

LEE COUNTY ORDINANCE NO. 19-05

AN ORDINANCE AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 19-05, as amended, 86-21, 90-39, AND 91-35 RELATING TO ON-STREET PARKING IN THE LEE COUNTY PORTION OF GASPARILLA ISLAND, FLORIDA; PROVIDING RECITAL CLAUSES; PROVIDING FOR SHORT TITLE; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR PARALLEL AND ANGLE PARKING REGULATIONS; PROVIDING APPLICABILITY; PROVIDING FOR SPECIFIC PARKING PROHIBITIONS; PROVIDING FOR AREAS FOR PUBLIC PARKING; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIABILITY; PROVIDING FOR PENALTY; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners of Lee County, Florida 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 the Board of County Commissioners of Lee County wishes to maintain the residential character Gasparilla Island's residential neighborhoods and support the Island's economy by maintaining availability of parking for patrons of the shops and restaurants on the Island; and

WHEREAS, the Board of County Commissioners of Lee County wishes to encourage the use of the public parking facilities on ~~to~~ the Island by Lee County residents and visitors; and

WHEREAS, it is the intent of this Ordinance to reduce hazardous traffic conditions for pedestrians and ~~vehicles~~ Vehicles resulting from parking of vehicles, which includes golf carts, upon major streets, medians, 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 Boca Grande Community Plan was adopted as Goal 19 into the Lee Plan by Ordinance (Ord. No. 05-19, 18-18) and Objective 19.1 is to preserve the traditional character, and scale of the Historic District and residential areas of the Boca Grande Community Plan area by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure; and

~~WHEREAS, Policy VI 11.8.4. of the Lee Plan states that the County shall guarantee the availability of beach recreational areas equipped with sufficient parking facilities to insure user convenience and to avoid unnecessary disruption to adjacent neighborhoods.~~

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

**SECTION ONE: SHORT TITLE**

This Ordinance shall be known as, referred to, and cited as the "Gasparilla Island Parking Ordinance."

**SECTION TWO: FINDINGS OF FACT**

The Board of County Commissioners finds the following facts to be true and a sufficient basis, either individually or in combination, to justify the restrictions on parking set forth herein.

- A. Gasparilla Island in Lee County, Florida, is approximately six (6) miles long, is between eight hundred fifty (850) and thirty six hundred (3,600) feet wide, contains approximately eleven hundred and ninety (1,190) acres, is situated between the Gulf of Mexico and Charlotte Harbor, and is known for its unique atmosphere and unusual natural environment;
- B. The attraction of Gasparilla's serene environment and beautiful beaches has resulted in an inordinate influx of tourists, visitors and daytime sightseers;
- C. The influx of tourists and visitors parking within the Island's residential neighborhoods and low intensity resort areas ~~is has hasinconsistent with threatened their character residential character of those neighborhoods and has resulted in caused negative impacts to serious inconvenience, discomfort and unsafe conditions for~~ the County's residents and taxpayers;
- D. The influx of visitorstourists has threatened the fragile environment in a state designated Conservation Area;
- E. The Lee Plan, Objective 19.3 requires the county to create safe and efficient parking for employees, patrons and visitors while protecting the residential communityuse of parking near the Island's shops and restaurants for extended periods of time for purposes unrelated to the Island's businesses has limited access to those businesses;
- F. The primary responsibility of paying for the public services required by the influx of tourists is borne by the County's residents and taxpayers;
- G. Safe parking upon many of the Island's streets, medians, and road rights-of-way is impossible or inappropriate due to the presence of mature vegetation and extremely unstable roadway shoulders; and
- H. Parking along the main artery road, medians, and specific side roads and streets creates a hazardous and congested condition endangering the well-being of motorists, bicyclists, and pedestrians alike; and
- I. The Lee Plan requires the county to adopt specialized standards for parking and commercial service areas, while providing the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians

- while maintaining the aesthetic values of the community.
- J. .Chapter 80-473, Gasparilla Island Conservation Act of 1980, and the amendments thereto permit limited development of the islands while preserving the natural beauty and plant, marine, animal and bird life. The Act limited commercial and multi-family development to those areas that were zoned for those areas prior to the Act.

### SECTION THREE: DEFINITIONS

- A. Person: Any natural person, individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation and any other group or combination.
- B. Vehicle: Any motorized Any powered device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway-Gasparilla Island street including golf carts, motorcycles, electric bicycles, scooters, and motor-driven cycles [as defined by Florida Statutes].-This does not include mopeds.
- C. Resident: Any Person or people who own a single family or multi-family residence and reside permanently or seasonallyse principal place of abode and residence is on Gasparilla Island. A residence does not include transient residences where a person may stay temporarily but rather the residence to which a person always intends to return and to remain indefinitely. Residence shall not be construed so as to require continuous physical residence on Gasparilla Island, but means that the person may rightfully and in good faith call the island his/her home to the exclusion of all other places where he/she may temporarily reside.
- D. Nonresident Property Owner: Any Person who owns, in whole or in substantial part, real property on Gasparilla Island and is not a Resident
- 
- E. House Guest: A visiting guest of a Residential or Nonresident Property Owner.
- F. Hotel/Motel as defined in Section 34-2, Land Development CodePublic Lodging Establishment: [ Get FS definition reference.]
- G. Hotel Guest: A registered guest of a hotel or motelPublic Lodging Establishment located on Gasparilla Island.
- H. Island Employee: a person who owns a business located on Gasparilla Island or who is a person employed for wages or salary at se primary place of employment is in a not-for-profit or commercial establishment on Gasparilla Island.
- I. Tenant or occupant of historic non-conforming apartments.
- J.

## SECTION FOUR: PARALLEL AND ANGEL PARKING REGULATIONS

### A Parallel Parking

1. Except as otherwise provided in this section, every vehicle stopped or parking upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway;
2. Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

### B. Angle Parking

Angle parking ~~ismay be~~ permitted on streets and/or roadways within the unincorporated Lee County portion of Gasparilla Island where the angled parking was in place as of April 1, 2025. Angled parking may be permitted in new road locations where provided that a proper and documented parking study and design is performed by a qualified engineer that establishes that the angled parking can be used in a manner consistent with the public health safety and welfare. traffic-~~engineering study is performed, either by the Department of Transportation and Engineering or by a private consultant, and approved by the Department of Transportation and Engineering pursuant to the applicable Administrative Code.~~ The parking study and plan must be reviewed by LDOT and reviewed and approved by the Board of County Commissioners.

## SECTION FIVE: APPLICABILITY

The provisions of this Ordinance shall apply to the geographical area of Gasparilla Island in Lee County, Florida. Where not provided for or prohibited by this Ordinance, the provisions found within Lee County Parking Control Ordinance shall also apply on Gasparilla Island.

The provisions of this Ordinance apply only to the parking of ~~vehicles~~Vehicles. It is not the intent of this Ordinance to restrict access by the general public to the public beaches. Bicycles and mopeds are excluded from the purview of this Ordinance.

## SECTION SIX: SPECIFIC PARKING PROHIBITIONS

Except as provided in Section ~~Eight~~Nine, the parking of ~~vehicles~~Vehicles in or

upon the following streets, medians and road rights-of-way (denoted on Exhibit A) within the boundaries of Gasparilla Island, Lee County, Florida, is hereby prohibited:

- A Gasparilla Road (also known as County Road and Highway 771) from the Charlotte County/Lee County line south to and including 5<sup>th</sup> Street.
- B. All of Gulf Boulevard from 1<sup>st</sup> Street south to the intersection of Gulf Boulevard and Belcher Road.

- C. Harbor Drive from 1<sup>st</sup> Street North to 4<sup>th</sup> 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.
- D. ~~D.~~ Belcher Road on the south side, east of the State Park entrance.
- E. ~~The parking of Vehicles in or upon the median on Gilchrist Avenue is hereby prohibited, except: (i) between 3<sup>rd</sup> and 5<sup>th</sup> Streets on Sundays from 8 AM to 1PM and (ii) by parking permit, between 3<sup>rd</sup> and 5<sup>th</sup> Streets for special events that are expected to exceed the on-street parking available within one block of the facility or location of the special event. are of a size that would exceed available off-median parking and are~~ The special event must be sponsored by organizations located, as of April 15, June 1, 20254, on Gilchrist Avenue.

## **SECTION SEVEN; AREAS FOR RESTRICTED PARKING**

Parking permits will be available on the following basis:

- A. A residential parking permit ("A" decal or coded sticker) shall be available to any Vehicle owned by or leased to a Resident or a Nonresident Property Owner. Subject to availability of space, it shall entitle the Vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated residential, non-residential, or general on the official parking zone map.
- B. A hotel guest parking permit ("B" placard) shall be available to any Vehicle owned or leased to a registered guest of a Public Lodging Establishment located on Gasparilla Island. Subject to availability of space, it shall entitle the Vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated residential, non-residential, or general on the official parking zone map.
- C. One employee parking permit ("C" decal or coded sticker) shall be available to any Island Employee. Subject to availability of space, it shall entitle the Vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated residential, non-residential, or general on the official parking zone map.
- D. 3 house guest parking permits ("D" placards) shall be available to each household owned by a Resident or Nonresident Property Owner. D placards shall entitle the Vehicle upon which it is properly displayed to be parked in a residential zone. D placards shall be used only by House Guests or service providers while visiting the permit holder's household. Additional permits may be issued to a household on a temporary basis as needed.

The Official Parking Zone map, dated June , 20254, the original of which is on file at for public inspection pursuant to F.S. ch. 119, is hereby adopted and

incorporated in this section by reference as completely as if set out in full in this section. Those parking zones designated "residential" and "non-residential" on the map are hereby declared to be for the exclusive permitted parking uses as set forth in this section. A copy of the map and general zone description is on file in the office.

Parking in a Residential Zone is restricted to Vehicles displaying an A, B, C, or D permit and Vehicles parked for attendance at an event sponsored by organizations located, as of June 1, 2025, on Gilchrist Avenue.

No permit is required to park a Vehicle in a non-residential zone. However, parking in a Nonresidential Zone is limited to 2 hours between 9 AM and 5 PM. Exceptions to the 2-hour limitation are as follows:

- A. A Vehicle displaying a C permit is not restricted to the 2-hour limit in Nonresidential zones.
- B. A Vehicle displaying a B permit is not restricted to the 2-hour limit in a Nonresidential zone that is adjacent to the public lodging establishment where the permit holder is a registered guest.
- C. Vehicles displaying an A, B, C or D permit and Vehicles parked for attendance at an event sponsored by organizations located, as of June 1, 2024, on Gilchrist Avenue are not subject to the 2-hour restriction in those parking areas located at the western end of 5<sup>th</sup> Street, between Gilchrist Avenue and the Gulf of Mexico.

## **SECTION ~~SEVEN~~ EIGHT: AREAS FOR PUBLIC PARKING**

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

- A. ~~Those parking areas located at the western end of 5<sup>th</sup> Street, between Gilchrist Ave. and the Gulf of Mexico.~~
- B. That parking area located at what is known as Hal Scott Park and the U.S. Coast Guard Range Light Park.
- C. That parking area owned by the public located between lots 31 and 32 of Golden Beach Unit 1.
- D. Those parking areas located at the southern end of the Island and known as Light House Park (also known as Lee County Park).
- E. Such other areas as may be designated by the Board of County Commissioners and/or the State of Florida for public purposes from time to time.
- F. 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 5<sup>th</sup> Street and 7<sup>th</sup> Street. Buses and



recreational vehicles are prohibited from parking anywhere else within the boundaries of Gasparilla Island.

**SECTION ~~EIGHT~~NINE: EXCEPTIONS**

- A. Lee County ~~vehicles~~Vehicles parked for purposes of conducting County business, including, but not limited to, Lee County Department of Transportation and Engineering Services, Lee County Department of Community Services and Division of Parks and Recreation, and Lee County Department of Community Development.
- B. Lee County Sheriff ~~vehicles~~Vehicles, fire and other emergency vehicles, including ambulances, for purposes of responding to an emergency or fire.
- C. Florida Highway Patrol ~~vehicles~~Vehicles: U.S. Coast Guard, Florida Department of Natural Resources, Florida Marine Patrol and other law enforcement vehicles when conducting law enforcement business and when such vehicles are clearly identified as law enforcement agency vehicles.
- D.
- E. Private ~~vehicles~~Vehicles when conducting animal rescue, and vehicles for scientific teams conducting research for only the period necessary to accomplish their task and only with prior approval of the Lee County assigned Boca Grande deputy.

- F. Individual private ~~vehicles~~ Vehicles as approved by the County Administrator or the Administrator's designee, after consultation with the Boca Grande Fire Control District Chief, for reasons of health, handicaps, or unique hardship.
- G. Except with regards to the Gilchrist median restrictions of Section 6, ~~Individual private vehicles~~ Vehicles as approved by the Lee County assigned Boca Grande deputy, to allow parking for special events of limited duration.
- H. ~~;~~
- I. Except with regards to the Gilchrist median restrictions of Section 6, ~~The~~ the temporary parking of moving vans, delivery trucks, garbage pick-up vehicles, and other ~~service related~~ service-related vehicles.
- J. Private Vehicles parked between 8AM and 1 PM on Sundays for ~~used in connection with attendance at local for events on Sundays between 8-AM and 1 PM.~~

## SECTION ~~NINETEN~~: ENFORCEMENT

The responsibility for enforcement of the provisions of this Ordinance shall lie with the Lee County ~~Sheriffs~~ Sheriff's Department. ~~Signs shall be This Items A through D of Section Six of this~~ Ordinance shall not be ~~enforceable~~ enforceable until such time as signs are installed in the following places which clearly state the intent of the Ordinance:

1. At the Charlotte County/Lee County line on Gasparilla Island; and
2. At the intersection of Gulf Boulevard and 1<sup>st</sup> Street; and
3. At the intersection of Harbor Drive and 1<sup>st</sup> 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.

~~5. Section Seven and restrictions with regards to the Gilchrist Avenue median contained in Section Six of this ordinance shall not be enforceable in any area until such time as appropriate signs have been installed that clearly state the intent of the Ordinance as it applies to that area~~

Parking Permits: Section Seven of this ordinance shall not be enforceable until such time as the parking permits are available consistent with the terms of this ordinance..

## SECTION ~~TENELEVEN~~: LIABILITY

The ~~vehicle~~ Vehicle registrant is responsible and liable for payment of any parking ticket, fine, civil penalty or impoundment fee or enforcement procedure hereunder unless the ~~vehicle~~ Vehicle registrant furnishes evidence that the ~~vehicle~~ Vehicle was, at the time of violation in the care, custody of control of another person. In such instances, the ~~vehicle~~ Vehicle registrant is required, within forty-eight (48)

hours after notification of the violation, to furnish to the Lee County Sheriffs Department's duly assigned Deputies at Boca Grande, Florida, the name and address of the person who had care, custody or control of the ~~vehicle~~Vehicle. The ~~vehicle~~Vehicle registrant is not responsible for any violation if the ~~vehicle~~Vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the ~~vehicle~~Vehicle registrant to use the ~~vehicle~~Vehicle.

## **SECTION ~~ELEVENTWELVE~~: —PENALTIES**

Any violation of Section 6 or Section 7 of this Ordinance shall be punishable by either a fine of ~~thirty-five~~two hundred dollars (\$~~35~~200.00) or punishable by removal of ~~vehicle~~Vehicle by means of towing and impoundment. Any person who fails to satisfy the provisions contained in the Lee County summons for violations of parking contained in the Lee County Parking Control ~~Ordinance, and~~Ordinance and elects to appear before a designated official of the Lee County Traffic Court to present evidence shall be deemed to have waived his 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 [~~two-three~~ hundred dollars (\$~~200~~300.00)] plus court costs. Owners whose ~~vehicles~~Vehicles have been towed and impounded shall be required to pay for such associated costs.\_\_\_\_\_.

## **SECTION ~~TWELVE~~THIRTEEN: 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 ~~THIRTEEN~~FOURTEEN: 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 ~~FOURTEEN~~FIFTEEN: 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 ~~FIFTEEN~~SIXTEEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

It is the intent of the Board of County Commissioners that the provision-~~s~~ 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 ~~SIXTEEN~~SEVENTEEN: EFFECTIVE DATE**

-  
This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

~~Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Mann. The vote was as follows:~~

|                              |                   |
|------------------------------|-------------------|
| <del>John Manning</del>      | <del>Aye</del>    |
| <del>Cecil Pendergrass</del> | <del>Aye</del>    |
| <del>Larry Kiker</del>       | <del>Absent</del> |
| <del>Brian Hamman</del>      | <del>Aye</del>    |
| <del>Frank Mann</del>        | <del>Aye</del>    |

~~DULY PASSED AND ADOPTED this 16<sup>th</sup> day of April, 2019.~~

~~ATTEST: \_\_\_\_\_  
LINDA DOGGETT, CLERK~~

~~BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA~~

BY: Missy Flint  
Deputy Clerk

~~BY: \_\_\_\_\_  
f<<, Larry Kiker, Chair~~



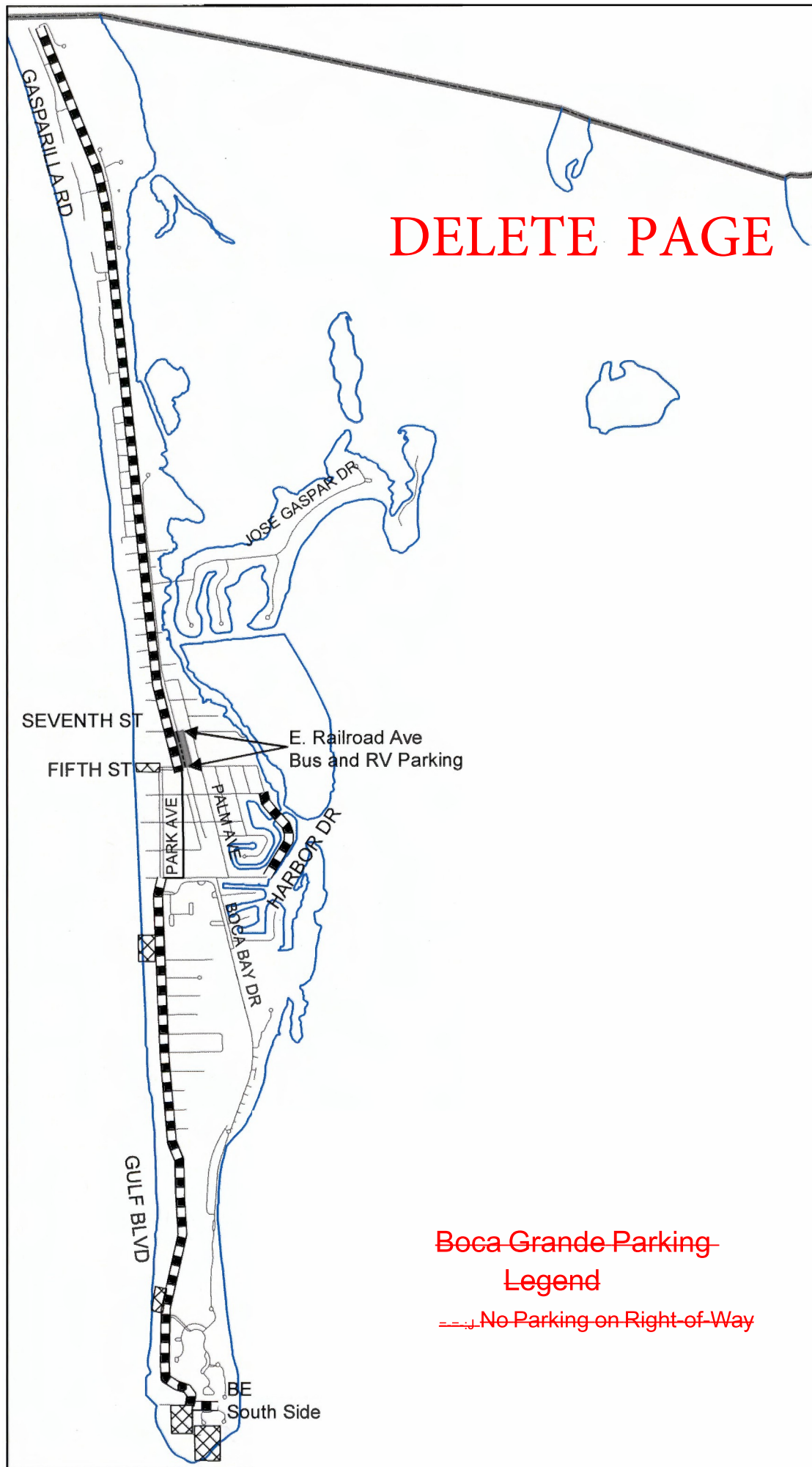
~~APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY~~

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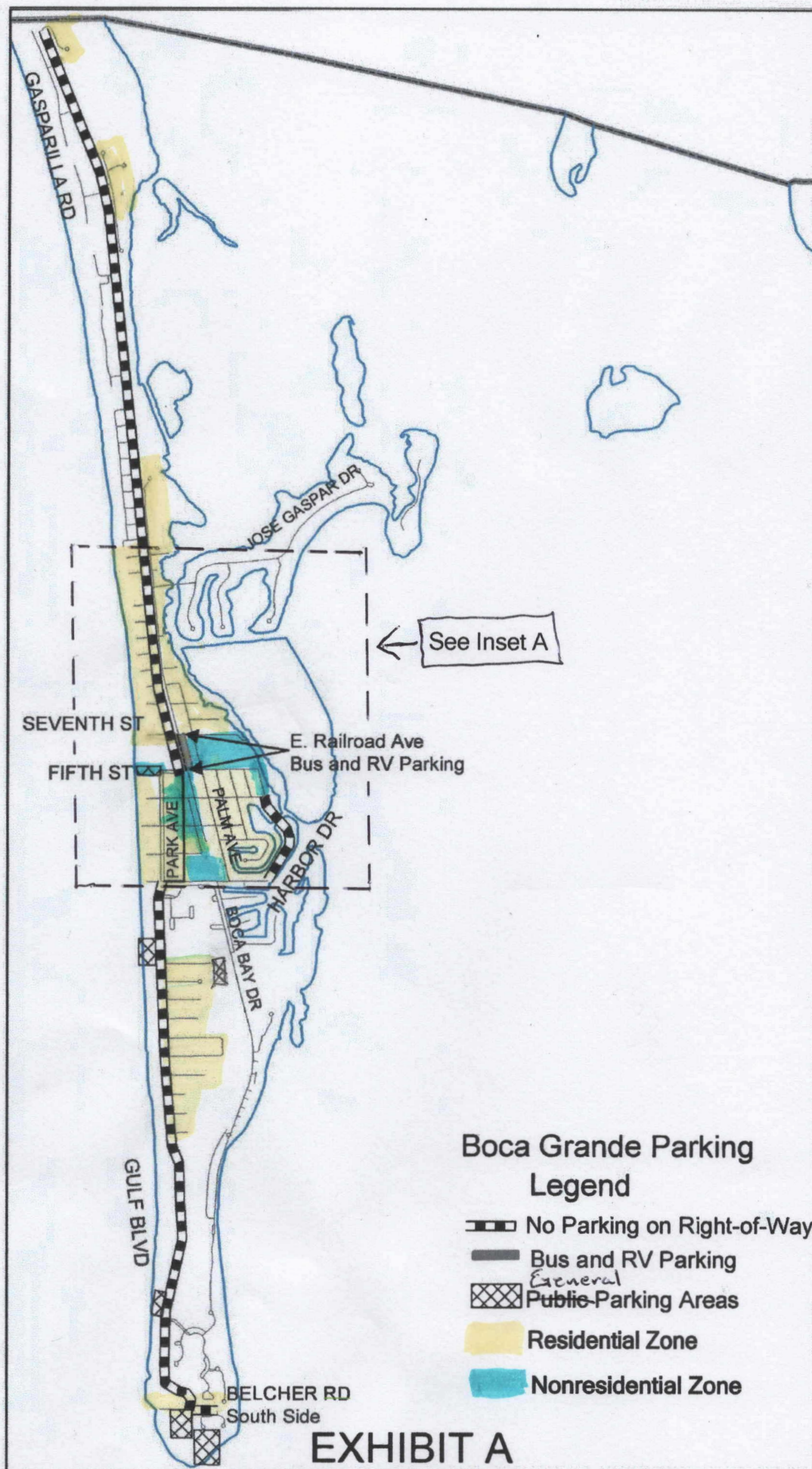
~~\_\_\_\_\_  
Attorney~~

Exhibit A: Gasparilla Island Area Map

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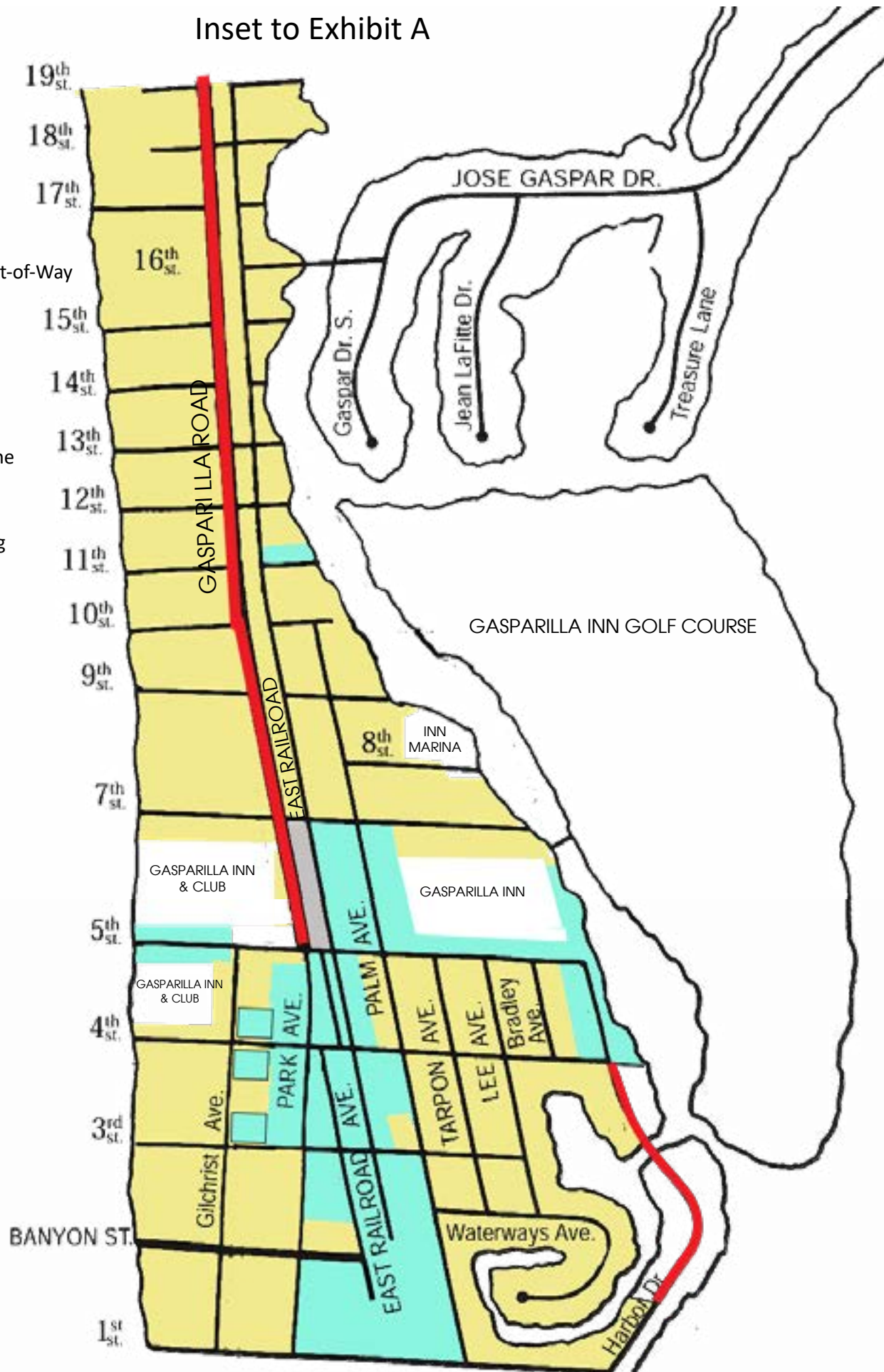






# Inset to Exhibit A

- No Parking on Right-of-Way
- Residential Zone
- Nonresidential Zone
- Bus and RV Parking





~~— Bus and RV Parking~~  
~~Public Parking Areas~~

~~LCHER RD~~

~~**EXHIBIT A**~~

**RECEIVED**

By Missy Flint at 4:19 pm, Apr 18, 2019



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 18, 2019

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-05, which was filed in this office on April 18, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb