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## Town of Lee Little but Proud

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### **ARTICLE THIRTEEN. HEARING PROCEDURES FOR SPECIAL EXCEPTIONS, VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND APPLICATIONS FOR AMENDMENT**

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#### **HEARING PROCEDURES FOR SPECIAL EXCEPTIONS, VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND APPLICATIONS FOR AMENDMENT**

SECTION 13.1 GENERAL. All meetings of the Planning and Zoning Board, and Board of Adjustment are required to be open to the public. There is a difference, as noted in the Town's Citizen Participation Procedures In Conjunction with the Comprehensive Planning Program, between workshops, public hearings and public meetings, as well as a difference between meetings conducted by Town staff and those conducted by the Town advisory boards and Town Council. This Article incorporates the Town's Citizen Participation Procedures In Conjunction with the Comprehensive Planning Program by reference and provides more specific requirements for hearing procedures and public notification.

#### SECTION 13-2 HEARINGS BEFORE THE BOARD OF ADJUSTMENT.

1. Before making a decisions on an appeal or an application for a variance, or special exception, or a petition from . the Land Development Regulation Administrator for a determination the Board of Adjustment shall hold a public hearing on the appeal or application.
2. Subject to 13.2 (3), the public hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
3. The Board of Adjustment may place reasonable and equitable limitation on the presentation of evidence and arguments and the cross-examination of witnesses so that the mater at issue may be heard and decided without undue delay.
4. The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

#### SECTION 13.3 HEARINGS BEFORE THE PLANNING AND ZONING BOARD AND TOWN COUNCIL.

1. Before making a recommendation or decision on an application for a certain specified special use permits (see Article 14 of these land development regulations), amendment of the Zoning Atlas or an amendment to the text of these land development regulations the Planning

and Zoning Board or the Town Council as the case may require shall hold a public hearing on the application.

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2. Subject to 13.2 (3), the public hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to be heard.
3. The Planning and Zoning Board or Town Council , as the case may be, may place reasonable and equitable limitation on the any discussion or presentation so that the mater at issue may be heard and decided without undue delay.
4. The Planning and Zoning Board or the Town Council, as the case requires, may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

SECTION 13.4 NOTICE OF HEARING.

13.4.1 The Land Development Regulation Administrator shall give notice of any public hearing required by Section 13.2 and 13.3 as follows:

1. Any application requiring a public hearing before the Planning and Zoning Board or Board of Adjustment shall be noticed twice in a newspaper of general circulation in the area, with the first publication not less than fourteen (14) days prior to the hearing and the second to be at least five (5) days prior to the hearing.
2. A special permit requiring a public hearing before the Town Council, shall be noticed twice in a newspaper of general circulation in the area, with the first publication not less than fourteen (14) days prior to the hearing and the second to be at least five (5) days prior to the hearing.
3. An amendment to these land development regulations, including the Official Zoning Atlas, requiring a public hearing before the Town Council shall be noticed in accordance with the requirements of Chapter 166.04-1, Florida Statutes.
4. In addition to the above stated notice requirements all rezoning, special exception and variance public hearings before the Planning and Zoning Board and Board of Adjustment, as applicable, shall also be noticed by prominently posting a sign on the property that is the subject of the proposed action. Such sign shall be posted not less than fourteen (14) days prior to the first such public hearing.

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The notices required by this Section shall state the date, time and

place of the public hearing, shall reasonably identify the property that is the subject of the application or appeal, shall give a brief description of the action requested or proposed, shall state the place where a copy of the proposed action may be inspected by the public and shall advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action.