

CHAPTER 20 - PLANNING AND DEVELOPMENT

Sec. 20-23. Land Use Appeals; diminution in value of real property; hearings; decision.

Administrative Hearing matters under this chapter are quasi-judicial. It shall be presumed that the regulation in question has not resulted in a diminution of value to real property. The Owner of the subject property shall have the burden of proving diminution to value of their real property by a preponderance of the evidence

Within Ten (10) days following the hearing the administrative hearing officer shall issue a decision. The decision shall determine whether the claim is:

Denied in whole or in part;

Upheld in whole or in part;

(b) The administrative hearing officer's determination shall be in writing and provide a factual and legal basis for the determination.

If a claim is denied in whole, the claim shall be deemed as denied pursuant to Section 2-52 of this code.

If a claim is upheld in whole or in part and the matter involves a non legislative matter, the decision shall be final and implemented by the City.

If a claim is upheld in whole or in part and the matter involves a legislative matter, the decision shall be forwarded to the City Council as a recommendation for action. The Council shall place the item on its next available agenda. The City Council may make such decisions as it legislatively determines to be in the public interest. The decision of the City Council shall be determined to be final for all purposes.

(Ord. No. 07-30, 09/04/07, Enacted) SUPP 2007-4