

**CITY OF BRIGHTON
CITY COUNCIL ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO PUBLIC HEARING NOTIFICATIONS AND, SETTING FORTH OTHER DETAILS IN RELATION THERETO.

ORDINANCE NO.: _____
INTRODUCED BY: _____

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to notifying the public of development public hearings; and

WHEREAS, the amount of development applications has increased in recent years; and

WHEREAS, the public has become increasingly interested in development applications;
and

WHEREAS, upon the request of City Council to review the existing public hearing notification regulations, it was determined that multiple sections of code needed to be revised to modernize the regulations; and

WHEREAS, City staff has proposed an amendment to the *Brighton Municipal Code* that would modernize the code and create more consistency in how the public is notified of public hearings; and

WHEREAS, the City Council finds that the amendment, in its entirety, related to public hearing notification requirements, as provided herein, are in the best interest of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON COLORADO, AS FOLLOWS:

Section 1. Section 17-8-30(f) of the "Brighton Municipal Code" is repealed in its entirety and readopted to read as follows:

- (f) Notice. When notice is required to be mailed, posted or published by the Land Use and Development Code or Colorado law, the following shall apply:
 - (1) The notice shall contain a brief description of the approval, land use, development, permit or other action for which the notice is given, a description of the subject property sufficient to advise the public of the location thereof, the purpose of the hearing, date, time, place, reviewing authority and the office and telephone number at the City where further information is available for inspection.

- (2) Publication notice. A notice of a public hearing may be made in a newspaper, publication, general mailing or other source of general public information, whether in print or electronically, within the City as designated for the purpose by the City Council. Such notification shall occur at least once no less than fifteen (15) calendar days prior to the public hearing, provided that the Director, City Manager or City Council may direct that additional publications be made and the timing thereof.
- (3) Property owner notice.
 - (i) Written notice shall be sent by regular mail, postage prepaid, to each property owner as determined from the list provided by the applicant as required above or as determined by the Director, at least fifteen (15) calendar days prior to the public hearing. The information contained in said official notice shall be consistent with the information as set forth in Paragraph (1) above. The Director, City Manager, Planning Commission or City Council may direct that, notwithstanding other requirements, notification letters be sent to surrounding property owners to provide notice of proposed developments based upon the scope of the potential external impacts of the proposed land use, development or project. The extent of the mailed notification letters shall be determined by the Director, City Manager, Planning Commission or City Council. Failure of an owner to receive the required notice shall not affect the validity of the hearing or the application.
 - (ii) Not less than thirty (30) days before the date scheduled for the initial public hearing on an application for development, the applicant shall send notice, by certified mail, return receipt requested, or by a nationally recognized overnight courier, to the mineral estate owners identified in the county tax assessor's records or who has filed in the office of the county clerk and recorder in which the subject property is located a request for notification. Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is the subject of the hearing and the name, address and contact information of the applicant.
- (4) Posting of property. If posting is required by the Land Use and Development Code, Director, City Manager, Planning Commission or City Council, public notice signs shall be placed upon properties under consideration, as provided below. The posting is to provide opportunity for public notice to owners of surrounding properties and the general public. Unless otherwise specified, such notice shall be posted on the premises in question at least fifteen (15) calendar days prior to the public hearing.
 - a. The Community Development Department shall provide a sufficient number of signs to be posted on the subject property as required herein, indicating there is a pending development action by the applicant. The applicant shall ensure that one (1) sign is posted along each public road frontage that is visible from the public right-of-way and such additional location(s) as required by the Director for at least fifteen (15) calendar days prior to the date fixed for the hearing. Prior to the hearing, the applicant shall verify to the Director that the required notice has been sent to the mineral estate owners, and the date thereof, that signs have been posted, the locations of the posting, the date of posting and the same shall remain posted as herein required. Should the hearing be continued or postponed, all posted signs shall be maintained by the applicant until a final decision is made.
 - b. Failure to maintain the required posting shall not affect the validity of the hearing or the application.

- c. In instances in which there are more than five (5) abutting and contiguous properties that are under separate ownership and are part of the same application, the Director shall determine the number of signs that shall be required for posting in the most visible location from an adjacent public right-of-way.
- d. In the instance that the public hearing is continued or a decision is postponed, all posted signs shall remain on the property until a decision is made.
- (5) Notice for additional hearing dates. If the notice set forth in Paragraphs 17-8-30(f)(2), (3) and/or (4) above, has been provided, no further notice is required if the reviewing authority adjourns or continues the hearing to a certain date.
- (6) Neighborhood meetings. The Director may, at any time during the review and approval process, require that a neighborhood meeting be held to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate to the City and the applicant any issues, concerns or comments that they might have regarding a proposed development project at the discretion of the Director. Neighborhood meetings may be held during the preapplication stage, internal review stage and/or final disposition stage.
- (7) Development sign. Within thirty (30) calendar days of zoning approval by the City Council, the developer and/or landowner shall cause to have erected on the zoned property a sign providing information pertaining to the development and zoning of the property. At a minimum, the following information, conditions and specifications are required:
 - a. The sign shall be at least fifteen (15) square feet in size and no more than twenty (20) square feet in size, with a maximum height of eight (8) feet.
 - b. The sign shall be placed on the property so as to be visible to the public from nearby streets, trails and/or adjacent public areas. Where the property abuts public right-of-way along more than one (1) of its property lines, a sign shall be placed at each such location.
 - c. At a minimum, the following information shall be included within each development sign:
 - 1. The zoned property lies within the municipal boundary of the City;
 - 2. A map, outline or site plan of the zoned property as approved by the City Council during the zoning process;
 - 3. The zoning that has been approved;
 - 4. Name of the developer and/or landowner of the zoned property and an address, phone number and/or web site where they might be contacted for project information; and
 - 5. A statement that additional information may be obtained from the City of Brighton Planning Division at a current telephone number and the address of the City's website.
 - d. The sign shall remain on the property until such time as the property has an approved final subdivision plat or construction has commenced on the property.
 - e. The Director, Planning Commission or City Council may require the erection of a development sign for other land use and development approvals in accordance with the requirements of this Subsection.

Section 2. Section 17-16-110(d)(5) of the “Brighton Municipal Code” is repealed in its entirety and readopted to read as follows:

- (5) Public notice. Prior to Planning Commission and/or City Council review, the Community Development Department shall provide public notices of the pending action in accordance with the requirements of Sec. 17-8-30(f), BMC, as the same may be amended.

Section 3. Section 17-40-200(2) the "Brighton Municipal Code" is repealed in its entirety and readopted to read as follows:

- (2) In accordance with Article 17-40, Subdivision Regulations, of the Brighton Land Use and Development Code, as amended from time to time, the Planning Commission shall hold a hearing on the preliminary plat. Notices of the public hearing for preliminary plats shall be as provided in Sec. 17-8-30(f), BMC, as the same may be amended.

Section 4. Section 17-40-210(3) the "Brighton Municipal Code" is repealed in its entirety and readopted to read as follows:

- (3) The City Council shall hold a hearing on the final plat in the manner set forth herein. Notices for final plats shall be as provided in Sec. 17-8-30(f), BMC, as the same may be amended. The City Council shall approve, disapprove or approve the final plat with modifications. If the final plat is disapproved, the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider within thirty (30) days of the final decision of the City Council.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED
THIS 1st DAY OF MAY, 2018.**

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

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Approved as to Form:

Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
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CITY OF BRIGHTON, COLORADO

Kenneth J. Kreuzter, Mayor

ATTEST:

Natalie Hoel, City Clerk

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