

APPLICATION PACKET FOR
APPEALS OF
ZONING EXAMINER
SPECIAL EXCEPTION
DECISION

APPLICATION PROCESS SUMMARY

Who Considers the Appeal?

The Mayor and Council shall consider appeals from Zoning Examiner Decisions on Special Exception Land Use applications in accordance with Section 3.9.2, Mayor and Council Appeal Procedure.

Appellant? The Zoning Examiner's Decision may be appealed by any party of record. Party of Record is defined as the applicant, all persons who received notice of the application during a review process, all persons who provided a written statement of an interest in the project prior to the issuance of a decision, and all persons who gave testimony at a public hearing.

Fee?	Staff Review	\$220.00 (based on PDSO staff hourly fee of \$82.50)
	Legal Advertisement.....	\$275.00
	Notification as required.....	\$220.00
	Fee	<u>\$715.00</u>

How Long Does This Process Take?

The typical appeal process takes from 2-1/2 to 3 months to complete from beginning to end.

What Are The Steps?

1. File Notice of Intent to Appeal, which must be filed with the City Clerk's Office within 14 days from the effective date of decision, with a copy delivered to PDSO. The filing of an appeal stays the issuance of any permits or development approvals based on the decision and all formal land use action on the development proposal subject to the appeal.
2. The complete materials must be filed with the City Clerk within 30 days of effective date of decision. The fee must be filed with PDSO within 30 days of effective date of decision.
3. PDSO Director shall forward to Mayor and Council the appeal, any additional materials provided by the appellant, Zoning Examiner's Final Report/Decision, any materials provided by any other party, and the City Manager's Report and Recommendation
4. The Mayor and Council shall reach a decision following the close of the public hearing. The Mayor and Council may affirm, reverse or modify the decision that is appealed and may establish such conditions as are appropriate to implement the UDC and other pertinent standards. The decision by the Mayor and Council shall be announced and is considered a final action for the purposes of the UDC.

The Mayor and Council may continue the public hearing for up to 45 days. The public hearing shall not be continued for more than 45 days without the consent of the property owner of the subject site.

Public notice of the public hearing shall be provided not less than 15 days and not more than 30 days prior to the hearing. Public notice shall be to the applicant, the same parties notified of the initial application and those who provided oral or written comments in the course of the prior procedure. Notice shall be provided in the same manner as for the procedure from which the appeal is filed. Applicant responsible to provide posted notice of Appeal.

5. Attend the Mayor and Council public hearing.

For information about the appeal process please contact John Beall, PDSO, at 520-837-6966.

No person shall contact or discuss the merits of any appeal with the members of the Mayor and Council between the filing of the appeal and the final determination by the Mayor and Council.

APPEAL SUBMITTAL REQUIREMENTS - FOR STAFF USE ON FILING DAY

Date Filed: _____ Case Number Issued: SE-___ - _____

Reviewed by: _____ ZE public hearing date: _____

ZE date of decision: _____

Project Name: _____

Project Address: _____ Zone: _____

- City Clerk Notice
- Appeal Letter
- Additional Appeal Materials
- Fee

SUBMITTAL COMMENTS BY STAFF: _____

Case Number Issued: SE-__ - _____

**APPEAL OF ZONING EXAMINER'S SPECIAL EXCEPTION
DECISION APPLICATION**

Appeals must be filed with the City Clerk's Office by any party of record by submitting a notice of intent application to appeal to the City Clerk within 14 days from the effective date of decision with a copy delivered to PSDS. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of decision. The fee must be filed with PSDS within 30 days of effective date of decision. Appeals must be filed in person or by email to the City Clerk.

The application must be filled out completely, and be signed by the Appellant(s) or authorized agent for the Appellant(s).

SPECIAL EXCEPTION CASE NUMBER: SE-__ - _____

PROJECT NAME: _____

[APPELLANT INFORMATION]

APPELLANT (The person processing the application and who staff will send mailings to):

NAME: _____

ADDRESS: _____

ZIP: _____

PHONE: () _____ - _____ FAX: () _____ - _____

INTENT TO APPEAL COMMENTS: _____

[SIGNATURE OF APPELLANT]:

DATE