

PLANNING COMMISSION RESOLUTION

AMENDMENT TO ARTICLE XVII, THE LAND USE AND DEVELOPMENT CODE, OF
THE CITY OF BRIGHTON MUNICIPAL CODE

RESOLUTION NO.: 18-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO RECOMMENDING TO THE CITY COUNCIL TO AMEND SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO PUBLIC HEARING NOTIFICATIONS AND, SETTING FORTH OTHER DETAILS IN RELATION THERETO.

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, during review of the existing 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 RESOLVED that the Planning Commission of the City of Brighton, Colorado, hereby recommends to the City Council to amended the sections of the *Brighton Municipal Code* 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 Section 17-8-30(f) of the "Brighton Municipal Code" is repealed in its entirety and readopted to read as follows: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.** 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.
- (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. Staff shall provide one (1) sign for each road frontage indicating there is a pending development action to the applicant. The applicant shall ensure that one (1) sign is posted along each road frontage that is visible from location public right-of-way for at least fifteen (15) days prior to the decision. The applicant is required to provide the City with a signed affidavit stating the sign has been posted and will remain posted for the required duration.
 - b. When the applicant has made all reasonable and good faith efforts to maintain posted notice, failure of this posted notice will not be grounds to invalidate 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, only one (1) sign shall be required, which sign shall be posted in the most visible location from an adjacent public way at the discretion of the Director.
 - d. In the instant that 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 (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 pre-application 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 notice of the pending action. Notice for PUDs shall be as provided for in Paragraphs 17-8-30(f)(2), (f)(3), and (f)(4) above.

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 the Colorado Revised Statutes and these Regulations, the Planning Commission shall hold a hearing on the preliminary plat. Notice for preliminary plats shall be as provided in Paragraphs 17-8-30(f)(2), (f)(3), and (f)(4) above.

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. Notice for final plats shall be provided in Paragraphs 17-8-30(f)(2), (f)(3), and (f)(4) above. 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.

RESOLVED, this 13th day of March, 2018.

**CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION**


Chris Maslanik, Chairperson

ATTEST:


Diane Phin, Secretary