

ARTICLE 58

SEC. 21-58 APPEALS.

58.1 Appeals: Appeals may be taken from a decision of the Planning Director, Planning Department staff, Enforcement Officers, Development Review Committee, Zoning Administrator, or Planning Commission made pursuant to the enforcement or administration of the Zoning Ordinance.

58.2 Appellate jurisdiction: The Review Authority having appellate jurisdiction over ministerial decisions of the Planning Director, Planning Department staff, Enforcement Officers, Design Review Committee, and Development Review Committee shall be the Planning Commission. The Review Authority having jurisdiction over the decisions of the Planning Commission shall be the Board of Supervisors. The Planning Commission shall be the final Review Authority for application appeals as set forth in Section 55.4(d). **(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)**

SEC. 21-58.10 ADMINISTRATIVE APPEALS.

58.11 Application: An application for an administrative appeal shall be made as follows:

- (a) **Persons eligible:** The following persons shall be eligible to file an administrative appeal:
 - 1. A person having an interest in the property that is subject of the decision being appealed.
 - 2. Any interested person not satisfied with the decision of the Review Authority.
- (b) **Timeliness:** An administrative appeal shall be filed within seven (7) calendar days of the date on which the decision being appealed was rendered.
- (c) **Form, filing, and fee:** An appeal of an administrative decision shall be made on the prescribed form and shall be filed with the Planning Department, accompanied by the applicable fee in the amount to be set by Resolution of the Board of Supervisors.
- (d) **Required documents:** An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion, or how the decision of the Planning Director, Planning Department, Enforcement Officer, Design Review Committee or Development Review Committee is inconsistent with the purposes of this Chapter. **(Ord. No. 1897, 12/7/1989)**

- 58.12 Effect of filing the appeal:** An appeal of an administrative decision shall stay all further proceedings and no additional building permit, or other permit that is the subject of the appeal, shall be issued until such time as the appeal has been acted on as set forth in Section 58.15. The permittee may continue to act in reliance on any previously issued permit; however, further reliance after receipt of notice of an appeal, is done at permittee's own risk pending the outcome of the appeal.
- 58.13 Forwarding of record:** Prior to the hearing on said appeal, the Planning Department shall transmit to the Planning Commission copies of pertinent permit materials including all maps and data and a statement setting forth the reasons for the decision by the Planning Director, Planning Department, Enforcement Officer, or Development Review Committee.
- 58.14 Public hearing and notice:** The Planning Commission shall hold a public hearing on all administrative appeals, scheduled and noticed as required by Section 57.2. The public hearing shall be de novo and all interested persons may appear and present evidence. If the appeal affects a permitted use on a specific lot, then notice shall be given as required by Section 57.3.
- 58.15 Decision:** Within forty-five (45) days after the close of the hearing, the Planning Commission may either sustain the decision being appealed or render such new decision as it considers appropriate. Notice of the decision of the Planning Commission shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.
- 58.16 Effective date:** The decision of the Planning Commission on an administrative appeal shall be final, conclusive and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided for in Section 58.30.

SEC. 21-58.20 PLANNING COMMISSION APPEALS.

58.21 Application: Decisions of the Zoning Administrator may be appealed as follows:

- (a) Persons eligible:
 - 1. A person having an interest in the property that is subject of the decision being appealed.
 - 2. Any interested person not satisfied with the decision of the Review Authority.
- (b) Timeliness, form, filing and fee: An appeal of the decision of the Zoning Administrator shall be filed with the Planning Department within seven (7) calendar days of the decision on the prescribed form and accompanied by the applicable fee in the amount to be set by Resolution of the Board of Supervisors.
- (c) Required documents: An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion, or how the decision of the Planning Director, Planning Department, Enforcement Officer, Design Review Committee or Development

Review Committee is inconsistent with the purposes of this Chapter. **(Ord. No. 1897, 12/7/1989)**

58.22 Effect of filing the appeal: An appeal shall stay the proceedings and effective date of the decision of the Zoning Administrator until such time as the appeal has been acted on as hereinafter set forth.

58.23 Forwarding of record: Prior to the hearing on said appeal, the Planning Department shall transmit to the Planning Commission copies of pertinent permit materials including all maps and data and a staff report.

58.24 Public hearing and notice: Following the filing of an appeal, the Planning Commission shall hold a public hearing on the appeal scheduled and noticed as required in Section 57.3. The public hearing shall be de novo and all interested persons may appear and present evidence.

58.25 Decision: Within forty-five (45) days after the close of the hearing, the Planning Commission may sustain or overturn the decision of the Zoning Administrator which is appealed or may grant or modify the minor use permit subject to conditions it imposes, or may deny the minor use permit. Notice of the decision of the Planning Commission together with a copy of any findings adopted by the Commission shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.

58.26 Finality and effective date: The decision of the Planning Commission shall be final, conclusive, and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided for in Section 58.30.

SEC. 21-58.30 BOARD OF SUPERVISORS APPEALS.

58.31 Application: Decisions of the Planning Commission may be appealed as follows:

(a) Persons eligible:

1. A person having an interest in the property that is subject of the decision being appealed.
2. Any interested person not satisfied with the decision of the Review Authority.
3. The Board of Supervisors. **(Ord. No. 1749, 7/7/1988)**

(b) Timeliness, form, filing and fee: An appeal of a decision by the Planning Commission shall be filed with the Clerk of the Board of Supervisors within seven (7) calendar days of the decision on the prescribed form and accompanied by the applicable fee in the amount to be set by the Board of Supervisors. **(Ord. No. 1749, 7/7/1988)**

- (c) Required documents: An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion by the Planning Commission. **(Ord. No. 1897, 12/7/1989)**

58.32 Effect of filing the appeal: An appeal shall stay the proceedings and effective date of the decision of the Planning Commission until such time as the appeal has been acted on as hereinafter set forth.

58.33 Forwarding of record: Prior to the hearing on said appeal, the Planning Department shall transmit to the Board of Supervisors pertinent permit materials including all maps and data and a staff report setting forth the reasons for the decision by the Planning Commission.

58.34 Public hearing and notice: Following the filing of an appeal, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed as required in Section 57.3. The public hearing shall be de novo and all interested persons may appear and present evidence.

58.35 Decision: Within forty-five (45) days after the close of the hearing, the Board of Supervisors may sustain or overturn a decision of the Planning Commission which is being appealed, or may grant or modify a permit subject to specified conditions it imposes, or may revoke or deny a permit. Notice of the decision of the Board together with a copy of any findings adopted by the Board shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.

58.36 Finality and effective date: The decision of the Board of Supervisors shall be final, conclusive, and effective immediately.

SEC. 21-58.40 AUTOMATIC APPEALS.

58.41 Automatic Appeals: If a ballot of the members of the Planning Commission results in a tie vote, or if the Planning Commission is unable to take action because of legal disqualification or abstentions, the matter shall be deemed to be automatically denied at the first hearing at which the application is considered and is unable to be acted upon; and be appealed to the Board of Supervisors for public hearing. Automatic appeals pursuant to this section shall not be subject to filing fees as provided for in Section 58.30.

58.42 Continuations: Notwithstanding Section 58.41, if a ballot of the members of the Planning Commission results in a tie vote, the Planning Commission may decide to continue the matter for further consideration.