

## PLANNING AND ZONING BOARD

### STAFF REPORT

**MEETING DATE:** February 27, 2017

**AGENDA NO:** IX.B

**AGENDA ITEM:** LDR AMENDMENT – SECTION 2.4.7(E) GENERAL PROCEDURES FOR APPEALS

**FILE:** 2017-100

**PREPARED BY:** Mark E Stivers, AICP, Principal Planner

### ITEM BEFORE THE BOARD

The item before the Board is a City-initiated text amendment to amend Section 2.4.7 “Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations” the Land Development Regulations (LDRs) to clarify the process, the requirements, and the procedure for applying for an appeal.

### BACKGROUND

This City initiated LDR amendment is being brought forward to clarify the process and procedures for appeals due to some recent cases.

City staff together with the City Attorney’s office, following some recent appeals, reviewed the current LDR code and drafted language to the code to address these issues.

### ANALYSIS

This amendment will make the following changes to Section 2.4.7(E):

- References to parties have been struck to comport with recent changes to the quasi-judicial rules.
- Limited appeals to actions of City boards and administrative interpretations (Struck ability to appeal findings made by boards).
- Streamlined the filing information requirements
- Changed the procedure to clarify that the appeal must be heard within 60 days unless the City has granted a one-time postponement.
- Changed “Findings” section to “Standard of Review” and clarified the standard of review for administrative decisions to be consistent with Federal and State law.

### **REVIEW BY OTHERS**

As this is a City initiated amendment to clarify procedures, there was no additional review. Such comments can be presented at either the Planning and Zoning Board meeting or at the City Commission meetings.

### **ASSESSMENT AND CONCLUSION**

These changes are needed to improve the process of appeals, to streamline the filing information, and to ensure that these procedures are in accordance with adopted procedures and law.

### **ALTERNATIVE ACTIONS**

- A. Move a recommendation of approval to the City Commission of the City-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.
- B. Move a recommendation of approval, as amended, to the City Commission of the City-initiated text amendment to the Land Development Regulations as presented, based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.
- C. Move a recommendation of denial to the City Commission of the City-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is inconsistent with the Comprehensive Plan.

### **STAFF RECOMMENDATION**

Recommend to City Commission the approval of the City-initiated text amendment to the Land Development Regulations, Section 2.4, “General Procedures”, by amending Subsection 2.4.7 “Procedures for obtaining relief from compliance with portions of the Land Development Regulations” as presented based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan and is supported by evidence that these changes will align the code with changes to the Quasi-judicial rules.

ATTACHMENT:  
Draft Ordinance 12-17