

**MINUTES REPORT  
LAND DEVELOPMENT CODE ADVISORY COMMITTEE  
(LDCAC)  
Friday, October 9, 2020  
8:30 a.m.**

**Committee Members Present:**

Paula McMichael, Chair	Richard Ibach
Amy Thibaut	Randy Krise
Al Quattrone	Tom Lehnert
Linda Stewart	Jay Johnson
Bill Prysi, Vice Chair	Jennifer Sapen
Daryl (Max) Forgey	Patrick Vanasse

**Excused / Absent:**

Veronica Martin

**Lee County Government Staff Present:**

Amanda Swindle, Assistant County Attorney	Anthony Rodriguez, Principal Planner, Zoning
Debbie Carpenter, DCD Admin., Recorder	Audra Ennis, Manager, Zoning
David Loveland, Director, DCD	

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

None

**CALL TO ORDER AND AFFIDAVIT:**

Ms. Paula McMichael called the meeting to order at 8:30 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.

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

**Mr. Patrick Vanasse made a motion to approve the January 10, 2020 minutes. Mr. Tom Lehnert seconded. The motion was called and carried.**

**LDC AMENDMENTS – BACKYARD CHICKENS**

Mr. Anthony Rodriguez, Principal Planner, Zoning Section of Community Development stated that in June the Board directed staff to prepare amendments to the LDC to allow the keeping and raising of chickens in residential areas. Staff has done the research and analysis and is proposing amendments to LDC Sections 34-694 and 34-735, which are the residential land use regulations, and mobile home land use regulations tables, to allow for the keeping and raising of chickens as an accessory use by right within the RS-1 through RS-5 zoning districts. Currently the regulations allow for that by right in AG districts and by Special Exception within the RS-4 and RS-5 districts. The right to use an AG property for that use will remain unchanged. The proposed amendment to 34-735 would allow the keeping and raising of chickens as an accessory use by right in the MH-4 zoning district. The MH-4 zoning district has a larger lot size requirement than the MH-1 through MH-3 districts and also has a provision to establish a private stable by Special Exception. Staff is also proposing amendments to Sec 34-1294 to establish supplementary regulations related to the keeping and raising of chickens as an accessory use within those districts. The regulations permit the keeping of hens only, no roosters will be permitted, chickens may only be kept for personal use, they may not be slaughtered on the premises, and the limitation on the number of chickens would be four (4)

on lots of less than one (1) acre in size, and six (6) on lots of one (1) acre or greater in size. The lot must have an established residential use and must comply with minimum zoning requirements for width, depth and area. A coop would be required with a square footage requirement along with a requirement to provide continuous visual screening, a minimum of 6' feet in height around the sides and rear lot line.

Mr. Rodriguez referred to the next to last page of the meeting packet, identifying a change subsequent to the publication of the packet. In section 34-1294, sub(2)d. relating to the minimum standards for keeping and raising of chickens, items i and ii need to be amended to include mobile home, therefore item i should read: A single family home or a mobile home must be the principal use of the property (because this use would also be permitted within the MH-4 zoning district); and, item ii should read: The property must comply with the minimum dimensional requirements for the district as contained in section 34-695 or section 34-736 (which is relative to the mobile home property development regulations).

Ms. McMichael recognized Mr. Randy Krise. Mr. Krise had distributed copies of a letter of objection from Kevin Besserer of the Royal Palm Coast Realtor Association to the committee. The letter was passed through Commissioner's Pendergrass office and he asked that it be entered into the record.

Ms. McMichael asked staff if this would apply to gated communities with an HOA. Mr. Rodriguez said this would not preclude a gated community or HOA from establishing by-laws or covenants that restrict this use. He noted that this use is not permitted in planned developments (PD) which, more often than not, gated communities are within. Communities could vote to allow in accordance with regulations if they are conventionally zoned. Ms. Jennifer Sapen asked if a PD would have to be amended to allow the use and Mr. Rodriguez said "technically yes", but also said that regulations have not been changed to allow this use within the planned development use regulations table.

Ms. McMichael asked if building permits or inspections would be required and Mr. Rodriguez responded that accessory structures would have to go through the permitting process which includes inspections. There is also a requirement to complete a class through the University of Florida agricultural extension service and she asked if that was the only entity that offered that type of class. Mr. Rodriguez was not sure if it was the only one, but it was the most accessible and the Lee County extension service has agreed to offer it.

There was a brief discussion about the size of RS-1 and RS-2 lots, that they seemed too small to accommodate backyard chickens.

Ms. McMichael opened for discussion. Mr. Krise's opinion was that it was going to get out of control quickly, was going to cause the government headaches; that people were not going to want to follow the rules, and it will cause tension between neighbors. He referred to Mr. Besserer's letter, stating the Realtor Association was against it, and he had spoken with others that were against it as well.

Mr. Al Quattrone had personal experience raising just one chicken on his single family lot. He said it only lasted about 3 months before raccoons tried to kill it, it was messy and the smell was bad. It was re-homed to a farm.

Mr. Jay Johnson agreed with Mr. Krise that this would "open a can of worms" and that the rules and regulations would be hard for the owners to comply with and for the county to regulate.

Ms. Sapen thought the goal was to allow for more outdoor, backyard chickens, and she

supported that. However she was worried about the rules being too burdensome and that chicken owners would not comply and then it would become a code enforcement issue. She had looked at the on-line chicken class and it was easy. She recognized that with setback requirements the use would not fit on some lots. She objected to the letters of no objection, stating that either the use is allowed or it is not. She supported the concept but again, felt that this much regulation was going to create a code enforcement issue.

Mr. Patrick Vanasse concurred with most of the comments. He said the idea of sustainability and urban agriculture were good things. His biggest concern was with the smell, that even with screening it traveled, and he agreed that it could become a code enforcement nightmare.

Ms. McMichael asked about the possibility of having a pilot program to test backyard chickens in residential areas. Mr. David Loveland, Community Development Director, responded that staff had reviewed other local ordinances, Bonita Springs and City of Fort Myers each have one, and he thought Bonita Springs might have done a test program. The Board direction to staff was to draft an ordinance, take it through committees and get input and then a decision could be made.

Mr. Krise made a motion to deny the change in this regulation of the land development code. Seconded by Mr. Johnson. The motion was called and approved unanimously.

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

The next meeting was tentatively scheduled for November 13, 2020.

Mr. Loveland announced that it will soon be time to begin the regular 2 year land development code update cycle. There is a long list of potential amendments to discuss. The intent is to break them into manageable sections in order to have the time to vet them fully. He was not sure of the exact timetable, but he expected the committee would soon be having regular meetings. The location of the meetings will be contingent upon the topics of discussion.

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