

SILVER BAY CITY CODE

CHAPTER 12, SECTION 1290

The City Council of the City of Silver Bay Ordains that the Silver Bay City Code, Chapter 12, Section 1290 is amended to read as follows:

1290.02 Powers. The Board of Adjustments and Zoning Appeals (Board) shall have the powers set forth in Minnesota Statutes § 462.357, Subd. 6 and § 462.359, Subd. 4. The decision of the Board on matters within its jurisdiction are final subject to judicial review.

1290.03 Appeals Procedure.

Subd. 1. Notice of Appeal. An appeal from the decision of the Planning & Zoning Commission (Commission) may be taken by any "affected person". Notice of Appeal shall be filed in the office of the City Administrator and served on the City Attorney and opposing counsel or respondent if not represented by counsel. A Memorandum shall be filed with the Notice of Appeal stating with particularity the errors in the decision of the Commission appealed from together with supporting documents.

Subd. 2. Hearing Procedure. The transcript of the Commission hearings, documentary evidence and exhibits received at the Commission hearings shall constitute the record on appeal.

A. Briefs. Appellants and respondents may file briefs containing a concise statement of the legal issues and facts presented at the Commission hearings relevant to the granting or denial of the relief requested. Briefs shall not contain factual material not admitted in evidence. The briefs shall be concluded with the party's argument setting forth the contentions of the parties with respect to the

issue presented, the analyses and legal citations. Copies of the briefs shall be served on counsel for the other parties, the City Attorney and four (4) copies of the brief shall be filed in the office of the City Administrator, not later than three (3) business days before the scheduled hearing date before the Board.

B. Oral Arguments. Oral arguments will be allowed by Counsel for appellants and respondents for such times as may be established by the Board.

Subd. 3. Bond. The appellant shall file a appeal bond with the office of the City Administrator to cover the costs incurred by the City in the appeal proceedings in such amount as may be determined by the Board.

1290.04 Hearings. The Board shall hold hearings on the appeal within forty-five (45) days of the filing of the Notice of Appeal. The Board shall give public notice and conduct the hearings as provided in Minnesota Statutes §462.357, Subd.3 and Subd.6.

Effective Date. This Amendment to the Silver Bay City Code shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Silver Bay this 15th day of November, 1999.

ATTEST:

Scott Johnson, Mayor

Gary Brumberg, City Administrator