



## Appeal Process - Planning Applications

Use this document to understand how the appeal process works.

### Appeal Procedures

1. Appeals may be requested by an applicant, an aggrieved party, or by any member of the public in certain circumstances (See CDC Sec. 729).
2. Administrative Decisions, Board of Adjustment Decisions and Final Decisions by Planning Commission may be appealed.
3. Planning Commission makes decisions on the following application types:
  - a. Conditional Use
  - b. Conceptual Development Plan, without Variances
  - c. Development Plan, without Variances
  - d. Preliminary Plat, without Variances
4. An Appeal request shall be:
  - a. Filed in writing with Planning Director
  - b. Filed within 10 days following the date of decision
  - c. Complete when the application fee is paid

For Example: If a decision is made by Planning Commission on a Thursday, the request will need to be submitted by the second Monday after the decision.

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
				<b>PC Decision made, Day 0</b>	Day 1	Day 2
Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9
Day 10*	<b>Request for Appeal Due</b>					

\*Per CDC Section 800.B.8 if the last day of a period of time falls on a Saturday, Sunday or City holiday, the period of time extends to the next day that is not a Saturday, Sunday or City holiday.

5. Request Content shall:
  - a. State the decision being appealed
  - b. Include the grounds for appeal
  - c. Include specific sections of the CDC that have been applied in error

6. With a complete request and application fee paid, the Appeal will be scheduled for hearing with City Council
7. City Council will evaluate decisions based on the original information.
  - a. New information included with the appeal shall be identified as new and not included in the original request or application.
8. City Council will take action on the appeal request. They can:
  - a. Uphold the decision
  - b. Remand the decision to Planning Commission
  - c. Remand the decision to the Board of Adjustment
  - d. Reverse or revise the decision
  - e. If there is no majority vote by City Council to support the appeal, the original decision shall remain in effect.

# Appeal Process Overview

