

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(ERO)
Wednesday, November 12, 2025
2:00 p.m.**

Committee Members Present:

David Gallaher	Bob Knight
Sam Hagan	Ian Moore
Tracy Hayden, Vice-Chair	Ben Smith

Excused / Absent:

Carl Barraco, Jr.	Scott Edwards
Annette Carrasquillo	Randal Mercer, Chairman
Bill deDeugd	Michael Roeder
Victor Dupont	

Lee County Staff Present:

Brandon Dunn, Planning Manager	Adam Mendez, Zoning
Erika Garcia, DCD Administration	Janet Miller, DCD Planning
Michael Jacob, Deputy County Attorney	Anthony Rodriguez, Zoning Manager

AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF POSTING:

Ms. Tracy Hayden, Vice Chair, called the meeting to order at 2:00 p.m. The meeting was held in the Administration East Building, 2201 Second Street, Room 118, First Floor, Fort Myers, FL 33901. Ms. Hayden asked Mr. Michael Jacob, Deputy County Attorney, if we had a legal meeting.

Mr. Michael Jacob, Deputy County Attorney, confirmed the Affidavit of Posting was legally sufficient and the meeting could proceed.

AGENDA ITEM 2 - APPROVAL OF MINUTES – September 10, 2025

Ms. Hayden asked if anyone had any comments or changes to the minutes from the September 10, 2025 meeting. There were none. She asked for a motion to approve.

Mr. Knight made a motion to approve the September 10, 2025 minutes, as written. The motion was seconded by Mr. Moore. The Chair called the motion, and it passed 6-0.

Before getting to the items on the agenda, Ms. Hayden welcomed our newest member, Ben Smith, to the Executive Regulatory Oversight Committee.

AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS

A. FIRE/EMS IMPACT FEE AMENDMENTS

Mr. Mendez gave an overview of the amendments.

Mr. Moore noted there was no statement in this document regarding “*extraordinary circumstances.*” He asked for confirmation that there is no intention for the Board to explore “*extraordinary circumstances.*”

Mr. Dunn stated that was correct.

Mr. Moore asked how often the County routinely commissions their fee studies.

Mr. Dunn stated they were typically conducted every 5 years or so. He noted staff would begin reviewing the remaining fees outside of Fire and EMS once this current effort is concluded.

Mr. Moore stated this effort is what is being seen routinely across multiple jurisdictions. The maximum increase is what is seen everywhere. He noted that Cape Coral recently attempted this, and it seems most of this is growth based. Mr. Moore stated that much of the building industry in the area is based on development and construction. Additional fees are inhibitive to that; therefore, he encouraged staff at the county level to make sure to conduct these studies early and often and to take every opportunity to make sure that everyone who is processing these fees are being diligent in how they are allocated, especially since these fees are routinely hidden maximums. Mr. Moore stated he was glad to see that the county is looking to comply with State law. He thanked staff for their hard work.

The Committee had no further comments/questions. Ms. Hayden asked if anyone from the public wished to comment. No members of the public wished to comment, so the public portion segment was closed.

Mr. Moore made a motion to approve the Fire and EMS Impact Fee Update amendments. The motion was seconded by Mr. Knight. The Vice Chair called the motion, and it passed 6-0.

B. MPD THRESHOLD AMENDMENTS

Mr. Rodriguez gave an overview of the amendments.

Mr. Smith stated he agreed with having additional flexibility and that it is always appreciated. He noted that many times when looking at a project and deciding what type of planned development to choose, they must look at the thresholds. With the way this is currently written, it seems that almost any type of request could be a mixed-use planned development. He asked for confirmation that this is how staff interprets it going forward. If so, would staff make that decision based more on the use tables and the property development standard tables that are associated with each type of planned development?

Mr. Rodriguez stated that would generally be the case. He noted there are some limitations in other types of planned developments. For example, in commercial planned developments, multi-family residential uses are not allowed unless they are entitled in conjunction with a minimum of 50,000 square feet of commercial uses. This limitation places a guardrail within commercial planned developments that will not exist in mixed-use planned developments if this amendment is adopted. In the end, mixed-use planned

developments will be the most flexible in terms of the types of uses that can be accommodated within that type of land development.

Mr. Smith referred to subsection (c) and noted that the way it was previously written there was some expectation that staff would designate different areas on the master concept plan for different use types. With the way it is written now, he asked what staff's expectation was for how that structure would or would not be enforced on the new requirement. In other words, what is staff going to be looking for on 34-940(c) in order to comply with that?

Mr. Rodriguez stated that typically what is seen through mixed-use planned development rezones, and rezones that propose more than one type of use, whether it be industrial, commercial, residential, staff typically sees a schedule of uses tied to parcel designations. This will be the expectation moving forward where there is going to be parcels that are designated with specific scheduled uses and those schedule of uses may differ depending on the parcel and ultimately the type of development envisioned on that particular parcel. As market demands change and the demand for a particular type of use ends up emerging or declining, you end up in a better position to be able to administratively amend that planned development in order to respond to that. It cuts down on the quasi-judicial nature of a public hearing process that would otherwise be required in order to amend that planned development. It allows things to be more flexible in terms of being able to respond quicker to market changes.

Mr. Smith asked for confirmation that staff perceives that these changes would allow for more amendments to be categorized in the administrative amendment category and less of them having to be processed through a public hearing.

Mr. Rodriguez stated that was correct.

Mr. Dunn stated that regarding what staff might be looking for in subsection (c), there may be cases in a mixed-use planned development where there is commercial and multi-family or commercial and residential. Because of this, staff needs to understand the difference in the areas in order to count for density calculation purposes. In staff's view, that did not need to be added to this section because it is covered elsewhere in the code.

The Committee had no further comments/questions. Ms. Hayden asked if anyone from the public wished to comment. No members of the public wished to comment, so the public portion segment was closed.

Mr. Hagen made a motion to approve the MPD Threshold amendments. The motion was seconded by Mr. Smith. The Vice Chair called the motion, and it passed 6-0.

C. FLOODPLAIN MANAGEMENT AND BUILDING CODE AMENDMENTS

Mr. Rodriguez gave an overview of the amendments.

The Committee had no comments/questions. Ms. Hayden asked if anyone from the public wished to comment. No members of the public wished to comment, so the public portion segment was closed.

Mr. Knight made a motion to approve the Floodplain Management and Building Code Amendments. The motion was seconded by Mr. Moore. The Vice Chair called the motion, and it passed 6-0.

AGENDA ITEM 4 - Adjournment

The next meeting is scheduled for Wednesday, January 14, 2026.

There was no further business.

Mr. Moore made a motion to adjourn. The motion was seconded by Mr. Knight. The Vice Chair called the motion, and it passed 6-0.

The meeting adjourned at 2:16 p.m.