

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/797-1101  
**SUBJECT:** Report/Discussion Item

**TITLE OF AGENDA ITEM:** Public Notification

**REPORT IN BRIEF:** Town Council had directed the Staff to review Public Notice requirements for the purpose of potentially increasing the current courtesy notice provided to property owners within five hundred (500) feet of the exterior boundary of the property for which a Land Use action is proposed. Only one (1) City (Miramar) has a greater requirement than the Town with a requirement of 1000 feet. Two additional Cities (Pembroke Pines and Coconut Creek) have the same 500 ft. requirement as Davie. The remainder of the cities sampled have a lesser requirement for courtesy notices. Increasing the courtesy notice will increase the cost of processing these land use matters, potentially increase the amount of staff time devoted to these issues and in some cases empower land owners further from the subject property than property owners in closer proximity.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** Possible Fiscal Impact if notice requirements are increased  
Has request been budgeted? NO

**RECOMMENDATION(S):** It is recommended that Town Council take no further action.

**Attachment(s):** Survey Results.

# DEVELOPMENT SERVICES DEPARTMENT

## Planning & Zoning Division

### MEMORANDUM

PZ 02-40-01

TO: Mayor & Town Council  
Thomas J. Willi, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director

DATE: February 26, 2001

RE: Public Notification Requirements

Previously, Town Council had directed the Staff to review Public Notice requirements for the purpose of potentially increasing the current courtesy notice provided to property owners within five hundred (500) feet of the exterior boundary of the property for which a Land Use action is proposed.

Town Planning Staff conducted a telephone survey with nine (9) similar Broward County Cities to ascertain what type of requirements were employed by these jurisdictions relative to Public Notice. The municipalities surveyed included: Fort Lauderdale, Pembroke Pines, Miramar, Coral Springs, Plantation, Coconut Creek, Hollywood, Deerfield Beach and Pompano Beach. A copy of the survey results is attached.

Only one (1) City (Miramar) has greater requirements than the Town with a requirement of 1000 feet. Two additional Cities (Pembroke Pines and Coconut Creek) have the same 500 ft. requirement as Davie. The remainder of the cities sampled have a lesser requirement for courtesy notices.

### Analysis

Florida Statute Chapter 163 "Local Government Comprehensive Planning and Land Development Regulation Act" and Chapter 166 "Municipalities" in tandem prescribe the various advertising and notification requirements for the various types of Land Use and Zoning actions. Local Government must meet these minimum requirements and have the option of adopting more stringent requirements if desired. The general notice requirement include publication in a newspaper of general circulation and the posting of a sign on the property in question.

However, in most cases the courtesy notice is not required and is usually an additional measure undertaken by local government to ensure Public Notice and input. For example, the Davie Town Code Section 12-303, "Advertising and Public Notice" (B), starts with the

As identified earlier in this report, the Town currently has one of the more stringent courtesy notices of the Cities surveyed.

### **Conclusion and Recommendation**

Staff is of the opinion that Public Notice pertaining to Land Use and Zoning matters is adequately covered utilizing the State Statute requirements and the current courtesy notice as mandated by Davie Town Code.

Increasing the courtesy notice will increase the cost of processing these land use matters, potentially increase the amount of staff time devoted to these issues and in some cases empower land owners further from the subject property than property owners in closer proximity.

Therefore, Staff recommends that Town Council not increase courtesy notice requirements.