



Agenda MEMORANDUM

Office of the City Attorney

To: Mayor and City Council
From: Nancy Stuparich, City Attorney
Date: June 2, 2022
Regular Meeting Date: June 15, 2022

SUBJECT: Second Reading – An Ordinance relating to appeals from decision by the Design Review Board

SUMMARY: The proposed ordinance amends Section 2-477 of the Code of Ordinances regarding the appeal to the City Council of decisions by the Design Review Board. At the time of Second Reading, a companion agenda item to amend the City Council's Rules of Procedure by Resolution will be presented to provide consistency with any adopted Code changes.

BACKGROUND: In the recent past, several decisions by the Design Review Board have been appealed to the City Council for review. During these prior appeals, ambiguities in Section 2-477 of the Code of Ordinances were identified, including but not limited to whether the appeal was a "de novo" review (i.e. from the beginning and not limited to the record) or whether City Council's review should be an appeal limited to the record presented to the Design Review Board.

A First Reading of the ordinance was scheduled for November 1, 2021 and subsequently continued and then further rescheduled to a future date. During the prior First Reading in November 2021 City Council recommended several changes including 1) applicability of the new 1,000-foot notice provisions; 2) allowing additional time for an Appellant to resubmit an application that was incomplete or otherwise deficient; 3) the standard of review (4) and supplementing the record on appeal with new testimony and the introduction of omitted or new information or evidence. In response, a revised draft was prepared for further discussion. The draft ordinance was again rescheduled for First Reading on May 2, 2022 and again to June 1, 2022 due to scheduling issues.

During First Reading on June 1, 2022, several changes were requested. In view of the earlier revisions to the draft ordinance and to avoid confusion, the City Council agreed to removal of some of the prior suggested changes in order to review a "clean" draft for consideration on Second Reading. During preparation of the draft ordinance some additional language changes were suggested and included for discussion.

FUNDING SOURCE: Not applicable

RECOMMENDED ACTION: Approve the proposed ordinance on Second Reading

ATTACHMENTS:
Draft Ordinance - Second Reading

Ethics above all else... Service to others before self... Quality in all that we do.