



# Broward County

## Legislation Text

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File #: 21-059, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

**MOTION TO ADOPT** Resolution No. 2021-035 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 9, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

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

(Sponsored by the Board of County Commissioners)

#### **Why Action is Necessary**

The proposed Ordinance was prepared by the Office of the County Attorney as part of its ongoing program to review and update Code provisions.

#### **What Action Accomplishes**

Enables the setting of a public hearing during which the Board may consider enacting an Ordinance relating to quasi-judicial proceedings.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

Article XVII of Chapter 1 of the Code establishes the procedures for conducting quasi-judicial proceedings before the Board. Section 1-328 provides that the applicant, a County Commissioner, or any member of the public may ask that an item be removed from the quasi-judicial consent agenda and placed on the regular agenda so that a full quasi-judicial proceeding may be held.

Florida courts have held that, in order to have standing to challenge a development order, a person

must demonstrate 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. The proposed Ordinance incorporates the foregoing definition of standing and requires that a member of the public have standing in order to remove an item from the quasi-judicial consent agenda. Thus, the proposed Ordinance would codify the Board's current practice.

The proposed Ordinance also amends terminology and makes some nonsubstantive changes, consistent with the recent update to the Land Development Code.

**Source of Additional Information**

Maite Azcoitia, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.