EXHIBIT PC-44-26-A
STAFF REPORT
PC-44-26

Project: Section 8.5.4.D(4)(a) Notice and Public Hearing

Application Type: Zoning Ordinance Amendment

Applicant: Fairview Planning Department

Zoning Amendment Summary

The Fairview Development Code, in Article 8 and more specifically Section 8.5.4.D, requires several types of notification to take place prior to and as part of the approval process for project applications to the Fairview Planning Commission. Section 8.5.4.D provides all specific requirements related to providing notice and how each requirement must be satisfied. Table 8.5.4.D.1 Summary of Notice is located on page 8-17 of the Fairview Development Code, and it provides a list of which notification method(s) are required for each specific project type.

One method of notification is a mailed notice, which according to Table 8.5.4.D.1 is required for five (5) project types. Those project types are, Conditional Use Permit, Variance, Rezoning, Annexation, and Site Development Plan approvable by the Planning Commission.

The specific requirements for mailed notices are found in Section 8.5.4.D(4). Section 8.5.4.D(4)(a) states the following: *"All letters shall be sent by the City using certified U.S. Mail."*

The requested amendment to Section 8.5.4.D(4)(a) would replace the words "*the City*" with "*the Applicant*", thereby shifting responsibility for creating and mailing out notifications to the project applicant. The new text for this section would read, "*All letters shall be sent by the Applicant using certified U.S. Mail."*

Staff Recommendation:

Staff recommends the Planning Commission provide a recommendation to the Board of Commissioners to update 8.5.4.D(4)(a) Notice and Public Hearing to change the responsibility for mailing notices to adjacent property owners with any conditions of approval that are included within Resolution PC-44-26.