



NAPLES CODE OF ORDINANCES

Sec. 2-477. Appeals from decisions of board.

- (a) Any petitioner, owner of the property that is the subject of the petition, or person who should have received notice pursuant to section 46-45 and who appeared before the board, is presumed to have standing to appeal a final decision of the board to the city council.
- (b) An appeal to the city council may be perfected by filing a notice of appeal, in a form prescribed by the city clerk, within 15 days after the decision of the board was signed by the chair or vice-chair and filed with the city clerk. The notice of appeal shall set forth the specific errors committed by the board, with reference to the portion of the record where the error was committed. To perfect the appeal, within the prescribed 15 days the appellant(s) shall: (1) complete and file the notice of appeal; and (2) pay a fee established by the city council for each decision that is appealed. If the notice of appeal is not timely filed, the filed notice of appeal is incomplete or the fee is not timely paid, the city staff shall reject the appeal and notify the appellant(s) that the appeal as filed is deficient. The appellant(s) shall have seven days from the date notice is sent by the city staff to correct the deficiency. If the deficiency is not cured within that seven-day period, the action of the board shall thereafter constitute final agency action by the board. If all deficiencies are cured within that seven-day period, the appeal shall be deemed to have been filed on the date all deficiencies are cured.
- (c) The city council shall hear the appeal at an available regularly scheduled meeting, or at a special meeting within 45 days after the date of filing the notice of appeal. Failure of the city council to adhere strictly to this schedule shall not constitute grounds for challenge of the city council's action. Any person who should have received notice pursuant to section 46-45 of the board's prior action shall be mailed a notice of the date the appeal will be heard by the city council in accordance with section 46-45.
- (d) The city council shall render a decision immediately following the hearing of the appeal, unless the matter is continued consistent with established city council procedures. The city council's review shall be limited to a review of the record before the board and argument before city council regarding error by the appellant(s) and the property owner or petitioner before the board to determine:
 - (1) Was the appellant(s) afforded procedural due process before the DRB?
 - (2) Did the DRB decision follow the essential requirements of law?
 - (3) Was there competent, substantial evidence presented to the DRB in support of its decision?
- (e) The city council may affirm, deny, or remand the board's decision with directions. The disposition of any appeal by the city council shall be by resolution and shall constitute final agency action.

(Code 1994, § 2-496; Ord. No. 03-10047, § 1, 5-7-2003; Ord. No. 22-14905, § 1, 9-6-2022)