

## **Article 5:**

# **APPEALS**

---

- Sec. 9-1.0500: Appeals from Administrative Decisions
- Sec. 9-1.0502: Appeals from Administrative Decisions for Historical Resources
- Sec. 9-1.0505: Appeals from Development Advisory Board Decisions
- Sec. 9-1.0507: Appeals from Historic Preservation Subcommittee Decisions
- Sec. 9-1.0510: Appeals from Zoning Administrator Decisions
- Sec. 9-1.0512: Appeals from Historic Preservation Commission Decisions
- Sec. 9-1.0515: Appeals from Planning Commission Decisions
- Sec. 9-1.0520: Filing and Fees
- Sec. 9-1.0525: Planning Department Action
- Sec. 9-1.0530: Additional Review by Planning Commission
- Sec. 9-1.0535: Additional Review by City Council
- Sec. 9-1.0540: Planning Commission Action
- Sec. 9-1.0545: City Council Action

### **Sec. 9-1.0500:**

#### **Appeals from Administrative Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by an administrative decision made by any City department may appeal such decision to the Planning Commission.

### **Sec. 9-1.0502:**

#### **Appeals from Administrative Decisions for Historical Resources**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by an administrative decision made by any City department regarding any property located on the City's list of Historical Resources may appeal such decision to the Historic Preservation Subcommittee.

### **Sec. 9-1.0505:**

#### **Appeals from Development Advisory Board Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Development Advisory Board may appeal such decision to the Planning Commission.

### **Sec. 9-1.0507:**

#### **Appeals from Historic Preservation Subcommittee Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Historic Preservation Subcommittee regarding any property located on the City's list of Historical Resources may appeal such decision to the Historic Preservation Commission.

### **Sec. 9-1.0510:**

#### **Appeals from Zoning Administrator Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Zoning Administrator may appeal such decision to the Planning Commission.

**Sec. 9-1.0512:**

**Appeals from Historic Preservation Commission Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Historic Preservation Commission regarding any property located on the City's list of Historical Resources may appeal such decision to the City Council.

**Sec. 9-1.0515:**

**Appeals from Planning Commission Decisions**

An applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Planning Commission may appeal such decision to the City Council.

**Sec. 9-1.0520:**

**Filing and Fees**

Appeals shall be filed with the Planning Department within ten (10) days after the date of a decision of a City department, the Development Advisory Board, the Historic Preservation Subcommittee, the Zoning Administrator, the Historic Preservation Commission or the Planning Commission.

The appeal shall state specifically wherein an administrative decision is not in accordance with the provisions of the Code, or wherein it is claimed that there was an error or an abuse of discretion by the Development Advisory Board, Historic Preservation Subcommittee, Zoning Administrator, Historic Preservation Commission or the Planning Commission, or where a decision by the Development Advisory Board, Historic Preservation Subcommittee, Zoning Administrator, Historic Preservation Commission or the Planning Commission is not supported by the record.

The appeal shall be accompanied by the required fee.

**Sec. 9-1.0525:**

**Planning Department Action**

Within forty-five (45) days after an appeal has been filed, or after a vote of the Planning Commission or Historic Preservation Commission, or the Council calling for review, the Planning Department shall transmit a copy of the appeal application and all supporting materials to either the Planning Commission, Historic Preservation Commission or City Council, whichever is to hear the appeal.

Notice of the date, time, place of an appeal hearing shall be given in the same manner as prescribed in Article 4.

**Sec. 9-1.0530:**

**Additional Review by Planning Commission**

Agendas of Zoning Administrator and Development Advisory Board public hearings shall be provided to the Planning Commission prior to the date of such hearing.

Any decision made by the Zoning Administrator or Development Advisory Board may be called up for review by the Planning Commission within ten (10) days of such decision.

**Sec. 9-1.0535:**

**Additional Review by City Council**

Agendas of Zoning Administrator, Development Advisory Board, and Planning Commission public hearings shall be provided to the City Council prior to the date of such hearing.

Any decision made by the Zoning Administrator, Development Advisory Board, or Planning Commission may be called up for review by the City Council within ten (10) days of such decision.

**Sec. 9-1.0540:****Planning Commission Action**

On an appeal from an administrative decision, the Planning Commission shall consider the matter at a public hearing and may affirm, reverse or modify the decision of the City department, the Development Advisory Board or the Zoning Administrator.

**Sec. 9-1.0545:****City Council Action**

On an appeal from a decision of the Planning Commission or Historic Preservation Commission, or when a decision has been called up for review, the Council shall hold a public hearing on the matter. The Council may affirm, reverse, or modify the decision of the Planning Commission or Historic Preservation Commission, subject to the following conditions:

- A. If a decision denying a Conditional Use Permit is reversed or a decision granting a Conditional Use Permit is modified, the Council shall make the required findings as prescribed in Article 9;
- B. If a decision denying a Variance is reversed or a decision granting a Variance is modified, the Council shall make the required findings as prescribed in Article 10;
- C. A decision of the Planning Commission or Historic Preservation Commission may be reversed or modified only by a majority vote of the Council members voting.
- D. The City Council may refer the matter back to the Planning Commission or Historic Preservation Commission for further review.