



LAND DEVELOPMENT CODE ADVISORY COMMITTEE

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

**FRIDAY, AUGUST 8, 2025
8:30 A.M.**

AGENDA

1. Call to Order/Review of Affidavit of Posting
2. Approval of Minutes – March 14, 2025
3. Land Development Code Amendments
 - A. Dock and Shoreline Regulations (Boathouses and Dock Pavilions)
4. Adjournment
Next Meeting Date: September 12, 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, March 14, 2025
8:30 a.m.**

Committee Members Present:

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|-------------------|--------------------|
| Jem Frantz | Amy Thibaut, Chair |
| Jay Johnson | Patrick Vanasse |
| Christopher Scott | |

Excused / Absent:

| | |
|-------------------------|----------------|
| Randy Krise, Vice Chair | Jarod Prentice |
| Tom Lehnert | Bill Prys |
| Veronica Martin | Al Quattrone |
| Jack Morris | Jennifer Sopen |

Lee County Government Staff Present:

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|---|-----------------------------------|
| Joe Adams, Asst, County Atty. | Janet Miller, DCD Admin. |
| Katie Burgess, Planning | Anthony Rodriguez, Zoning Manager |
| Billie Jacoby, Floodplain Administrator | |

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

Ms. Thibaut, Chair, called the meeting to order at 8:35 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 – January 10, 2025

Mr. Scott made a motion to approve the January 10, 2025 minutes, seconded by Mr. Johnson. The motion was called and passed 6-0.

AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS

A. Historic District Parking Requirements

Mr. Rodriguez stated there were two separate Land Development Code amendments being presented today. Katie Burgess will be handling Item A. Historic District Parking Requirements. Billie Jacoby will address Item B. Amendments to County Flood Ordinance Definitions. He also noted that a member of the public, Ben Smith from Morris-Depew Associates, wanted to provide public comment on Item A.

Ms. Burgess, Principal Planner, Planning, provided an overview of the revisions for this item.

Mr. Vanasse referred to the staff note on Page 1 of 2. The staff note explains that the 20% is in addition to what someone can obtain. Since staff notes are not included in the Land Development Code, he felt it would cause confusion. He stated if it was not for the note, he would not have understood that the 20% was “*in addition to.*” He felt there would need to be some clarification if this staff note is not to be included in the Land Development Code.

Ms. Burgess stated staff would review the language further to see if they can add some clarification.

Ms. Thibaut concurred with Mr. Vanasse that she liked the idea of the staff note.

Mr. Vanasse referred to (e) on Page 2 of 2 and felt this was another area that would need some clarification. He noted that in (e) there is mention of "*historic districts*," yet staff clearly specifies Boca Grande and Matlacha. It causes confusion because it is unclear whether staff is talking about all historic districts or specifically Boca Grande and Matlacha. He also referred to the footnote on Page 2 of 2 in (1). It refers to "*In Historic Districts*" but then it says, "*where golf cart travel has been approved.*" It is not clear which ones have been approved for golf cart travel. He pulled up information from the website to see how many historic districts there were. It showed approximately 12, but it is not known as to which ones have the golf cart travel approved by Lee County.

Ms. Burgess stated the note would only apply to the areas within the Historic District Overlays. She noted that not all of Boca Grande and Matlacha fall within the historic district. It is what the two resolutions describe. Therefore, this would only apply to the historic district overlay within Boca Grande and Matlacha.

Mr. Vanasse stated it would be less confusing if staff just identified those two areas instead of "*historic districts*" broadly. He referred to the last sentence of the footnote on the bottom of Page 2 of 2 and felt part of the last sentence was not necessary. He proposed it be modified to read, "*(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.*" He felt the sentence should end with that line and the rest of the verbiage be removed as follows: "*~~provided golf carts will be used as a means of travel to the proposed use and the use is accessed by a street.~~*" To him, if people are using golf carts, he assumes it is as a means of travel.

Ms. Burgess stated she would look into that further to see if it can be modified.

Mr. Adams asked for further clarification on the recommendation to the staff note on the bottom Page 1 of 2.

Mr. Vanasse responded. He also stated that 20% in itself did not seem to be a significant increase for those areas, but it would be if it was combined with 40% or 50%.

Ms. Thibaut opened this item to public comment.

Mr. Ben Smith from Morris-Depew and Associates stated he was in attendance today on behalf of the Boca Grande Health Clinic who are currently working on a redevelopment project in Boca Grande. The way these amendments are written, it will allow his client's development order to get approved. His client would like to move forward with the construction of their project so that it can be completed before season starts in 2025. He noted that they are currently utilizing the 50% reduction that is being added here. They are allowed to have a 2 to 1 golf cart replacement, which means 2 golf cart spaces can replace 1 parking space. The changes today will allow them to do a 1 to 1 replacement. He noted that in Boca Grande, golf carts are the primary mode of transportation for most of the residents in the area. Because of this, providing more golf cart parking spaces rather than standard parking spaces makes more sense, and it is a space saver in a parking lot. Mr. Smith stated that the location of the Boca

Grande Health Clinic has a downtown district feel and is very walkable. His client does not want or need a lot of extra pavement. He noted that his client's redevelopment project is geared at providing more services and more diagnostic equipment. The area already has a set population, so his client is not trying to attract more people to their clinic, and they do not accept insurance, so they do not require a massive parking area. They are merely trying to redevelop their site in order to provide better services to the community. Mr. Smith hoped this item could be moved forward to the LPA along with this Committee's recommendation.

Mr. Vanasse made a motion to approve these amendments with the changes discussed today. The motion was seconded by Ms. Frantz. The Chair called the motion, and it passed 6-0.

B. Amendments to County Flood Ordinance Definitions

Ms. Jacoby, Floodplain Administrator for Unincorporated Lee County, gave an overview of this item.

Mr. Vanasse referred to Item (1) on the bottom of the page and noted that everywhere else the word "*building*" has been replaced with "*structure*" except for this paragraph. He felt it should be changed in paragraph (1) as well so that there is consistency.

Mr. Scott made a motion to approve these amendments, but to change "building" to "structure" in paragraph (1) at the bottom of the page. The motion was seconded by Mr. Vanasse. The Chair called the motion, and it passed 6-0.

AGENDA ITEM 4 – ADJOURNMENT/NEXT MEETING DATE

There was no further discussion. Ms. Thibaut noted the next meeting is tentatively scheduled for April 11, 2025, and she adjourned the meeting at 8:49 a.m.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Land Development Code
Advisory Committee (LDCAC)

DATE: July 25, 2025

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

RE: **Land Development Code (LDC) Amendments**
Dock and Shoreline Structures

The attached Land Development Code (LDC) amendments, scheduled for consideration at the August 8, 2025 meeting, propose changes to dock and shoreline regulations pertaining to boathouses and dock pavilions.

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 June 17, 2025, the BoCC directed staff to review and present a proposed ordinance to the Board at a future meeting intended to eliminate inefficiencies and reduce redundancies with respect to the permitting of boathouses and related residential dock accessory structures. The Board directed staff to simplify the permitting process as it relates to these types of structures.

Consistent with BoCC direction, staff proposes amendments to LDC Chapters 26 and 34 to:

- Establish new processes to allow boathouses and dock pavilions exceeding established regulatory maximums to be permitted by right or through an administrative zoning action, thereby eliminating permitting inefficiencies related to these structures;
- Maintain the path for approval of a special exception for departures from established regulatory maximums in instances where these structures cannot be permitted by right or through an administrative zoning action;
- Revise accessory structure regulations to allow boathouses and dock pavilions to be constructed prior to the construction of a principal structure consistent with how docks are regulated; and
- Correct scrivener's errors from prior LDC changes, revise terminology for clarity and consistency, and update cross-references resulting from proposed substantive changes to these regulations.

Attachments

Draft LDC Amendments

AMENDMENT SUMMARY

- Issue: (1) Current LDC regulations allow personal docks to be built prior to construction of a principal residential use on a buildable lot, but do not allow weather protection/shade structures on the docks until establishing a principal use. (2) Current LDC regulations require boathouses greater than 1,000 square feet to obtain approval through a time-consuming special exception process.
- Solution: (1) Adopt LDC amendments in Chapters 26 and 34 to permit the residential accessory uses of boathouses and dock pavilions prior to establishing a one or two-family residential dwelling type on a buildable lot. (2) Adopt LDC amendments that provide a by-right approval for boathouses in exceedance of the current cap if the property owner obtains letters of no objection from abutting property owners and establish an administrative approval pathway to consider exceedances.
- Outcome: (1) Allow for weather protection/shade structures on personal docks permitted prior to establishing a residential principal use and (2) streamline permitting processes.

Sec. 26-41. Definitions.

Staff note: Revise definition of single-family dock for clarity and consistency. Clarify that single-family docks containing more than two slips are subject to Manatee Protection Plan (MPP) evaluation pursuant to LDC section 26-71.

The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:

Single-family dock means a fixed or floating structure, including moorings, used for berthing buoyant vessels, ~~that is an accessory use to an existing or proposed single-family residence on property which permits residential uses, with no more than two boat slips per residence when located in a waterway. Notwithstanding, a shared~~ Shared single-family docks ~~dock~~ approved in accordance with this Code may contain up to four boat slips. A ~~single~~ Single-family docks ~~may contain~~ containing more than two slips ~~additional slips as provided in Section~~ are subject to section 26-71(a).

Sec. 26-46. Variances, special exceptions, and administrative approvals.

Staff note: Revise section to provide reference to specific standards for departures and new approval processes as set forth in section 26-74. Remove reference to special exception approval process consistent with process change and remove reference to principal structure requirement for consistency with section 34-1173, as amended.

Sections (a) and (b) remain unchanged.

- (c) Specified departures from the roofed area and height standards contained in ~~Section~~ section 26-74 may be requested through the ~~special exception approval processes~~ process in accordance with set forth in section 26-74, Section 34-145(c). A permit authorizing development approved by special exception may not be issued prior to the issuance of a building permit for a principal structure. The principal structure must be either existing or concurrently constructed with any approved departure from the standard regulations contained herein.

Sec. 26-71. Docking facilities and boat ramps.

Staff note: Revise section to correct scrivener's error adopted by Ordinance 22-24.

Docking facilities will be permitted in accordance with the following regulations:

- (a) *Number of slips.*

- (1) ~~No more than single-family docks~~ containing more than two slips must comply with the Manatee Protection Plan boat facility siting criteria.

Remainder of section unchanged.

Sec. 26-74. Boathouses and dock pavilions.

Staff note: Revise section to establish a new approval process for boathouses and dock pavilions exceeding 1,000 square feet in area or boathouses exceeding 20 feet in height. Boathouses exceeding the established size or height standards, or dock pavilions proposed to exceed the established size standard, are proposed to be permitted by right where letters of no objection from abutting property owners are provided at time of building permit. Where no letters of no objection are provided, a property owner may pursue an administrative zoning action to allow a structure (or structures) to exceed the 1,000-square-foot roofed area maximum, subject to compliance with the criteria for a special exception established in the LDC. Where an administrative approval request is denied for lack of compliance with these approval criteria as determined by the Director, an applicant will have the right to pursue the request through the special exception process.

The following regulations apply to all boathouses and dock pavilions associated with ~~private single-family docks residential uses~~, except where specifically superseded by other provisions of this article:

Subsections (a) and (b) remain unchanged.

(c) *Design criteria.*

- (1) Maximum roofed area. The total roofed area of a boathouse, dock pavilion, or any combination thereof may not exceed 1,000 square feet of roofed area unless approved in accordance with one of the following approval processes:

- a. Dock and shoreline permit. A boathouse, dock pavilion, or any combination thereof exceeding 1,000 square feet of roofed area may be constructed pursuant to the requirements of this code where the property owner or their authorized agent obtains letters of no objection from all adjacent property owners, except those separated from the subject property by any waterbody, right-of-way, or easement. Letters of no objection required under this subsection must be notarized and must include the site plan and construction plans presented for building permit approval that clearly identify the total roofed area of the boathouse, dock pavilion, or combination thereof.
- b. Administrative approval. Where letters of no objection are not provided in accordance with subsection a., the property owner or their authorized agent may file an application for administrative approval in accordance with sections 26-46 and 34-174.
- c. Special exception. Where an application for administrative approval filed in accordance with subsection b. is denied for failure to meet the criteria for administrative approval established in section 34-174, the property owner or their authorized agent may file an application for a special exception in accordance with sections 26-46 and 34-145(c).
 - i. ~~A boathouse may not encompass more than 500 square feet of roofed area, except where two boathouses are permitted on an individual property, one boathouse exceeding 500 square feet in roofed area, up to 1,000 square feet, may be constructed in lieu of two individual boathouses. No more than 1,000 square feet of roofed area may be permitted on an individual property unless approved by special exception in accordance with Section 26-46(c).~~
 - ii. ~~A maximum of one dock pavilion may be permitted on a single-family property in lieu of one boathouse and may not encompass more than 250 square feet of roofed area over decking, except where a shared-use docking facility is permitted the dock pavilion may not exceed 300 square feet.~~

- (2) *Height.*

- i.-a. **Boathouses.** The maximum height of a boathouse is 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse. A boathouse with a maximum height of 35 feet may be approved in accordance with one of the following approval processes:- A special exception may be requested in accordance with Section 26-46(c) for a boathouse height up to 35 feet above mean high water.
- i. **Dock and shoreline permit.** A boathouse exceeding 20 feet but not 35 feet in height may be constructed pursuant to the requirements of this code where the property owner or their authorized agent obtains letters of no objection from all adjacent property owners, except those separated from the subject property by any waterbody, right-of-way, or easement. Letters of no objection required under this subsection must be notarized and must include the site plan and construction plans presented for building permit approval that clearly identify the height of the boathouse.
- ii. **Administrative approval.** Where letters of no objection are not provided in accordance with subsection i., the property owner or their authorized agent may file an application for administrative approval in accordance with sections 26-46 and 34-174.
- iii. **Special exception.** Where an application for administrative approval filed in accordance with subsection ii. is denied for failure to meet the criteria for administrative approval established in section 34-174, the property owner or their authorized agent may file an application for a special exception in accordance with sections 26-46 and 34-145(c).
- ii.-b. **Dock pavilions.** The maximum height of a dock pavilion is 20 feet above mean high water, as measured from mean high water to the highest point of the dock pavilion; or 12 feet above the grade of the dock to the highest point of the dock pavilion, whichever is lower. The roof of a dock pavilion is prohibited from containing an upper-story deck or guardrails.

Remainder of section unchanged.

Sec. 34-174. Authority to approve administrative actions.

Staff note: Revise section to provide reference to new administrative approval process referenced in Chapter 26. Renumber section accordingly.

(a) through (j) remain unchanged.

(k) **Administrative approval of boathouses and dock pavilions.**

(1) **Authority.** The Director is authorized to administratively approve increases in (1) roofed area and height of boathouses; and (2) roofed area of dock pavilions associated with a single-family dock authorized under section 26-74.

(2) **Findings/review criteria.** Before approving an increase in the roofed area or height of a boathouse, the Director must find the criteria for approval of a special exception established in section 34-145(c)(3)a. and e. are satisfied.

~~(k)~~(l) **Decisions of Director.**

- (1) The Director may administratively approve a request in accordance with the provisions above with conditions as necessary for the protection of the health, safety, and welfare of the general public. Conditions must be reasonably necessary to effectuate the intent and purpose of this Code and other applicable regulations.
- (2) Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with Section 34-145(a).
- (3) If the County determines that an administrative action was approved based on inaccurate or misleading information or if the approval did not comply with this Code when the decision was

rendered, then, at any time, the Director may issue a modified approval that complies with the Code or revoke the administrative approval.

- (4) If a request for an administrative action is denied, revoked, or an applicant disagrees with the conditions imposed, the applicant must seek approval by filing an application for public hearing in accordance with ~~Section 34-373~~ Article II or Article IV of this chapter.

Sec. 34-203. Submittal requirements for administrative action applications.

Staff note: Revise section to incorporate submittal requirements for administrative zoning actions pertaining to boathouses and dock pavilions. These documents are currently required to support applications for special exceptions in accordance with current LDC requirements.

Subsection (a) remains unchanged

- (b) *Additional submittal requirements.* In addition to the application requirements provided in subsection (a) above, the following submittal requirements apply, as specified.

Subsections (1) through (5) remain unchanged

(6) Boathouses and dock pavilions.

- a. A dimensioned plan view of the structures subject to the request.
- b. A benthic species survey assessment, as defined in section 26-41, if the proposed location of the boathouse abuts or is located within a natural body of water.
- c. Scaled architectural elevations demonstrating the proposed height above mean high water.
- d. A site plan prepared in accordance with the requirements of sections 34-203(a)(8) and 26-45(b)(6).

Sec. 34-622. Use activity groups.

Staff note: Revise section to provide reference to “docks, single-family” for consistent terminology. Complete other clean-up for grammatical consistency.

Subsections (a) and (b) remain unchanged.

- (c) *Use activity groups.* Use activity groups are as follows:

Subsections (1) through (41) remain unchanged.

- (42) *Residential accessory uses (Article VII, Division 2 of this section).* This group includes uses customarily accessory to residences provided all property development regulations of the zoning district in which located are complied with.

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| Carports and garages |
| Decks, gazebos, patios and screen enclosures |
| Docks, single-family personal (see Section sections 26-41 and 34-1863) |
| Excavations for ponds that are accessory to a single-family residence are permitted subject to the regulations set forth in Section 10-329(c). |
| Fences (Section 34-1741 et seq.) |
| Garage or yard sales, limited to not more than one week in duration, with sales limited to two garage or yard sales per year |
| Garden sheds |
| Recreational facilities, personal, such as pools, spas, jacuzzis, hot tubs, swings, sand boxes and similar equipment |

Sec. 34-1173. Development regulations.

Staff note: Revise subsection (a)(2)d to allow boathouses and dock pavilions to be constructed in conjunction with single-family docks without a principal structure. Currently, only dock structures are permitted to be constructed without a principal structure. Change reference from “dock, personal” to “dock, single-family” for consistency in terminology throughout LDC. Provide reference to lot of record standards to recognize that legally created lots of record, as defined in the LDC, are permitted to be developed with docks, boathouses, and dock pavilions.

- (a) *Permitted structures and uses.* Unless specifically indicated to the contrary, accessory uses, buildings and structures that are customarily recognized as clearly incidental and subordinate to the principal use of the property, are permitted by right when located on the same lot or parcel and in the same zoning category as the principal use, provided that:
- (1) All uses, buildings and structures must comply with all applicable development regulations and Building Codes.
 - (2) Accessory buildings or structures may be built concurrently with a principal building or structure but, except as provided herein, no accessory use, building or structure may be commenced, erected, placed or moved onto a lot or parcel prior to the principal use, building or structure.
- Exceptions are as follows:
- a. Agricultural accessory structures in the AG District.
 - b. Fences or walls when in compliance with Section 34-1741 et seq.
 - c. Seawalls or retaining walls (see Section 34-1863).
 - d. Docks, ~~single-family personal~~, boathouses, and dock pavilions (see ~~Section sections 26-41 and 34-1863~~). Only permitted if the lot meets the minimum lot size and dimensions required for a principal use, including lots that conform to lot of record standards in section 34-3272, ~~except that lots~~ lots created prior to September 27, 1993, which contain submerged lands and which are located on islands without vehicular access to the mainland are exempt from this requirement.
- (b) *Attachment to principal building.* Authorized accessory buildings or structures may be erected as part of the principal building or may be connected to it by a roofed porch, patio or breezeway, or similar structure, or they may be completely detached, provided that:
- (1) Any accessory building or structure which is structurally a part of the principal building shall comply in all respects with the regulations for a principal building.
 - (2) Any accessory building or structure not structurally made a part of the principal building shall comply with the location requirements set forth in Section 34-1174.