

**MINUTES REPORT  
LAND DEVELOPMENT CODE ADVISORY COMMITTEE  
(LDCAC)  
Friday, March 12, 2021  
8:30 a.m.**

**Committee Members Present:**

Paula McMichael, Chair  
Amy Thibaut, Vice-Chair  
Jennifer Sopen  
Linda Stewart

Christopher Scott  
Tom Lehnert  
Jay Johnson  
Patrick Vanasse

**Excused / Absent:**

Veronica Martin  
Randy Krise  
Al Quattrone

Bill Prys  
Daryl (Max) Forgey  
Bill Morris, Jr.

**Lee County Government Staff Present:**

Amanda Swindle, Assistant County Attorney  
Debbie Carpenter, DCD Admin., Recorder  
David Loveland, Director, DCD

Anthony Rodriguez, Zoning Manager  
Audra Ennis, Regulatory Review Manager  
Dirk Danley, Senior Planner, Zoning

**Outside Consultants/Members of the Public Present:**

None

**CALL TO ORDER AND AFFIDAVIT:**

Ms. Paula McMichael called the meeting to order at 8:36 a.m. in the Commission Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida.

Ms. Amanda Swindle, Assistant County Attorney, reviewed the Affidavit of Publication and found it legally sufficient as to form and content.

Ms. McMichael welcomed Mr. Christopher Scott, a new member of the committee, and asked Ms. Swindle to review the Conflict of Interest provisions for all the members. Ms. Swindle stated that advisory committees are governed by the Florida Code of Ethics. As a result, committee members must disclose the nature of a conflict and refrain from voting on any item brought before the committee that would inure to the special gain or loss for himself/herself, family or employer. Should that occur the member must recuse himself/herself from voting and must file a Conflict of Interest form with the committee's secretary.

**APPROVAL OF MINUTES – January 10, 2020**

**Mr. Patrick Vanasse made a motion to approve the October 9, 2020 minutes. Mr. Tom Lehnert seconded. The motion was called and carried.**

**LDC AMENDMENTS 2020-2021 CYCLE – CLEAN-UP AMENDMENTS**

Mr. David Loveland, Director, Community Development introduced this item and said these amendments were the kick-off of the two year amendment cycle. In the past, amendments were typically broken out by topic, put together and brought through committees in one or two large packets, however it was hard to keep track of all the changes. This year it was decided

to take a different approach. These clean-up amendments are intended to eliminate redundancies and make sure cross references are correct. The more substantive issues will be dealt with by topic area and staff will first brief the Commissioners and get official authorization to move forward with the amendments. Three areas have been identified so far: Hearing Examiner-related changes; "Casitas", stand-alone buildings - an issue that came up in a zoning hearing recently; and Dock & Shoreline regulations which are quite dated and which industry representatives would like to see made consistent across jurisdictions; as well as a number of other areas which have been identified. The Executive Regulatory Oversight Committee reviewed the cleanup amendments on 3/10/21, had no major issues or concerns and voted to approve. Committee members did identify several topics, most already identified by staff (Hearing Examiner, Proportionate Share as examples) that needed to be addressed in the future.

Ms. McMichael suggested a page by page review of the amendments with committee comments as needed. She recognized Mr. Dirk Danley, Senior Planner with Community Development who was available to answer any questions.

Ms. McMichael referred to the section related to Impact Fee Credits, and language added in Sec. 2-275 through Sec 2-413 and asked for an explanation as it relates to the staff note: "adjust mechanism of credit appreciation to provide for use of rate change prospectively, while maintaining CPI language for those created prior to recent statutory changes. ..." Ms. Audra Ennis, Manager, Regulatory Review, stated that the current requirements utilize the Consumer Price Index (CPI) to appreciate impact fee credits. Appreciation is based on the CPI from the time the credits were created until they are used. There were some statutory changes as of June 28, 2019 that require impact fee credits issued after that date to appreciate based on the rate change instead of using the CPI, and the language was updated to reflect that change.

Ms. McMichael referred to definitions in Chapter 34 (Sec. 34-2) stating that there was a definition for *independent living unit*, but no definition for an *assisted living unit*. Mr. Danley said the definitions for Assisted Living Facilities, and Assisted Living Units are all nested in the Florida Statutes and independent living unit is derived from the statutory language but not specifically defined. Although there is an independent living facility and it talks about units, it does not tie the two together. The independent living unit is transitional in terms of not yet needing full medical care as would be expected for an assisted living unit so a definition was added. The Assisted Living Facility definition was updated as well to line up with statutory language.

Mr. Patrick Vanasse asked for a clarification of the second paragraph of language added in Sec. 34-1494(4)(c). Mr. Danley explained that this language was moved from Continuing Care Facilities to this section and relates to situations where the square footage of an assisted living facility can be relied upon to account for a slight change in the number of occupants as long as the overall square footage of the facility was not being increased.

Ms. Linda Stewart asked about Sec. 34-3106 with regard to metal buildings and asked whether this language pertained to container buildings. Mr. Danley said this was not specific to container buildings but rather all metal buildings of a certain size in an effort to provide exterior cladding to be consistent with the residential areas in which it resides.

Mr. Loveland referred to the Administrative Code included with the packet, explaining that a separate motion was not required for AC-2-10, that it was included as information only to show the Historic Preservation language removed from Chapter 22 had been moved into AC-2-10. He explained that it has been a long standing approach to have Policies in the Comp

Plan, to move regulatory language into the Land Development Code and procedures into the Administrative Code.

**Mr. Jay Johnson made a motion to approve the amendments. Mr. Tom Lehnert seconded. The motion was called and pass unanimously.**

There were no members of the public present and no public comment.

The next meeting was tentatively scheduled for April 9, 2021.

There was no further discussion and the meeting was adjourned at 8:50 a.m.