

LEE COUNTY ORDINANCE NO. 25-16

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 IV (STOPPING, STANDING AND PARKING) 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 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 of 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 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 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 requires the County to preserve the

traditional character and scale of the Historic District and residential areas of Boca Grande 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, 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 IV 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 IV

The Lee County Code of Ordinances, Chapter 28, Article IV 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.

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:

- (1) Gasparilla Island in the County is approximately six (6) miles long, is between eight hundred fifty (850) feet and three thousand six hundred (3,600) feet wide, contains approximately one thousand one hundred 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;
- (2) The attraction of Gasparilla's serene environment and beautiful beaches has resulted in an inordinate influx of tourists, visitors, and daytime sightseers;
- (3) The influx of tourists and visitors parking within the island's residential neighborhoods and low-intensity resort areas ~~has caused serious inconvenience, discomfort and unsafe conditions for~~ is inconsistent with their character and has resulted in negative impacts to the County's residents and taxpayers;

- (4) The influx of visitors has threatened the fragile environment in a state-designated Conservation Area;
- ~~(3)~~(5) The Lee Plan, Objective 19.3, requires the County to create safe and efficient parking for employees, patrons, and visitors while protecting the residential community;
- ~~(4)~~(6) The primary responsibility of paying for the public services required by the influx of tourists is borne by the County's residents and taxpayers;
- ~~(5)~~(7) 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~~
- (8) Parking along the main artery road, median, and specific side roads and streets creates a hazardous and congested condition endangering the well-being of motorists, bicyclists, and pedestrians alike;
- (9) 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;
- (10) 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 uses prior to the Act; and
- ~~(6)~~(11) Many coastal communities seeking to protect residents and businesses have adopted regulations limiting or prohibiting stopping, standing and parking in various area.

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 content clearly indicates a different meaning:

- (1) *Hotel Guest:* A registered guest of a hotel or motel located on Gasparilla Island.
- (2) *Hotel/Motel* as defined in section 34-2, Land Development Code.
- (3) *House Guest:* A visiting guest of a Resident which includes a guest who rents the unit.
- (4) *Island Employee:* a person who owns a business located on Gasparilla Island or who is a person employed for wages or salary at a not-for-profit or commercial establishment on Gasparilla Island. Island Employee includes volunteers of a not-for-profit establishment on Gasparilla Island.
- (5) *Person:* Any natural person, individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation and any other group or combination.

(6) Resident: Any Person or people who reside permanently or seasonally in a single-family or multi-family residence on Gasparilla Island. Gasparilla Island when evaluating residency includes those who own property in Lee or Charlotte County portions of Gasparilla Island.

(7) Vehicle: ~~means any~~ Any motorized-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 automobiles, trucks, golf carts, motorcycles, electric bicycles, scooters and motor-driven cycles, ~~as defined by State Statutes. The term "vehicle" does not include mopeds.~~

Sec. 28-159. Parallel and angle 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.

~~(2)~~(3) Parking, standing or stopping in front of a public or private driveway is prohibited.

(b) *Angle parking.*

Angle parking ~~may be~~ is 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 traffic 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. The parking study and plan must be reviewed by LDOT and reviewed and approved by the Board of County Commissioners. ~~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.~~

Sec. 28-160. Applicability.

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

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

Sec. 28-161. Specific parking prohibitions.

Except as provided in Section ~~28-163~~28-164, the parking of ~~Vehicles~~ vehicles in or upon the following streets, medians, 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~~in section 28-168) within the boundaries of Gasparilla Island, Lee County, Florida, 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) The median on Gilchrist Avenue except: (i) between 3rd and 5th Streets on Sundays from 8 AM to 1 PM and (ii) between 3rd and 5th Streets, by event parking permit which shall be issued for designated events with parking requirements that are expected to exceed the on-street parking available within one block of the facility or location of the designated event. The designated event must be sponsored by organizations whose facilities are located, as of January 1, 2025, on Gilchrist Avenue. Details pertaining to the administration of this section 28-161(5)(ii) shall be set forth in the Lee County Administrative Code.

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 located at the western end of 5th Street, between Gilchrist Avenue and the Gulf of Mexico.~~
- (21) That parking area located at what is known as Hal Scott Park and the U.S. Coast Guard Range Light Park.
- (32) That parking area owned by the public located between ~~Lots~~lots 31 and 32 of Golden Beach Unit 1.
- (43) Those parking areas located at the southern end of the island and known as Light House Park (also known as Lee County Park).

(54) 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.

(65) 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) General Parking located on the east side of Bayou Avenue between 4th and 5th Street.

(7) General Parking located adjacent to the Kayak launch on 19th Street East.

(8) General Parking located on the north side of the eastern portion of 11th Street East.

Sec. 28-163. Restricted Parking Areas.

(1) 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. 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 and appropriate signage.

B. A hotel guest parking permit ("B" placard) shall be available to any Vehicle owned or leased to a registered guest of a hotel/motel 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. The hotel/motel will provide hotel guests with a copy of the official parking zone map.

C. An employee parking permit ("C" decal or coded sticker) shall be available to any Island Employee for use on their personal vehicle. 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. The employer will provide the employee with a copy of the official parking zone map.

D. House guest parking permits ("D" placards) shall be available to each household owned by a Resident. 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 during the period of their stay as a house guest or while providing services. Additional permits may be issued to a household on a temporary basis as needed.

- (2) The Boca Grande Parking map, dated August 5, 2025, the original of which is on file at the Lee County Clerk of Courts for public inspection pursuant to F.S. Chapter 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.
- (3) Parking in a Residential Zone is restricted to the following Vehicles:
- A. Vehicles displaying an A, B, C, or D permit are permitted to park in all Residential Zones.
 - B. Vehicles parked for attendance at an event sponsored by an organization whose facilities are located, as of January 1, 2025, on Gilchrist Avenue are permitted to park in that area of the Residential Zone that is within one block of the sponsoring organization's facility.
- (4) No permit is required to park a Vehicle in a Non-Residential Zone. However, parking in a Non-Residential Zone is limited to 3 hours between 9 AM and 5 PM. Exceptions to the 3-hour limitation are as follows:
- A. A Vehicle displaying a C permit is not restricted to the 3-hour limit in Non-Residential zones.
 - B. A Vehicle displaying a B permit is not restricted to the 3-hour limit in a Non-Residential zone that is adjacent to the hotel/motel 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 January 1, 2025, on Gilchrist Avenue are not subject to the 3-hour restriction in those parking areas located at the western end of 5th Street, between Gilchrist Avenue and the Gulf of Mexico.

Sec. 28-1634. Exceptions.

This division shall not apply to:

- (1) Lee County Vehicles~~vehicles~~ parked for purposes of conducting County business, including, but not limited to, the County Department of Transportation and Engineering Services, County Department of Community Services and Division of Parks and Recreation, and County Department of Community Development.
- (2) Lee County Sheriff's Vehicles~~vehicles~~, fire and other emergency vehicles, including ambulances, for purposes of responding to an emergency or fire.
- (3) ~~State-Florida~~ Highway Patrol Vehicles~~vehicles~~, U.S. Coast Guard, Florida Department of ~~Natural Resources~~Environmental Protection, Florida ~~Marine Patrol~~Fish and Wildlife Conservation Commission, and other law enforcement

vehicles when conducting law enforcement business and when such vehicles are clearly identified as law enforcement agency vehicles.

- (4) Private ~~Vehicles~~vehicles when conducting animal rescue, and vehicles of 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.
- (5) 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, disability, or unique hardship.
- (6) Except with regards to the Gilchrist median restrictions of section 28-161, Individual-individual private vehicles as approved by the Lee County-assigned Boca Grande Deputy to allow parking for designated approvedspecial events of limited duration.
- (7) Except with regards to the Gilchrist median restrictions of section 28-161, the ~~The~~ temporary parking during the provision of services of moving vans, delivery trucks, garbage pick-up vehicles, construction-related vehicles, and other service-related vehicles.
- (8) Private Vehicles parked between 8 AM and 1 PM on Sundays for attendance at local events.
- ~~(7)~~(9) Parking at parks owned by the State of Florida where parking availability and regulation is controlled by the State.

Sec. 28-1645. Enforcement.

The responsibility for enforcement of the provisions of this division shall lie with the Lee County ~~Sheriff's Department~~Sheriff's Office. Nothing herein precludes Lee County from hiring a private company to enforce the parking regulations to ensure compliance. Items (1) through (4) of section 28-163 of this division shall not be enforceable until such time as signs are ~~Signs shall be installed at the direction of Lee County in the locations the County deems necessary to inform the public of the parking restrictions. 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.~~

Sec. 28-1656. Liability.

The ~~Vehicle~~vehicle registrant or golf cart owner 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 or control of another person. In such instances, the ~~Vehicle~~registrant is required, within forty-eight (48) hours after notification of the violation, to furnish to the Lee County ~~Sheriff's Office's~~ ~~Sheriff's 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. The vehicle registrant is not responsible for any violation if the 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 registrant to use the vehicle.

Sec. 28-16~~67~~. Penalties.

Any parking violation of ~~Section-section~~ 28-161 or ~~18-162~~28-162 shall be punishable by either a fine of two hundred dollars (\$200.00)~~\$35.00~~ or five hundred dollars (\$500.00) for blocking a residential driveway or punishable by removal of Vehicle or golf cart~~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 elects to appear before a designated official of the 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 three hundred dollars (\$300.00)~~\$200.00~~ plus court costs. Owners whose Vehicles or golf carts~~vehicles~~ have been towed and impounded shall be required to pay for such associated costs.

Sec. 28-16~~78~~. Boca Grande parking map. ~~Vehicle parking legend.~~

THE BOCA GRANDE PARKING MAP IS REPLACED WITH THE FOLLOWING ATTACHED MAP.

Sec. ~~28-168~~28-169-28-185. – Reserved.

SECTION TWO: 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 THREE: 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 FOUR: 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 designee, without the need for a public hearing.

SECTION FIVE: 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 SIX: EFFECTIVE DATE

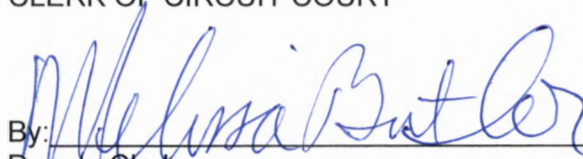
This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

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

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

DULY PASSED AND ADOPTED this 5th day of August, 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk

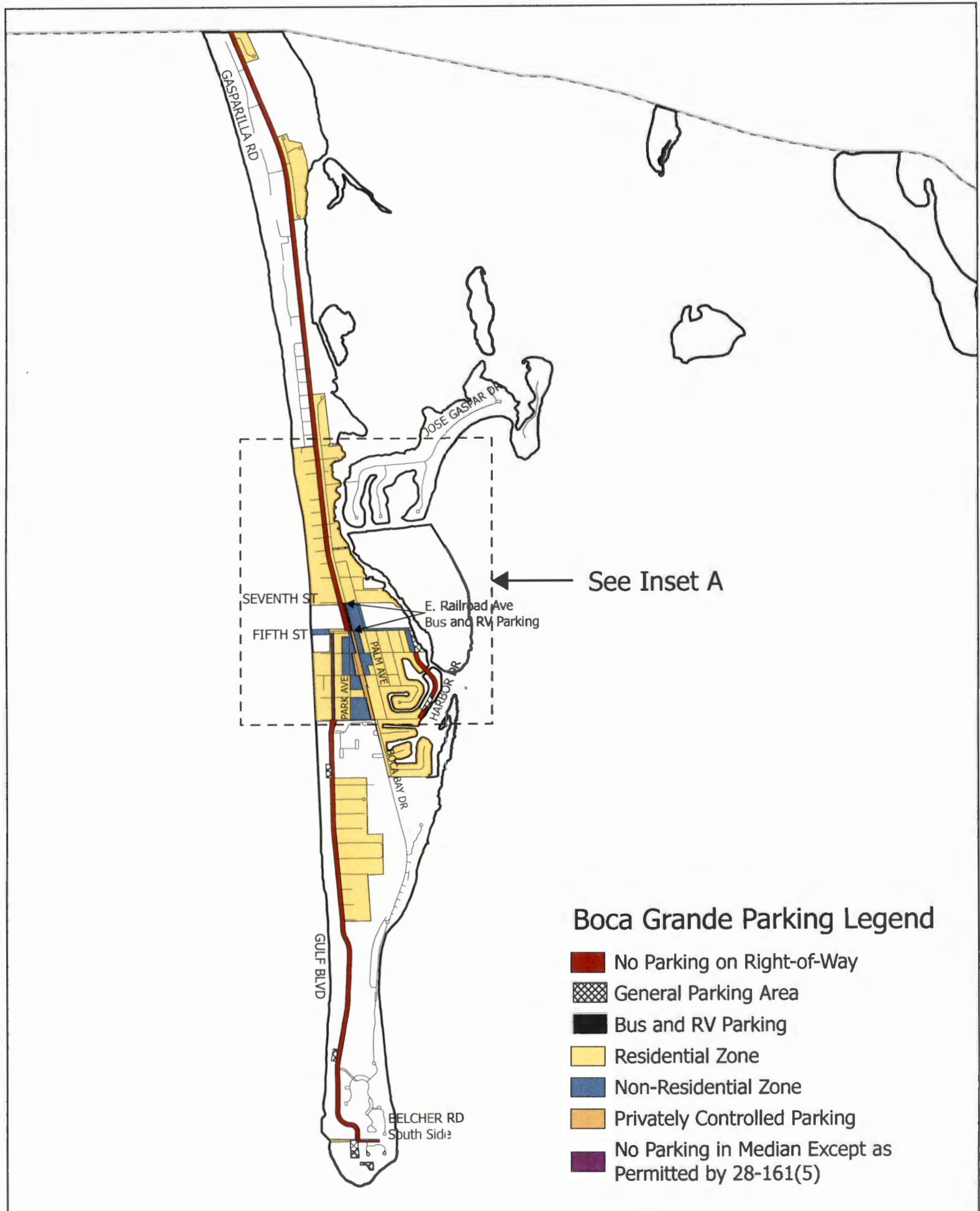
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Kevin Ruane, Chair
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: 
Lee County Attorney's Office

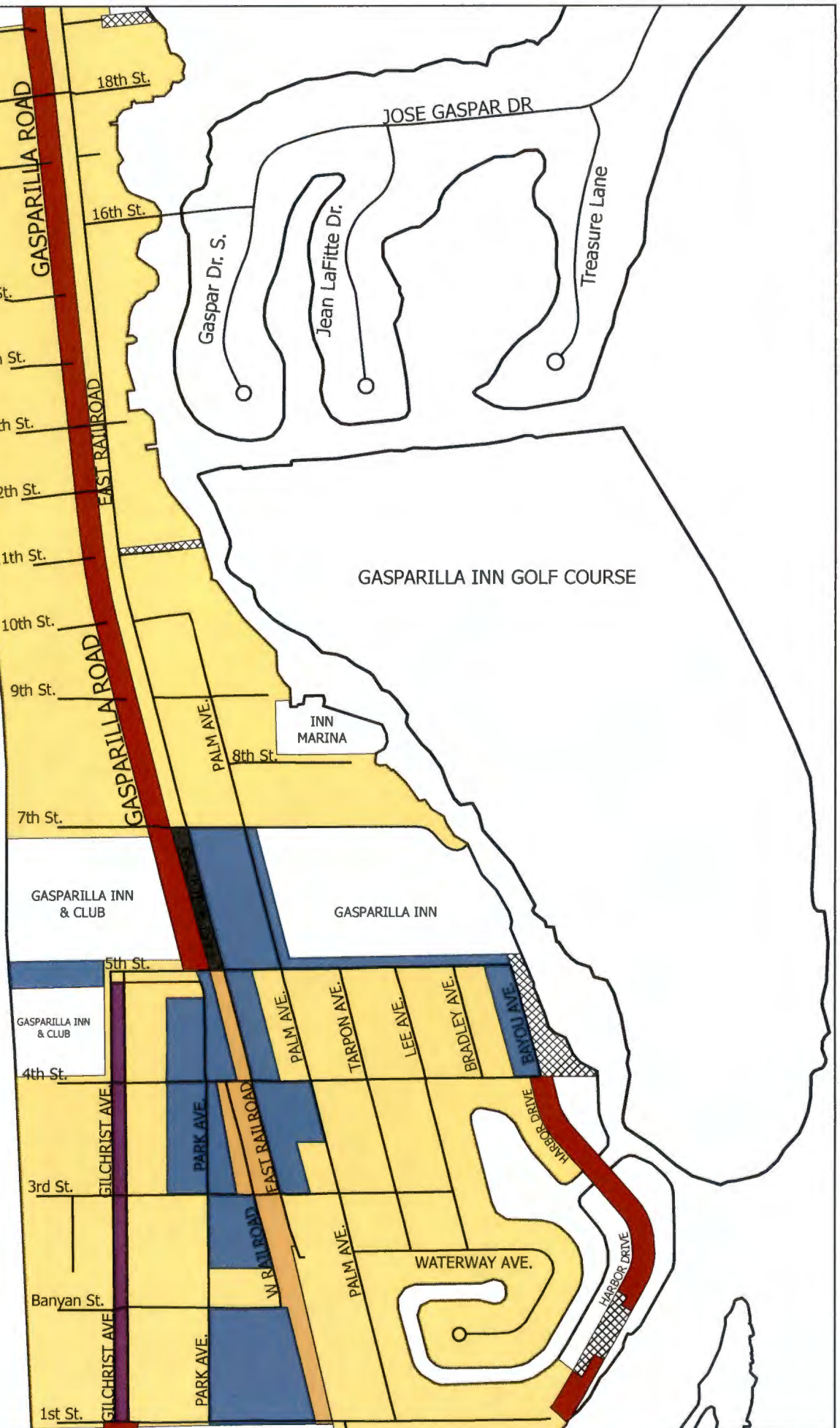




INSET A

Boca Grande Parking Legend

-  No Parking on Right-of-Way
-  General Parking Area
-  Bus and RV Parking
-  Residential Zone
-  Non-Residential Zone
-  Privately Controlled Parking
-  No Parking in Median Except as Permitted by 28-161(5)



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

COUNTY: Lee

COUNTY ORDINANCE #: 25-16
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Parking

SECONDARY KEYFIELD

DESCRIPTOR: _____

OTHER KEYFIELD

DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Boca Grande Parking Ord
(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: 21-05 AMENDMENT #2: 19-05

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: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 15, 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. 25-16, which was filed in this office on August 13, 2025, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

RECEIVED

By Melissa Butler at 9:03 am, Aug 15, 2025