

Sec. 13-309. - Public hearing and notice.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the Administrative Official shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Identify the applicant, if other than the Town.
  - (2) Indicate the date, time, and place of the public hearing.
  - (3) Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law.
  - (4) Describe the nature, scope and purpose of the proposal being noticed using terms and phrases clearly understandable to the general public.
  - (5) Identify the Town departments where the public may inspect the application, staff report and related materials during normal business hours.
  - (6) Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.
  - (7) Include other information as may be required by law.
- (b) *Mailed notice.*
- (1) When the provisions of this chapter require that mailed notice be provided, the costs or providing such notice shall be included in the application fee or billed through cost recovery as applicable. Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
  - (2) The Town Clerk shall prepare the written notice and shall be responsible for mailing the notices. Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town.
- (c) *Published notice.* When the provisions of this chapter require that notice be published, the applicant shall be responsible for the cost of Town staff preparing the content of the notice and publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the Town. This notice shall be published in accordance with timelines prescribed in Table 13-309 in this article prior to the required public hearing, except where provided otherwise in this chapter.

- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the Administrative Official shall be responsible for posting the property, and shall:
- (1) Place the signs on the property that is the subject of the application in accordance with timelines prescribed in Table 13-309 in this article prior to a required or requested hearing.
  - (2) Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than 200 feet in a manner that makes them clearly visible to adjacent residents and passersby.
  - (3) Place the signs no more than 25 feet from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application.
- (e) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates or substantive changes to an application request during the period an application has been continued, shall require re-noticing for the new public hearing date.
- (f) *Comprehensive plan.* Notice for public hearings on applications for amendments to the comprehensive plan shall be noticed as follows:
- (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice.
  - (2) Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.
- (g) *Official zoning map and this chapter.* Notice for public hearings on applications for amendments to this chapter and the official zoning map shall be noticed as follows:
- (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice.
  - (2)

Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.

(h) *Other development requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to variances, conditional uses, site plans, plats, and vacations shall be noticed as follows:

- (1) Posting of the property subject to the application ten days prior to the hearing.
- (2) Courtesy mailed notice to the property owners of record shall be required according to the following schedule ten days prior to the hearing unless the application includes a request for amendment to the comprehensive plan or future land use map in which case subsection (f) shall apply, or if the request includes an amendment to the Town's Land Development Code or Official Zoning Map in which case subsection (g) shall apply:

PUBLIC HEARING APPLICATION INTENSITY	RADIUS IN FEET
Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial	5,000
50 to 99 Residential Units — 50,000 to 99,999 sq. ft. Commercial	2,500
20—49 Residential Units — 20,000 to 49,999 sq. ft. Commercial	1,000
Less than 20 Residential units or 20,000 sq. ft. Commercial	500

- (3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.
- (4) Where an application is made for a commercial development permit approval other than rezoning, including, but not limited to commercial variances, commercial conditional uses, commercial site plans, commercial plats, and commercial vacations, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations

located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to supplement and the minimum requirements of the Florida Statutes, and are not in conflict with Florida Statutes.

(i) *Administrative decisions.* Administrative action on applications for administrative decisions, including but not limited to administrative variances, administrative site plan decisions, and administrative conditional use decisions shall be noticed as follows:

- (1) Posting of the property subject to the application 30 days prior to final administrative action.
- (2) Courtesy mailed notice to the property owners of record shall be noticed 30 days prior to final administrative action according to the following schedule:

ADMINISTRATIVE APPLICATION INTENSITY	RADIUS IN FEET
Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial	5,000
50 to 99 Residential Units — 50,000 to 99,999 sq. ft. Commercial	2,500
20—49 Residential Units — 20,000 to 49,999 sq. ft. Commercial	1,000
Less than 20 Residential units or 20,000 sq. ft. Commercial	500
Administrative (De Minimus) Variances	Adjacent Properties

- (3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.
- (4) Where an application is made for a commercial administrative variance, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association,

condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to be supplemental to the minimum requirements of the Florida Statutes.

- (j) *Appeals of action by the Administrative Official.* An applicant seeking an appeal of the action by the Administrative Official to the Town Council shall be responsible for notice of the appeal by mailed notice to property owners of record within a 500-foot radius of the property subject to the application and posting of the property subject to the application.
- (k) *Applicant bears burden of cost.* All costs of publication, mailing and posting shall be borne by the applicant.

(LDC 2008, Div. 3.9; Ord. No. 08-102, § 2(Div. 3.9), 6-17-2008; Ord. No. 12-143, § 3, 1-10-2012; Ord. No. 14-170, § 2, 2-10-2014; Ord. No. 17-209, § 3, 9-5-2017)