

2. Amendments.

- a. Any change to an approved plat, plan, or permit that does not qualify as a minor modification as set forth in §15.02.090.H, "Minor Modifications," including all changes in use and density, are considered amendments.
- b. For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this Chapter. In the case of a final subdivision plat or final PUD development plan, all amendments shall be subject to the review procedures applicable to a preliminary subdivision plat or preliminary PUD development plan application, respectively.
- c. All approved amendments to a recorded plat, site plan, or PUD development plan shall be recorded within thirty (30) days of the amendment's approval.

O. Extension of Approval Periods

1. Applicants shall submit requests for extension of any approval period in writing prior to the applicable lapse of the approval deadline and a minimum of thirty (30) days prior to the meeting where the extension will be considered. In the case of a temporary use permit valid for 30 or fewer days, the Applicant shall submit a request for an extension prior to the applicable lapse of the approval deadline, as stated in §15.02.090.G.6 below.
2. The Decision-Making Body that originally approved the application (the one being extended) shall consider the extension request.
3. Extension requests shall be evaluated on the basis of compliance with regulations and policies in effect at the time of the extension request, and will be allowed only when the following conditions exist:
 - a. The provisions of this Chapter must not expressly prohibit the extension; and
 - b. The extension request must be filed in a form established by the Planning Director and include all exhibits and fees.
4. An appeal from a determination to extend an approval time frame shall be made to the Appeal Body who would have heard an appeal of the original approval.

P. Appeals

1. All Actions and Decisions Final Unless Appealed. All actions and decisions made by a Decision-Making Body shall become final unless appealed under the requirements stated in this subsection.
2. Appeals from Final Actions and Decisions by the Planning Director on Minor Development Applications and Written Code Interpretations. A Party-in-Interest aggrieved by any final action, decision, or order by the Planning Director on a minor development application or written code interpretation under this Development Code may appeal to the P/Z. All appeals to the P/Z shall be filed in writing with the Planning Division within fourteen (14) days from the date of the Planning Director's action. The appeal shall specify the reasons why the Planning Director's action should be amended or reversed. The P/Z shall take action on the appeal within sixty (60) days from the close of the appeal period. The P/Z's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction.

3. Appeals from All Other Final Actions and Decisions by the Planning Director or Other Administrative Official.
 - a. A Party-in-Interest aggrieved by any final action, decision, refusal, or order by the Planning Director or other administrative officer based on or made in the course of the administration or enforcement of this Development Code, other than for minor development application approval or a written code interpretation, may appeal to the Board of Adjustment.
 - b. For purpose of these appeal provisions, "final action, decision, refusal, or order" shall not include decisions to waive, interpret, or apply procedural steps (including submittal requirements) made by the Planning Director or other administrative official in the course of the City's substantive review of development applications.
 - c. All appeals to the BOA shall be filed in writing with the Building Inspection Division within thirty (30) days from the date of the Planning Director's or officer's action. The appeal shall specify the reasons why the challenged action should be amended or reversed. The BOA shall take action on the appeal at a noticed public hearing within sixty (60) days from the close of the appeal period. The BOA's action on the appeal shall be final, and may be appealed only to a Colorado court of competent jurisdiction.

4. Appeals from Final Actions and Decisions by the Planning & Zoning Commission.
 - a. A Party-In-Interest aggrieved by any final action, decision, or order by the P/Z may appeal to the City Council. Appeals to the City Council shall be filed in writing with the City Clerk, with a copy to the Planning Division, within seven (7) days from the date of the P/Z's action. The appeal shall specify the reasons why the P/Z's action is incorrect.
 - b. The City Council shall take action on the appeal within sixty (60) days from the close of the appeal period, except that when the appeal is associated with a concurrent development application that requires City Council review or approval, the City Council shall consider the appeal at the same time that it considers final action on the concurrent development application.
 - c. The City Council's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction. If the result of the City Council's action on appeal is to deny a development application, the P/Z may not act on the same development application, nor one substantially the same, for one (1) year from the date of the City Council's action on the appeal.

5. Final Actions and Decisions by the Board of Adjustment. Any Party-In-Interest aggrieved by any final action, decision, or order by the BOA under this Development Code may appeal directly to a Colorado court of competent jurisdiction.

6. Final Actions and Decisions by the City Council. Any Party-In-Interest aggrieved by any final action, decision, or order by the City Council under this Development Code may appeal directly to a Colorado or other court of competent jurisdiction.

7. Staff Preparation of Appeal Report. If an appeal is made under this subsection, the Planning Director shall prepare an appeal report detailing the decision of the applicable Decision-Making Body, and shall include all appeal letters and minutes of all applicable public meetings or hearings. The appeal report shall be sent to the Applicant, Appellant, and the Appeal Body for consideration at least five (5) days before the appeal is scheduled for hearing.

8. Appeal Proceedings.
 - a. A public hearing on the appeal is required only if the original decision being appealed required a public hearing. Notice of a public hearing on an appeal shall be given according to §15.02.040.H, "Notices," above. If the original decision did not require a public hearing, the Appeal Body may consider the appeal at a regular meeting, or may, at its discretion, determine the appeal at a noticed public hearing.
 - b. The Appeal Body shall open the hearing by receiving the Appeal Report. The Appeal Body shall then give each Appellant and the Applicant an opportunity to present evidence and argument. The Appeal Body may augment the record by considering additional evidence or argument, if the planning staff, each Appellant, and the Applicant are given an opportunity to rebut such evidence.
 - c. The Applicant shall have the burden of demonstrating that the application complies with the applicable review criteria.
 - d. The Appeal Body shall apply the applicable review criteria for the subject development application and either uphold, modify, or reverse the Decision-Making Body's action or decision. A tie vote to uphold, modify, or reverse the original decision results in denial of the subject development application.
 - e. The Appeal Body shall accompany its decision with written findings of fact specifying the reasons for the decision.

9. Right to Appeal--Party-In-Interest--General Rule. Except for appeals from the final decisions made by the Planning Director or other administrative official, appeals may be filed only by "Parties-in-Interest," who shall be limited to the following:
 - a. The Applicant;
 - b. The Owner of the subject property;
 - c. Any Person or organization entitled under this Chapter to written notice of the public hearing on the application;
 - d. Any Person who testified at a public hearing on the application;
 - e. Any Person who submitted written comments on the application at the public hearing on the application, but not including persons who only signed mass petitions;
 - f. Any resident of the City of Longmont;
 - g. The City Council as represented by the request of a single member of the City Council;
 - h. The Planning Director; or
 - i. Any other person who has standing to appeal under Colorado law.

10. Right to Appeal--Party-In-Interest--Appeals from Administrative Decisions. In the case of applications that may be approved or actions that may be taken by the Planning Director or other administrative official, appeals may be filed only by the following Parties-in-Interest:
 - a. The Applicant;
 - b. The Owner of the subject property; or
 - c. Any Person or organization entitled under this Chapter to written notice of receipt of the application; or
 - d. Any Person who submitted written comments to the Planning Director or administrative official before the date of the official's action, but not including persons who only signed mass petitions; or
 - e. Any other person who has standing to appeal under Colorado law.