

[Back to Web Site](#)

Town of Lee Little but Proud

ARTICLE THREE. ADMINISTRATIVE MECHANISMS

SECTION 3.1 PLANNING AND ZONING BOARD.

3.1.1 Planning and Zoning Board; Organization

3.1.1.1 Establishment. A Planning and Zoning Board is hereby established for the Town.

3.1.1.2 Appointment. The Planning and Zoning Board shall consist of five (5) residents of the Town who shall be appointed by the Town Council.

The Town Council may by resolution designate members of the Planning and Zoning Board to perform the functions of the Board of Adjustment. If the Town Council so elects, the terms of office of members of the Planning and Zoning Board shall run concurrently with said members term of office on the Board of Adjustment.

3.1.1.3 Term of office. The term of office shall be concurrent with the terms of the Town's elected officials as provided within the Town's Council.

3.1.1.4 Removal for cause. Members of the Planning and Zoning Board may be removed for cause by the Town Council after filing of written charges, a public hearing, and a majority vote of the Town Council.

3.1.1.5 Removal for absenteeism. The term of office of any member, of the Planning and Zoning Board who is absent from three (3) consecutive, regularly scheduled meetings of the Planning and Zoning Board, shall be declared vacant by the Town Council.

3.1.1.6 Appointments to fill vacancies. Vacancies in Planning and Zoning Board membership shall be filled by appointment by the Town Council for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning and Zoning Board to notify the Town Council within ten (10) days after any vacancy shall occur among members of the Planning and Zoning Board.

3-1

3.1.2 Planning and Zoning Board: Procedure

- 3.1.2.1 Rules and regulations. The Planning and Zoning Board shall establish rules and regulations for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Planning and Zoning Board and to the public.
- 3.1.2.2 Officers. The Planning and Zoning Board shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Planning and Zoning Board. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two
(2) Consecutive terms in the same position.
- 3.1.2.3 Meetings and quorum. The Planning and Zoning Board shall meet at regular intervals at the call of the Chairman, at the written request of three (3) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Planning and Zoning Board, provided that the Planning and Zoning Board shall hold a least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Planning and Zoning Board. Three (3) Members of the Planning and Zoning Board shall constitute a quorum.

All meetings of the Planning and Zoning Board shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.

- 3.1.2.4 Disqualification of members. If any member of the Planning and Zoning Board shall find that his or her private or personal interests are involved in a matter coming before the Planning and Zoning Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board as agent or attorney for any person.

3-2

- 3.1.2.5 Decisions. The concurring vote of a majority of the members of the Planning and Zoning Board, who are present and voting, shall be necessary to pass any motion which is considered by the Planning and Zoning Board.

3.1.2.6 Appropriations, fees, and other income. The Town Council shall make available to the Planning and Zoning Board such appropriations as it may see fit for expenses necessary in the conduct of Planning and Zoning Board work.

3.1.3 Planning and Zoning Board: Functions, Powers, and Duties; Generally. The functions, powers, and duties of the Planning and Zoning Board in general shall be:

1. To acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of man-made and natural physical features of the Town, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the Town.
 2. To prepare and recommend to the Town Council for adoption, and from time to time amend and revise a comprehensive and coordinated general plan (the Comprehensive Plan) for meeting present requirements and such future requirements as may be foreseen.
 3. To recommend principles and policies for guiding action affecting development in the Town.
 4. To prepare and recommend to the Town Council ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.
 5. To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan, especially relating to the management of concurrency requirements as stated within the Comprehensive Plan and these land development regulations.
 6. To serve as the Town's Historic Preservation Agency to meet the requirements and carry out the policies and responsibilities of the Comprehensive Plan and Article 11 of these land development regulations.
- 3-3
7. To review preliminary plats to determine conformity with the Comprehensive Plan and these land development regulations and make recommendations to the Town Council.
 8. To conduct an annual review of the Town's Capital Improvement Element of the Comprehensive Plan, in conformance with the Procedure for Monitoring and Evaluation of the Capital Improvements Element (see Chapter VIII of the Comprehensive Plan). This review is conducted to ensure that the fiscal resources are available to provide the public facilities needed to support the established level of service standards.
 9. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and

maintenance of the Comprehensive Plan and ordinances, codes, and regulations related to it.

- 10. To make any necessary special studies on the location, adequacy, and conditions of specific facilities in the Town. These may include but are not limited to studies' on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, and the like.
- 11. To keep the Town Council informed and advised on these matters.
- 12. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

All employees of the Town shall, upon request and within a reasonable time, furnish to the Planning and Zoning Board such available records or information as may be required in its work. The Planning and Zoning Board may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the Town, and shall have such other powers as are required for the performance of official functions in carrying out of the purposes of the Planning and Zoning Board.

3.1.4 Planning and Zoning Board: Powers and Duties: Special Exceptions. It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 12 and 13 of these land development regulations.

3-4

3.1.5 Planning and Zoning Board: Powers and Duties: Amendments. It is the intent of these land development regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 13 and 16 of these land development regulations.

3-1-6 Planning and Zoning Board: Powers and Duties: Land and Water Fills, Dredging, Excavation, and Mining. It is the intent of these land development regulations that all proposals for land and water fills, dredging, excavation, and mining shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14- of these land development regulations.

3.1.7 Planning and Zoning Board: Powers and Duties: Bulkheads, Docks, Piers, Wharves, and Similar Structures. It is the intent of these land development regulations that all proposals to erect or enlarge bulkheads, docks, piers, wharves, and similar structures shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

3.1.8 Planning and Zoning Board: Powers and Duties: Temporary Use

Permits. It is the intent of these land development regulations that temporary use permits which are issued by the Town Council shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations ~

- 3.1.9 Planning and Zoning Board: Powers and Duties: Site and Development Plans. It is the intent of these land development regulations that all applications for site and development plan approval shall be heard by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

3-5

SECTION 3.2 BOARD OF ADJUSTMENT.

3.2.1 Board of Adjustment: Organization.

- 3.2.1.1 Establishment. A Zoning Board of Adjustment, hereinafter referred to as a Board of Adjustment, is hereby established for the Town.
- 3.2.1.2 Appointment. The Board of Adjustment shall consist of five (5) residents of the Town who shall be appointed by the Town Council.
- The Town Council may by resolution designate members of the Board of Adjustment to perform the functions of the Planning and Zoning Board. If the Town Council so elects, the terms of office of members of the Planning and Zoning Board shall run concurrently with said members term of office on the Board of Adjustment.
- 3.2.1.3 Term of office. The term of office shall be concurrent with the terms of the Town's elected officials as provided within the Town's Council.
- 3.2.1.4 Removal for cause. Members of the Board of Adjustment may be removed for cause by the Town Council after filing of written charges, a public hearing, and a majority vote of the Town Council.

- 3.2.1.5 Removal for absenteeism. The term of office of any member of the Board of Adjustment, who is absent from three (3) consecutive, regularly scheduled meetings of the Board of Adjustment, shall be declared vacant by the Town Council.
- 3.2.1.6 Appointments to fill vacancies. Vacancies in Board of Adjustment membership shall be filled by appointment by the Town Council for the unexpired term of the member affected. It shall be the duty of the Chairman of the Board of Adjustment to notify the Town Council within ten (10) days after any vacancy shall occur among members of the Board of Adjustment.

3-6

3.2.2 Board of Adjustment: Procedure.

- 3.2.2.1 Rules and regulations. The Board of Adjustment shall establish rules and regulations for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Board of Adjustment and to the public.
- 3.2.2.2 Offices. The Board of Adjustment shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Board of Adjustment. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two (2) consecutive terms in the same position.
- 3.2.2.3 Meetings and quorum. The Board of Adjustment shall meet at regular intervals at the call of the Chairman, -at the written request of three (3) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Board of Adjustment; provided, that the Board shall hold at least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Board of Adjustment. Three (3) members of the Board of Adjustment shall constitute a quorum.

All meetings of the Board of Adjustment shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.

- 3.2.2.4 Disqualification of members. If any member of the Board of Adjustment shall find that his or her private or personal

interests are involved in a matter coming before the Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Board of Adjustment shall appear before the Board of Adjustment as agent or attorney for any person.

3.2.3 Board of Adjustment: Powers and Duties: Administrative

Review. The Board of Adjustment shall have the power to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the Land Development Regulation Administrator in the enforcement of these land development regulations.

3-7

The procedure for taking an appeal for an alleged error in an order, requirement, decision, or determination made by the Land Development Regulation Administrator shall be as set forth in Section 12.2.1 Board of Adjustments- Appeals: How Taken, and in addition any person appealing an alleged error in any order, requirement, decision, or determination made by the Land Development Regulation Administrator shall make such appeal within thirty (30) days after rendition of the order, requirement, decision, or determination appealed to the Board of Adjustment and file such appeal in writing, with supporting facts and data with the Land Development Regulation Administrator.

This provision does not, however, restrict the filing of a request for special exception or variance by any person at any time as provided elsewhere in these land development regulations.

3.2.4 Board of Adjustment: Powers and Duties: Special Exceptions.

The Board of Adjustment shall have the power to hear and decide upon appeal in specific cases such special exceptions as the" Board of Adjustment is specifically authorized to pass on under the terms of these land development regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when not in harmony with the purpose and intent of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be begun or completed, or both.

Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations within Article 15.

If the Board of Adjustment shall deny a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in Article 12 of these land development regulations, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any.

The procedure for taking an appeal for a special exception shall be as set forth in Section 12.2, Board of Adjustment: Powers and Duties: Special Exception.

3-8

- 3.2.5 Board of Adjustment: Powers and Duties; Variances. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these land development regulations will result in unnecessary and undue hardship.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these land development regulations, including but not limited to, reasonable time limits within which the action for which variance is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations. "

Under no circumstances shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved, or any use expressly or by implication prohibited by the terms of these land development regulations in the zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

The procedure for taking an appeal for a variance shall be as set forth in Section 12.3 Board of Adjustment: Variances -General.

3-9

286 NE County Road 255, Lee, Florida 32059