



**To:** Chair Thiesse and Planning Commission Members  
Jessica Loftus, City Administrator

**From:** Jeremy Barnhart, Community Development Director

**Date:** September 19, 2016

**Subject:** #16-3865, City of Orono,  
Text Amendment: Appeals  
Public Hearing

<p><b>Application Summary:</b> The proposed ordinance formally consolidates and clarifies the appeal process for a number of decisions made by city staff, the Board of Appeals, and the City Council.</p> <p><b>Staff Recommendation:</b> Planning Department Staff recommends approval of the ordinance as drafted.</p>
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### List of Exhibits

*Exhibit A.* Draft Ordinance

### Background

Among the priorities for amendments to the city ordinances was the need to clarify the appeal process. An appeal of a decision is one of the fundamental rights a resident has, and the avenue in which to make this appeal, and resolve it in a timely manner required clarification.

Currently, references to appeals are located throughout the code, and pertain to administrative decisions made by staff and officials, (2-41), false alarm penalties (42-168) permit revocations (18-111), violations of tobacco regulations (50-32), Special event permits (66-225), nuisance abatement (Chapter 70), zoning decisions (Chapter 78), and subdivisions (Chapter 82).

Section 1 of the draft ordinance consolidates the appeal process for decisions made by the city administrator or any other city official. This includes alarms, special event permits, site plan process, and vegetative alterations. In all cases, an appeal must be submitted within 10 days of the decision being appealed, to avoid a person requesting an appeal 6 months after a decision was made and acted on. 10 days is a standard appeal timeline.

Sections 2-9, 12, 14 of the draft ordinance amend the various sections of the code which reference administrative type decisions.

Section 10 notes that Zoning Board of Appeals (ZBA) decisions on appeals are binding, though they may be appealed to the City Council. ZBA decisions on variances are advisory, the Council makes the final decisions.

Section 13 relates to floodplain regulations, and is mandated by the National Flood Insurance Program.

Section 15 names the Zoning Board of Appeals established for zoning variances is the board for appeals from the administration of the subdivision ordinance. The Zoning board of Appeals in Orono is currently the Planning Commission.

**Staff Recommendation**

Staff recommends approval of the ordinance as written.