Legislation Details (With Text)

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Presentation and Discussion: Zoning Application Discussion Items
(1) Communications with outside parties; and,
(2) Questions about the applicant.

Issue/Request:

Discussion of two issues of common interest to the City Council and Planning Commission:
1. Communications with applicants and outside parties for a pending zoning application.
2. Criteria for rezoning and PDP decisions, focusing on the applicant versus the land-use application and decision.

Key Issues:

This discussion is to provide legal guidance on two primary issues that often arise with zoning applications.

1. Ex parte communications are communications with only one party for a pending application. The concern with *ex parte* communications is that they occur with only one party, without notice to other parties, and outside the public hearing. The Law Department will provide guidance on our recommendations for best practices regarding communications with applicants and outside parties for a pending zoning application.

2. The Planning Commission and City Council frequently pose questions to zoning applicants that deal with the business operations of that single applicant for a proposed project, rather than the larger land-use issues posed by the application. The Law Department will provide guidance and recommendations on this issue.

David Bushek, Chief Counsel of Economic Development & Planning