

CHAPTER 4

Community Development

Article VII Public Notice and Hearings

- Sec. 4-7-1 Purpose
- Sec. 4-7-2 General provisions
- Sec. 4-7-3 Public hearing notice requirements

ARTICLE VII

Public Notice and Hearings

Sec. 4-7-1. Purpose.

All site development applications that require public hearings before the Town Council or Planning Commission (as set forth in Section 4-1-22) shall be subject to these requirements. Public noticing of hearings is intended to provide for the opportunity for public participation on land use proposals within the Town. (Ord. 2003-20 §2)

Sec. 4-7-2. General provisions.

(a) The Town Council or Planning Commission may continue any hearing to a date certain and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be pursued by the applicant unless a period of four (4) weeks or more elapses between hearing dates before the same board. In situations where this time period has passed, the Community Development Department shall give new notice as required by Section 4-7-3 and change the date on the signs posted on the property, if any.

(b) These public notice requirements apply to all land within the jurisdiction of the Town, as well as those parcels subject to the consideration of and petitioning for annexation to the Town boundaries.

(c) No public hearing shall commence, nor testimony be taken, until the procedures of this Article VII are met.

(d) The Community Development Director may authorize the concurrent noticing of Planning Commission and Town Council hearings.

(e) For notification of property owners within two hundred (200) feet of the subject property, applicants must use the County Assessor's records, and the list submitted by the applicant to the Community Development Department must be current within twenty (20) days of the public hearing. A written affidavit indicating the date that the records were researched at the Assessor's Office shall be provided to the Community Development Department as part of the application by the applicant. Each property owner shall be solely responsible for ensuring that its current address is set forth completely and accurately in the County Assessor's records. Neither the Town nor the applicant shall be required to ensure the addresses provided by the County Assessor are complete or accurate. The addresses obtained in accordance with this Subsection shall be deemed to be the accurate and complete list of all addresses of parties entitled to receive such notice. Notices required to be mailed under Sections 4-7-2(e) and 4-7-3(d) shall be deemed properly given, delivered, mailed and sent and effective upon substantial compliance with those requirements.

(f) Proof of all notices shall be placed in the property file by the Community Development Department one (1) week prior to the public hearing. (Ord. 2003-20 §2)

Sec. 4-7-3. Public hearing notice requirements.

(a) Notice of all public hearings required or allowed by this Chapter shall be provided by the Community Development Department as indicated on the following chart:

<i>Approval Requested</i>	<i>Notice Required (R)</i>		<i>Notice Permitted (P)</i>	
	Publish	Post	Mail	
			Adjacent	200 Feet
Rezoning	R	P	R	R
Conditional Use	R	P	R	R
Final PUD	R	P	R	R
PUD major amendment	R	P	R	R
Subdivision: Sketch	R	P	R	R
Subdivision: Prelim	R	P	R	R
Subdivision: Minor	R	P	R	R
Subdivision: Commercial Final	R	P	R	R
Variance	R	P	R	P

R: Notice Required

P: Notice Permitted: Where (P) is indicated, notice is provided as a courtesy, but is not required. Failure to give this notice shall not render the decision invalid and shall not serve as the basis for any claim of deficiency of notice. Landowners and the public are hereby advised that such notice is given only as a courtesy and is not required.

(b) **Published Notice.** At least seven (7) days prior to any hearing requiring published notice, a notice shall be published at least one (1) time in a newspaper of general circulation within the Town. The notice shall include the type of approval requested; the hearing authority; the time, date and location of hearing; and the location of the subject property. A publisher's affidavit shall be submitted to the Community Development Department to verify that the notice was properly published.

(c) **Posted Notice.** At least seven (7) days prior to any public hearing requiring posted notice, the Department of Community Development shall cause to be prepared, and the Department shall post signs upon the subject property. The signs shall include the type of approval requested; the hearing authority; the time, date and location of hearing; and the location of the subject property. The signs shall be at least eleven by seventeen inches (11" x 17") in size and shall consist of at least one (1) sign facing each adjacent public right-of-way. The fact that a parcel was not continuously posted for the full period shall not invalidate the hearing or any action taken therein where it is shown that a good faith effort to meet this posting requirement was made. All signs shall be removed from the property within five (5) days from the date of the final hearing on the application.

(d) **Mailed Notice.** At least seven (7) days prior to any hearing requiring mailed notice, the Department of Community Development shall cause a notice to be sent to:

- (1) Adjacent and contiguous property owners as shown on the chart at Subsection (a) hereof;
- (2) Owners of property included within the application.

The notice shall contain the type of approval requested, the hearing authority, the time, date and location of the hearing and the location of the subject property. Failure of any person to receive a

mailed notice shall not necessitate continuance of the hearing, shall not affect the Town's jurisdiction to hear the case and shall not render the decision invalid.

(e) Public notice time requirements include the day the notice is posted, appears in the newspaper, is mailed, and is received by a recipient, and shall also include the day of the hearing. (Ord. 2003-20 §2)