



LAND DEVELOPMENT CODE ADVISORY COMMITTEE

**COMMUNITY DEVELOPMENT/PUBLIC WORKS BUILDING
1500 MONROE STREET, FORT MYERS, FL 33901
CONFERENCE ROOM 1B**

**FRIDAY, MARCH 14, 2025
8:30 A.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – January 10, 2025
3. Land Development Code Amendments
 - A. Historic District Parking Requirements
 - B. Amendments to County Flood Ordinance Definitions
4. Adjournment
Next Meeting Date: April 11, 2025

To view a copy of the agenda, go to www.leegov.com/dcd/calendar.

For more information, contact Janet Miller (239) 533-8583 or jmiller@leegov.com.

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**MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, January 10, 2025
8:30 a.m.**

Committee Members Present:

Jem Frantz	Al Quattrone
Randy Krise, Vice Chair	Jennifer Sapen
Jarod Prentice	Christopher Scott

Excused / Absent:

Jay Johnson	Bill Prys
Tom Lehnert	Amy Thibaut, Chair
Veronica Martin	Patrick Vanasse
Jack Morris	

Lee County Government Staff Present:

Joe Adams, Asst, County Atty.	Janet Miller, DCD Admin.
Sandra David, DCD Admin.	Anthony Rodriguez, Zoning Manager
Brandon Dunn, Planning Manager	Katie Woellner, Planning
Lindsay Hickey, DCD Admin.	

AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF PUBLICATION

Mr. Krise, Vice Chair, called the meeting to order at 8:30 a.m. in the Large First Floor CR 1B, Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida.

Mr. Joe Adams, Assistant County Attorney, reviewed the Affidavit of Publication and found it legally sufficient as to form and content.

AGENDA ITEM 2 - APPROVAL OF MINUTES – December 13, 2024

Mr. Scott made a motion to approve the December 13, 2024 minutes, seconded by Ms. Sapen. The motion was called and passed 6-0.

AGENDA ITEM 4 – LAND DEVELOPMENT CODE AMENDMENTS

A. Food Truck Parks

Ms. Woellner provided an overview of the revisions to this section that were requested during the December 13, 2024 Land Development Code Advisory Committee meeting. She also referred to Section 34-3181 (b) which was supposed to be changed to be just “*special exception*” instead of also including “*planned development*.” Ms. Woellner noted that staff is amenable to that change.

Mr. Krise referred to Section 34-1264 on the bottom of Page 3 and asked for clarification that this change would not preclude schools or day care centers from having a food truck come to their facility as a fundraiser.

Ms. Woellner stated that was correct. It would not preclude something like that.

Mr. Krise asked for confirmation that this change was due to the alcohol and seating components for food truck parks.

Ms. Woellner stated that was correct.

Mr. Quattrone asked about the 10 spaces per conveyance pad because he was not at the December meeting when this was discussed. He asked for clarification that if you have a standalone park that has 6 trucks, they would be required to have 60 parking spaces.

Ms. Woellner stated that was correct.

Mr. Quattrone asked if the 10 spaces per conveyance pad was based on some type of reference that has deemed the number of spaces needed. To him, it seemed to be a lot of parking spaces per truck.

Ms. Woellner explained that staff looked at local examples, such as Backyard Social, as well as examples from Collier County, surrounding counties, and some other places within the state. The data showed that in urban areas a lot of the food truck parks had minimal parking such as a total of 12 spaces for 4 or 5 trucks. However, there were also instances such as Backyard Social where they are parking at essentially 12 or 14 spaces per conveyance but need additional parking. She explained that the intent was to create a reasonable minimal requirement with some alleviation within areas that are slightly more urban. For instance, in mixed use overlays or multi-use developments, there are parking reductions allowed.

Mr. Quattrone felt that Backyard Social was more of a bar/hang-out atmosphere. However, he has a client working on a food truck park in Lehigh where he wants to have 4 or 5 trucks. His client's intent is to have his food truck park be more of a lunch or dinner crowd, but it would not be elevated to the extent of a Backyard Social type project, so he felt this amendment might affect someone like his client.

Mr. Dunn stated staff would review Note 16 further. He noted that this amendment is not merely identifying the parking. It also helps the county focus food truck parks where they want them to be located by allowing for the reduced parking in the urban areas. He noted that Lehigh would most likely be able to take advantage of something like this.

Mr. Scott asked if Lee County has other ways to request parking deviations besides this amendment in unique situations where a food truck might not require as much. In an instance such as that, he asked if they could request a reduction by some other means.

Ms. Woellner stated there were some administrative deviations allowed in the code.

Mr. Rodriguez stated that the code allows up to a 10% administrative parking reduction subject to certain criteria which includes being on a walkways or bikeways map as designated in the Lee Plan, proximity to transit stops, providing pedestrian and bicycle facilities, and other things of that nature.

Mr. Scott asked for clarification that if someone wanted to go above an administrative deviation, they would have to go through a full variance process.

Mr. Rodriguez stated that was correct.

Mr. Quattrone referred to Number 5 under Section 34-3182. Requirements on Page 5 of 6 where it states, *“Internal circulation providing conveyances access to the conveyance pad(s). In no instance shall a conveyance traverse a required buffer or landscaped area to access the conveyance pad.”* He asked for clarification of this section.

Mr. Rodriguez stated the word “conveyance” is a defined term. “Conveyance” is the truck itself. He explained that the intent is to require the conveyance to have a designated path to get to the pad from whatever internal access.....

Mr. Quattrone referred to a food truck park on Lehigh Boulevard that is not permitted. It is located close to Gunnery Road. When he researched it to see what type of development order they obtained, he discovered they did not have a development order. Despite the fact that they are in violation, he asked how the park was functioning with its parking.

Mr. Rodriguez stated the county would treat it as a commercial development that will be subject to commercial design standards. He explained that if there are permanent structures, there will be architectural standards that must be met. They will be required to provide commercial buffers, commercial open space, etc. Mr. Rodriguez also noted that if today’s Food Truck amendments go through the process and ultimately get adopted, there will be a lot of *“hand holding”* on staff’s side just to get these parks that are operating without the appropriate permits to get into compliance. It is something that will take time and there will need to be an educational effort to help shepherd these parks through the process if they want to continue to operate as they have been.

Mr. Quattrone stated he did have a concern with these trucks parked along the road. He did not feel that a 15 foot right-of-way buffer does much to make the project look nice.

Ms. Woellner stated that the regulations also require the paved conveyance pads to meet the setback requirements. They will not only need to meet the setbacks, but they will have to be separated by the 10 feet or the fire separation requirement.

Mr. Quattrone stated there is only a requirement for a 30% canopy, which generally cannot meet architectural standards.

Mr. Rodriguez stated they would need to be permanent structures and will need to meet commercial building requirements, etc., so there will be some minimal standards that will be applied.

Mr. Quattrone stated he believed the definition of a building is more than 50% walls. If someone puts in a completely open-air canopy with a roof structure, then he did not believe it would fall within the definition of a building and would not meet commercial building design requirements.

Mr. Dunn stated that staff would review that further.

Ms. Woellner also noted they would be required to provide permanent sanitary facilities such as a bathroom and something else as well. The structure would have to meet the commercial design standards.

Mr. Scott made a motion to find the Food Truck Park amendments to be consistent with the Lee Plan, but that this motion included the removal of the reference to “planned development” in section 34-3181 (b), which was mentioned by Ms. Woellner during her presentation, seconded by Ms. Frantz. The motion was called and passed 6-0.

AGENDA ITEM 5 – ADJOURNMENT/NEXT MEETING DATE

There was no further discussion. Mr. Krise adjourned the meeting at 8:45 a.m.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Land Development Code
Advisory Committee (LDCAC)

DATE: February 28, 2025

FROM: Anthony R. Rodriguez, AICP, CPM
Zoning Manager

RE: **Land Development Code (LDC) Amendments, Group 5**
Historic District Parking Requirements and Amendments to County Flood Ordinance
Definitions

The attached LDC amendments, scheduled for consideration at the March 14, 2025 meeting, propose changes to the LDC to apply Mixed Use Overlay parking reductions in the Boca Grande and Matlacha Historic Districts and update certain definitions in the County's Flood Ordinance to be consistent with Federal Emergency Management Agency (FEMA) Community Rating System (CRS) and Florida Department of Emergency Management (FDEM) guidance.

Staff seeks input and a recommendation on whether the proposed amendments should be adopted by the Board of County Commissioners (BoCC).

Background and Summary

On February 6, 2024, the BoCC authorized staff to begin work on drafting substantive and non-substantive ("clean-up") amendments to the LDC as part of the County's biennial Land Development Code Amendment Cycle. Substantive amendments are focused on eliminating redundancies within the LDC, codifying existing Department interpretations, addressing new uses, and lessening burdensome restrictions where appropriate. Non-substantive amendments will be focused on assuring consistency within the LDC, between the LDC and the Lee Plan, between the LDC and the Florida Building Code, and between the LDC and state and federal regulations. On February 4, 2025, the BoCC directed staff to draft amendments to the LDC to address parking requirements in the Boca Grande and Matlacha Historic Districts to support their physical and economic recovery after Hurricane Ian.

The attached amendments to the LDC are consistent with BoCC direction and are summarized as follows:

A. Historic District Parking Requirements

- The Issue: The Boca Grande and Matlacha Historic Districts are in coastal areas impacted by recent hurricanes. The historic nature, layout, and locations of these districts make rebuilding or redeveloping properties to meet current code requirements difficult or physically impossible on many properties.
- Proposed Solution and Intended Outcome: Revise the LDC to allow Mixed Use Overlay parking reductions within the Boca Grande and Matlacha Historic Districts. The historic nature and physical layout of these historic districts share several characteristics with properties within the Mixed Use Overlay including pedestrian friendly design, location

within future land use categories consistent with Mixed Use Overlay requirements, availability of public facilities, and a mix of commercial, residential, and other uses near one another. Applying Mixed Use Overlay parking reductions is intended to spur redevelopment by easing parking requirements in a manner consistent with the historic character of these communities.

B. Amendments to County Flood Ordinance Definitions

- The Issue: The existing language in the most recent amendment to the County's Flood Ordinance 22-30 (amending 15-09) regarding the 12-month repetitive loss "look back" is not a FEMA or Community Rating System (CRS) requirement. There currently is no CRS credit for this language in the County's ordinance.
- Proposed Solution and Intended Outcome: Amend existing definitions to remove the 12-month repetitive loss "look back" and clean up existing language to be more consistent with FEMA P-758 Substantial Improvement/Substantial Damage Desk Reference, Page 1-1, which aligns the LDC with FEMA requirements and guidance.

Attachments

Draft LDC Amendments

GROUP 5, ITEM A

HISTORIC DISTRICT PARKING REQUIREMENTS

Chapter 22- HISTORIC PRESERVATION

ARTICLE III. – DESIGNATION OF HISTORIC DISTRICTS AND RESOURCES

DIVISION 2. INCENTIVES

Sec. 22-174. Relief from zoning regulations.

Staff note: Add route for administrative relief from parking requirements in historic districts that allows a 20 percent reduction in parking spaces subject to availability of public parking and pedestrian accommodations within ¼ mile the property in question. This reduction is in addition to the Mixed Use Overlay reductions proposed by amendments to Section 34-2020.

The Department of Community Development director may, by written administrative decision, approve any relief request for designated historic resources or contributing properties to a designated historic district; for matters involving setbacks, lot width, depth, area requirements, land development regulations, height limitations, open space requirements, parking requirements, signs, docks, and other similar relief not related to a change in use of the property in question.

- (1) Before granting relief, the Director must find that:
 - a. The relief will be in harmony with the general appearance and character of the community.
 - b. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety, or welfare.
 - c. The proposed work is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner a reasonable use of ~~his~~ the land.
 - d. For parking reductions, the minimum number of required parking spaces is reduced by no more than 20 percent when there is existing public parking not dedicated to a specific public use or a commercial parking lot located within a 1,320-foot radius of the site's external sidewalk connection, and continuous pedestrian accommodations exist or will be required between the off-site parking and the primary entrance of the building or property in question.

Subsections (2) through (4) remain unchanged.

Chapter 34- ZONING

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 26. PARKING

Sec. 34-2020.-Required parking spaces.

Staff note: Revise section to allow Mixed Use Overlay parking reductions within the Boca Grande and Matlacha historic districts. The historic nature, layout, and locations of these districts make rebuilding or redeveloping properties to meet current code requirements difficult or physically impossible on many properties. In addition, the historic nature and physical layout of these historic districts share several characteristics with properties within the Mixed Use Overlay including pedestrian friendly design, location within future land use categories consistent with Mixed Use Overlay requirements, availability of public facilities, and a mix of commercial, residential, and other uses in close proximity to one another.

- (e) *Parking reduction within the Mixed-Use Overlay and Historic Districts.* The single-use development parking standard will be multiplied by the factors in Table 34-2020(c) to produce the minimum required off-street parking for properties within the Mixed-Use Overlay or Historic Districts within Boca Grande and Matlacha as described in HD90-05-01 and HD90-10-01. Off-street parking may be provided on the lot it serves or with available spaces within a lot described in Section 34-2015(1) within 1,320 feet of the primary entrance of the building it serves.

Table 34-2020(c). Parking Reductions Within the Mixed-Use Overlay and Historic Districts

	<i>Future Land Use Category</i>		
	<i>Intensive</i>	<i>Central Urban</i>	<i>Urban Community</i>
Residential uses (Section 34-2020(a))	0.40	0.50	0.60
Nonresidential uses (Section 34-2020(b)) <u>Note (1)</u>	0.50	0.55	0.60

Notes:

- (1) In Historic Districts where golf cart travel has been approved by Lee County, a maximum of 50 percent of the minimum required off-street parking for a use may be designated as golf cart spaces at a 1:1 parking space ratio by right, provided golf carts will be used as a means of travel to the proposed use and the use is accessed by a street.

GROUP 5, ITEM B

AMENDMENTS TO COUNTY FLOOD ORDINANCE DEFINITIONS

Chapter 22- BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. – FLOOD HAZARD REDUCTION

DIVISION 2. DEFINITIONS

Sec. 6-479. Definitions in general.

Staff note: The existing language in the most recent amendment to the County's Flood Ordinance 22-30 (amending 15-09) regarding the 12-month repetitive loss "look back" is not a FEMA or Community Rating System (CRS) requirement. There currently is no CRS credit for this language in the County's ordinance (the minimum standard for CRS credit is at least 5 years). Staff proposes removal of this language and clean-up of existing language to be more consistent with FEMA P-758 Substantial Improvement/Substantial Damage Desk Reference, Page 1-1. Removing the 12-month rep loss language will not impact the County's CRS score, CRS classification or FEMA standing.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration of a watercourse through Substantial damage remain unchanged.

Substantial Damage (SD) means damage of any origin sustained by a ~~building or~~ structure whereby the cost of restoring the ~~building or~~ structure to its before-damaged condition would equal or exceed 50 percent of the market value of the ~~building or~~ structure before the damage occurred. Work on structures that are determined to be substantially damaged is considered to be substantial improvement, regardless of the actual repair work performed.

Substantial Improvement (SI) means any combination of repair, reconstruction, rehabilitation, ~~alteration~~, addition, or other improvement of a ~~building or~~ structure ~~for all but repetitive loss properties as defined by FEMA~~, the cost of which equals or exceeds 50 percent of the market value of the ~~building or~~ structure before the improvement or repair is started ~~start of construction of the improvement or repair~~. ~~If a building or structure is identified as part of a repetitive loss property by FEMA, the costs of any repair, reconstruction, rehabilitation, addition or other improvement of a building or structure will be considered cumulatively over the prior 12-month period.~~ If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "~~substantial damage~~" substantial improvement does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to ensure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Remainder of section unchanged.