

LEE COUNTY ORDINANCE NO. 92-20

AN ORDINANCE AMENDING THE LEE COUNTY ZONING ORDINANCE NO. 86-17, AS AMENDED, PROVIDING FOR TEMPORARY USE PERMITS FOR TEMPORARY PARKING LOTS IN THE UNINCORPORATED AREAS OF LEE COUNTY, EXCEPT CAPTIVA ISLAND AND THE GASPARILLA ISLAND CONSERVATION DISTRICT, BY AMENDING SECTION 410.B.3, SPECIAL PERMITS; SECTION 202.16, OFF-STREET PARKING REGULATIONS; SECTION 529, TEMPORARY USES; AND SECTION 1000, DEFINITIONS; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lee County, Florida, has adopted a Comprehensive Zoning Ordinance, Ordinance No. 86-17, as amended, the Lee County Zoning Ordinance; and

WHEREAS, the Board of County Commissioners wishes to accommodate the greater seasonal parking needs within Lee County; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desires to amend the Lee County Zoning Ordinance, as set forth herein;

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

SECTION ONE:

The Lee County Zoning Ordinance No. 86-17, as amended, is hereby further amended as follows, with underlined language being an addition to the previously adopted text and deleted language being ~~shown by struck-through type.~~

SECTION TWO:

A. Section 410.B.3, SPECIAL PERMITS, is hereby amended as follows:

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02..F. and 900.02.E.2., as well as other applicable County regulations, the Hearing Examiner may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

AIRCRAFT LANDING STRIP - PRIVATE (Section 503)
expansion of existing facility.

ANIMALS, REPTILES, OR MARINE LIFE (Section 202.04.G.), AG-1 ONLY

CONSUMPTION ON PREMISES (Section 202.03)

FORESTRY, CYPRESS (Taxodium spp.) (Section 410.B.1.a.) for sawtimber use only

MIGRANT HOUSING (Section 518)

MODIFICATION OF SECTION LINE OR STREET
SETBACKS (Section 202.18.B.2.a. and
202.18.B.3.)

MODIFICATIONS FOR SOLAR OR WIND ENERGY
PURPOSES (Section 202.18.B.6.)

~~TEMPORARY PARKING (Section 202.16.C.3.)~~

B. Section 202.16, OFF-STREET PARKING REGULATIONS, is hereby amended as follows:

F. PARKING LOT DIMENSIONAL REQUIREMENTS

2. Delineation of Spaces

b. Unpaved Parking Lots (~~See Section C.3~~)

1.) Parking spaces in unpaved parking lots shall be delineated by placing a parking block two (2) feet from the end of the parking space and centered between the sides of the space.

2.) Where the space abuts a structure, the space may be indicated on the structure, in which cases parking blocks shall not be required.

c. Temporary Parking Lots (See Section ~~C.3~~
202.16.L.)

Where temporary parking lots are permitted, the individual spaces do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

G. PARKING LOT SURFACE

3. Temporary Parking Lots

~~when temporary parking lots are approved by the Hearing Examiner through the Special Permit Process (Section 800.02.F.), t~~Temporary parking lots do not need to be surfaced and may be maintained as a grass area or in a dust free manner. ~~provided that during its use, all aisles and parking lot entrances are clearly defined by posts and ropes.~~

I. OTHER USE OF OFF-STREET PARKING LOTS

Except as provided herein and in Section ~~529.08~~ 529.07, required off-street parking areas shall in no instance be utilized for the sale, display, or storage of merchandise, or for repair, dismantling or servicing of any vehicles or equipment.

L. TEMPORARY PARKING LOTS

1. Excluded Areas:

No Temporary Use Permits for temporary parking lots shall be issued on Captiva Island or within the Gasparilla Island Conservation District (df).

2. Other Areas:

In other areas of Lee County, Temporary Use Permits may be issued for temporary parking lots, subject to the following:

- a. Temporary parking lots shall be allowed, in conjunction with an approved Temporary Use Permit, commencing on the 15th of December for a period not to exceed 150 consecutive days from that date.
- b. A temporary parking lot shall only be permitted on vacant commercial or industrial zoned property or commercial or industrial zoned property with structures provided that, on properties with structures, the structures are, and remain, vacant.
- c. Temporary parking lots shall only be permitted when adjacent to a collector or arterial road or within 660 feet of a collector or arterial road. However, in no instance shall ingress and egress to the lot be through a residential neighborhood or residentially zoned district.

- d. The applicant must submit to the Director(df) a parking plan (drawn to scale) indicating, but not limited to; the location of access points, ropes and posts, and the circulation pattern within the parking lot.
- e. The delineation of spaces for temporary parking lots shall be in accordance with Section 202.F.2.c.
- f. The temporary parking lot surface shall be maintained in accordance with Section 202.16.G.3.
- g. The temporary parking lot shall be designed so as to permit vehicles exiting the lot to enter the street right-of-way in a forward motion. The temporary parking lot, where applicable, shall utilize an existing entrance or exit except that no additional traffic shall be directed onto residential streets. Where no access exists, the parking lot- plan shall be reviewed by the

Lee County Department of
Transportation and Engineering.

- h. If the temporary parking lot is to be used at night, adequate lighting shall be provided for the driveways and ingress and egress points. The lighting shall be directed to eliminate glare on any other use.
- i. The temporary parking lot shall be secured in a manner which will not permit ingress and egress except during the designated hours of operation.
- j. The temporary parking lot shall not adjoin or be less than ten feet (10') from residential uses or residentially zoned property.
- k. A parking attendant shall be required during the hours of operation of the temporary parking lot.
- l. The temporary parking lot shall only be used for the parking of operable motor vehicles with no overnight

parking or camping. No other temporary or permanent use of the property shall be allowed during the life of the Temporary Use Permit for parking.

m. Section 529.07, Off-Street Parking Lots, shall not apply to this subsection.

n. The hours of operation shall be from 7:00 a.m. until 10:00 p.m. unless extended by the Director (df) in writing.

C. Section 529, TEMPORARY USES is hereby amended by adding a new subsection as follows:

529.09 TEMPORARY PARKING LOTS

Temporary parking lots may be permitted in commercial and industrial zoning districts, excluding commercial and industrial zoning districts on Captiva Island and within the Gasparilla Island Conservation District (df), provided that they are in compliance with Section 202.16.L. of this Ordinance.

D. Section 1000, DEFINITIONS is hereby amended by inserting alphabetically a new definition as follows:

PARKING LOT, TEMPORARY: An area of land set aside to provide overflow parking (seasonal) as set forth in Section 202.16.L.

SECTION THREE: SEVERABILITY

In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions of this Ordinance.

SECTION FOUR: CONFLICT

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

SECTION FIVE: INCLUSION IN CODE, CODIFICATION, SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without

need of public hearing, by filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective immediately upon receipt of official acknowledgment from the Secretary of the State of Florida that said ordinance has been duly filed.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Manning, and, upon being put to a vote, the vote was as follows:

JOHN E. MANNING	aye
DONALD SLISHER	aye
RAY JUDAH	aye
DOUGLAS ST. CERNY	absent
VICKI LOPEZ-WOLFE	aye

DONE AND ADOPTED THIS 29th day of January, 1992.

ATTEST:
CHARLIE GREEN, CLERK

By: Lisa L. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Ray Judah
Chairman

APPROVED AS TO FORM:

By: Ally E. Kopl
Office of County Attorney

2327