

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY:

Committees/Boards/Commissions/Examiners

CODE NUMBER:

AC-2-17

TITLE:

Administrative Procedures for Reviewing Requests for Parking Relief in the Matlacha Historic District Pursuant to Lee County Historic Preservation Ordinance

ADOPTED:

11/4/92

AMENDED:

8/31/94

ORIGINATING DEPARTMENT:

Community Development

PURPOSE/SCOPE:

The following guidelines and procedures provide rules for the administration of the Lee County Land Development Code Chapter 7.2 (Lee County Historic Preservation Ordinance). The purpose of these rules is to provide increased public participation in the decision process when administrative relief is requested from parking requirements of Chapter 34 of the Land Development Code for property in the Matlacha Historic District. These rules further provide for appellate review of administrative decisions by the Lee County Hearing Examiner.

POLICY/PROCEDURE:

The substantive procedures that must be followed for requests for administrative relief from the parking requirements of Chapter 34 of the Land Development Code for properties in the Matlacha Historic District.

1: All requests for such relief must be accompanied by a list of all property owners and their addresses, within 375 feet of the subject property, supplied by the applicant. The County will notify each identified property owner of the request by certified mail. For the purpose of this requirement, name and addresses of property owners will be those appearing on the latest tax roles of the County.

2: Notice of the request must be posted on the subject property with a sign within 5 days of making the application for relief. The sign will be supplied by Lee County.

3: Lee County will publish notice of the request for relief in a newspaper of local circulation in Matlacha.

4: Administrative staff review by the Zoning Director or her designee will include a meeting to be attended by:

- a) The Zoning Director or her designee; and
- b) The District Commissioner for the Matlacha Historic District; and
- c) Three people who are residents or property owners of property in the Matlacha Historic District, appointed by the Board of County Commissioners; and
- d) Three people who are residents or property owners outside the Matlacha Historic District appointed by the Board of County Commissioners; and
- e) The applicant and/or his representative.

Any decision to waive the right to be present at such meeting must be delivered to the Zoning Director in writing.

Input from each of the five groups will be presented to the Zoning Director on issues directly related to the parking relief request.

No other individual or group will be permitted to attend the meeting other than those specified.

Further, administrative review of the request for relief may include written comment from the public, limited to issues directly related to the parking request.

The Zoning Director will render a final decision regarding the relief requests based on the criteria set forth in Chapter 22 of the Land Development Code. The Director may attach any appropriate conditions to the decision as provided by Chapter 22 of the Land Development Code.

APPELLATE REVIEW OF DIRECTOR DECISIONS

Aggrieved persons may appeal final decisions of the Zoning Director related to administrative relief from parking requirements of Chapter 34 of the Land Development Code through the following process:

Aggrieved persons, for the purpose of this code section will be defined as follows: **AGGRIEVED PERSON** - Anyone who has a legally recognizable interest which is or which may be adversely affected by an action of, or an action requested of the Zoning Director or any other person that has been delegated such authority by the Zoning Director. Property owners within 375 feet of the subject property are presumed to have a legally recognizable interest. A person or entity claiming to be aggrieved, and whose property lies outside of the 375 foot perimeter will be required to offer proof that their interests are adversely affected. A person or entity pursuing an appeal solely out of spite will not be presumed to have legally recognizable interest.

Within thirty (30) days of the date of the Zoning Director's written decision regarding a relief request, aggrieved persons may file an appeal with the Lee County Hearing Examiner. Such appeal will be limited to the following:

1. Whether the evidence presented to the Zoning Director was competent and substantial.

2. Whether, based on the evidence, the Zoning Director correctly applied the standard for administrative relief, contained in Chapter 22 of the Land Development Code.

PROCEDURE FOR APPEAL

Aggrieved persons seeking to appeal the Zoning Director's decision must submit a written notice of appeal on a form provided by the Department of Community Development setting forth the reasons for the appeal. The notice of appeal form must be accompanied by the appropriate filing fee.