



## STAFF REPORT ON PROPOSED LEGISLATION

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To: Mayor Gavin Buckley

From: Sally Nash, Acting Director of Planning and Zoning

Date: November 18, 2019

Subject: Ordinance O-34-19: Planning and Zoning – Appeal Procedures

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This ordinance makes changes in the City’s appeal procedures that apply when an applicant appeals a decision made by the Director of Planning and Zoning. The ordinance:

- clarifies when an appeal can be filed.
- clarifies who has standing to file an appeal.
- codifies that the hearing is *de novo*, i.e., that the Board looks at all documentation and information the Director looked at as though the application was a new one.
- states that the appellant shall have the burden of proof.
- codifies the procedures for examination and cross-examination.

The proposed ordinance also adds on page 1, line 43, after the words “a person aggrieved by a decision of the Planning and Zoning Director” the phrase “on an application.” Currently, if the Department receives an appeal of a decision that is not related to an application, it is up to the Board of Appeals to determine whether that appeal should proceed.

Finally, the ordinance codifies the current practice of allowing the applicant to have party status if the appellant is not the applicant, and it coordinates requirements with the Board of Appeal’s existing *Rules of Procedure* applicable to appeals.

*Prepared by Sally Nash, Acting Director of Planning and Zoning*