

LEE COUNTY ORDINANCE NO. 25-18

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 26 AND 34; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

THE SPECIFIC LDC PROVISIONS THAT WILL BE AMENDED ARE: SEC. 26-41 (DEFINITIONS); SEC. 26-46 (VARIANCES AND SPECIAL EXCEPTIONS); SEC. 26-71 (DOCKING FACILITIES AND BOAT RAMPS); SEC. 26-74 (BOATHOUSES AND DOCK PAVILIONS); SEC. 34-174 (AUTHORITY TO APPROVE ADMINISTRATIVE ACTIONS); SEC. 34-203 (SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE ACTION APPLICATIONS); SEC. 34-622 (USE ACTIVITY GROUPS); AND SEC. 34-1173 (DEVELOPMENT REGULATIONS).

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code which contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, has adopted a comprehensive Land Development Code (LDC); and,

WHEREAS, Goal 4 of the Lee County Comprehensive Land Use Plan (Lee Plan) states: Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources; and,

WHEREAS, the Land Development Code Advisory Committee (LDCAC) was created by the Board of County Commissioners to explore amendments to the LDC; and,

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on August 8, 2025, and recommended approval of the proposed amendments; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on September 10, 2025, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on August 25, 2025, and found them consistent with the Lee Plan, as indicated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: AMENDMENT TO LDC CHAPTER 26

Lee County Land Development Code Chapter 26 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 26 – MARINE FACILITIES, STRUCTURES AND EQUIPMENT

ARTICLE II. – DOCK AND SHORELINE STRUCTURES

DIVISION 1. – GENERALLY

Sec. 26-41. Definitions.

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

Access walkway through Seagrass remain unchanged.

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 ~~dock~~ docks approved in accordance with this Code may contain up to four boat slips. ~~A single-family dock may contain additional slips as provided in Section~~ Single-family docks containing more than two slips are subject to section 26-71(a).

Remainder of section remains unchanged.

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

Subsections (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 ~~process~~ processes ~~in accordance with Section 34-145(c) set forth in section 26-74. 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.~~

DIVISION 2. – LOCATION AND DESIGN

Sec. 26-71. Docking facilities and boat ramps

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

(a) *Number of slips.*

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

Remainder of section remains unchanged.

Sec. 26-74. Boathouses and dock pavilions.

The following regulations apply to all boathouses and dock pavilions associated with ~~private~~ single-family ~~residential uses~~ docks, 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:

- 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.~~

- 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 street 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).

(2) *Height.*

- ia. 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 special exception may be requested in accordance with Section 26-46(c) for a boathouse height up to 35 feet above mean high water.~~ A boathouse with a maximum height of 35 feet may be approved in accordance with one of the following approval processes:
 - 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 street 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).

iiib. 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 remains unchanged.

SECTION TWO: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 34 – ZONING

ARTICLE II. – ADMINISTRATION

DIVISION 5. – DEPARTMENT OF COMMUNITY DEVELOPMENT

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

Subsections (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) *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~~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.

DIVISION 6. - APPLICATIONS

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

Subsection (a) remains unchanged.

- (b) *Additional submittal requirements.* In addition to the application requirements provided in ~~Subsection~~subsection (a) of this section, 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).

ARTICLE VI. – DISTRICT REGULATIONS

DIVISION 1. – GENERALLY

Sec. 34-622. Use activity groups.

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.*

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 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
Seawalls

Remainder of section remains unchanged.

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. – ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 34-1173. Development regulations.

- (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~~section 34-1741 et seq.
- c. Seawalls or retaining walls (see ~~Section~~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~~section 34-1174.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section", "article," or other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or designee, without the need for a public hearing.

SECTION SIX: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SEVEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the development order application for such project is complete or the zoning request is found sufficient before the effective date.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Commissioner Ruane made a motion to adopt the foregoing ordinance, seconded by Commissioner Mulicka. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Absent

DULY PASSED AND ADOPTED this 16th day of September, 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: *Melinda Butler*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]* *Vice*
~~Kevin Ruane~~, Chair
For Commissioner Cecil L Pendergrass, Chairman
Lee County Board of County Commissioners
District 2

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: *Joseph Adams*
Office of the County Attorney



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 24, 2025

Kevin Karnes
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 25-18, which was filed in this office on September 23, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

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RECEIVED

By Melissa Butler at 3:58 pm, Sep 24, 2025

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

COUNTY: Lee

COUNTY ORDINANCE #: 25-18
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Zoning

SECONDARY KEYFIELD

DESCRIPTOR: _____

OTHER KEYFIELD

DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Amend LDC Ch. 26 and 34
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: _____ AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____