

MINUTES FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE

TUESDAY, OCTOBER 24, 2023

Council Chambers

4:30 p.m.

Chair Zivkovic called the meeting to order at 4:31 p.m.

Roll Call: Members Contreras, Hayden, Landis, McBrearty, McGrail, Schwartz, Shaw, Slaughter, York, and Zivkovic were present. Member Guerra was excused.

ALSO PRESENT: Amy Yearsley, City Planning Manager
Millie Babic, Senior Planner

Chair Zivkovic welcomed two new members.

Kathy Landis introduced herself and provided a brief background.

Kevin McGrail introduced himself and provided a brief background.

CITIZENS INPUT TIME

No speakers

BUSINESS

Meeting Minutes – July 18, 2023

Member Contreras moved, seconded by Member Hayden, to approve the July 18, 2023, Regular meeting minutes, as presented. Voice poll: All “ayes.” Motion carried.

Approval of 2024 Proposed Meeting Schedule

Chair Zivkovic explained that there were two proposed 2024 AHAC Meeting Schedules in the backup material, the dates were consistent, but the meeting start time was for either 4:30 p.m. or 5:30 p.m.

Discussion held regarding:

- Setting a schedule for a committee that may change
- Interest to move the meeting to a Thursday
- Need for additional meetings
- Having a schedule in place allows for planning
- Committees may be 2 two-year terms moving forward
- Compromise for start time at 5:00 p.m.

Member Hayden moved, seconded by Member McGrail, to approve a start time of 5:00 p.m. on the four Tuesdays as presented (on the 2024 meeting schedule).

Committee polled as follows: Contreras, Hayden, Landis, McBrearty, McGrail, Schwartz, Shaw, Slaughter, York, and Zivkovic voted “aye.” Ten “ayes.” Motion carried 10-0.

Accessory Dwelling Units Discussion

City Planning Manager Yearsley discussed the following information:

- Role of Committee which has met since 2007
- Report used to be done every three years, now annually
- Committee has recommended incentives for affordable housing
- Accessory Dwelling Units (ADUs)
- Local Housing Incentive Plan
- Seeking recommendation today related to ADUs
- Report will go to Council after Committee recommends
- What are Accessory Dwelling Units
- History of Accessory Dwelling Units in Cape Coral
- 2019 Major overhaul of our Land Use Development Regulations
- Adopted the Land Development Code (LDC)
- ADU is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (detached) single-family home
- ADUs go by many names: accessory apartments, secondary suites, granny flats
- ADUs can be converted portions of existing homes, additions to new or existing homes, or new stand-alone accessory structures
- Looking for Committee recommendation for approval or not

Discussion held regarding:

- Is there a will on Council to allow or not?
- ADU has not been brought back to Council since 2018
- Trend to limit the number of ADUs within a certain area
- Enforcement is the issue
- Trend across the United States regarding ADUs
- Recommended size lot for ADU – 20,000 sq ft (10,000 sq ft is standard lot)
- Working with Building Department
- Will they be insurable?
- Building codes are critical as we are in a hurricane environment
- Bills to pre-empt local governments from regulating short-term rentals
- Short-term rentals in Cape Coral, de facto prohibition
- Potential ADUs may be considered if going vertical

Member Hayden suggested to make a recommendation if the Committee felt strongly about adding ADU's.

Discussion held regarding:

- ADUs would need to be built to FL Building Code
- What is the demand outside of the affordability issue?
- Is this the only type of affordable housing this group has been charged with?
- Eleven incentives set forth in Florida Statute
- ADUs are being done illegally
- How do we regulate what is behind the garage door?
- Possible limitations for ADUs – minimum lot size, relationship, or yearlong leases
- Possible support for ADU as long as legal
- Property rights
- Three lot site or greater

Member Schwartz moved, seconded by Member McGrail, to not recommend ADUs in Cape Coral.

Committee polled as follows: Landis, McBrearty, McGrail, and Schwartz voted “aye.” Contreras, Hayden, Shaw, Slaughter, York, and Zivkovic voted “nay.” Four “ayes.” Six “nays.” Motion failed 4-6.

Member Slaughter moved, seconded by Member Contreras, to recommend that Staff prepare a series of alternatives for Council considerations to allow ADUs in Cape Coral.

Chair Zivkovic restated motion: Staff to recommend options to the City Council for ADUs to be allowed in City of Cape Coral.

Discussion held regarding:

- Motion to include certain limitations
- Recommend ADUs with special regulations

Motion maker and second amended motion on the floor as follows: Recommend that Staff prepare a series of alternatives for Council considerations to allow ADUs in Cape Coral with special regulations.

Committee polled as follows: Contreras, Hayden, Landis, McBrearty, Shaw, Slaughter, York, and Zivkovic voted “aye.” McGrail and Schwartz voted “nay.” Eight “ayes.” Two “nays.” Motion carried 8-2.

2023 Incentive Review and Recommendation Report

City Planning Manager Yearsley discussed the 2023 Incentive Review and Recommendation Report as distributed in the backup material as follows:

- Need recommendation to forward the report to City Council
- To include today's recommendation related to ADUs which is not included in draft
- Will include it in the copy going to Council on December 6th

Discussion held regarding:

- Document was worked on all year by the Board

Member Schwartz moved, seconded by Member Slaughter, to approve the plan, as presented (2023 LHIP, City of Cape Coral Local Housing Incentive Plan).

Committee polled as follows: Contreras, Hayden, Landis, McBrearty, McGrail, Schwartz, Shaw, Slaughter, York, and Zivkovic voted "aye." Ten "ayes." Motion carried 10-0.

Triennial Review of Public Land Update

City Planning Manager Yearsley explained the 11 Incentives include the Triennial Review of Public Land which is mandated by State Statute. Traditionally, this was due June 30th of every year; it was reset to be done by October 1st. She explained how the Statute dictates how the properties may be used:

- Sell and take proceeds to buy more land to build affordable housing
- Restrictions that properties are permitted for affordable housing
- Donate to non-profit organizations for construction of affordable housing
- Staff prepared draft policy and procedure guide for the disposition of properties
- Staff recommendation to City Council would be to continue donating properties to non-profits for single home affordable housing
- Inventory list adoption process

Discussion held regarding:

- Consideration of protective species and environmental restrictions

Time and Place of Next Meeting

A Regular Meeting was scheduled for Tuesday, February 27, 2024, at 5:00 p.m. in Council Chambers.

Motion to Adjourn

There being no further business, the meeting adjourned at 5:40 p.m.

Submitted by,

Stacey Pasek
Recording Secretary