



Legislation Details (With Text)

**File #:** 17-407      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 4/17/2017      **In control:** City Commission  
**On agenda:** 5/2/2017      **Final action:** 5/2/2017

**Title:** ORDINANCE NO. 12-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AT ARTICLE 2.4, "GENERAL PROCEDURES", BY AMENDING SECTION 2.4.7, "PROCEDURES FOR OBTAINING RELIEF FROM COMPLIANCE WITH PORTIONS OF THE LAND DEVELOPMENT REGULATIONS", SUBSECTION (E), "APPEALS", TO CLARIFY AND UPDATE THE PROCEDURES FOR SAME, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

**Sponsors:** Planning & Zoning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 12-17 LDR 2.4.7 appeal revisions FINAL, 2. PZB Report--ORD 12-17 Appeals 2.15.17 MES

Date	Ver.	Action By	Action	Result
5/2/2017	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** May 2, 2017

ORDINANCE NO. 12-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AT ARTICLE 2.4, "GENERAL PROCEDURES", BY AMENDING SECTION 2.4.7, "PROCEDURES FOR OBTAINING RELIEF FROM COMPLIANCE WITH PORTIONS OF THE LAND DEVELOPMENT REGULATIONS", SUBSECTION (E), "APPEALS", TO CLARIFY AND UPDATE THE PROCEDURES FOR SAME, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

**Recommended Action:**

Motion to Approve Ordinance No. 12-17 on second reading to amend Section 2.4.7(E) of the LDRs to clarify and update the appeals procedures.

**Background:**

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

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

- Removed references to parties to be consistent 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.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

N/A