# MINUTES REPORT

**EXECUTIVE REGULATORY OVERSIGHT COMMITTEE (EROC)**

**Wednesday, May 10, 2023**

**2:00 p.m.**

**Committee Members Present:**

Randal Mercer, Chairman Tracy Hayden, Vice-Chair

Mike Roeder Sam Hagan

Carl Barraco, Jr. Buck Ward

# Excused / Absent:

Victor DuPont Ian Moore

Tim Keene Jim Ink

Bill deDeugd Charles Fote

Bob Knight Matt Roepstorff

Michael Reitmann

# Lee County Staff Present:

Anthony Rodriguez, DCD, Zoning Manager

Adam Mendez, DCD, Zoning Senior Planner

Joe Adams, Assistant County Attorney Belinda Odom, DCD Administration

# Outside Consultants/Members of the Public Present:

Rick Pritchett, Carteroutdoor.com

Andy Pritchett, Carteroutdoor.com

# CALL TO ORDER AND AFFIDAVIT:

Mr. Randy Mercer, Chairman, called the meeting to order at 2:00 p.m. The meeting was held in the Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida, Conference Room 1B.

Mr. Joe Adams, Assistant County Attorney, confirmed the Affidavit of Publication was legally sufficient as to form and content and the meeting could proceed.

Mr. Mercer stated that he had very sad news to share. Deborah Carpenter passed away on April 11, 2023. He stated that he appreciated all the years she assisted with EROC and made sure they were on their toes as far as if there would be a quorum at the meetings and doing a great job on the minutes. She loved her dogs and everyone loved her. He said that while he appreciated everyone helping while Deb was out, they really loved Debbie and she will be sorely missed.

# APPROVAL OF MINUTES – March 8, 2023

Ms. Tracy Hayden made a motion to approve the March 8, 2023 minutes as written and Mr. Buck Ward seconded. The motion was called and carried unanimously**.**

**LDC AMENDMENT – SEC 30-55 – NONCONFORMING SIGNS**

Mr. Mercer stated that Mr. Rick Pritchett and Mr. Andy Pritchett were present from the pubic and would have an opportunity to speak if they wish.

Adam Mendez, Senior Planner, DCD stated that he would be presenting the Land Development Code (LDC) amendments pertaining to modification of Section 30-55 (Nonconforming Signs) addressing nonconforming billboard structures.

Lee County sign regulations currently permit the replacement of one nonconforming billboard in exchange for the permanent removal of a second nonconforming billboard in unincorporated Lee County within certain parameters contained in LDC Section 30-55 (a two for one replacement).

He referred to his PowerPoint presentation and explained that LDC Section 30-181 established regulations pertaining to billboard structures including locational requirement tied to certain Future Land Use Categories, as designated by the Lee County Comprehensive Plan and certain roadways, including I-75.

Originally adopted in 1985 (Ordinance 85-26), the effect of billboard regulations created legally nonconforming billboards throughout the county, primarily by virtue of their locations outside of the required future land use categories or along designated prohibited roadways. At that time, the only remedy to replace a billboard in these areas was through a variance or deviation; therefore, the owner of a billboard would either seek the requisite variance/deviation approval or maintain the nonconforming billboard’s structural integrity to prevent the loss of its nonconforming status. In 1991, Lee County Ordinance 91-09 amended the nonconforming sign regulations to incentivize the removal of nonconforming billboards by allowing the right to rebuild one nonconforming billboard in exchange for removing a second nonconforming billboard elsewhere. Through this process, the replacement billboard is designated a conforming structure in perpetuity, which further guarantees the replacement billboard maintains build-back rights (LDC Section 30-55).

In 2000, Ordinance 00-14 eliminated the ability to obtain a variance or deviation from the locational requirements for billboards. Furthermore, previously nonconforming billboards that were rebuilt and deemed conforming in exchange for the removal of a nonconforming billboard elsewhere cannot be relocated, except in full conformance with the LDC. In the event the property containing a rebuilt billboard becomes unsuitable, whether by private, public, or economic pressures, the billboard must be removed with no latitude for relocation in a nearby similar setting.

County staff was engaged by billboard-industry stakeholders to assist in development of provisions to allow a one-time relocation of a billboard rebuilt in accordance with the aforementioned regulation, subject to certain requirements. The draft amendments, if approved, will permit a one-time relocation of a rebuilt billboard provided that (1) the recipient location is not an island where the billboard did not originate; (2) the proposed recipient location abuts an arterial road that is not otherwise restricted from billboard structures (LDC Section 30-183(1)(b)); and (3) the proposed recipient location is not residentially zoned and in the same or less restrictive future land use category as the rebuilt billboard’s current location.

The proposed language furthers the County’s objective to incentivize removing nonconforming billboards as provided in the sign ordinance.

After Mr. Mendez was done with the presentation, he asked if there were any questions.

Mr. Buck Ward asked how many nonconforming billboards are in the County. Mr. Mendez replied that we received that feedback at the last meeting with LDCAC of how many there were. Because most of them have been in existence since prior to the sign ordinance so we don’t have qualifiable data as to what that figure is. Mr. Ward asked if there was an approximation. Mr. Mendez replied probably less than 100 and most of them have already been through the two for one program.

Mr. Mercer asked if Mr. Rick Pritchett would like to say anything. Mr. Rick Pritchett started out by saying they have Carter-Pritchett Advertising in Ft. Myers. In 1991 when the idea came up for the two for one, we had properties that we took two nonconforming signs down and replaced it with one conforming sign in a nonconforming location. As the town grows and develops and buildings are built, sometimes there are times that the sign just doesn’t fit on that piece of property. They have seen times where if one needs to be relocated there is no safety valve for that. It has taken 3-4 years to get to this point to try and solve this issue. If there is a location that has a conforming/nonconforming sign, they would like an opportunity to find a good home for it.

Mr. Mercer asked if all their new signs are solar powered. Mr. Pritchett replied none of theirs were, they use LED lights. Mr. Mercer complimented the way their signs look when they are lit up.

Mr. Carl Barraco, Jr. asked if you are going to change the future land use of a piece of property that has a sign going through that process, is there a way to grandfather that sign in to not moving signs all around the County. Mr. Mendez replied, future land use categories typically don’t change broadly to the extent that a future land use map change may make a sign nonconforming, and that sign is entitled to remain in a nonconforming status so it effectively becomes a nonconforming billboard that would be allowed to be rebuilt on a two for one and then subsequently be relocated at a future date if needed. Mr. Barraco asked if they have them moving in and out of that status over time. Mr. Mendez replied, yes, that is kind of the nature of land use in general.

Mr. Ward wanted clarification of the two for one. Mr. Mendez explained how the two for one works.

Ms. Tracy Hayden commented there was a typo on #4, e. The word” be” is struck out and it shouldn’t be. It was acknowledged by Mr. Mendez that it would be corrected.

Mr. Mercer asked if this has been in front of any other committees other than the EROC Committee so far. Mr. Mendez replied just LDCAC. Mr. Mercer wanted to know what the prior comments were. Mr. Mendez stated that they voted to recommend approval unanimously. They did have comments and they are summarized in the staff-annotated LDC Amendment packet.

Mr. Mike Roeder asked how many of these two for one slots have there been. Mr. Mendez said they heard from Bob Stewart who was at the last meeting representing Carter Pritchett signs said that there might be a dozen and Lamar may have a dozen or so.

Tracy Hayden made a motion to approve as written, Mr. Carl Barraco, Jr. seconded. The motion was called, and motion passed unanimously**.**

Mr. Mercer thanked Mr. Mendez for a great job and a great presentation.

There was no further business. The next meeting was tentatively scheduled for July 12, 2023.

Mr. Mercer adjourned the meeting at 2:20pm.