

# Current Automatic Stay – Sec. 118-9(c)(5)

*Stay of work and proceedings on appeal.* An appeal of a board order stays all work on the premises and all proceedings in furtherance of the action appealed from, unless one of the exceptions below applies:

(i) A stay would cause imminent peril to life or property. In such a case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction, upon application for good cause shown;

(ii) [Appeals of Planning Board Conditional Use Permits]

# Proposed Automatic Stay – Sec. 118-9(c)(5)

*Stay of work and proceedings on appeal.* An appeal of a board order stays all work on the premises and all proceedings in furtherance of the action appealed from, unless one of the exceptions below applies:

(i) [Imminent peril to life or property]

(ii) [Planning Board CUPs]

(iii) Except for appeals arising from the planning board's approval of a conditional use permit, which remain governed by subsection (ii) above, the appeal of any board order for property located outside the RS-1, RS-2, RS-3, or RS-4 single-family zoning districts, if timely and properly filed, shall stay all work on the premises and all proceedings in furtherance of the action appealed from for a period of **120 days from the date the appeal is filed or until such time as the appeal is ruled on by the body or court with jurisdiction at the first level of appeal (whether a special magistrate, the city commission, the circuit court, or other), whichever occurs first. The provisions of this paragraph shall not be applicable to appeals filed by the city manager or the applicant for the land use board approval.**

# Proposed Appeal Timeframe and Briefing Deadlines

- Sec. 118-9(E)

(E) *Deadlines.* Oral argument for a design review board or historic preservation board appeal shall take place within **90 days** of the date the appeal is filed, unless a lack of quorum of the City Commission, or the availability of the special magistrate, requires the oral argument to be continued. Failure by the City Commission or the special magistrate to rule on the appeal within a **120 day** timeframe, or immediately thereafter due to lack of quorum of the City Commission or availability of the special magistrate, shall render the appeal request denied, unless all parties to the appeal (including the petitioner, the applicant, and the City Administration, as applicable) agree to a continuance of the oral argument.

(i) *Answer Brief.* The respondent may serve an **answer brief within 30 days of the City's acceptance of the petition.**

(ii) *Reply Brief.* The petitioner may serve a **reply brief within 15 days** of the filing of the answer brief.

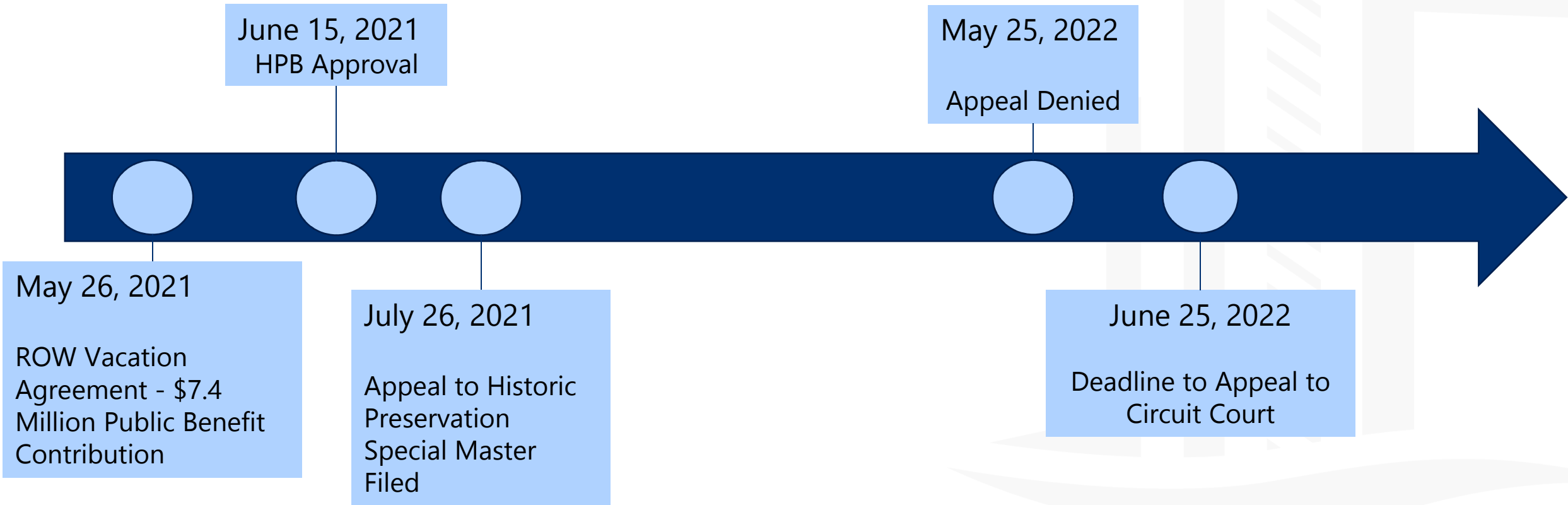
(iii) *Oral Argument.* Oral argument shall occur within 90 days of the City's acceptance of the petition, except that oral argument may be continued to a future date due to lack of quorum of the City Commission or the unavailability of the special magistrate.

These deadlines may be modified by consent of the parties to the appeal.

# No Automatic Stay

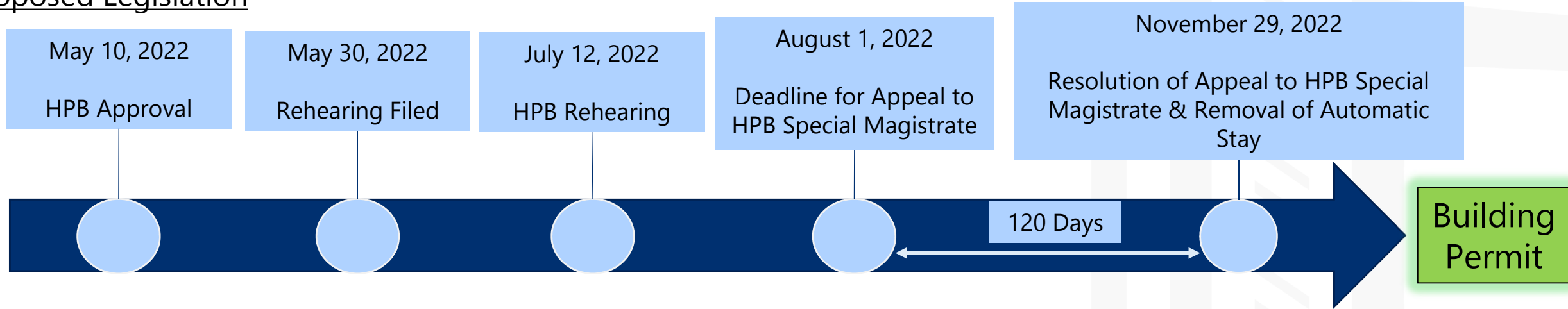
Jurisdiction	Automatic Stay Upon Appeal
Miami	None
Broward County	None
Key Biscayne	None
Doral	None
Aventura	None
Martin County	None

# Appeal Timeline – Bulgari Hotel

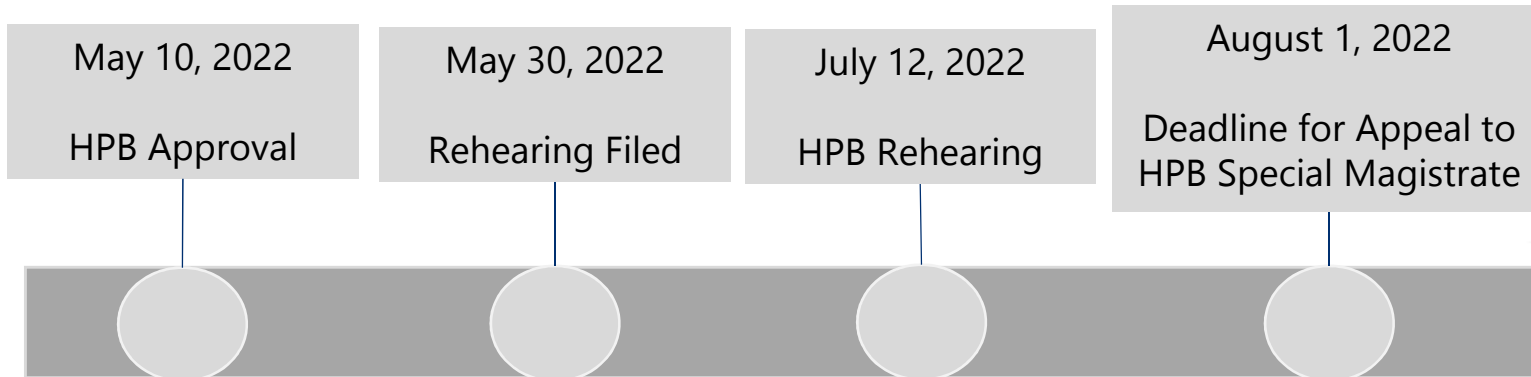


# Appeal Timeline Comparison - Shore Club Project

## Proposed Legislation



## Current Code



# Thank You

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