

§ 25-2-475 - APPEALS.

A person may appeal a decision of the building official regarding a site development regulation prescribed by this subchapter, or by a Neighborhood Conservation Combining District adopted under this chapter, to the Board of Adjustment. After an appeal is filed, the building official shall provide the board with a copy of documents regarding the matter that has been appealed.

Source: Section 13-2-835; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20101216-095.

§ 25-1-182 - INITIATING AN APPEAL.

- An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

(1) the 14th day after the date of the decision of a board or commission; or

(2) the 20th day after an administrative decision.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 031211-11.

- § 25-1-183 - INFORMATION REQUIRED IN NOTICE OF APPEAL.

- The notice of appeal must be on a form prescribed by the responsible director or building official and must include:

(1) the name, address, and telephone number of the appellant;

(2) the name of the applicant, if the appellant is not the applicant;

(3) the decision being appealed;

(4) the date of the decision;

(5) a description of the appellant's status as an interested party; and

(6) the reasons the appellant believes the decision does not comply with the requirements of this title.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

- § 25-1-184 - NOTICE TO APPLICANT CONCERNING INTERESTED PARTY.
- The responsible director shall notify an applicant in writing if there is an interested party to an administrative decision.

Source: Section 13-1-251(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

• § 25-1-185 - NOTICE TO PRESIDING OFFICER AND APPLICANT.

- On receipt of a notice of appeal or an amendment of a notice, the responsible director or building official shall promptly notify the presiding officer of the body to which the appeal is made and, if the applicant is not the appellant, the applicant.

Source: Section 3-1-253(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

- § 25-1-186 - MEETING TO RESOLVE ISSUES.
- If requested by an interested party, the responsible director shall schedule a meeting to discuss and attempt to resolve the issues raised by an appeal of an administrative decision. The responsible director shall notify all interested parties of a meeting scheduled under this section. All interested parties may attend the meeting.

Source: Section 13-1-251(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

- § 25-1-187 - DEVELOPMENT NOT PERMITTED DURING APPEAL.

- (A) Development under a site plan may not occur during the time period during which an appeal of the site plan may be initiated.

(B) An approved plan or permit is suspended on the timely filing of an appeal of the plan or permit.

(C) Development affected by an appeal may not occur pending the final disposition of the appeal.

Source: Section 13-1-252; Ord. 990225-70; Ord. 031211-11.

- **§ 25-1-188 - SCHEDULING OF PUBLIC HEARING.**

- A public hearing on an appeal shall be scheduled for the first available meeting for which notice of the hearing can be timely provided.

Source: Section 13-1-253(b); Ord. 990225-70; Ord. 031211-11.

- **§ 25-1-189 - NOTICE OF PUBLIC HEARING.**

- (A) The responsible director shall give notice under [Section 25-1-132\(B\)](#) (Notice Of Public Hearing) of a public hearing on an appeal to the council.

(B) Except as provided in Subsection (C), the responsible director shall give notice under [Section 25-1-132\(A\)](#) (Notice Of Public Hearing) of a public hearing on an appeal to a board or commission.

(C) The responsible director shall give notice under [Chapter 25-12](#) (Technical Codes) and applicable state law of a public hearing on an appeal to a board or commission created by [Chapter 25-12](#) (Technical Codes) or having jurisdiction over regulations contained in [Chapter 25-12](#) (Technical Codes).

Source: Section 13-1-253(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

- **§ 25-1-190 - APPELLATE BURDEN.**

- The appellant must establish that the decision being appealed is contrary to applicable law or regulations.

Source: Section 13-1-254; Ord. 990225-70; Ord. 031211-11.

- **§ 25-1-191 - CONDUCT OF PUBLIC HEARING.**

- (A) Before opening a hearing, a body hearing an appeal shall decide preliminary issues raised by the parties, including whether to postpone or continue the hearing and whether the appellant has standing to appeal.

(B) A public hearing on an appeal shall proceed in the following order:

- (1) a report from City staff;
- (2) a presentation by the appellant;
- (3) comment by persons supporting the appeal;
- (4) comment by persons opposing the appeal; and
- (5) a rebuttal by the appellant.

Source: Section 13-1-255; Ord. 990225-70; Ord. 031211-11.

- **§ 25-1-192 - POWER TO ACT ON APPEAL.**

A body hearing an appeal may, in accordance with the requirements of this title, exercise the power of the official or body whose decision is appealed. A decision may be upheld, modified, or reversed.

Source: Section 13-1-256; Ord. 990225-70; Ord. 031211-11.