision notice requirements together. This has caused confusion in how the requirements are interpreted and applied, since in actual practice, the approach and information provided in the public notice for each of these matters varies significantly. Given this complexity, the proposed amendment segments the chapter into type of meeting instead of type of notice.

The most noteworthy change in this regard is that notification requirements for Director (or staff) decisions, that is, Special Reviews and Major Home Occupations, have been removed from Chapter 18.05. The information in the public notice and the manner of providing the notice differs significantly for these types of requests versus neighborhood meetings and public hearings. This is because a staff decision public notice occurs after a decision has been made, while the neighborhood meeting and public hearing notice occurs before a decision. Also, additional public notices are required for staff decisions if an appeal is filed. Rather than going into detail about these staff decision notice procedures in 18.05, the proposed amendment refers the reader to the respective Special Review and Major Home Occupation sections of the Code. While referring a reader in the Code to another section of the Code is not ideal, this method is already utilized in Chapter 18.05 for Comprehensive Plan Amendments and Vested Right hearings, which are noticed in a less straightforward manner than other types of applications.

A provision has been added to the staff decision subsection specifying that the Current Planning Manager can require public notice for any zoning-related staff decision that is anticipated to impact other properties.

Measuring Distance

The Code requires notification distance to be measured exclusive of public streets and rights-of-way. This has been a difficult requirement to implement for two reasons: 1) the method of exclusion is unclear for streets/rights-of-way that are configured in manner

other than parallel to a lot line of the subject property. For example, where a street extends in a perpendicular manner from a subject property, it is unclear how to exclude it from the measurement; 2) for applications requiring a large notice distance, there can be an excessive number of streets/rights-of-way to exclude.

It is proposed that the Code be amended to clarify how to measure notice distance and to limit the streets and rights-of-way excluded. Two statements in this regard have been added to the proposed amendment:

- The references to *radius* have been removed and notification distance is instead "measured from the perimeter of the subject property."
- Only streets and rights-of-way that are "abutting" will be excluded from the distance measurement, eliminating any need to exclude multiple streets/ rights-of-way in any single direction or streets/rights-of-way that are perpendicular to a subject property.

In addition to the textual clarification, simple diagrams can be added to the Code to illustrate the measurement methods above.

Conclusion

Attached is a draft of the proposed text amendment to the Public Notice Requirements chapter of the Municipal Code. Changes to the Chapter center on:

- 1) method of measuring the lake front property mailed notice requirement;
- 2) specifying the method of measuring the standard mailed notice distance, and
- 3) clarifying the Chapter's requirements through a reorganization of the text.

Staff will be prepared to discuss the text amendment with the Title 18 Committee members at the August meeting. If the Committee is generally supportive of the text amendment, it can direct Staff to proceed with the matter to a Council study session. The amendment presented to Council can be further altered to reflect any changes requested by the Committee.

LIST OF ATTACHMENTS:

- 1) Draft Text Amendment

RECOMMENDED ACTION:

Provide Staff with feedback on the proposed text amendment and direct Staff to proceed with the matter to a Council study session.



Title 18 Committee Meeting

9/20/12

Public Notice Code Amendment – Title 18 Zoning Code and Title 16 Subdivision Code

Attached is a draft amendment to the public notice chapter of the Zoning Code (Title 18) along with an explanatory staff memo. Information on the proposed Title 18 amendment was included in the Committee packets for the July and August Title 18 Committee meetings. Because of the long agendas at each of those meetings, the amendment to the public notice chapter was not discussed. At the September meeting, staff had indicated that, if the Committee was generally supportive of the proposed Zoning Code amendment, staff would proceed with preparing a draft revision of the public notice chapter of the Subdivision Code (Title 16) so that it matches the draft Zoning Code public notice amendment in organizational style. The Committee indicated that they supported staff proceeding with preparing the draft amendment to the Subdivision Code.

Attached is the draft amendment to the public notice provisions within the Subdivision Code. As with the Zoning Code draft amendment, a cross-out version has not been prepared because of the significant amount of reorganization that has occurred. The changes reflected in the Title 16 draft amendment match that of the Title 18 draft amendment. Thus, the explanation of the reorganization, lake front notification method, increased notice distances, and clarified measurement method included in the August Zoning Code amendment cover memo also apply to the Subdivision Code amendment. Changes to the public notice chapters center on:

- 1) method of measuring the lake front property mailed notice requirement;
- 2) simplifying the method of measuring the standard mailed notice distance,
and
- 3) clarifying the Chapter's requirements through a reorganization of the text.

Staff will be prepared to discuss the Title 16 and Title 18 text amendments with the Committee members at the September meeting. If the Committee is generally supportive of the text amendments, it can direct Staff to proceed with the matter to a Council study session. The amendment presented to Council can be further altered to reflect any changes requested by the Committee.

LIST OF ATTACHMENTS:

- 1) Cover memo to Draft Title 18 Text Amendment
- 2) Draft Title 18 Text Amendment
- 3) Draft Title 16 Text Amendment

RECOMMENDED ACTION:

Provide Staff with feedback on the proposed text amendment and direct Staff to proceed with the matter to a Council study session.

MEMORANDUM

To: Title 18 Committee
From: Noreen Smyth, Senior Planner
Date: November 15, 2012
Re: Zoning Code Public Notice Amendment

The attached versions of the Zoning Code public notice chapter have been prepared in response to changes requested by the Planning Commission during their study session review of the matter on October 22, 2012. The Commission had expressed concern that the proposed lake front mailed notice measurement method may not be adequate, and expressed some interest in including properties fronting parks and golf courses in the expanded notice distance.

Staff has proposed changes to three requirements of the chapter to address the Planning Commission's concerns, and has included two different *options* (*a* or *b* below) with each change. It is requested that the Title 18 Committee indicate whether the changes are supported, and if so, indicate which option is preferred for each:

- 1) Including expanded notification for:
 - a) Properties fronting lakes only
 - b) Properties fronting lakes, public parks and golf courses
 - 2) Including a smaller and a larger distance for lake front mailed notice based on the magnitude of the application & the size of the subject property:
 - a) Double the standard notice distance for smaller applications/properties and triple the standard notice distance for larger applications/properties
 - b) Double the standard notice distance for smaller applications/properties and full lake front notice for larger applications/properties
 - 3) Applying the lake front notification requirement:
 - a) When the standard notice distance for the subject property includes a lake, whether or not the subject property itself fronts a lake
 - b) Only when the subject property fronts a lake
-



Planning Commission Staff Report

October 22, 2012

Agenda #: **Study Session - 1**

Title: Public Notice Code Amendment

Applicant: City of Loveland Development
Services Department

Request: Code Amendment to Titles 18 & 16

**Staff
Planner:** Noreen Smyth, Senior Planner

Staff Recommendation:

Staff recommends that the Planning Commission instructs staff to schedule a public hearing on the proposed amendment.

Summary of Analysis

This is a study session to consider a staff-initiated text amendment to the public notice sections of Title 18, the Zoning Code, and Title 16, the Subdivision Code. The Code amendment was pursued in response to challenges applicants have experienced in meeting the lake front mailed notification requirement. In addition to tweaking the lake front notification provision, changes are proposed to certain other aspects of the public notice sections of the Code. These other changes center on simplifying the method of measuring mailed notice distance, clarifying the chapter through a reorganization of the text, and allowing for public notice for applications and director decisions that had not previously been included in the public notice chapters.

The proposed amendment has undergone a thorough review by the Title 18 Committee, which has instructed staff to forward the matter to the Planning Commission with a recommendation that the amendment be adopted. The attached draft text amendment reflects changes required by both the Title 18 Committee and the City Attorney. Staff believes that all key issues have been resolved.

I. ATTACHMENTS:

- 1) Title 18 Committee memo concerning draft Title 18 Text Amendment
- 2) Draft Title 18 Text Amendment
- 3) Draft Title 16 Text Amendment

II. BACKGROUND/TITLE 18 COMMITTEE REVIEW:

Attached for the Planning Commission's review is the staff memo that went to the Title 18 Committee concerning the draft public notice Code amendment. It explains in detail the proposed changes to the public notice provisions and the reasoning behind the changes.

The draft amendment to Zoning Code Chapter 18.05 was first presented to the Title 18 Committee at their July 2012 meeting. Concern over the Code's extensive lake front notification requirement, which had been enacted through a Code amendment approximately three years ago, prompted staff to initiate a modification to this provision. The lake front notice provision required all owners of lake front properties on the four largest lakes in the City to be notified by mail of a public hearing, neighborhood meeting or director's decision whenever the lake fell within the standard notice distance requirement. Applicants impacted by this provision felt that the number of property owners to whom they had to mail notification was too large. Also, some recipients of such notices complained that they had received notice for a project that had no relationship to their property. This issue and other minor concerns with the public notice provisions were explained to the Committee at the July meeting, and a draft text amendment addressing these issues was presented for their consideration. The Committee expressed general support for pursuing improvements to this chapter of the Code, gave initial feedback on the draft, and instructed staff to put the item on the August Title 18 Committee agenda for a more thorough analysis.

At their August meeting, the Committee agreed that the current lake front requirement was excessive and that other changes clarifying the method of measuring notification distances were useful. However, the Committee expressed concern that the changes may result in too significant a decrease in the number of property owners receiving mailed notice. The Committee instructed staff to address this matter come back to them at their September meeting.

For the September meeting, the amendment was further refined to modestly increase the standard mailed notification distance. This was done to make up for a potential decrease in the distance that could result from the changes to method of measuring distance. In addition, a draft amendment of the public notice section of Title 16, the Subdivision Code, matching the changes proposed for Title 18, was presented. The Committee supported the latest version of the amendment and referred the proposal to the Planning Commission with a recommendation of approval. However, because the Committee wants to further ensure the appropriateness of both the standard and the lake front notification distances, it has put the matter on their October 18 agenda for a further review. Staff will present additional recommendations, if any, that result from the October Title 18 Committee meeting to the Planning Commission at their October 22 meeting.

V. SUMMARY:

Attached is both the Title 18 and Title 16 draft amendments to the public notice provisions. Cross-out versions have not been prepared because of the significant amount of reorganization that has occurred. The attached texts, if the amendment is approved, will represent complete replacements of their respective sections in Titles 18 and 16.

A detailed list of changes to the public notice provisions is provided at the top of the Title 18 draft. The changes center on:

- 1) Method of measuring both the lake front and standard mailed notice requirement;
- 2) Inclusion of public notice for applications and staff decisions not currently referenced in the chapter, and
- 3) Clarifying the Chapter's requirements through a reorganization of the text.

Staff will be prepared to discuss the amendment with Commission members at the October study session meeting.

V. KEY ISSUES:

Staff believes that all key issues have been resolved through the Title 18 Committee and staff review processes.

Action to be taken by the Planning Commission

Provide staff with feedback on the proposed amendment. If the Commission is supportive of the amendment and seeks no changes or only minor changes to the amendment, it can instruct staff to schedule a public hearing on the amendment.