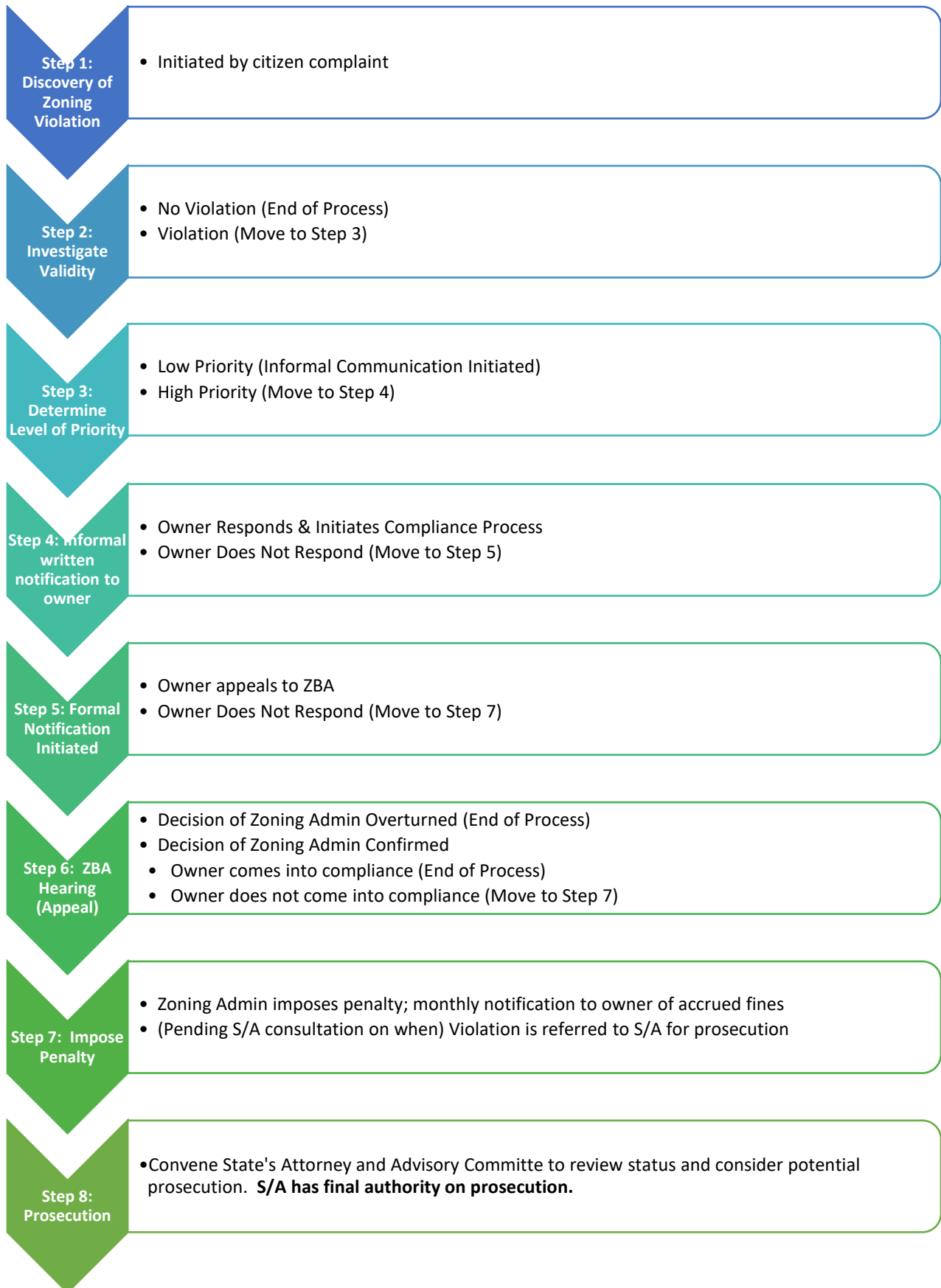


## PROPOSED ZONING VIOLATION PROCESS



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## Purpose

The Lee County Zoning Department is seeking to establish a fair, transparent, and consistent process for the enforcement of zoning violations. The following steps are designed to assist with the administrative process, tracking, and communication to the landowner, members of the County Board, State's Attorney, and County Administrator.

## Process Steps

**Step 1:** Discovery or notification of a zoning violation

**Step 2:** Investigate the validity of the complaint (review zoning ordinance, zoning records, maps, physical inspection, photo's, etc.)

**Option 2a:** Determination of no violation (End of Process)

**Option 2b:** Determination of violation (Move to Step 3)

**Step 3:** Determine the level of priority based upon the Zoning Ordinance's purpose of "promoting the public health, safety, and welfare of its citizens".

- Consult with Board designated Advisory Committee to determine next steps
  - Proposed Advisory Committee Members: Zoning Administrator, Assistant Zoning Administrator, County Administrator, and Board member liaison to Zoning/Planning
- Purpose: Provide guidance and feedback on Level of priority (High, Low Level) and \$/per day of fine pursuant to *Lee County Code 10-2A-5: PENALTIES*

**Option 3a:** Determination of violation with low impact on the health, safety, and welfare of its citizens.

- Initiate informal verbal communication with property owner to educate; identify opportunities to bring into compliance

**Option 3b:** Determination of violation with high impact on the health, safety, and welfare of its citizens.

- Move to Step 4

**Step 4:** Informal written notification sent to the owner, requesting contact with zoning department within seven (7) days

- Copy of informal letter cc'd to all District Board members, Board Chair, Parent Committee Chair, Zoning Liaison, S/A and County Administrator

**Option 4a:** Owner responds within seven (7) days and agrees to compliance plan and timeline

- Written confirmation sent to owner documenting compliance plan and timeline to complete
- Cc'd to all District Board members, etc.
- Zoning Department monitors compliance timeline until complete
- If progress is halted (without reason) initiate Step 5

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### **Option 4b:** Owner does not respond

- Initiate Step 5

### **Step 5:** Formal notification of violation sent to owner (by certified, registered mail)

- Cc'd to ALL Board members, et al.
- Include detailed description of the violation, including code, and relevant documentation
- Timeline for compliance (minimum of 30 days, maximum of 1 year based on complexity of the violation)
- Include detailed description of the ZBA appeals process
- Identify specific (per day) penalty, including when penalty will start accruing
  - If compliant within specified timeframe, no fine
  - If appealed, fine is "stayed" until the conclusion of ZBA hearing
  - If not appealed, fine begins upon the expiration of the compliance date specified in formal notice

### **Option 5a:** Owner notifies Zoning Admin of intent to appeal

- Zoning Admin schedules hearing with ZBA (Proceed to Step 6)

### **Option 5b:** No response from Owner

- Proceed to Step 7 (Penalty)

### **Step 6:** ZBA Hearing (Appeal)

- Send Notice of hearing to ALL Board members, et al
- Hearing (ZBA Rules of Procedure)
  - Owner presents case and supporting evidence to ZBA
  - Zoning Admin presents case and supporting evidence to the ZBA
  - ZBA makes a determination

### **Option 6a:** Decision of Zoning Admin is overturned (End of Process)

### **Option 6b:** Violation is confirmed:

- Zoning Admin issues a written decision of the ZBA to the owner reaffirming the compliance timeline and penalty;
- Cc'd to ALL Board members, et al.

### **Option 6b (i):** Owner meets compliance deadline (End of Process)

### **Option 6b (ii):** Compliance not met upon expiration of deadline: Initiate Step 7 (Penalty)

### **Step 7:** Penalty

- Zoning Department begins tracking the fine (specified in the formal violation notice)
  - Sends monthly notice with accumulated fine amounts

### **Step 8:** Prosecution by State's Attorney's Office

## **PROPOSED ZONING VIOLATION PROCESS**

Convene State's Attorney and Advisory Committee for status review of the violation and consideration of potential prosecution. (State's Attorney has final authority on prosecution.)

### **Relevant Ordinance Citations**

#### **LEE COUNTY CODE 10-2A-5: PENALTIES:**

A. The county, or any person or entity particularly aggrieved, may enforce the rules and regulations set forth in this title, or imposed as a condition to the grant of any variation, special use permit, or any other permit provided for in this title in any court of law or administrative tribunal having jurisdiction over the matter or the violation.

B. The zoning enforcement officer may levy a fine of not more than five hundred dollars (\$500.00) a day against any person, firm or corporation, their agents, employees or contractors who violate, disobey, omit, neglect or refuse to comply with, or who resist enforcement of this title, and each day a violation continues shall constitute a separate offense. The zoning enforcement officer may also elect to refer any such violations to the state's attorney for prosecution as a misdemeanor punishable by imprisonment for not more than six (6) months, the imposition of fines, or both. (Ord. 06-05-002, 6-21-2005)