
Sec. 13-34. Appeals.

An appeal is a process for review and modification of any action, which, if not appealed, would be final. An appeal shall be conducted as a new evidentiary hearing via de novo review in accordance with the city's quasi-judicial procedures and shall not be limited to the record below.

- (1) *Rule:* An appeal may be made of an administrative interpretation; or of any finding made by an approving body; or, of a decision made by an approving body. The appeal of an administrative official's interpretation or application of the land development code shall first be presented to the planning and zoning board and may subsequently be appealed to the city commission; an appeal of the planning and zoning board's action or decision on a development application shall be made to the city commission. All such actions or decisions are appealable unless an appeal is expressly prohibited. An appeal may be made by an aggrieved party. For purposes of this section, an aggrieved party is defined as any owner or tenant of land situated within five hundred (500) feet of land subject to the proposed action under the city's land development code that has been or will be adversely affected by the decision under the city's land development code; or any person who can show that they have a substantial interest in property that has been or will be adversely affected by a decision on the proposed action.
- (2) *Required information:* An appeal by an aggrieved party must be made in writing, directed to the city clerk, and must provide the following information including the appropriate processing fee as specified in section 13-81:
 - (a) Identification of the action which is being appealed;
 - (b) Identification of who or what board took the action and the date it was made;
 - (c) The basis of the appeal;
 - (d) The relief being sought; and,
 - (e) The name of the aggrieved party, the aggrieved party's substantial interest in the matter and how the decision has adversely affected the aggrieved party.
- (3) *Procedure:* The following procedures shall be adhered to in the processing of any appeal:
 - (a) The city clerk or designee must receive the letter of appeal with the required information set forth above from the aggrieved party within ten (10) working days of the date of the action being appealed.
 - (b) Upon receipt of a timely filed and sufficient letter of appeal, the city clerk or designee shall place the appeal on the agenda for consideration of the appeal at the next regular meeting of the body who is to act upon it, provided that the appeal was received in time for proper placement on that agenda. In any event, a properly filed letter of appeal shall be scheduled for hearing no later than ninety (90) working days from the date it was received by the city clerk.
 - (c) The director of sustainable development shall ensure compliance with any necessary public notification procedures required under the original action or application. Costs for such public notification will be assessed to the aggrieved party in the same manner as the applicant under the original action or application.
 - (d) The aggrieved party shall present the appeal at the public hearing for which the appeal hearing is scheduled. The appellee may present reasons or documentation in support of the initial decision.
 - (e) The reviewing body must consider the appeal at which time the appeal may be granted, denied, or set for further consideration upon a majority vote.
- (4) *Conditions:*

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- (a) The granting of an appeal pertaining to an administrative official's interpretation or application of the city's land development code is not subject to conditions.
 - (b) The granting of an appeal pertaining to a decision on a development application may be conditioned in the same manner as the development application may have originally been conditioned.
- (5) *Findings:*
- (a) The granting of an appeal pertaining to an administrative official's interpretation or application of the city's land development code requires only a finding that the administrative officer was incorrect in the application of the regulation.
 - (b) The granting of an appeal pertaining to a decision on a development application must consider those items upon which a finding is required and the reviewing body must make findings on those items.
- (6) *Stay of previous action:*
- (a) *General:* Whenever an appeal is pending, the action being appealed shall be stayed, i.e. the development application or appealed part thereof shall be considered neither approved nor denied.
 - (b) *Proceeding at risk:* If an appeal is initiated for an action that is precedent for another action (e.g. site plan approval preceding plat approval), the applicant may proceed with the submittal and processing of further development applications but only at his or her own risk.
- (7) *Decision:* A reviewing body, sitting in its appellate capacity, hearing an appeal shall file its written findings and decision with the city clerk or designee within thirty (30) days of the appellate hearing. An appeal from a decision made by a reviewing body of last resort shall be handled exclusively by judicial review in the Seventeenth Judicial Circuit Court, in and for Broward County, Florida, and shall be filed within thirty (30) days from the date of the filing of the final reviewing body's written order with the city clerk or designee.

(Ord. No. 115-86, § 108.05, 7-10-86; Ord. No. 159-87, § 108.05, 6-11-87; Ord. No. 2001-034, § 2, 10-11-01; Ord. No. 2015-053, § 1, 10-8-15; Ord. No. 2017-008, § 2, 1-11-18)