

**LDCT 22-21/ ORDINANCE 22-103  
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT  
PUBLISHED LEGAL NOTICE PLN2209-0019**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES, SECTION 312.7, NOTICE OF PUBLIC HEARINGS, CONFIRMING THE STANDARDS OF NOTICE TYPES, REVISING THE REQUIREMENTS FOR PUBLISHED NOTICES IN A NEWSPAPER WHEREBY ALLOWING PUBLICATION OF LEGAL NOTICES ON A GOVERNMENTAL AGENCY WEBSITE, AND PROVIDING CLARITY REGARDING ADDITIONAL SIGNAGE REQUIRED; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**Section 1. Purpose and Intent.** This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

**Section 2. Findings.** The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Chapter 2022-103, 2022 Fla. Laws, amends Section 50.011, Florida Statutes, in accordance with the legislative intent expressed in HB 7049, revising the requirements for newspapers publishing legal notices, providing for the publication of legal notices on a governmental agency website.
2. This ordinance is part of a County-initiated Land Development Code Text Amendment LDCT-22-21 (the Application), and it proposed the text amendment to the Land Development Code for consistency with Florida Statutes, to clarify and amend specific procedures of the Land Development Code.
3. The proposed text amendments include Chapter 3 – Chapter 3, Review Authority and Procedures, Section 312.7, Notice of Public Hearings, confirming the standards of Notice Types, revising the requirements for published notices in a newspaper whereby allowing publication of legal notices on a governmental agency website, and providing clarity regarding additional signage required.
4. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.

5. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
6. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
7. The Planning Commission, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on December 8, 2022, as to the proposed LDC Text Amendments and found them to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board.
8. The Board of County Commissioners held a duly noticed and advertised public hearing on December 15, 2022, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendments.
9. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.

**Section 3. Adoption of the Land Development Code Text Amendment.** The Land Development Code Text Amendments attached to this Ordinance and incorporated herein as Exhibit "A" are hereby adopted as Amendments to the Land Development Code of the County. The Land Development Code Text Amendment shall consist of the following Chapters and Sections of the Land Development Code as set forth in the following Exhibit "A", with new text indicated by underline and deleted text indicated by ~~strike through~~:

- (a) Chapter 3, Review Authority and Procedures, Section 312.7:
  - Confirming the standards of Notice Types,
  - Allowing publication of legal notices on a government agency accessible website, and
  - Providing clarity regarding additional signage required

**Section 4. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3(a) of this Ordinance into the Land Development Code.

**Section 5. Applicability.** The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

**Section 6. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective January 1, 2023.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 15<sup>th</sup> day of December 2022.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO**  
Clerk of the Circuit Court and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

## EXHIBIT A

### TEXT AMENDMENT

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format

#### **CHAPTER 3 – REVIEW AUTHORITY AND PROCEDURES**

Section 312, Procedures of General Applicability

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##### **312.7. Notice of Public Hearings.**

All meetings of the Board of County Commissioners, the Planning Commission, Hearing Officer, and the Historic Preservation Board are subject to the notice requirements under this section, the Florida Statutes and the Rules of Procedure of the Board of County Commissioners. If there is ever a conflict between the provisions of this Code and state law relative to notice matters, the most restrictive shall prevail and apply. The applicant shall be responsible for all costs incurred by the County in the issuance and publishing of notices.

- A. **Notice Types.** The types of public notice used for various public hearings include mailed noticess, published noticess, and posted noticess, ~~by signs located on the subject property.~~ standards of which are described elsewhere in this section. The public notices noted in Table 3-2 are required for each public hearing.

**Table 3-2: Required Public Notice for Development Applications**

Application	Type of Notice		
	Mailed	Published	Posted
Neighborhood Workshop	X	-	-
Comprehensive Plan Amendment, Text	-	X	-
Comprehensive Plan Amendment, Map	X	X	X
LDC Text Amendment	-	X	-
Rezoning (incl. Rezoning to Planned Development)	X	X	X
Special Permit	X	X	X
General Development Plan	X	X	X
Final Site Plan	-	-	-
Preliminary Plat	-	-	-
Final Plat	-	-	-
Vacation of Streets/Plats	-	X	X
Modification of Standards (10% to 30%)	X	X	X
Variance	X	X	X
Local Development Agreement	X	X	-
Public School Site Plans	X	X	X
Master Mining Plan Application and Operating Permit Application	X	X	X

**B. Mailed Notices.**

1. *To Whom Provided.* Public notices for public hearings shall be prepared by the County and mailed by the Applicant to all individuals and property owners indicated below. In any instance where applicable law requires additional notice or a different publication time frame, the form or timeframe of the notice shall be adjusted accordingly to comply with such applicable law.
  - a. All property owners of the land subject to the application.
  - b. The Manatee County School Board if the application involves residential development.
  - c. All property owners, including homeowners associations, within five hundred (500) feet of the boundaries of the development site.
2. *Mailing and Postmarking.* Notices shall be mailed a minimum of ten (10) days prior to the hearing, with the exception of Board initiated changes to the Official Zoning Atlas for properties ten (10) acres or larger, which shall be mailed a minimum of thirty (30) days prior to the initial public hearing. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with sufficient postage paid.
3. *Notices for Neighborhood Workshops.* Public notices for neighborhood workshops, as well as a mailing list, will be provided by the Department Director to the applicant, who shall be responsible for mailing the notice.

**C. Published Notices.**

1. The Department Director shall prepare the content of the notice and be responsible for publishing the notice in a newspaper of general circulation selected by the county or on a publicly accessible government agency website pursuant to applicable law, if available.
2. The cost of publishing such notice shall be borne by the applicant.
3. Unless otherwise required by State law, the advertisement shall be published no less than ten (10) days prior to the date of the public hearing.
4. In lieu of publishing the advertisements set out in this section, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the place, and location of both public hearings on the proposed ordinance or resolution (Section 125.66(4)(b)3, Florida Statutes).

**D. Posted Notices.** Signs shall be posted by the applicant as instructed by the Department Director. Notice shall be posted on weather resistant signs in a form established by the Department Director.

1. *Timing of Posted Notice.* The sign shall be posted not less than ten (10) days nor more than forty (40) days in advance of the scheduled hearing date, unless the Department Director requires earlier notice.
2. *Maintenance.* The applicant shall ensure that the signs are maintained and remain on the site until completion of the final action on the application.

3. *Location of Signs.* Notice shall be posted no more than fifteen (15) feet from the front lot line, so as to be clearly visible from the public way.
4. *Lack of Street Frontage.* If the land does not have frontage on a street, at least one (1) sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.
5. *Additional Signage Required.* At the discretion of the Department Director, m~~More than one (1) sign, and/or a larger sign, may be required to be posted by the Department Director,~~ if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Department Director.
6. *Removal of Posted Signs.* The applicant shall remove all posted signs within ten (10) days after final action on the application.

**E. Contents of Mailed and Published Notices.** All mailed and published notices shall include the following information:

1. *Statutory Requirements.* For public notice required by F.S. § 125.66 or 163.3184, the standards for those sections shall apply.
2. *Title.* The title of the published notice for hearings shall be "Notice of Public Hearing".
3. *Nature of Application.* The application number, the application type, and the description of the proposal or request.
4. *Location, Time and Date.* The scheduled date, time and location of the hearings or workshops.
5. *Location of the Subject Property.* A description of the land involved by street address, if any, or by legal description or parcel number(s). For mailed notices, a location map shall be included, indicating the location and general boundaries of the property with reference to the closest intersection of public streets, when possible.
6. *Size of Subject Property.* The total size of the parcels rounded to the nearest one-tenth ( ) of an acre.
7. *Comprehensive Plan and Zoning Designations.* The future land use map designation and zoning district of the property subject to the application.
8. *Materials Available for Public Information.* The application, staff report and related materials may be inspected by the public during normal business hours at the county administration building, or requested via e-mail at [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org).
9. *Other Information.* The notice shall also state:
  - a. That persons may appear and be heard;
  - b. That written comments filed with the Department Director will be entered into the record;
  - c. That the hearing may be continued from time to time as necessary;
  - d. A telephone number for more information;
  - e. The title of the ordinance under consideration, if applicable; and

- f. Such additional information as may be required pursuant to this Code or applicable law for specific types of development approval.
- F. **Additional Notice for Continued, Rescheduled or Reopened Meetings.** Notice of subsequent hearings shall be mailed and published in accordance with this section for:
  - 1. Any hearing for which the Board, Department Director or County Attorney determines new notice should be provided, because of the time elapsed from the original notice, or to correct any defect or apprise affected parties of significant changes to the application as originally noticed;
  - 2. Any hearing continued to an unspecified date, time and place; and
  - 3. Any hearing where such new notice is required pursuant to applicable law or this Code.
- G. **Affidavit of Notice.** Affidavits confirming that the required publication, mailing and/or posting of the notice was provided shall be filed with the Department Director at least five (5) days prior to the date of the hearing. Such affidavits shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was provided. Such affidavits shall also certify that signs were posted in compliance with the standards of this Chapter including provision of photographs upon request of the Department Director of all signs as part of the affidavit. Failure to provide such affidavits will require postponement of the hearing date and may require repeat of required notification procedures.
- H. **Defects in Notice.** If a defect in notice not caused by an intentional or negligent act or omission of the applicant is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. In accordance with applicable law, if a substantial defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.

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