
Sec. 90-155. Appeals.

- (a) The property owner or applicant for new development may appeal the following decisions to the superintendent:
 - (1) The applicability of a capital recovery fee to the development.
 - (2) The amount of the capital recovery fee due.
 - (3) The application of an offset or credit against a capital recovery fee due.
 - (4) The amount of the refund due, if any.
- (b) The burden of proof shall be on the appellant to demonstrate that the amount of the capital recovery fee or the amount of the offset or credit was not calculated according to the applicable capital recovery fee schedule or the guidelines established from determining offsets and credits **or the applicant could have reasonably filed a replat of a portion of the property prior to the effective date of the new fee amount given the stage of submittals including improvement agreements in process**
- (c) The appellant may appeal the decision of the superintendent, in writing, to the city manager. If the appeal is accompanied by a bond or other sufficient surety satisfactory to the city manager in an amount equal to the original determination of the capital recovery fee due, the development application or tap purchase may be processed while the appeal is pending.

(Code 1976, § 19-122; Ord. No. 21-F-30, § 1(Exh. A), 8-10-2021; Ord. No. 25-F-017, § 2(Exh. B), 4-1-2025)

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