

# PROPOSED

## ORDINANCE NO. 2021-

1 AN ORDINANCE OF THE BOARD OF COUNTY  
 2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
 3 PERTAINING TO QUASI-JUDICIAL PROCEEDINGS;  
 4 AMENDING SECTIONS 1-326 AND 1-328 OF THE  
 5 BROWARD COUNTY CODE OF ORDINANCES ("CODE");  
 6 PROVIDING FOR DEFINITIONS AND STANDING TO  
 7 REMOVE ITEMS FROM THE QUASI-JUDICIAL CONSENT  
 8 AGENDA; AND PROVIDING FOR SEVERABILITY,  
 9 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
BROWARD COUNTY, FLORIDA:

Section 1. Section 1-326 of the Broward County Code of Ordinances is hereby  
amended to read as follows:

**Sec. 1-326. Definitions.**

...

(o) Standing shall mean that the person alleges and is able to demonstrate that approval or denial of the item would result in special damages peculiar to that person that differ in kind, as distinguished from damages that differ in degree, from those suffered by the community as a whole.

(p) Witness shall mean any person who testifies under oath.

Section 2. Section 1-328 of the Broward County Code of Ordinances is hereby  
amended to read as follows:

**Sec. 1-328. General procedures.**

(a) Development permits (except zoning permits).

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 (1) All applications for development permits (except zoning permits) ~~which~~  
2 that are required to be approved by the Board shall be placed on the  
3 Board's quasi-judicial consent agenda. If an application is not removed  
4 from the quasi-judicial consent agenda, the Board shall vote on the  
5 quasi-judicial consent agenda based upon the materials in the agenda  
6 report(s). ~~In order to be placed on the quasi-judicial consent agenda,~~  
7 ~~applicants who concur with the staff report and recommendation shall sign~~  
8 ~~a notarized statement indicating their concurrence.~~

9 (2) The applicant, any commissioner, or any member of the public with  
10 standing may request that an application for a development permit be  
11 removed from the quasi-judicial consent agenda and, except as otherwise  
12 provided in Subsection (3) below, such item shall be continued and shall  
13 be scheduled on the quasi-judicial regular (~~non-consent~~ nonconsent)  
14 agenda two (2) weeks from the date it was removed from the quasi-judicial  
15 consent agenda or, if there is no County Commission meeting scheduled  
16 in two (2) weeks, the next meeting of the County Commission after the  
17 two-week period. Any additional deferrals shall be in accordance with the  
18 provisions contained herein and the Broward County Land Development  
19 Code.

20 . . .

21 (4) All applications for development permits ~~which~~ that are placed on a  
22 quasi-judicial regular (~~non-consent~~ nonconsent) agenda shall be heard  
23 pursuant to and in accordance with the procedures set forth in this section.  
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1       (5)     Any member of the public who asks that an application for a development  
2             permit be removed from the quasi-judicial consent agenda shall allege  
3             sufficient facts to demonstrate standing, as defined herein. The County  
4             Attorney shall make a determination as to whether sufficient facts have  
5             been alleged to establish standing for purposes of removing the item from  
6             the quasi-judicial consent agenda.

7       (b)     Zoning permits shall be scheduled on a quasi-judicial regular (~~non-consent~~  
8     nonconsent) agenda and shall follows the procedures set forth below.

9     . . .

10  
11       Section 3.     Severability.

12       If any portion of this Ordinance is determined by any court to be invalid, the invalid  
13     portion will be stricken, and such striking will not affect the validity of the remainder of  
14     this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot  
15     be legally applied to any individual, group, entity, property, or circumstance, such  
16     determination will not affect the applicability of this Ordinance to any other individual,  
17     group, entity, property, or circumstance.

18  
19       Section 4.     Inclusion in the Broward County Code of Ordinances.

20       It is the intention of the Board of County Commissioners that the provisions of  
21     this Ordinance become part of the Broward County Code of Ordinances as of the  
22     effective date. The sections of this Ordinance may be renumbered or relettered and the  
23     word "ordinance" may be changed to "section," "article," or such other appropriate word  
24     or phrase to the extent necessary in order to accomplish such intention.

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                      underscored type are additions.

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Section 5. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By /s/ Maite Azcoitia 12/21/2020  
Maite Azcoitia (date)  
Deputy County Attorney

MA/gmb  
Quasi Judicial Standing Ordinance  
12/21/2020  
#41001-0001

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