

Chapter 17.126

APPEAL PROCEDURE

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17.126.010 Appeals.

With the exception of any matter that by law or ordinance is heard and finally determined by the city council, any decision of the planning commission authorized by law or ordinance may be appealed to the city council in accordance with the provisions of this chapter. (Ord. 641 § 4.2, 1998; Ord. 617 § 1.1 Exh. A (part), 1996)

17.126.020 Who May File.

An appeal may be filed by the applicant or any interested person; however, such appeal must be filed before five p.m. on the day the decision is to become effective. (Ord. 641 § 4.4, 1998; Ord. 617 § 1.1 Exh. A (part), 1996)

17.126.030 Filing.

An appeal shall be filed with the city clerk in writing and shall set forth the grounds of the appeal. If no grounds for the appeal are set forth, the appeal must not be considered by the city council. (Ord. 641 § 4.4, 1998; Ord. 617 § 1.1 Exh. A (part), 1996)

17.126.040 Hearing.

A. After the appeal is filed, the clerk must place the appeal matter on the next available city council meeting agenda and at such meeting the city council shall set a date for public hearing thereon, not less than ten days nor more than forty days thereafter; provided, however, in the event the council determines at such meeting that no legal grounds for appeal have been set forth or in the event the council determines that the appellant, other than the original applicant, is not an aggrieved person, the council may refuse to further consider or set the appeal for public hearing.

B. Notice of the appeal shall be in accordance with the requirements of NRS 278, if any, and, in the absence of statutory requirements, notice in writing by mailing first class, postage prepaid shall be given to the appellant and any other person that has made request in writing to receive notice of the hearing. (Ord. 641 § 4.2, 1998; Ord. 617 § 1.1 Exh. A (part), 1996)

17.126.050 Council Decision.

A. The council may determine that there are insufficient grounds for appeal and approve without further findings of fact the decision of the planning commission.

B. The council may find that the person filing the appeal is not a person aggrieved by the decision and may approve without further findings of fact the decision of the planning commission.

C. The council may, by resolution, approve, with stated conditions, or disapprove, with findings of fact, the decision of the planning commission.

D. The council may add to or delete any of the conditions recommended or required by the planning commission.

E. The council must render a decision on the appeal within sixty days of the hearing.

F. The action of the planning commission may be reversed or modified only by a four-fifths vote of the city council. (Ord. 641 § 4.6, 1998: Ord. 617 § 1.1 Exh. A (part), 1996)

17.126.060 Notice of Decision.

Within five days after the decision is issued, the city clerk must deliver in person or mail by first class mail, postage prepaid, a notice of the decision to: (i) the director of planning, (ii) the applicant; and, (iii) any other person that has requested notice of the hearing on the appeal. (Ord. 641 § 4.7, 1998: Ord. 617 § 1.1 Exh. A (part), 1996)