

Public Notification of Land-Use Action

Rezoning is often necessary when changes occur in the urban environment and can adversely affect neighboring properties. The 1926 *Standard Zoning Enabling Act* states that no changes in regulation are effective until a public hearing occurs in which citizens or interested parties can voice their opinions on the changes.

Although the act does not specifically legislate a notification procedure, it provides a model adaptable by state law (typically setting minimum notification requirements) or municipal ordinance, both of which may provide further specific requirements as well as voluntary standards.

Complying with all public notification requirements is necessary to avoid litigation. Providing inaccurate or inadequate information or failing to notify all affected citizens can be grounds for overturning rezoning decisions.

NOTIFICATION METHODS

Local Advertisement. The most common notification requirement, advertising in a widely circulated local publication, has the potential to reach the greatest number of citizens. Some communities adopt a more targeted approach, publishing notices in land-use bulletins with a readership of neighborhood groups, land-use attorneys, and local activists who then share the information with other community stakeholders. In Seattle, for example, the *Land-Use Information Bulletin* is one of the major means of public notification of rezoning.

Written Notice. Property owners and residents who may be affected by rezonings can be notified of the proposed zoning change through mailings or postings on their front door. The list of those to be notified is determined by proximity to the proposed project site. Generally, all property owners and occupants within a specified radius (usually about 300 feet) are notified. Where lot sizes vary

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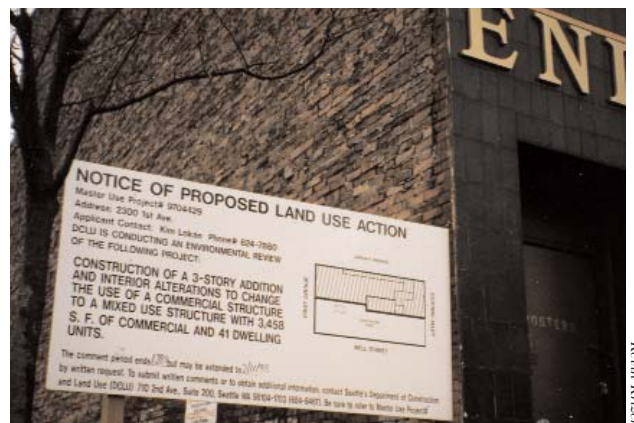
substantially, notification is determined by degree of adjacency—for example, all property owners within two properties of the proposed zoning change. In some cases, all property within the notification range may be owned by a single person. Santa Cruz County, California, requires the range to increase until it includes at least 10 distinct property owners.

Some communities distribute written notice beyond neighboring property owners. In Tucson, Arizona, organizations registered with the Department of Neighborhood Resources receive notice before the rezoning application is processed. In Gilbert, Arizona, neighborhood organizations within 1,000 feet of the proposed change are notified. In Ann Arbor, Michigan, departments concerned with the zoning change, including the Public Health and Safety Committee and the Department of Transportation, receive written notice.

Site Postings. Site postings are the least common notification requirement. Regulations for them typically require signs to be visible and legible to passersby. Signs are usually placed no more than 10 feet from a public right-of-way and near the public access point to the site. To clarify placement requirements for these postings, diagrams are often included in the rezoning notification ordinance. Additional signs are required for large sites and those abutted by more than one street or with several access points. Signs usually measure four square feet and are mounted about two feet above ground. Many communities employ white signs with black typeface or red signs with white typeface to maximize contrast. In Scottsdale, Arizona, sign color is used to distinguish the type of rezoning request.

To ensure legibility, notification requirements prescribe lettering or specify performance standards. Scottsdale mandates letter sizes of at least four inches for the heading and two inches for the body. The Springfield, Missouri, zoning ordinance does not specify letter size but requires the sign to be legible at a distance of 50 feet.

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Site postings should be visible and legible from the public right-of-way.

Kerri Krizek

Signs need to be durable and well maintained. Material that is not weather resistant should be painted or laminated to withstand moisture. Usually, applicants are responsible for maintenance. Clarke County, Virginia, requires applicants to rent signs from the planning department. Applicants must first put down a deposit, which is lost if applicants damage the signs.

NOTIFICATION REQUIREMENTS

Timing. Generally, notice is given 10 to 30 days prior to the public hearing. Some procedures require two notices, the first not exceeding 30 days prior to the meeting and the second no less than seven days before. Fairfax County, Virginia, prohibits issuing two notices in one week, increasing the effectiveness of the notices by spreading them out over time. Single notices generally appear 15 days prior to the hearing. Requirements for written notice vary. Such notices may be issued before 15 days prior to the hearing, whereas site postings and published notices may be issued 10 to 15 days before the hearing. Site postings must be removed within a week following the hearing.

Content. Hearing notices describe the proposed zoning change and include contact information, time, date, and location of the hearing. Many notices specify that attendees at the hearings receive written descriptions and maps of the proposed changes. The written description includes a metes and bounds description of the lot or parcel number and a statement of the rezoning request. Contact information should include the planning department's telephone number and email, mailing, and website addresses. While applicants may include the same contact information, they must usually provide only their names.

Some content regulations vary depending on notification method. Published notices should be clear and succinct; written notices may be more detailed and can include maps of proposed changes. In Shoreline, Washington, site postings include pockets to store written notice flyers.

Delegating Responsibilities. A notification procedure must delegate financial, implementation, and verification responsibilities. Applicants usually cover the notification costs either directly or through application fees. The fees are higher when the planning department is responsible for most of the implementation. When procedure requires applicants to post notice, verification of procedural compliance is necessary.

When applicants are responsible for drafting a letter or commissioning a sign or advertisement, the planning department provides detailed guidelines or sample letters, signs, or advertisements. Scottsdale's planning department has "approved" sign vendors familiar with the department's notification regulations.

If applicants are responsible for notifying citizens directly, the planning department must ensure proper procedure is followed to withstand contention to rezoning. In addition to signed affidavits affirming compliance with all notification requirements, other forms of required verification include certified letter receipts, copies of published advertisements, receipts from sign vendors, or notarized and dated photographs of the installed sign.

ADVANCEMENTS IN NOTIFICATION

Email Notification. Planning departments can automate the circulation of land-use newsletters, hearing notices, meeting agendas, and email alerts through listservs. Interested citizens or neighborhood groups subscribe to listservs by sending emails or completing online forms. The listserv manager and sometimes the listserv mechanism itself can notify affected subscribers based on their interests and location.

Interactive Mapping. User-friendly, interactive maps available on the Internet can streamline planners' responsibilities in the notification process. The Overland Park, Kansas, municipal website lets people link to individual lots to view rezoning requests and processing status—information previously available only by calling the planning department. Garland, Texas, automated its mailing notification system by incorporating zoning and ownership information in a GIS database, automatically producing notification mailing lists for any given address and proposed zoning change. **Franz Heitzer ■**

Seattle Department of Planning and Development

DPD Public Notices
Land Use Information Bulletin
A Twice Weekly Bulletin Announcing Land Use Applications, Decisions, Hearings, and Appeals
 October 7, 2004

Summary of Notices

Notices of Application			
Area	Address	Zone	Project No.
North/Northwest	9701 DAYTON AV N	SF5000	2404887
North/Northwest	118 N 104TH ST	L2	2405735
North/Northwest	6827 INTERLAKE AV N	L1	2406754
Downtown/Central	2031 FAIRVIEW AV E	SF5000, UR	2404826
Downtown/Central	1514 18TH AV	L3	2405791
South	1701 ALASKAN WY S	IG1 URS	2405019
West Seattle	4817 37TH AV SW	SF5000	2406787
West Seattle	3045 59TH AV SW	L1	2407287
West Seattle	9860 41ST AV SW	SF2000	2405845
West Seattle	9400 35TH AV SW	L2, RC	

Notices of Decisions			
Area	Address	Zone	Project No.
Northwest	3909 INTERLAKE AV N	L1	2402392
Northwest	2727 FAIRVIEW AV E	L2, UR	2306275
Downtown/Central	115 29TH AV E	SF5000	2404226
South	9326 7TH AV S	SF5000, V	2403332
West Seattle	3223 62ND AV SW	SF5000	2405184

Appeal Hearing Notices			
Area	Address	Zone	Project No.
South	5008 RENTON AV S	L-2	2205

Other Land Use Notices			
Action	Address	Zone	Project No.
Notice of Design Review 2nd Early Design Guidance Meeting	401 E PIKE ST	NC3 65	2304741

Land-use Information Bulletin, published twice weekly by the Seattle Department of Planning and Development.

The online bulletin announces land-use applications, decisions, hearings, and appeals. The column on the left specifies area, followed by address, zone, and project number, which links to a site with even greater detail about each project.

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