

## Section 1-305 Hearing Officer.

- A. Hearing Officer – Creation and Purpose.** The Hearing Officer shall be appointed by the Community Development Director or designee. The Hearing Officer shall hold a public hearing or public meeting to review and approve, continue, deny, approve with conditions, or to the extent applicable, enter the appropriate order, the following:
- B. Hearing Officer – Duties and Powers.** The Hearing Officer shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Hearing Officer shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:
1. Use permit applications pursuant to Section 6-308;
  2. Variance applications pursuant to Section 6-309; and
  3. Abatements pursuant to Chapter 21 of the Tempe City Code and Section 6-310.

The Hearing Officer may in connection with any application, impose conditions deemed necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violation of any Hearing Officer condition shall be a violation of this Code.

- C. Hearing Officer – Procedure.** Public hearings conducted by the Hearing Officer shall be open to the public and conducted in accordance with Part 6, Chapter 5, Public Meetings and Public Hearings. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings in accordance with Section 6-503, shall be kept by the City Clerk as a public record.
- D. Hearing Officer – Appeals.** Any person aggrieved by a decision of the Hearing Officer under this Code may file an appeal to the Board of Adjustment, Joint Review Committee, or the Development Review Commission as applicable, within fourteen (14) calendar days after the Hearing Officer has rendered its decision, in accordance with Part 6, Chapter 8, Appeals. Appeals of the decisions of the Hearing Officer shall be heard de novo by the Board of Adjustment, Development Review Commission, Joint Review Committee, or the City Council, as applicable.

**State law reference** — A.R.S. §9-462.08 Hearing officer