

Lehigh Acres Architectural, Planning and Zoning Review Board -By-Laws

SECTION 1: PURPOSE:

The Lehigh Acres Architectural, Planning and Zoning Review Board (**LAAPZRB**) is charged with design and zoning review of all new construction for, zoning, use changes, exterior renovations and/or additions to commercial, industrial and multi-family projects. The Board's goals and purposes are to:

- 1.1. Provide a public forum for project reviews for developers of projects within the Lehigh Acres Community.
- 1.2. Improve the desirability of the community or investment in Lehigh Acres through land planning.
- 1.3. Promote orderly and harmonious development in Lehigh Acres.
- 1.4. Encourage the attainment of the most desirable use of land and improvements
- 1.5. Enhance the desirability of living conditions upon the immediate site and adjacent properties.
- 1.6. Promote visual environments that are of high aesthetic quality, variety, sustainability and at the same time are considerate of each other
- 1.7. To prevent the development of structures or uses that are not of acceptable exterior design or appearance, are of inferior quality, or likely to have a depreciating effect on the local environment and surrounding properties by reason of appearance or value.
- 1.8. Coordinate and cooperate with Lee County staff in furthering the goals and objectives of the community through a continued refinement of development regulations which promote and enhance the quality of development in Lehigh Acres.

SECTION 2: **BOARD MEMBERSHIP:**

The **LAAPZRB** shall be comprised of citizens and public officials within the Lehigh Acres Community. ~~The Board shall consist of a minimum of seven-five voting (57) members with one member from the Community Council, plus nonvoting representatives from the Lehigh Acres Fire Control and Rescue District, Lee County Sheriff's Office and Lehigh Acres Municipal Services Improvement District (LAMSID). Other members ~~shall to~~ shall, to the extent possible, consist of one (1) registered architect, one (1) registered landscape architect/planner, one (1) professional engineer, ~~one (1) builder, developer, or contractor and (3) lay persons, one of which members shall be a member of the Community Council who should have a basic knowledge of planning and zoning.~~ - All members shall be selected from community residents, businesses, or property owners in Lehigh Acres. Should residents, businesses, or property owners not be available to serve, the **LAAPZRB** may seek members from outside the~~

community. There shall be a Chairman, ~~and~~ Vice-Chairman and Secretary/Treasurer of the Board, elected from among its members, at its first and subsequent annual meetings. NO A member of the Lehigh Acres Community Council may ~~not~~ serve ~~as an officer of the~~ on the LAAPZRB (conflict of interest).

SECTION 3: DUTIES:

- ~~1)~~ The duties and powers of the **LAAPZRB** shall be:
 - ~~1)~~ 3.1. To hold regularly scheduled meeting for the purposes of reviewing proposed development or zoning changes within the Lehigh Acres Community.
 - 3.2. To promote excellence in design.
 - 3.3. To review all applications presented to the board for design review and issue a ~~recomendation~~ recommendation of acceptance or rejection to applicants and Lee County.
 - 3.4. To assist in preparing and recommending adoption of design standards and regulations for the Lehigh Acres Community.
 - 3.5. To provide recommendations on proposed developments and zoning cases to the ~~Community Council~~, Lee County Hearing Examiner, Community Development and/or the Lee County Board of Commissioners.
 - 3.6. To ensure that issues relating to ADA, public safety requirements are addressed and that all commercial or multi-family developments properly plan for safe use by all residents and visitors.
 - 3.7. Decisions of the **LAAPZRB** shall be guided by the Lehigh Acres Comprehensive Plan and its accompanying Land Development Codes.
 - 3.8. Make recommendations for By-Law updates or revisions ~~yearly~~ as deemed necessary. By-Law changes shall be presented at the regularly scheduled meeting ~~prior to the January meeting~~ with approval to be voted on at the ~~yearly~~ meeting. By-Law changes shall be approved by a majority of the voting members.

SECTION 4: TERMS

- 4.1. The terms of members of the **LAAPZRB** will be three (3) years with no more than 3 of the members' terms expiring on the same year. Members representing the Fire District, Sheriff's ~~O~~office and LAMSID shall not have expiring terms. Each organization may replace members as needed with no time constraints. It is preferred to maintain consistent representation for each calendar year.
- 4.2. **LAAPZRB** Members may be reappointed to succeeding terms.
- 4.3. ~~LAAPZRB MBoard~~ members shall receive no compensation.
- 4.4. No member of the **LAAPZRB** shall vote on any matter that materially affects the property, income, or business interests of that member or creates the appearance of

a conflict of interest. Board members shall let it be known prior to discussion of any business, any communications with or about said project brought before the board.

- 4.5 Members of the **LAAPZRB** may be removed by the **LAAPZRB** with or without cause by a majority of the board members.
- 4.6 ~~LAAPZRB-Board Mm~~embers having more than 2 unexcused absences for each calendar year may be removed from the board in accordance with 4.5.
- 4.7 ~~In~~ January shall be the yearly meeting of the **LAAPZRB** for election of officers.

SECTION 5: QUORUM:

A minimum of fifty percent of voting members shall constitute a quorum. Members shall notify the Chairman twenty-four (24) hours in advance of the meeting if they are not going to be present, to allow for the cancellation of a meeting and notification of proponents should a quorum not be possible.

SECTION 6: RULES OF PROCEDURE:

- 6.1 The **LAAPZRB** shall meet at regularly scheduled meetings, at least monthly.
- 6.2 All meetings of the **LAAPZRB** shall be public meetings, held in public places and duly advertised in public ~~newspapers, media, website, social media~~ or ~~c~~Community ~~c~~alendar a minimum of (1) week prior to meetings.
- 6.3 All proceedings shall be documented by meeting minutes.
- 6.4 ~~Meeting minutes can be made. All records shall be kept in a public place and made av~~ailable for the public and proponents ~~to review upon written request.~~
- 6.5 The **LAAPZRB** shall invite and encourage public participation.
- 6.6 ~~T~~From time to time, the **LAAPZRB** ~~may is makemaking~~ its own policies and procedures as they effect:
 - day, time and place of meetings
 - how presentations shall be conducted
 - the content of submissions
 - the time the submissions should be submitted prior to the meetings to allow for ample review by ~~LAAPZRB-committee~~ members
 - determining what criteria shall be reviewed by the Board: at a minimum the Board shall review the following:
 - Scale
 - Massing
 - ~~R~~relationships to streets and other buildings
 - ~~C~~ompatible uses
 - ~~F~~eatures of landscape
 - ~~f~~eatures of signage
 - ~~Q~~overall site plan acceptability
 - Criteria checklist as provided by the **LAAPZRB**.
 - Uses proposed for the site
- 6.7 Drawings ~~and presentation materials~~ presented to the ~~Board~~ **LAAPZRB** shall be a minimum of -11" x 17" format ~~if in paper form~~, shall be labeled with the Design Professionals name, address, phone number and e-mail address as well as the name of the project and project address. ~~Presentation materials are preferred in electronic form like pdf, jpg or other common file formats.~~
- 6.8 Submissions shall consist of: site plan, floor plan(s), Elevation (4), landscape plan, colors and materials board as applicable. Plans need not be construction documents, but must present the overall design intent as to massing, scale, details, visual impact, colors, orientation and site relationships.

- 6.9 All drawings shall be prepared by a currently licensed State of Florida Design Professional as applicable by Florida Law.
- 6.10 The **LAAPZRB** shall cause recommendations to be made during the meeting to be passed onto the applicant at the meeting, to the ~~Community Council, Lee County~~ Community Development and/or the hearing examiner as expeditiously as possible.
- 6.11 The **LAAPZRB** may recommend to approve, approve with conditions, or disapprove each project after consideration of whether the established ~~criteria have~~criteria have been met.
- 6.12 Revisions as per the **LAAPZRB** comments or applicant changes shall be incorporated into the final design recommendations and if necessary, re-submitted to the **LAAPZRB**. The **LAAPZRB** shall transmit its findings to Lee County Community ~~Council~~Development or, Lee County Hearing Examiner, ~~or Lee County Community~~
- 6.13 The Architect, Design Professional or Owners representative shall be present at all **LAAPZRB** meetings where their project is on the agenda. Should these representatives not be present, the item will be postponed until a future meeting as requested by the applicant.
- 6.14 Upon approval of the application or ruling by this board, containing all findings of the **LAAPZRB**, the applicant shall have one (1) year to obtain a building permit, change of use or rezoning. Failing to obtain ~~a building permit~~this within the time period allotted, shall require the proponent to revisit the **LAAPZRB** for possible additional requirements.
- 6.15 The **LAAPZRB** shall provide the applicants with an application form outlining the desired requirements of submittals as they pertain to the type of submittal request.

SECTION 7: FEES:

The fee for submission to the LAAPZRB shall be based on the project type and in accordance with the **LAAPZRB** application. -The fees will be used to offset the costs of administrative personnel to transcribe and transmit data to the architect, proponent ~~and~~ County staff and LAAPZRB Members and for equipment/supplies the LAAPZRB is using to fulfill its duties. Expenditures by the **LAAPZRB** shall be approved by a ~~Board Member~~ majority.

SECTION 8: RULINGS:

The **LAAPZRB** findings are provided to aid the applicant in being compatible with the goals and objectives of the Lehigh Acres Community and complying with the regulatory meeting requirements of the Land Development Code. -Proponents may object to the findings of the **LAAPZRB** and present their objections to the **LAAPZRB**, ~~or Community Council or Lee County County Staff~~, Community Development Staff, Hearing Examiner and/or the Board of County Commissioners, as the governing authorities who will rule accordingly on all projects presented before the **LAAPZRB**.

SECTION 9: SEVERABILITY:

The provisions of these by-laws are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any court of competent jurisdiction shall hold any of the provisions of by-laws unconstitutional, the decision of such court shall not affect or impair any remaining provisions of by-laws.

SECTION 10: CONFLICTS OF LAW:

Whenever the requirements or provisions of these by-laws are in conflict with the requirements or provisions of any other lawfully adopted Lee County Development Code requirement, or Florida Statute, the more restrictive shall apply.

SECTION 11: EFFECTIVE DATE:

The effective date of these by-laws shall be 30 days from its adoption date.

Passed and adopted this _____ day of _____, 2018

Signature Chairman:

Signature Vice Chairman:

Signature: _____

Signature: _____

Date: _____

Date: _____