

**ORDINANCE NO. 13-02**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES, COLORADO AMENDING  
CERTAIN PROVISIONS OF THE CITY OF CASTLE PINES ZONING ORDINANCE  
CONCERNING WRITTEN NOTICE REQUIREMENTS FOR  
PUBLIC HEARINGS**

**WHEREAS**, the City of Castle Pines (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, *et seq.*, C.R.S.; and

**WHEREAS**, Section 29-20-104, C.R.S., grants municipalities the authority to plan for and regulate the planned and orderly use of land on the basis of the impact thereof on the community; and

**WHEREAS**, in accordance with the authority under Title 31, Article 23, the City Council adopted by reference the Douglas County Zoning Resolution ("Zoning Ordinance"), as amended; and

**WHEREAS**, the Zoning Ordinance requires applicants to provide written notice of public hearings to abutting landowners only; and

**WHEREAS**, in accordance with Section 109 of the Zoning Ordinance the Planning Commission has recommended the mailed notice requirement be expanded to include landowners within three hundred feet (300') of the subject property and other affected homeowners' associations, as more fully set forth herein; and

**WHEREAS**, in accordance with Sections 109 and 111 of the Zoning Ordinance, notice of each public hearing before the Planning Commission and the City Council to consider the proposed amendments to the Zoning Ordinance was duly published in the *Douglas County News-Press*; and

**WHEREAS**, in furtherance of the best interests of the City and the preservation and protection of the health, safety, prosperity, security, and general welfare of residents and landowners, the City Council desires to amend the Zoning Ordinance as described herein to provide enhanced notice of pending land use applications.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:**

**Section 1.** Section 108 of the Zoning Ordinance is hereby amended to read in full as follows:

**108     Calculation of Time Period for Public Notice**

When calculating the time period for publishing, posting, or mailing a public notice of a public hearing, the day of publishing, posting, or mailing will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

**Section 2.** Sections 1511.01, 1517.05.1, 2118.01, 2508.01, 2606.01, and 2605A.01 of the Zoning Ordinance are hereby amended to read in full as follows:

**WRITTEN NOTICE**

At least 15 days prior to the [insert Planning Commission, Board of Adjustment, or City Council] hearing, the applicant shall mail a written notice of the hearing by first-class mail to:

- The address shown in the records of the Douglas County Assessor's Office of each landowner within 300 feet of the subject land (measured from lot line to lot line); and
- Any homeowners' association(s) governing any area within 300 feet of the subject land.

Prior to the public hearing, the applicant shall submit the following to the Community Development Department:

- Alphabetical list of the landowners within 300 feet of the subject land;
- Map showing the site and the location of the landowners within 300 feet of the subject land;
- Copy of the notice sent to the landowners and applicable homeowners' association; and
- Certificate of mailing.

The person completing the mailing notice shall execute a certificate of mailing. Such certificate shall read as follows:

**Certificate of Mailing**

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:

(list of addresses)

\_\_\_\_\_  
(signature of person completing the mailing)

In the event the applicant fails to mail a notice to a landowner or entity as required by this section or otherwise fails to comply with the written notice required in this section, the landowner or entity who did not receive such notice may waive such notice by submitting

a written waiver to the City prior to the hearing, or notice shall be deemed waived where a landowner or entity appears at the public hearing.


**Section 4. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

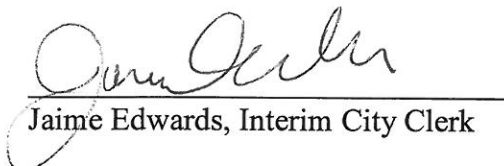
**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 22nd day of January, 2013.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of February, 2013.**

**CITY OF CASTLE PINES:**

  
Jeffrey T. Huff, Mayor

ATTEST:

  
Jaime Edwards, Interim City Clerk

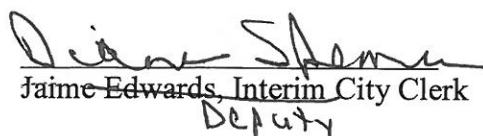
Approved as to form:

  
Linda C. Michow, City Attorney

### **CERTIFICATION OF PUBLICATION**

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on January 22, 2013; published by reference by title only in the *Douglas County News-Press*, together with the statement that "[t]he complete text of all ordinances is available through the City Offices and on the City's official website"; and finally passed and adopted by the City Council on February 12, 2013 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on February 21, 2013.

ATTEST:

  
Jaime Edwards, Interim City Clerk  
Deputy