

## **ARTICLE 34.00 APPEALS**

All final zoning, partition and subdivision actions made pursuant to the procedures set forth in this ordinance may be appealed in the manner set forth below.

### **34.01 APPEALS FROM LAND USE DECISIONS AND SUBDIVISION AND PARTITION ACTIONS**

1. Appeal Periods
  - A. Any appeal of an interpretation or decision made by the Planning Director in the administration of this Ordinance must be made to the Planning Commission within 10-days of such interpretation or decision being reduced to writing.
  - B. Any appeal of a Planning Commission decision must be made to the Board of Commissioners within 10-days of such decision being reduced to writing.
  
2. Appeal Procedure
  - A. The appeal shall be in writing upon the forms provided, and shall be filed in the office of the Planning Department, along with the fee as prescribed in Article 33.00 of this Ordinance. The appeal must set forth specifically the decision or condition being appealed.
  - B. Upon receipt of a complete appeal application, the Planning Department will prepare public notice to be submitted to a newspaper of general circulation and to adjacent landowners per Section 24.10 notification procedures and to all other persons who have an interest in the matter with which the appeal is concerned. The Planning Commission or Board of Commissioners at their discretion may give additional notice they deem necessary.
  - C. While hearing the appeal, the Planning Commission or Board of Commissioners shall consider the record and accept new evidence and testimony (a de novo hearing). The hearing shall be conducted and a decision made according to Quasi-Judicial hearing procedures in Sections 23.06 (1) and 24.11. The Planning Commission or Board of Commissioners may affirm, reverse or modify, in whole or in part, the orders, requirement, decision, determination, interpretation, or ruling appealed. The Planning Commission or Board of Commissioners shall transmit a copy of their decision to the appellant and all participating parties. Substantially new testimony may result, at the option of the Board of Commissioners, in referral to the Planning Commission.