

ORDINANCE #2023- 1

**AN ORDINANCE OF THE TOWN OF SAGUACHE AMENDING ARTICLE 3
(BOARD OF ADJUSTMENT) OF CHAPTER 15 (LAND USE REGULATIONS)
OF THE SAGUACHE MUNICIPAL CODE**

WHEREAS, Article 3 (Board of Adjustment) of Chapter 15 (Land Use Regulations) of the Saguache Municipal Code, establishes the Board of Adjustment of the Town of Saguache, but does not establish procedural requirements for hearings before said Board; and

WHEREAS, the Town Board of Trustees of the Town of Saguache has determined that such procedural requirements are necessary for the benefit of applicants before the Board as well as neighboring property owners and the general public.

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Saguache that Article 3 (Board of Adjustment) of Chapter 15 (Land Use Regulations) of the Town of Saguache Municipal Code be amended by addition of the following Section:

Sec. 15-3-40. Procedures.

The application for a variance shall be made on such a form as provided by the Town of Saguache. The application shall be submitted to the Town Clerk, who shall remit it to the Board of Adjustments Secretary who shall be responsible for ensuring that a complete application has been submitted.

(1) Public Notice Requirements.

- a. **Within thirty (30) days after the Board of Adjustments Secretary receives a completed application and determines it to be complete, the Board of Adjustment shall hold a public hearing to consider the application.**
- b. **Public notices shall be as follows:**
 - i. **Published notice.**
 1. **At least fifteen (15) days prior to any public hearing which requires published notice, the Board of Adjustments Secretary shall cause to be published a notice of public hearing in the legal section of a newspaper of general circulation within the Town and shall post in the Town of Saguache designated posting locations. The notice shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration, by both address and legal description.**
 - ii. **Posted notice.**
 1. **At least twenty-one (21) days prior to any public hearing which requires posted notice, the Town Clerk shall cause to be prepared, and the applicant shall post a sign (one [1] per street frontage) upon the parcel under consideration which provides notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel by both address and legal description. The signs shall consist of at least one (1) sign facing each adjacent public right-of-way. The fact that a parcel was not continuously posted the full period may not, at the sole discretion of the hearing authority, constitute grounds for continuance where the applicant can**

show that a good faith effort to meet this posting requirement was made.

- 2. The sign shall be at least three (3) feet by four (4) feet in size, of a durable material, such as plywood, metal or particle board, with each letter being at least two (2) inches in height and being waterproof so as not to smear. The following information shall be placed on the sign:

NOTICE OF PUBLIC HEARING
TOWN OF SAGUACHE BOARD OF ADJUSTMENT

PROPERTY OWNER: _____
ADDRESS: _____
LEGAL DESCRIPTION: _____
ACTION (E.G., VARIANCE) _____
REQUEST: _____
HEARING TO BE HELD: (_____ date and time _____)

SAGUACHE COUNTY ROAD AND BRIDGE, 305 3rd STREET
SAGUACHE, COLORADO

iii. Mailed notice.

- 1. At least twenty (20) days prior to any public hearing which requires notification by letter, The Board of Adjustments Secretary shall prepare the notification letter and the Town shall cause to be sent, by first-class mail, postage prepaid, with a certificate of mailing, a letter to:
a. All property owners within four hundred feet (400) feet; and (The Board of Adjustments would like to notify adjacent property owners only.)
b. Owners of property included within the application.

The letter shall include a vicinity map, a short narrative describing the application and an announcement of the date, time and location of the scheduled hearing. The letter shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing and shall not be regarded as constituting inadequate notice.

- c. The applicant must be present at the public hearing to present the application. Nonappearance may justify denial of the application.

HEALTH AND SAFETY CLAUSE.

Due to applications pending before the Board of Adjustment, this ordinance is deemed necessary to the public peace, health, and safety and shall take effect and be enforced immediately upon passage of the same.

Done and signed this 16th day of March, 2023.

Elvira M. Snow

Iris Garcia
Iris Garcia,
Town Clerk

Elvie Samora, Mayor

APPROVED AS TO FORM:

Eugene L. Farish
Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 1st day of March 2023, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on March 23, 2023

Iris Garcia
Iris Garcia, Town Clerk

