

SUBJECT: Proposed text amendments §1443-05. Public Hearing Schedule and Notice.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on text amendments related to the public hearing schedule and notice procedure for the Hearing Examiner.

PROPOSED TEXT AMENDMENT:

§ 1443-05. Public Hearing Schedule and Notice.

The Zoning Hearing Examiner has the duty to hold the required public hearing on an application within 30 days of receipt of the complete application from the Director of Buildings and Inspections. The examiner has the duty to send notice of the public hearing to the applicant, all owners of property located within a ~~400~~200 foot radius of the subject property and appropriate community organizations known to the examiner to be concerned with the application of zoning regulations to properties in the vicinity of the subject property at least 14 days in advance of the public hearing. The examiner has the duty to advertise notice of the public hearing in the *City Bulletin* or other newspaper of general circulation at least seven days prior to the hearing. (*revised 7/22/05 by Ordinance #256-2005)

JUSTIFICATION:

At the December 21, 2007 meeting of the Planning Commission, the Commission directed staff to change the radius for notification of property owners from 100 feet to 250 feet. Hamilton County uses a 200-foot radius from the parcel line when noticing the public. The Zoning Text Amendment Committee made several recommendations including seeing how Hamilton County deals with this issue. The proposed radius will be consistent with Hamilton County.

PUBLIC STAFF CONFERENCE:

A Public Staff Conference was held on February 13, 2008. The issue raised was there is not enough notification being given in areas with larger lots. With this language, there would be ample notification given to smaller, compact neighborhoods, but not for larger lot neighborhoods. The recommendation for this text amendment was to insert "or three properties not owned by the applicant in all directions, whichever is less" after "200 foot radius of the subject property."

RECOMMENDATION:

The City Planning Department staff agrees with the change and recommends that the City Planning Commission approve the text amendment as follows:

§ 1443-05. Public Hearing Schedule and Notice.

The Zoning Hearing Examiner has the duty to hold the required public hearing on an application within 30 days of receipt of the complete application from the Director of Buildings and Inspections. The examiner has the duty to send notice of the public hearing to the applicant, all owners of property located within a ~~400~~200 foot radius of the subject property or three properties not owned by the applicant in all directions, whichever is greater, and appropriate community organizations known to the examiner to be concerned with the application of zoning regulations to properties in the vicinity of the subject property at least 14 days in advance of the public hearing. The examiner has the duty to advertise notice of the public hearing in the *City Bulletin* or other newspaper of general circulation at least seven days prior to the hearing. (*revised 7/22/05 by Ordinance #256-2005)

RESPECTFULLY SUBMITTED BY:

Alex Peppers, Intern, City Planning Department

REVIEWED BY:

Margaret A. Wuerstle, AICP, Chief Planner
City Planning Department

1/24/08

ZTAC

APPROVED:

Charles C. Graves, III
Director, City Planning Department

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This issue was then taken back to the Zoning Text Amendment Committee on Thursday, February 28, 2008. After discussion, the committee decided on a text amendment that incorporates proper coverage when giving notice for public hearings.

RECOMMENDATION:

The City Planning Department staff agrees with the change and recommends that the City Planning Commission approve the text amendment as follows:

§ 1443-05. Public Hearing Schedule and Notice.

The Zoning Hearing Examiner has the duty to hold the required public hearing on an application within 30 days of receipt of the complete application from the Division of Buildings and Inspections. The examiner has the duty to send notice of the public hearing to the applicant, all owners of property located within a 100 foot radius of the subject property, a 250 foot radius of the subject property in the SF-20 and SF-10 zoning districts or the property owners of abutting properties not under the applicant's ownership, and appropriate community organizations known to the examiner to be concerned with the application of zoning regulations to properties in the vicinity of the subject property at least 14 days in advance of the public hearing. The examiner has the duty to advertise notice of the public hearing in the *City Bulletin* or other newspaper of general circulation at least seven days prior to the hearing. (*revised 7/22/05 by Ordinance #256-2005)

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