

Chapter 2.88

LAND USE APPEALS BOARD

2.88.010 Creation:

The land use appeals board is created pursuant to the authority granted by the municipal land use development and management act, section 10-9-407 of the Utah Code Annotated, or its successor. (Ord. 77-03 ? 5, 2003)

2.88.020 Jurisdiction And Authority:

The land use appeals board shall have the following powers and duties in connection with the implementation of [title 21A](#) of this code:

- A. Hear and decide appeals from decisions made by the historic landmark commission pursuant to the procedures and standards set forth in subsection [21A.34.020F2h](#) of this code;
- B. Hear and decide appeals from decisions made by the planning commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in [title 20](#) of this code; and
- C. Hear and decide appeals from decisions made by the planning commission regarding conditional uses, conditional site plan reviews for sexually oriented businesses, or planned developments pursuant to the procedures and standards set forth in section [21A.54.160](#) of this code. (Ord. 17-04 ? 11, 2004: Ord. 77-03 ? 5, 2003)

2.88.030 Membership:

The land use appeals board shall consist of five (5) members appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner that will provide balanced representation in terms of geographic, professional, neighborhood and community interests. In the selection of members, preference may be given to individuals with legal or land use experience. Members may serve a maximum of two (2) consecutive full terms of three (3) years each. The terms of all members shall be staggered so that the term of at least one member will expire each year. Appointments to fill vacancies of members shall be only for the unexpired portion of the term. Appointments for partial terms to fill vacancies shall not be included in the determination of any person's eligibility to serve two (2) full consecutive terms. (Ord. 77-03 ? 5, 2003)

2.88.040 Officers:

The land use appeals board shall annually elect a chair who shall serve for a term of one year. The secretary of the land use appeals board shall be designated by the zoning administrator. (Ord. 77-03 ? 5, 2003)

2.88.050 Meetings:

The land use appeals board shall meet as necessary to consider and expeditiously resolve pending appeals. (Ord. 77-03 ? 5, 2003)

2.88.060 Record Of Proceedings:

The proceedings of each meeting and hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period as determined by the land use appeals board. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The board shall keep written minutes of its proceedings and records of all its examinations and official actions. The land use appeals board may, at its discretion, have its proceedings contemporaneously transcribed by a court reporter. (Ord. 77-03 ? 5, 2003)

2.88.070 Quorum And Vote:

No business shall be conducted at a meeting of the land use appeals board without a quorum of three (3) members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action. Decisions of the land use appeals board shall become effective on the date that the vote is taken. (Ord. 77-03 ? 5, 2003)

2.88.080 Hearings:

- A. Appeals filed shall specify any alleged error(s) made in connection with the decision being appealed.
- B. The appeal shall be considered by the land use appeals board on the record made below. No new evidence will be heard by the land use appeals board unless such evidence was improperly excluded from consideration below.
- C. The land use appeals board shall review and decide the appeal according to the applicable standards for such decision. The land use appeals board may, in its discretion, choose to consider an appeal on the basis of the record of the proceedings below:
 - 1. Without any additional hearing; or
 - 2. With a formal hearing allowing both the appellant and the respondent to present oral argument on the evidence in the record.
- D. The land use appeals board shall uphold the decision below unless the land use appeals board finds that a prejudicial procedural error occurred or that the decision being appealed was not supported by the findings of fact based upon the applicable standards of approval. (Ord. 77-03 ? 5, 2003)

2.88.090 Notice:

At least fourteen (14) calendar days in advance of each hearing held before the land use

appeals board the city shall publish a notice of such hearing in a newspaper of general circulation in Salt Lake City and the city will send notice of the hearing by first class mail to the appellant(s), the respondent(s) and to all other parties who attended the hearing below. (Ord. 77-03 ? 5, 2003)

2.88.100 Conflict Of Interest:

No member of the land use appeals board shall participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by [chapter 2.44](#) of this title. The land use appeals board may, by majority vote of the members present, allow a member otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances. (Ord. 77-03 ? 5, 2003)

2.88.110 Removal Of A Member:

Any member of the land use appeals board may be removed by the mayor for violation of [title 21A](#) of this code of any policies and procedures adopted by the land use appeals board following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor. (Ord. 77-03 ? 5, 2003)

2.88.120 Policies And Procedures:

The land use appeals board shall adopt policies and procedures for the conduct of its meetings, to process appeals, and for any other purposes considered necessary for its proper functioning. (Ord. 77-03 ? 5, 2003)

2.88.130 Compensation:

Each member of the land use appeals board shall be compensated in the amount of seventy five dollars (\$75.00) for each meeting attended by that member. (Ord. 77-03 ? 5, 2003)

2.88.140 Appeals:

Any person adversely affected by any final decision made by the land use appeals board may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 77-03 ? 5, 2003)