
9.4 Procedure for conducting a public hearing.

All public hearings on zoning amendments matters that require a public hearing included but not limited to rezonings, text amendments, conditional uses, sketch plans, and variances shall be chaired by either the chairman of the planning board or the county commission chairman or their designees (hereinafter referred to as the "presiding officer").

The public hearing shall be called to order by the presiding officer. The presiding officer shall conduct the meetings as follows in this Section 9.4 but the presiding officer shall have the right to change the order of appearances in his or her discretion to stream line the process when no one wishes to speak for or against the zoning matter.

The county zoning administrator shall be recognized by the presiding officer first and shall be permitted to give a summary of the zoning request.

The zoning applicant or the applicant's agent, shall be recognized by the presiding officer second and shall be permitted to present and explain the zoning request. Thereafter, all individuals who so desire and if time allows, shall be permitted to speak in favor of the zoning request. After the individuals have had an opportunity to speak, those individuals present at the public hearing who wish to speak in opposition to the zoning request shall have an opportunity to speak. Those speaking for or against the zoning request shall be subject to the time constraints stated below.

When any person wishes to speak at a public hearing, that person shall raise his or her hand and after being recognized by the presiding officer, shall stand and state his or her name, and make any comment appropriate to the proposed zoning request.

The zoning applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning request.

A time limit of fifteen (15) minutes shall be imposed upon the total number of people who wish to speak in favor of the zoning request, including the initial presentation of the zoning applicant. Thereafter, a time limit of fifteen (15) minutes shall be imposed on the total number of persons who wish to speak in opposition to the zoning application. Summary remarks by the zoning applicant shall be limited to five (5) minutes. These time limits may be extended at the discretion of the presiding officer upon a showing of good cause by the person so requesting.

Each speaker shall speak only to the merits of the proposed zoning request under consideration and shall address his or her remarks only to the board conducting the hearing. Each speaker shall refrain from personal attacks on other speakers, board members, or county staff and from discussing facts or opinions irrelevant to the proposed zoning request under consideration. The presiding officer may limit or refuse a speaker the right to continue if the speaker, after being first cautioned, continues to violate this paragraph. The presiding officer shall have the right to ask an attendee or speaker to leave the building for unruly behavior.

Thereafter, the presiding officer shall announce that no further comments from the public or zoning applicant concerning the requested zoning request shall be received and the presiding officer shall close that particular public hearing. Next, the board shall deliberate on the proposed zoning request and then take any action that the board is authorized to take.

A secretary shall record the proceedings of the public hearing. ~~Verbatim~~ Transcripts of the public hearing can be provided if requested and paid for in advance by the requesting party.

The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.

~~The chairman of the planning board or county commission chairman shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.~~

The process to be followed in conducting these hearings shall be as follows:

The presiding officer shall open the hearing by stating the specific zoning amendment being considered at the public hearing.

Where there are a large number of individuals wishing to testify at a hearing, the presiding officer may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Notwithstanding the foregoing, however, in no event shall the aggregate time afforded to those in favor or those opposed to a zoning amendment be less than ten minutes.

The presiding officer shall recognize the individual parties wishing to testify or present evidence and allow them to present this information.

Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

9.5 Standards and Criteria for zoning decisions.

As appropriate, the following factors may be considered for rezoning, text amendments, and conditional use applications:

- (i) Comprehensive Plan and land development plans, including projected densities;
- (ii) Existing uses and zoning of nearby property:
 - (a) Use and classifications of other property;
 - (b) Effect upon residents of adjoining property.
- (iii) Land values:
 - (a) Impact of change on values of adjacent and nearby properties;
 - (b) Opinions as to most advantageous use.
- (iv) Roads and traffic:
 - (a) Character of adjacent and boundary roads;
 - (b) Intersections;
 - (c) Planned development by public agencies;
 - (d) Planned private developments;
 - (e) Effect of increased traffic on safety.
- (v) Rivers, streams and drainage:
 - (a) Flood plains;
 - (b) Soil erosion and sedimentation;
 - (c) Protected areas;
 - (d) Pollution of surface and sub-surface water.
- (vi) Utilities:
 - (a) Sewage disposal;
 - (b) Water supply;
 - (c) Whether the proposed method of sewage treatment is consistent with the county sewer master plan;
 - (d) Whether the proposed rezoning and proposed water usage is consistent with the county water master plan;

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- (e) Whether the proposed rezoning is consistent with any and all regional agreements, e.g., regional water agreements and regional sewer agreements.
 - (vii) Other special considerations:
 - (a) Buffer zones;
 - (b) Noise;
 - (c) Odor;
 - (d) Fire protection;
 - (e) Terrain or topography;
 - (f) Schools;
 - (g) Animals;
 - (h) Visual intrusions on neighbors;
 - (i) Aesthetics;
 - (j) Site plans and plats;
 - (k) Lighting;
 - (l) Hours of operation.

Change existing 9.5 to 9.6.