

## CHAPTER 7 PLANNING, DEVELOPMENT AND BUILDING

### ARTICLE 5 ADMINISTRATION AND PROCEDURES

#### PART 9 NOTICE, HEARINGS AND APPEALS

##### SECTION:

- 7.5.901: Purpose
- 7.5.902: Public Notice
- 7.5.903: Hearings
- 7.5.904: Conditions And Modifications Of Regulations
- 7.5.905: Decisions
- 7.5.906: Appeals
- 7.5.907: Limitation On Further Application

7.5.901: **PURPOSE:** The purpose of this part is to provide the procedures for public notice, hearings and appeals. (Ord. 84-117; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 03-16)

##### 7.5.902: PUBLIC NOTICE:

- A. Purpose: The purpose of this section is to provide the procedures for public notice. Public notice serves to inform vicinity property owners, neighborhood and homeowners' associations, and the community of pending development projects and the date, time and place of public hearings and appeals regarding development projects.

It is in the City's and applicant's interest to seek and encourage citizen input regarding development projects and to identify possible impacts and mitigation as early in the development review process as possible. Consistent application of public notice requirements fosters trust and reliability in the review process. This section establishes uniform standards for public notice requirements.

- B. Public Notice Is Required: Public notice may be provided during the following three (3) stages of development project review, subject to the following provisions:

1. Preapplication: During this stage of the review process, public notice is optional and may be

waived. The Manager shall determine whether a development project warrants public notice prior to application submittal based upon the scope and potential impact to the surrounding area. Public notice may include: posting, mailed notifications and/or meetings. The purpose of this type of notice is to solicit public comments regarding the preliminary development project proposed for the property.

2. Internal review: During this stage of the review process, public notice shall generally be required at the discretion of the Manager who shall determine whether a development project warrants internal review notice based upon the scope and potential impact to the surrounding area. Public notice may include: posting, mailed notifications, and/or meetings. The purpose of this type of public notice is to solicit public comments regarding the specific development project proposed for the property.

3. Final disposition: During this stage of the review process, public notice shall be required only if public hearing(s) are to be conducted. Public notice for public hearings shall include: posting and publication. The purpose of the public notice is to provide notice of the specific time, date and location of the public hearing on the proposed development project. No additional notice is required if the Planning Commission or City Council adjourns the hearing to a date certain.

- C. Methods And Standards Of Public Notice: The following methods and standards for public notice may be used by the City to notify the public of proposed development projects, when required:

1. Publication: When required, a notice of a public hearing shall be published in a newspaper or newspapers in the City of Colorado Springs as designated for that purpose by the City Council. Notice shall be published not more than thirty (30) days nor less than ten (10) days prior to the date of the public hearing. The pur-

pose of the publication is to provide general public notice of the public hearing.

2. Posting: When required, a public notice signage poster shall be placed upon the property under development consideration. The purpose of the posting is to provide visual notice to the owners of surrounding properties and the general public who may pass by the site of the development proposal.

a. The property shall be posted:

(1) For a minimum of ten (10) days after an initial preapplication conference with the City.

(2) For a minimum of ten (10) days after formal submittal of the development application.

(3) For a minimum of ten (10) days prior to the Planning Commission or City Council public hearing regarding a proposed development project.

b. All signage shall be placed along the perimeter of the subject property in locations which are visible from adjacent public ways. Posting may be outside the actual boundary of the project if in the opinion of the Manager the alternative posting location offers more visibility for public notice.

3. Mailed Public Notification: When required, a public notification letter may be mailed to vicinity property owners and vicinity neighborhood or homeowners' associations. The purpose of the mailed notification is to provide written notice to the owners of properties and associations in the vicinity of the proposed development.

a. The mailed notification shall be sent:

(1) A minimum of ten (10) days prior to the Planning Commission or City Council public hearing regarding a proposed development project.

(2) To property owners and associations directly adjacent to the proposed project, within one hundred fifty feet (150'), within five hundred feet (500') or within one thousand feet (1,000') of the perimeter of the proposed project site, as determined appropriate by the Manager.

b. The geographic limit of the mailed notification letters shall be determined by the Manager based upon the scope of the potential external impacts of the proposed project.

4. Neighborhood Meetings: An optional method of notice may be to provide a neighborhood meeting to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate directly with the City and the development applicant regarding any issues, concerns or comments that they might have regarding the proposed development project. Neighborhood meeting(s) may be held during the preapplication stage, internal review stage and/or final disposition stage at the discretion of the Manager.

5. E-Mail Notification: An optional method of public notice is to provide e-mail notifications. E-mail notifications shall not be required, but may be used only to facilitate quick and direct communication to affected property owners and neighborhood and homeowners' associations. No standards for e-mail notifications shall be prescribed. E-mailed notice may be used at the discretion of the review planner when deemed appropriate. (Ord. 81-131; Ord. 85-237; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 03-16; Ord. 09-76)

7.5.903: **HEARINGS:** Hearings as provided for in this Zoning Code shall be held at the date, time, and place for which public notice is required in this part. A hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued. Any person may present evidence or testimony during a hearing.

Any action of the Planning Commission in connection with this Zoning Code shall be by a majority vote at a meeting attended by at least five (5) members. (Ord. 84-117; Ord. 85-11; Ord. 85-272; Ord. 86-214; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-164; Ord. 03-16)

7.5.904: **CONDITIONS AND MODIFICATIONS OF REGULATIONS:**

A. Manager: The Manager may require such conditions for any matter which are reasonable and