

Sec. 102-158. - Procedures for public hearing.

- (a) The mayor shall open the hearing on an application for amendment under this division with an explanation of the purpose of the hearing and a description of the general rules for the conducting of the hearing. The mayor or his delegate may describe the authority and role of the city council in any zoning decision. The mayor or his delegate shall chair the hearing and shall determine the relevance of any proposed comment or presentation to the council in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not relevant to the published purpose of the hearing. Any person addressing the mayor and council shall respond to questions of the mayor and council. Remarks shall be made to the mayor or his delegate only and not to other members of the council or audience. Any unused portion of allotted time unused by either the applicant or opponent shall not invalidate any proceedings or action taken on the proposed amendment. The following rules of procedure govern the public hearing on rezoning or similar matters (special uses) before the city. These rules apply to all such public hearing items appearing on any agenda.
- (1) Procedures relating to application, notice, and advertisement of items on the public hearing agenda shall conform to the requirements of state law and the Charter.
 - (2) Exercise of the zoning power shall conform to the standards expressed in this chapter, as well as with the comprehensive land use plan.
 - (3) The zoning administrator shall provide a limited number of copies of the policies required by O.C.G.A. § 36-66-1 et seq., which copies shall be available on request to interested members of the public.
 - (4) Individuals desiring to address the planning commission or city council regarding an agenda item are required to contact the city clerk or zoning administrator. Applicants and/or proponents of an item on the public hearing agenda shall be heard first and shall have a maximum of ten minutes in which to present any information pertinent to the issue to be decided. Failure of the applicant or his representative to be present for the hearing shall result in automatic termination of any proceedings on the amendment and a negative recommendation on the proposed amendment by the mayor and city council. Opponents of the issue may respond and shall have a maximum of ten minutes in which to present any information pertinent to the issue to be decided. Applicants or proponents may use any unused portion of their ten minutes for rebuttal. No new issues shall be brought forth during the rebuttal by either the applicant or opponent.
 - (5) If there is more than one speaker per side, speakers must divide their time or designate a spokesperson in order to complete their full presentation within the time allotment.
 - (6) Any remark amounting to an attack on the character or personal integrity of another individual, comment not factually supportable, comment in the form of an emotional

outburst, or comment not directed at the mayor shall be considered to be nonrelevant to the purpose of the hearing and shall be ruled out of order.

- (7) The mayor or his delegate shall enter into the record after the presentation of the applicant or his representative any written comment, petition, or similar written statement received by the mayor and or city council prior to the hearing, and the comment, petition or written statement shall be considered by the mayor and city council along with comments and other relevant information of the hearing in making any zoning decision concerning the proposed zoning amendment. At the public hearing, the city council shall review the reports prepared by the zoning administrator and planning commission.
 - (8) When proponents and opponents of the proposed zoning amendment have been heard in accordance with the foregoing procedures, the mayor or his delegate shall declare the public hearing closed. No further public hearing on the proposed zoning amendment shall be required prior to the zoning decision.
- (b) Copies of the procedures in subsection (a) of this section shall be provided at each public hearing.

(Ord. of 7-7-2003, § 16.10)