

Appeal Hearing Procedure

1. Staff presents appeal report
2. Appellant-Applicant may present argument in support of appeal (limit to 15 minutes)
 - a. Per Code, time limit is 15 minutes but may be decreased or increased at Council's discretion
3. Council may augment record by considering additional evidence, limited to evidence relevant to the issues raised in the notice of appeal
 - a. If additional evidence allowed, staff and appellant-applicant are entitled to rebuttal (15 minutes for staff, 15 minutes for appellant-applicant)
4. Council Questions and Discussion
5. Council Votes on Appeal
 - a. The applicant-appellant has the burden of demonstrating that the decision of the Planning and Zoning Commission was plainly in error based on one or more of the following permissible grounds for appeal:
 - i. **Was PZ's decision to deny the conditional use site plan not supported by any competent evidence in the record?**
 - ii. **Was PZ's decision to deny the conditional use site plan plainly inconsistent with the review criteria (Longmont Municipal Code 15.02.055 and 15.02.060.C), as shown by clear and convincing evidence?**
 - iii. **Did PZ's decision to deny the conditional use site plan exceed the Commission's authority or jurisdiction as contained by Code or Charter?**
 - b. IF NO TO ALL, Council should pass the resolution UPHOLDING PZ's decision. See proposed resolution upholding the decision.
 - c. IF YES TO ANY, Council should pass a resolution REVERSING PZ's decision and GRANTING the conditional use site plan. The resolution may include findings of fact specifying the reasons for the decision. Council should adopt a motion directing City Staff to prepare a resolution consistent with their decision and to present it at the next available public meeting of Council.
 - d. IF YES TO ANY IN SOME RESPECTS, Council should pass a resolution MODIFYING PZ's decision. The resolution may include findings of fact specifying the reasons for the decision. Council should adopt a motion directing City Staff to prepare a resolution consistent with their decision and to present it at the next available public meeting of Council.
 - e. IF COUNCIL REQUIRES FURTHER CONSIDERATION, Council should adopt a motion REMANDING the appeal to PZ. The motion should include direction for PZ to further consider the matter.