
Sec. 94-37. - Administrative appeals.

- a. *Intent.* Any person affected or aggrieved by interpretation, administration or enforcement of this zoning code by the plans and plats review committee or planning and zoning administrator may appeal. All appeals shall be directed to the zoning board of appeals. Written notice of the appeal, including justification for the action, shall be filed with the city clerk within 60 days after the disputed interpretation, administration, or enforcement.
- b. *Appeal proceedings.* Within 60 days following the receipt of an appeal by the city clerk, the zoning board of appeals shall hold a public hearing to consider the appeal. Within 60 days after the public hearing, the zoning board of appeals shall act upon the appeal. At the public hearing, representation shall be limited to the affected or aggrieved person or a duly authorized attorney licensed to practice law in the state.
- c. *Zoning board of appeals.* Any person aggrieved or affected by a decision of the zoning board of appeals may appeal by a common law writ of certiorari to a circuit court. Appeals shall be filed within 30 days from the date of the decision by the zoning board of appeals. Following an appeal, no further action affecting the matter appealed shall occur. In the event an immediate threat to life or property exists, the individual or body whose decision is disputed may certify to the zoning board of appeals that an emergency does exist and remedial action is necessary. In this event, the remedial actions may be undertaken if authorized by the zoning board of appeals or a court of competent jurisdiction.
- d. *Comprehensive plan appeals.* Appeals from determinations by the planning and zoning administrator concerning consistency with the comprehensive plan shall be directed to the planning board. Appeals from such consistency determinations by the planning board shall be directed to the city commission. Appeals from such consistency determinations by the city commission may be filed in a court of competent jurisdiction.
- e. *Planning board appeals.* Any person aggrieved or affected by a decision of the planning board may appeal to the city commission. Appeals shall be filed in writing with the planning and zoning administrator within ten days from the date of the decision by the planning board.

(Code 1979, § 33-17)