

## **ORDINANCE NO. 2016-037**

### **AN ORDINANCE AMENDING SECTION 17.04.060 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING POSTING REQUIREMENTS FOR PUBLIC HEARINGS**

**WHEREAS**, it has been determined that it is more efficient for the Town to undertake the posting of properties regarding a public hearing with uniform signage.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 17.04.060 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

#### **17.04.060 Notice for public hearing.**

A. All land use applications for which this Title mandates public hearings shall be subject to the requirements set forth in this Chapter. Noticing of public hearings is intended to provide for the opportunity for public participation or public information on land use and development applications within the Town.

B. The applicant shall be responsible for providing written notice and certifying by affidavit that the posting of the property for the public hearing is in accordance with these requirements.

1. Written notice. Written notice of a public hearing shall be sent by first-class mail at least 15 days prior to the date on which the public hearing is to be held. Notice is considered sent on the date it is postmarked by the US Postal Service. Written notice shall be sent to owners of the property which is subject of the public hearing and to owners of property within three hundred feet of the subject property; provided however, that the Director, at his or her discretion, may require an expanded notification area. In compiling the names and addresses of the notice recipients, the applicant may rely on the accuracy of the public records of Douglas County, Colorado within 30 days of the hearing.

2. Posted notice. The real property proposed to be developed shall be posted with signage at least 15 days prior to the date on which the public hearing is to be held, giving notice to the general public of the proposed development. For parcels of land exceeding ten acres in size, two signs shall be posted. The size of the sign is established in accordance with the standards set forth in the Development Services Procedure Manual, as amended from time to time. Such signs shall be generated by the Development Services Department and shall be posted on the subject property by the Town, or applicant if directed by the Director, in a manner and at the location(s) reasonably calculated by the Director to afford the best notice to the public. Once the sign is posted, the

applicant is responsible for ensuring the sign is maintained in accordance with the requirements set forth in the Development Services Procedures Manual.

C. The Town shall post a notice of the hearing on the Town's website 7 days prior to such public hearing, in the usual and customary location within the website for such notices. For the purpose of this section, website shall mean the Town's website [www.CRgov.com](http://www.CRgov.com).

D. At its expense, the Town may initiate community outreach and expand notification concerning an application or public hearing beyond the minimum requirements set forth in this Chapter.

E. Prior to the first noticed public hearing, the applicant or applicant's representative shall provide the Development Services Department affidavits demonstrating good faith and substantial compliance with Subsection B above. The form and content of the notice and affidavit shall comply with the standards set forth in the Development Procedures Manual.

F. The standard for compliance with the notice provisions of this Section shall be substantial compliance. The Director shall determine if substantial compliance with these provisions has been demonstrated and that administrative decision shall be final and binding. In the event the Director determines that the notice does not meet the substantial compliance standard, such noticed hearing shall be vacated and the matter re-noticed.

**Section 2. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 3. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 4th day of October, 2016 by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 18th of October, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Sally Misare, Town Clerk

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Paul Donahue, Mayor

**Approved as to form:**

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Robert J. Slentz, Town Attorney