

LEE COUNTY ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF LEE COUNTY, CHAPTER 28 (TRAFFIC AND VEHICLES), ARTICLE VI (VEHICLE TOWING AND IMMOBILIZATION) RELATING TO THE MODIFICATION OF PARKING ON GASPARILLA ISLAND; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") is the governing body in and for Lee County, a political subdivision and Charter County of the State of Florida ("County"); and

WHEREAS, the Board is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, the Board recognizes the necessity of preserving Gasparilla Island's irreplaceable natural features for use and enjoyment by residents and visitors alike and the necessity of balancing the increasing pressure for parking and other services against environmental constraints; and

WHEREAS, the Board desires to perpetuate the beauty, tranquility and other environmental virtues which have made this sensitive barrier island famous; and

WHEREAS, it is the intent of this Ordinance to help reduce hazardous traffic conditions for pedestrians and vehicles resulting from parking of vehicles upon major street and road rights-of-way within or adjacent to the Island's residential and central business district; to protect those areas and the Island from excessive noise, trash, refuse and commotion commonly associated with such parking; to protect the Island's residents and property owners and business personnel from unreasonable burdens in gaining access to their properties and businesses; to preserve the character of the Island generally as low intensity residential and resort, thereby promoting and stabilizing the residential property values and tax base of the Island and the Island's tourist related economy; to promote efficiency in the maintenance of streets and public areas in a clean and safe condition; and to preserve the safety of children and other pedestrians and traffic safety generally; and

WHEREAS, the Board previously established Lee County Ordinance No. 86-21, which was amended and restated by Lee County Ordinances 90-39, 91-35, 19-05, and 21-05 in order to provide for the use of public parking facilities on Gasparilla Island; and

WHEREAS, on August 1, 2023, the Board adopted the "Code of Ordinances of Lee County, Florida," as the official codification of all ordinances of a general and permanent nature enacted on or before November 1, 2022; and

WHEREAS, the Board of County Commissioners seeks to amend the Code of Ordinances of Lee County, Chapter 28, Article VI to reflect the items noted above.

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

SECTION ONE: AMENDMENT TO CODE OF ORDINANCES, CHAPTER 28, ARTICLE VI

The Lee County Code of Ordinances, Chapter 28, Article VI is amended as follows with strike through identifying deleted text and underlines identifying new text.

CHAPTER 28 - TRAFFIC AND VEHICLES

ARTICLE IV. - STOPPING, STANDING AND PARKING

DIVISION 4. PARKING ON GASPARILLA ISLAND

Sec. 28-156. Short title.

Section remains unchanged.

Sec. 28-157. Findings of fact.

Section remains unchanged.

Sec. 28-158. Definitions.

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:

[Downtown Boca Grande means the area on Gasparilla Island within Lee County as shown in Section 28-167, consisting of certain properties generally bounded by 5th Street to the north and 3rd Street to the south, with frontage on Park Avenue, West Railroad Avenue, and East Railroad Avenue.](#)

Remainder of section remains unchanged.

Sec. 28-159. Parallel and angle parking regulations.

(a) *Parallel parking.*

- (1) Except as otherwise provided in this section, every vehicle stopped or **parking** parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway;

Remainder of section remains unchanged.

Sec. 28-160. Applicability.

Section remains unchanged.

Sec. 28-161. Specific parking prohibitions.

Except as provided in Section 28-163, the parking of vehicles in or upon the following street and road rights-of-way (denoted on Exhibit A, attached to the ordinance from which this division is derived and set forth in Section 28-167) within the boundaries of Gasparilla Island is hereby prohibited:

- (1) Gasparilla Road (also known as County Road and Highway 771) from the Charlotte County/Lee County line south to and including 5th Street.
- (2) All of Gulf Boulevard from 1st Street south to the intersection of Gulf Boulevard and Belcher Road.
- (3) Harbor Drive from 1st Street north to 4th Street; except for Lots 7, 8, 9, 10 and 11 Harbor Drive Waterways Subdivision on the west side of Harbor Drive. Lot B, Harbor Drive Waterways Subdivision, on the east side of Harbor Drive; and Lots 11, 12, and 13, platted Block 24, Addition to Boca Grande Plat, on the east side of Harbor Drive.
- (4) Belcher Road on the south side, east of the State Park entrance.
- (5) 5th Street West on the south side, between Gilchrist Avenue and Park Avenue.
- (6) East Railroad Avenue from its terminus north of the Gasparilla Island Water Association facility south to and including 7th Street.
- (7) Gilchrist Avenue median between 5th Street and 3rd Street except between 8:00 a.m. and 1:00 p.m. on Sunday.

Sec. 28-162. Areas for public parking.

The following designated parking areas shall continue to provide the opportunity for public beach parking on Gasparilla Island:

- (1) ~~Those parking areas~~ The 5th Street West Beach Access parking area located at the western end of 5th Street, between Gilchrist Avenue and the Gulf of Mexico.
- (2) That parking area located at what is known as Hal Scott Park and the U.S. Coast Guard Range Light Park.
- (3) That parking area owned by the public located between lots 31 and 32 of Golden Beach Unit 1.
- (4) Those parking areas located at the southern end of the island and known as Light House Park (also known as Lee County Park).
- (5) Such other areas as may be designated by the Board of County Commissioners and/or the State for public purposes from time to time.
- (6) Buses and recreational vehicles may only park during dawn to dusk and are prohibited from overnight parking at the following location: East Railroad Avenue

between 5th Street and 7th Street. Buses and recreational vehicles are prohibited from parking anywhere else within the boundaries of Gasparilla Island.

~~(6)~~(7) On-street parking within the rights-of-way of Downtown Boca Grande with a maximum duration of two (2) hours, subject to enforcement and penalties in accordance with Sections 28-164 and 28-166.

Sec. 28-163. Exceptions.

This division shall not apply to:

- (1) County vehicles parked for purposes of conducting County business, including, but not limited to, the County Departments of Transportation, ~~and Engineering Services, County Department of Community Services and Division of~~ Parks and Recreation, and ~~County Department of~~ Community Development.

Remainder of section remains unchanged.

Sec. 28-164. Enforcement.

The responsibility for enforcement of the provisions of this division shall lie with the County Sheriff's Department. Any violation will be punishable by either a fine or by removal of vehicle by means of towing and impoundment.

Signs shall be installed in the following places:

- (1) At the Charlotte County/Lee County line on Gasparilla Island;
- (2) At the intersection of Gulf Boulevard and 1st Street;
- (3) At the intersection of Harbor Drive and 1st Street; ~~and~~
- ~~(4)~~ At lots 7, 8 and 9 on the west side of Harbor Drive; and at lots 11, 12, 13, A and B on the east side of Harbor Drive.
- ~~(4)~~(5) At the intersections of 5th Street West at Gilchrist Avenue and Park Avenue; and
- ~~(5)~~(6) At locations within the Gilchrist Avenue median and in Downtown Boca Grande deemed necessary by the Director of Lee County Department of Transportation in coordination with the County Sheriff's Department to properly enforce the parking limitations set forth in Sections 28-161 and 28-162.

Sec. 28-165. Liability.

Section remains unchanged.

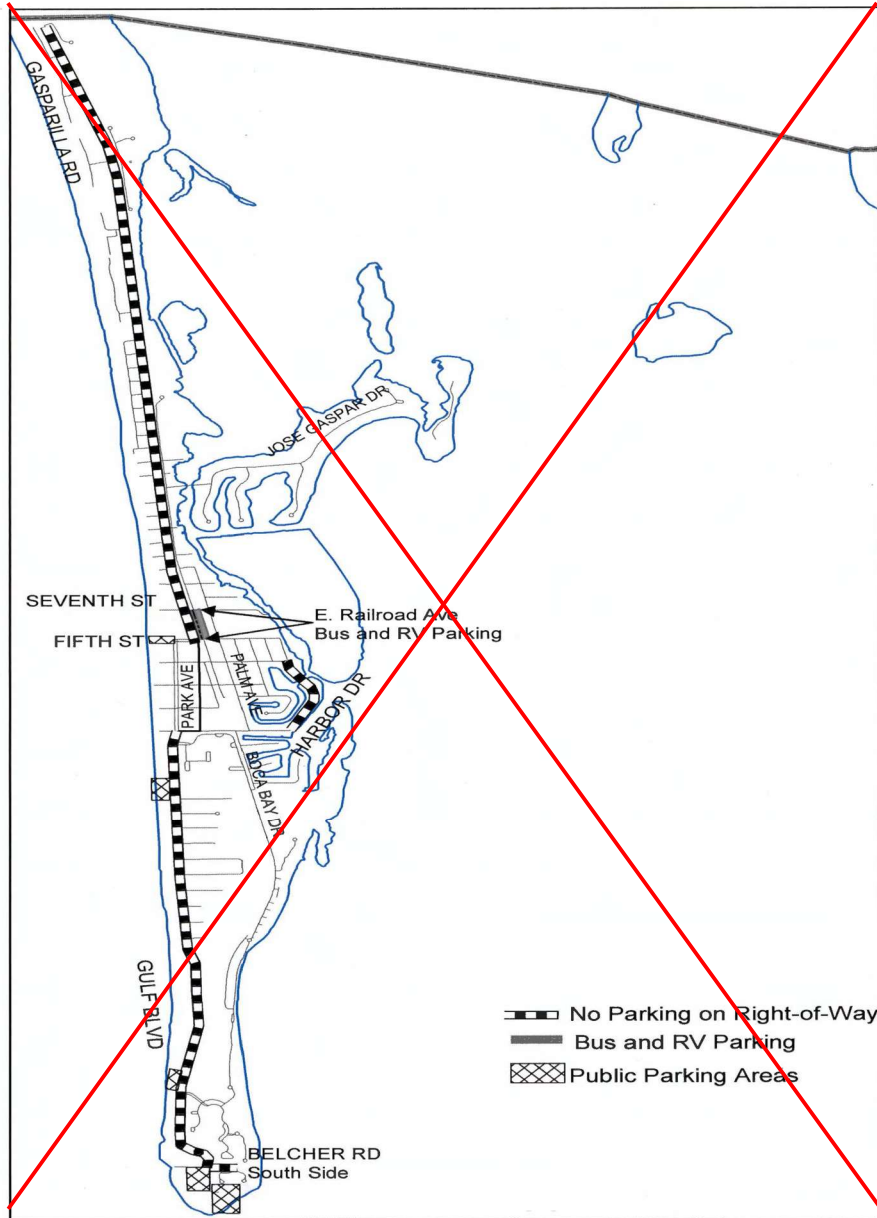
Sec. 28-166. Penalties.

Any violation of Sections 28-161 or ~~48~~28-162 shall be punishable by either a fine of ~~\$35~~150.00 or punishable by removal of vehicle by means of towing and impoundment. Any person who fails to satisfy the provisions contained in the County summons for violations of parking

contained in the County Parking Control Ordinance and elects to appear before a designated official of the County Traffic Court to present evidence shall be deemed to have waived ~~his~~ their right to the civil penalty provisions of the ticket. The official, after a hearing shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed ~~\$200~~ \$300.00 plus court costs.

Owners whose vehicles have been towed and impounded ~~shall~~ are required to pay for such associated costs.

Sec. 28-167. Vehicle parking legend.



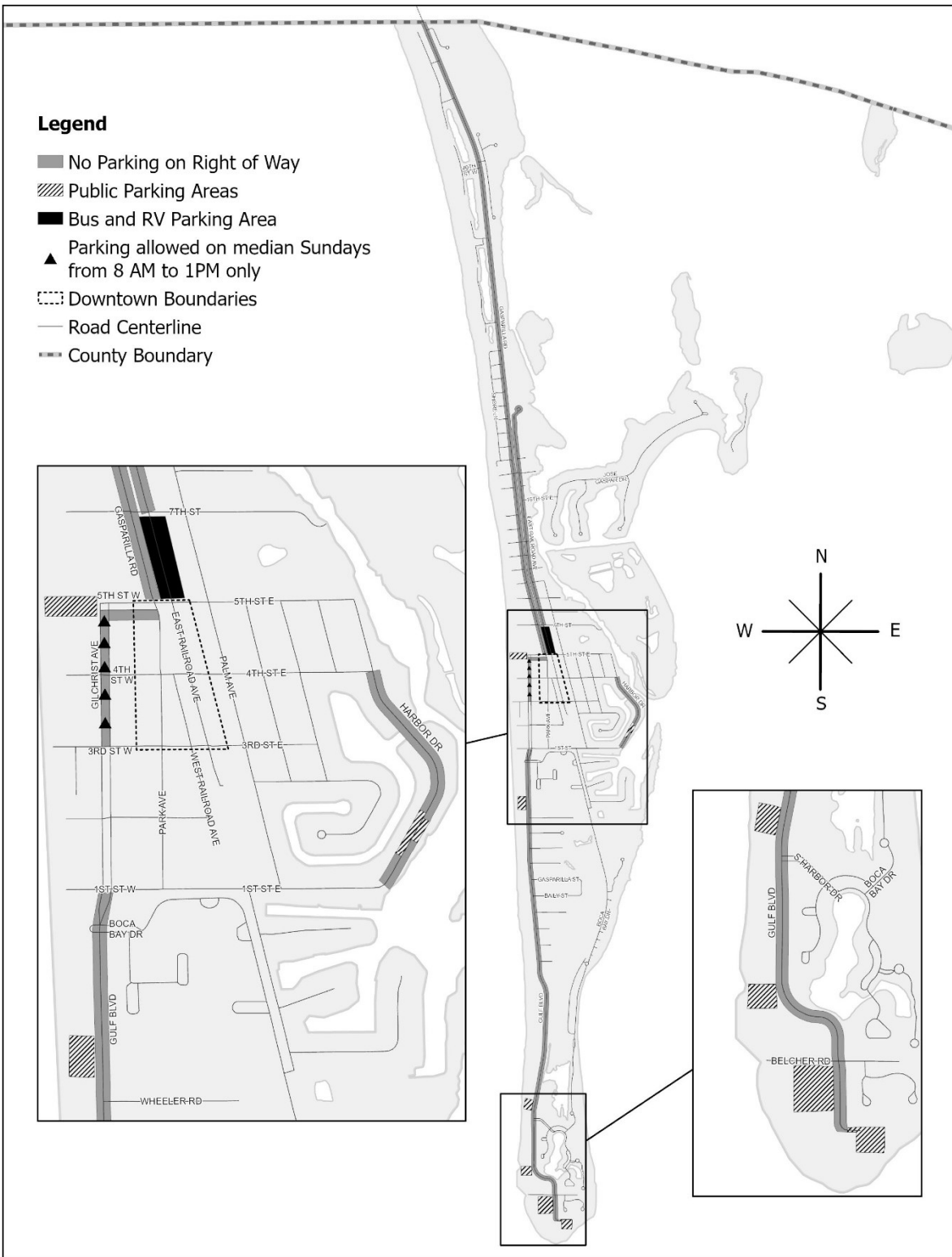


Exhibit A
Boca Grande Parking Legend

Secs. 28-168—28-185. Reserved.

SECTION THREE: CONFLICTS OF LAW

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

SECTION FOUR: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some 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 Manager or his designee, without the need for a public hearing.

SECTION SIX: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

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.

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

Kevin Ruane	_____
Cecil L Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Mike Greenwell	_____

DULY PASSED AND ADOPTED this 15th day of April 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Office of the County Attorney

CAO Draft 3/25/2025 3:23:18 PM