

Sec. 86-367. - Procedures for public hearings.

Public hearings concerning zoning matters shall be accomplished in accordance with the following procedures:

At the beginning of the public hearing, the mayor shall indicate that a public hearing has been called for consideration of a zoning decision or decisions. The council shall consider each application individually.

The applicant or agent shall be present at the hearing before the council concerning the application. In the event an agent is present, rather than the applicant, such agent must have full authority to act on behalf of the applicant with regard to all matters pertaining to the application. Any person desiring a written record of the hearing proceedings shall so inform the city clerk a minimum of five business days prior to the date of the hearing. The city clerk shall arrange for the services of a stenographer to record the proceedings. The cost of such recording shall be borne by the person requesting such written record.

No submitted application may be amended after public notice of the request has been given provided; however, council may allow such application to be amended during the public hearing.

Individuals wishing to speak at the public hearing shall register their interest on a "sign up sheet" provided by the city clerk prior to the public hearing. The mayor shall announce the public hearing, explaining the purpose of the hearing and the procedures to be followed during the hearing. The mayor may then request a report from the officers or agents of the city concerning the application. The applicant for a rezoning or text amendment will then be given a maximum of 15 minutes in which to present his application. Individuals in support of the application may then speak, followed by those in opposition to the application. Each side shall be given 15 minutes in which to comment. The applicant shall then be afforded five minutes for rebuttal and final comments. Rebuttal must be limited to points raised by opponents to the application at the hearing. No person in attendance is to address the mayor and council unless first formally recognized by the mayor. Upon coming to the podium to speak, each person recognized shall state his or her full name and home address. This sequence is summarized in the table below.

Procedure	Period
Open Public Hearing	10 minutes
Staff Report	15 minutes
Applicant or Agent	15 minutes
Individuals in Support	15 minutes

Individuals Against	15 minutes
Applicant Rebuttal	5 minutes
Close Hearing	

Once these proceedings have been concluded, the mayor shall formally close the public hearing. Following the closing of the hearing, city council may either vote upon the application, or may continue the hearing to a date certain for the purpose of evaluating additional information, provided that the time, date and location for a decision on the zoning application shall be announced immediately upon the closing of the public hearing.

After hearing evidence at the public hearing, city council shall apply the evidence to the standards of review and other general lines of inquiry in making their decision. The council shall not be required to consider every criterion contained in the standards of review, or every standard. The burden of proof that the proposed zoning map amendment promotes the public health, safety, morality and general welfare shall rest with the applicant.

Should city council determine from the evidence presented that the applicant has demonstrated that the proposed zoning map amendment promotes the public health, safety, morals and general welfare under the standards of review and other general lines of inquiry, then the application shall be approved and the proposed zoning shall be granted, subject to such reasonable conditions as may be imposed by the council. In the event of a failure of the applicant to so demonstrate, such application shall be denied.

In ruling on any application in which the applicant has brought a challenge to the existing zoning classification, the council may impose upon such property any appropriate zoning classification, including appropriate conditions which have as their purpose mitigation of potential impacts on surrounding property and on the public health, safety, morals and general welfare. The council may also approve the application, approve with appropriate conditions or impose any appropriate zoning classification for any portion of the area proposed for rezoning, thus reducing the boundaries of the area rezoned.

Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme. The applicant shall be allowed to submit renderings, site plans and other exhibits depicting any proposed construction should a map amendment be approved; however, the applicant may be required to develop according to such plans if approved by city council. Any deviation from such approved plans shall require approval of a new rezoning application. The council may also require or attach to any rezoning such conditions regarding the location,

character and other features of the proposed building, structure or use as council may deem advisable so as to improve the quality of life through the prevention of air, land, water and noise pollution and promotion of aesthetic considerations.

(Ord. No. 05-08, § 2(12.07), 8-15-~~05~~2005)