

- D. Development Agreements shall be approved by the Manager following referral to any City departments or agencies whose facilities, services, or duties are affected by the content of the proposed Development Agreement.

7.5.415 Appeals**A. General Requirements****1. Right to Appeal**

- a. An Affected Party aggrieved by an appealable administrative decision made by the Manager or other City official under this UDC may appeal the decision, except where appeals are specifically barred under this UDC.
- b. For purposes of this Section, an Affected Party is:
- (1) The applicant for the decision being appealed;
 - (2) The owner or tenant of a lot or parcel of land located within one thousand (1,000) feet of the subject lot; or
 - (3) Any owner or tenant of a lot or parcel of land located within ~~two-three~~ (23) miles of the subject property who has preserved standing by:
 - (a) Testifying at the public hearing on the application;
 - (b) Submitting written comments prior to the public hearing on the application; or
 - (c) In the case of applications approved by the Manager or an administrative official, submitting written comments to the Manager or administrative official during the comment period before the Manager or administrative official's action.

2. Notice of Appeal

- a. The notice of appeal shall state:
- (1) The specific provision(s) of this UDC that is the basis of the appeal;
 - (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
 - (a) The decision is contrary to the express language of this UDC;
 - (b) The decision is erroneous; or
 - (c) The decision is clearly contrary to law; and
 - (3) Describe how the criteria for the relevant application have or have not been met.
- b. A recommendation to City Council to approve an application shall not be the basis for an appeal.
- c. As a preliminary matter, the body hearing the appeal may choose to vote on the sufficiency of the appeal to determine if the appeal has met the requirements of this Subsection. Upon a finding of insufficiency by a majority of the body hearing the appeal, the appeal shall be rejected, and no hearing held.

3. Complete Appeal Required

Any person pursuing an appeal subject to this Section 7.5.416 (Appeals) shall complete all forms pursuant to Section 7.5.403 (Application Submission) and the payment of all fees required by Section 7.5.404 (Fees). Failure to pay any required fee or to properly complete any required form within the time provided shall be deemed a waiver of the right to appeal.