
Section 5.4.7. Boat canopies and sun shelters.

- A. No overhead structure shall be constructed on any dock other than an approved boat canopy or sun shelter. Sun shelters shall be erected or installed on docks only in accordance with Section 5.2.10. of this article.
- B. Boat canopies are permitted to be erected or installed on marine improvements for the purpose of protecting a vessel from the elements only in accordance with the following:
 - 1. The support(s) and frame(s) of a boat canopy shall be constructed of a corrosion-resistant material, with a diameter or width of not less than one and one-quarter inches. Boat canopy supports shall be arranged in an open design so as to allow visibility through the sides with openings no smaller than four feet in any dimension. No boat canopy support or frame shall be of a solid or opaque design so as to create a wall. No boat canopy shall have wooden framing or supports. No shutter roll-up design shall be permitted.
 - 2. The canopy shall be fabric or a material which can be rolled and folded without damage. The canopy shall be attached to the boat canopy supports or frames in such a manner that it detaches in a wind load of 70 mph or greater.
 - 3. The boat canopy shall not extend horizontally more than 30 inches over any dock or seawall to which the canopy is attached. Canopies attached to marine improvements that are built to the maximum projection, may extend up to 30 inches beyond the structure.
 - 4. No boat canopy shall exceed 40 feet in length or 18 feet in width.
 - 5. Boat canopies, their supports, and frames shall be maintained in good repair at all times. No canopy, canopy support, or frame shall be allowed to fall into disrepair or to become dilapidated, structurally dangerous, or unsafe. In the event a boat canopy, canopy support, or frame falls into disrepair, it shall be the responsibility of the owner of the waterfront parcel to remove the offending structure.
 - 6. Only one canopy may be permitted per parcel. On single-family residential properties which have a water frontage length greater than 80'-0", a second boat canopy is permitted provided that the maximum combined area of all boat canopies permitted on the property do not exceed nine times the length of the property's water frontage, or 1,500 square feet, whichever is less.
 - 7. No boat canopy, when measured at its highest point, shall extend more than 20'-0" from the Mean High Water Line of the waterway or 16'-0" above the grade of the decking of the attached marine improvement, whichever is less. .
 - 8. The boat canopy shall be attached to the boat canopy side supports or frames so that at least 75% of the area of each side of the boat canopy structure is left open and uncovered.
 - 9. Except as otherwise provided herein for boat canopies attached to joint marine improvements, no part of any boat canopy shall be located less than 12 feet from the ends of the water frontage line unless the prior written consent of the affected abutting property owner(s) is obtained. Such consent shall be recorded in the public records of Lee County, at the expense of the property owner(s), shall be irrevocable by the affected abutting property owner, and shall be binding on the heirs, tenants, successors in interest and/or assigns of the affected property owner unless the owner of the property with the boat canopy that is located less than 12 feet from the ends of the water frontage line consents in writing to the revocation and removes or relocates the boat canopy so as to comply with all applicable requirements of this section. The owner of the parcel containing the marine improvement to which the boat canopy is attached shall be responsible for providing the aforesaid written consent to the city prior to obtaining a permit for the construction or erection of a boat canopy

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10. Second boat canopies on single-family residential properties that obtained a deviation prior to April 2, 2015, to lawfully construct a second boat canopy, shall be deemed legal and conforming and, if damaged or removed, may be repaired or replaced.
 11. No boat canopy shall be located in or over a public waterway unless it is attached to a marine improvement or seawall.
 12. With respect to properties on which multi-family residential uses are located, no more than one boat canopy for each residential unit lawfully existing on the property shall be permitted.

(Ord. 51-19, § 1, 11-18-2019; Ord. 80-21, § 4, 11-3-2021)