

Chapter 17.60

APPEAL AUTHORITY

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17.60.010: **ESTABLISHMENT:** In order to carry out the provisions of

Utah law relating to planning and zoning, there is created an appeal authority, which shall consist of **one (1) five (5) members. Up to two (2) alternate members may be appointed.** The members of the appeal authority shall be appointed by the governing body. The governing body may fix per diem compensation for the members of the appeal authority by resolution, based on necessary and reasonable expenses for meetings actually attended. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.60.020: **TERM OF OFFICE:** **Each** **The** member of the appeal authority shall serve for an **indefinite term. of five (5) years, provided that the term of the members of the first authority so appointed shall be such that the term of one member shall expire each year. One member shall be appointed on or before the first Monday in February of each year. The Any** member may be removed for cause by the governing body upon written

charges and after public hearing, if such public hearing is requested. Vacancies shall be filled in the same manner as the original appointment **for the unexpired term.** (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.60.030: **ORGANIZATION:** The appeal authority **shall elect a chairperson and** may adopt such rules for its own proceedings as are deemed necessary.

Meetings for the authority shall be held at the call of the **authority chairperson** and at such other times as the authority may determine. The **authority chairperson, or in his or her absence the acting chairperson,** may administer oaths and compel the attendance of witnesses. The authority shall keep minutes of its proceedings, showing the vote **of each member** upon each question, **or if absent or failing to vote, indicating such fact,** and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the recorder, which may be the office of the authority, and shall be public record. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.60.040: **PROCEDURES:**

- A. All meetings of the appeal authority shall comply with the requirements of chapter 4, title 52, Utah code, open and public meetings.
- B. Decisions of the appeal authority become effective at the meeting in which the decision was made, unless a different time is designated in the authority's rules or at the time the decision is made.
- C. Before granting a variance, rendering a decision on an appeal, or granting special

exceptions, the appeal authority shall hold a public hearing. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.60.050: **POWERS AND DUTIES:** The appeal authority shall:

- A. Hear and decide appeals from zoning decisions applying the zoning ordinance as provided in [chapter 17.72](#) of this title;
- B. Hear and decide variances for the terms of the zoning ordinance as set forth in [chapter 17.68](#) of this title;
- C. Determine the substitution or extension of nonconforming uses;
- D. Hear and decide the appeals from cancellation of permits, certificates and approvals as provided in [chapter 17.80](#) of this title;
- E. Hear and decide appeals from interpretation of [chapter 17.44](#), "Signage", of this title, of the planning commission or the city council as provided in [chapter 17.44](#) of this title.
- F. Hear and decide appeals from zoning decisions by the city council as set forth in [chapter 17.64](#) of this title.
- G. Review nonconforming uses, substitutions, extensions and discontinuances as authorized by [chapter 17.68](#) of this title.

H. Exercise any other powers and duties as authorized by the Utah code or this title. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.60.060: **VOTE NECESSARY TO REVERSE DECISION:** The concurring vote of four (4) of the five (5) members of the authority shall be necessary to reverse any order, requirement, or determination of any administrative official, to decide in favor of the applicant on any matter which it is required to pass or to effect any such variation or special exception to this title. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)