

## QUASI-JUDICIAL LAND USE MATTERS

**“Affected party”** shall mean a party that is affected from a quasi-judicial determination different in kind and not just degree from that which affects the community as a whole.

**“Land use matter”** shall mean any site specific zoning ordinance, or site specific amendment to any zoning ordinance, any variance, any special exception, any conditional use, any appeal from the determination of a zoning official or any other matter affecting land use deemed to be a quasi-judicial matter as provided by law.

**Quasi-judicial hearings shall, to the extent possible, be conducted as follows:**

1. The Mayor or presiding officer shall open the item and inquire if any City Commissioner has engaged in Ex Parte communications on this item to disclose it at this time. Communication shall include City Commission discussions with affected parties including the petitioner and City staff. Disclosure shall also include visitation to the site being discussed.
2. The petitioner, City staff, and affected parties shall be sworn.
3. City staff shall provide testimony on the item including their recommendation and the basis of that recommendation.
4. Petitioner and affected parties may question City staff.
5. Petitioner may provide testimony.
6. City staff and affected parties may question petitioner.
7. Affected parties may provide testimony.
8. Petitioner and City staff may question affected parties.
9. Rebuttal, if necessary, as allowed by Mayor or presiding officer.
10. The Mayor or presiding officer shall then call for comments by any member of the public. The Mayor or presiding officer, at his/her discretion, may request that all members of the public who are in favor of the matter first speak and then all members of the public opposed to the matter. Said comments shall be limited to three (3) minutes per person. The Mayor or presiding officer may impose reasonable limitations on the total time allotted to the public participation on items and the total number of speakers during the discussion on any item. The Mayor or presiding officer may ask that a representative of a large body of speakers speak on their behalf. The Mayor or presiding officer may limit comments by the public which he/she believes is repetitive, not on-topic, or otherwise contrary to the rules and procedures of City Commission meetings. Members of the public may be sworn or unsworn but shall be subject to cross examination.
11. City Attorney shall state the following: *“The record must contain substantial competent evidence to sustain a decision on appeal. Substantial, competent evidence is such evidence (as opposed to opinion or speculation) as will establish a substantial basis of fact from which the facts at issue can be reasonably inferred. It is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.”*
12. The City Commission shall vote to approve, disapprove, table/defer the quasi-judicial land use matter.