

Section 10-9-3.5 Public Notice PROCEDURE - PR

A. Generally. Notice of public hearings required in this Code shall be provided in accordance with Table [10-9-3.9.1, *Development Review Summary*](#).

B. Applicability. Table [10-9-3.9.1, *Development Review Summary*](#), denotes the development review procedures that require public notice.

C. Types of Notice. All types of public notice shall comply with the requirements of this Section unless otherwise specified by controlling state law or the City Charter. There are three primary types of notice:

1. Posted Notice.

a. It is the applicant's responsibility to acquire the necessary sign from the city, and cause it to be posted on the site. Posted notice, when required, shall be posted via a [sign](#) on the public right-of-way next to the property at issue for the public hearing. Where the land does not have frontage on a public street, signs shall be posted on the nearest public street with an attached notation indicating the location of the land subject to the application. Such signs are required to be posted in at least two conspicuous locations that are within 300 feet of the exterior boundaries of the affected land in conspicuous places at distances of no less than 200 feet apart. Signs shall be located so that the lettering is visible from the street.

b. The applicant shall pay a deposit equal to the cost of the sign for each sign obtained. The deposit shall be refunded to the applicant if the sign is returned in good condition to the [Community Development](#) Department within 30 days after the final hearing date.

2. Publication Notice. City staff is responsible for accomplishing the publication of notice. Publication notice, when required, shall be published in a newspaper of general circulation in the city.

3. Notice by Mail. ~~City staff is responsible for creating and mailing the notice by mail.~~ Notice by mail, when required, shall be provided through the United States Postal Service (USPS) to all addresses, units, and property owners located within 700 feet of the subject property. If a common interest association has over 10 units, then notification shall be sent to the association's designee.

D. Content of Notice. Regardless of whether the notice is posted, published, or mailed, the notice shall contain:

1. The time and place of the public hearing;
2. A brief description of the land which is the subject of the matter of the public hearing;
3. The purpose of the public hearing;
4. A statement that the public is invited to review and comment on the matter to be heard; and
5. Contact information for the Community Development Department.

E. Timeframe to Provide Notice. The city, when required to provide notice, regardless of the type of notice that is required, shall provide such notice 10 days prior to the public hearing unless otherwise specified by controlling state law.

F. Constructive Notice. Failure of a property owner to receive notice of a hearing shall not affect the validity of the final decision. For example, a mailed notice returned to the sender shall not prevent a decision-making body from holding a public hearing nor shall it prevent the body from making a recommendation or final decision for a given application.