

# Planning Commission

## Agenda Request

Date of Meeting: September 16, 2019

Date Submitted: September 9, 2019

To: Honorable Chairman and Members of the Commission

From: Somer Pell, Director, Planning and Community Development

Subject: Request Commission Recommendation Regarding a Text Amendment to Section 3-2 of the Land Development Code Pertaining to Due Public Notice Requirements

---

### **Statement of Issue:**

This agenda item requests the Commission's recommendation regarding a text amendment to Section 3-2 of the Land Development Code pertaining to due public notice requirements.

### **Background:**

On July 15, 2019, the Board of County Commissioners discussed including a requirement in the Code that would require Applications for Comprehensive Plan Map Amendments to send mail notices to adjacent property owners. The purpose of this would be to promote public awareness and involvement in the process. The Board directed staff to prepare the proposed ordinance. The advertisement for the Public Hearing appeared in the Wakulla News on September 5, 2019 (Attachment 1).

### **Analysis:**

The proposed ordinance amends Section 3-2 of the Land Development Code by requiring all Applications for Comprehensive Plan Map Amendments to send mail notices to all property owners within 1,000 feet of a property subject to the Application (Attachment 2). This process will be consistent with existing requirements for rezoning applications. Additionally, the proposed ordinance will remove the requirement for posting at the County Court House.

The Board of County Commissioners will hold the final public hearing on this matter on September 23, 2019.

### **Options:**

1. Conduct the first of two Public Hearings and recommend adoption the proposed ordinance amending Section 3-2 of the Land Development Code, pertaining to Due Public Notice Requirements.
2. Conduct the first of two Public Hearings and do not recommend adoption of the proposed ordinance amending Section 3-2 of the Land Development Code, pertaining to Due Public Notice Requirements.
3. Commission Direction.

**Recommendation:**

Option #1.

**Attachment(s):**

1. Advertisement
2. Proposed Ordinance

# Public Notice Page 5A.

## Choppy Meeting

A regular monthly meeting on September 5, 2019 at 6:30 p.m. at 105 Municipal Avenue.

Business. A decision made by the City Council with respect to any ordinance or hearing, the proceedings, and that, the need to ensure that a decision is made, which is based on evidence upon

Special accommodation for the hearing. Administration Office to the meeting at 105 Municipal Avenue, September 5, 2019 AD#WUUS

## Choppy Meeting to Adopt Budget

Two public meetings will be held in the presence of the City of Crawfordville for the City fiscal year. The first meeting will be held on September 2, 2019. The public hearing on the 2019-04 will be held on September 5, 2019. Public hearings will be held on September 5, 2019 at 6:30 p.m. and will be held at 105 Municipal Avenue, Crawfordville, Florida.

Meeting will be held at City Hall from 6:30 p.m. to 8:00 p.m. on Thursday and from 10:00 a.m. to 11:30 a.m. on Friday.

To attend a meeting, call 904-252-4611 at least 24 hours in advance.

September 5, 2019 AD#WMVP

## Public Hearings on Comprehensive Plan and Land Use Change

The Wakulla County Board of County Commissioners proposes to consider the following application and/or adopt the following by ordinance and has scheduled Public Hearings before the Wakulla County Planning Commission on Monday, September 16, 2019, beginning at 7:00 P.M. and before the Wakulla County Board of County Commissioners on Monday, September 23, 2019, beginning at 5:00 P.M. or as soon thereafter as the matter can be heard. All public hearings will be held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. All affected parties may appear at the public hearings, be heard, and submit evidence and written comments on the application.

### NOTICE OF PUBLIC HEARING CONCERNING A TEXT AMENDMENT TO THE WAKULLA COUNTY LAND DEVELOPMENT CODE

The Wakulla County Planning Commission and Board of County Commissioners proposes to adopt the following ordinance. Public Hearings are scheduled before the Wakulla County Planning Commission on Monday, September 16, 2019 beginning at 7:00 PM and Wakulla County Board of County Commissioners on Monday, September 23, 2019 beginning at 5:00 PM, or as soon thereafter as the matter can be heard. All public hearings will be held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. All affected parties may appear at the public hearings, be heard, and submit evidence and written comments on the application.

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, PERTAINING TO DUE PUBLIC NOTICE REQUIREMENTS; AMENDING CHAPTER 3, ARTICLE 1 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE ENTITLED GENERAL PROVISIONS; AMENDING SECTION 3-2 ENTITLED GENERAL STANDARDS FOR DUE PUBLIC NOTICE AND HEARINGS; REVISING REGULATIONS APPLICABLE TO THE DUE PUBLIC NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN MAP AMENDMENTS; PROVIDING FOR CODIFICATION, FOR SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 11 Bream Fountain Road, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons with a disability needing a special accommodation should contact the Wakulla County Board of County Commissioners Administration Office at least two (2) days prior to the meeting at (850) 926-0919; Hearing and Voice Impaired at 1-800-955-8771; or email at ADARrequest@mywakulla.com  
September 5, 2019 AD#WXZM

### NOTICE OF PUBLIC HEARINGS CONCERNING TRANSMITTAL OF LARGE SCALE MAP AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Wakulla County Planning Commission and Wakulla County Board of County Commissioners proposes to consider the following application and/or adopt the following by ordinance and has scheduled Public Hearings before the Wakulla County Planning Commission on Monday, September 16, 2019, beginning at 7:00 P.M. and before the Wakulla County Board of County Commissioners on Monday, September 23, 2019, beginning at 5:00 P.M. or as soon thereafter as the matter can be heard. All public hearings will be held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. All affected parties may appear at the public hearings, be heard, and submit evidence and written comments on the application.

## PUBLIC NOTICES

For our readers' convenience, The Wakulla News provides this Public Notice Section for all Public Notices not published in the Legal Notice section of the newspaper.



### EMPLOYMENT OPPORTUNITIES ADMINISTRATIVE COORDINATOR

The Wakulla County Board of County Commissioners is seeking qualified applicants for a full-time Administrative Coordinator located in the Parks & Facilities Office. This position reports directly to the Director of Parks & Facilities. Refer to [www.mywakulla.com](http://www.mywakulla.com) for qualifications and responsibilities. Send a Wakulla County application to: Human Resources, P.O. Box 1263, Crawfordville, FL 32326. Minimum starting salary will be \$33,434 annually. Applications must be received by 5:00 p.m. on Friday, September 13, 2019. Wakulla County is an EOE/AA employer.

September 5, 2019 AD#WXZ9



### EMPLOYMENT OPPORTUNITIES GRANTS COORDINATOR

The Wakulla County Board of County Commissioners is seeking qualified applicants for a full-time Grants Coordinator located in the Intergovernmental Affairs & RESTORE Act Office. See [www.mywakulla.com](http://www.mywakulla.com) for qualifications.

Send a Wakulla County application to: Human Resources, P.O. Box 1263, Crawfordville, FL 32326. Applications may be obtained by visiting our website at [www.mywakulla.com](http://www.mywakulla.com). Minimum starting salary will be \$33,434 annually but may be negotiable depending on qualifications. Applications must be received by 5:00 p.m. on Friday, September 13, 2019. Wakulla County is an EOE/AA employer.

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, PERTAINING TO DUE PUBLIC NOTICE REQUIREMENTS; AMENDING CHAPTER 3, ARTICLE I OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE ENTITLED GENERAL PROVISIONS; AMENDING SECTION 3-2 ENTITLED GENERAL STANDARDS FOR DUE PUBLIC NOTICE AND HEARINGS; REVISING REGULATIONS APPLICABLE TO THE DUE PUBLIC NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN MAP AMENDMENTS; PROVIDING FOR CODIFICATION, FOR SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Board of County Commissioners of Wakulla County, Florida (the “Board”) values and welcomes public involvement and input in the decision-making process; and

**WHEREAS**, the Board finds that requiring mailed notice to certain property owners adjacent to land subject to a proposed comprehensive plan map amendment will better ensure that the public is provided notice of the time and place of the public hearings at which such proposals will be considered by the Board and at which the public is provided the opportunity to provide comment and input to the Board on such proposals.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Wakulla County, Florida, as follows:

**SECTION 1. INCORPORATION OF RECITALS.** The above recitals are true and correct and are hereby incorporated by reference.

**SECTION 2. AMENDMENT OF SECTION 3-2 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board hereby amends Section 3-2, of the Wakulla County Land Development Code, entitled “General standards for due public notice and hearings,” as follows:

(Words that are underlined are additions and words that are ~~stricken~~ shall be deleted)

**Sec. 3-2. - General standards for due public notice and hearings.**

- (1) *In general.* It is the intent of the board of county commissioners that any person affected by actions taken as a result of this regulation shall be afforded due process of law. The basic elements of due process shall include: notice of the action being taken, and; opportunity to be heard at a public hearing. Public notice and hearing requirements are provided in this section 3-2.

When the phrase "due public notice" is used in this Code in connection with the requirement for a public hearing on the matters listed below, it shall have the meaning set forth in the following subsections.

- (2) *Types of due public notice.* Forms of notice required for various public hearings may include mailed notice, published notice provided through a newspaper of general circulation in the county, posted notice on the subject property, and online publication of notice as required by F.S. § 50.0211. The various due public notice requirements are indicated in the table below and apply when decisions making authority is vested in either the planning commission or the board of county commissioners:

Application	Mailed Notice	Published Notice	Posted Notice	Online Notice
Comprehensive Plan Text Amendment		X		X
Comprehensive Plan Map Amendment	<u>X</u>	X	X	X
Land Development Code Text Amendment		X		X
Changes to Permitted, Conditional, or Prohibited Use in Zoning District *		X		X
County Initiated Rezoning of 10 Acres or More *		X	X	X

Rezoning (Other Than County Initiated of 10 Acres or More)	X	X	X	X
Conditional Use		X	X	X
Variances (not administratively approved)		X	X	X
Preliminary Plat, Final Plat Short Form Subdivision, or Replat		X	X	X
Site Plan Encompassing 20,000 sq. ft. or More Floor Area	X	X	X	X
Planned Unit Development (PUD) or Major PUD Modification	X	X	X	X
Administrative Appeal to Board of Adjustment		X	X	X

\* Two advertised public hearings before the Board of County Commissioners are required for: (1) county initiated rezonings of ten acres or more; and (2) proposed ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

(3) *Notice contents and requirements.*

(a) *Notice contents.* All mailed and published notices shall include, at a minimum, the information listed below, as applicable:

1. Any information required by Florida Statutes for the type of application which is the subject of the notice. For published notices required by F.S. §§ 125.66 or 163.3184, the standards of those sections shall apply;

2. The title of the notice shall be "Notice of Public Hearing;"

3. For applications that must be approved by ordinance, the title of the ordinance shall be included;

4. The application number, the application type, and a description of the proposal or request;

5. The location, time, date, and place of all scheduled public hearings on the application;

6. A description of the land involved by street address, if any, or by legal description or parcel identification number. Additionally, for mailed notices, a location map shall be included indicating the location and general boundaries of the property with reference to the closest intersection or public streets, when possible;

7. The total size of the parcels, rounded to the nearest one-tenth of an acre;

8. The future land use map designation and zoning district of the property subject to the application;

9. The name, address, and telephone number of the department in which the application, staff report, and related materials may be inspected by the public and where the public may submit written comments or evidence prior to the public hearing; and

10. A statement that all affected parties may appear at the public hearing, be heard, and submit evidence and written comments on the application.

(b) *Mailed notice procedures.*

1. When required, the applicant shall mail notice to all entities, individuals, and property owners indicated below:

a. The owners of the land subject to the application;

b. All governmental bodies, including other counties or cities, directly adjacent to the land subject to the application;

c. The Wakulla County School Board for all residential development;

d. Abutting property owners, includes all property owners within 500 feet of the boundary of the land subject to the application (1,000 feet for non-residential rezoning requests and comprehensive plan map amendments). When the distance measurement ends in a roadway, the property directly across the road shall also be mailed a written notice; and

e. All other individuals or entities who have registered with the County to receive mailed notice on a specific application.

2. For any application requiring mailed notice, such mailed notice shall be mailed a minimum of ten days prior to the initial public hearing. Notice shall be deemed mailed by its deposit in the mail, properly addressed as determined by the most recent ad valorem tax records, and with postage prepaid.

3. Within 72 hours of the mailing, the following information shall be submitted by the applicant to the County to demonstrate that the mailed notice requirements were satisfied:

a. A notarized affidavit certifying that the notices were mailed in compliance with the standards of this section;

b. A copy of the mailed notice; and

c. The names and addresses of all entities, individuals, and property owners to whom the mailed notices were provided.

4. Where notice of a hearing or matter is sent to a person by mail, that person's failure to receive the notice shall not affect the validity of any action taken at a public hearing, so long as the procedures for mailing the notice were followed.

*(c) Published notice procedures.*

1. When required, the County shall prepare the published notice and be responsible for timely publishing the notice in a newspaper of general circulation within the County, as defined by F.S. ch. 50.



2. Notices concerning application for rezonings shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

3. All notices shall be published no later than ten days prior to the public hearing(s) on the application.

4. Notices containing the information published in the newspaper advertisement shall also be maintained and available for review during normal business hours at the planning and community development department, ~~and shall be posted in a conspicuous place or places in the county courthouse.~~

(d) *Posted notice.*

1. When required, the County shall prepare and post the posted notice. All posted notices shall be prominently displayed on the property and shall include the following information clearly printed on the sign: the type of application, a brief description of the proposal or request, the Future Land Use and Zoning district designations with applicable densities notes, and a telephone number to contact the County for additional information.

2. All notices shall be posted no later a minimum of ten days prior to the initial public hearing.

(e) *Online notice.*

1. All online notices shall contain the same information as the published notice required for the application under consideration.

2. Each published notice must be posted on the county's website on the same day that the printed notice appears in the newspaper. The home screen of the county's website shall contain a link providing direct access to all pending land development applications.

3. The notice must remain online until after final action has been taken on the application.

4. Additionally, each newspaper of general circulation shall comply with F.S. § 50.0211, with regard to all county legal notices.

**SECTION 3. CODIFICATION IN THE CODE OF ORDINANCES.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Wakulla County Code of Ordinances.

**SECTION 4. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COUNTY COMMISSIONERS OF  
WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Charles Hess, Ph.D., Chairman

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
HEATHER J. ENCINOSA, ESQ.  
County Attorney