

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 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.

- A. Gasparilla Island in Lee County, Florida, is approximately six (6) miles long, is between eight hundred fifty (850) feet and ~~thirty-six~~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 ~~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;
- D. The influx of visitors has threatened the fragile environment in a state-designated Conservation Area;
- ~~C.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 community;
- ~~D.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;
- ~~E.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, median, and specific side roads and streets creates a hazardous and congested condition endangering the well-being of motorists, bicyclists, and pedestrians alike;
- 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; and
- 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 uses prior to the Act.
- ~~F.K.~~ 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.

- 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: ~~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, and motorcycles, ~~electric bicycles, scooters, and motor-driven cycles~~.
- C. 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.
- D. House Guest: A visiting guest of a Resident which includes a guest who rents the unit..
- E. Hotel/Motel as defined in Section 34-2, Land Development Code.
- F. Hotel Guest: A registered guest of a hotel or motel located on Gasparilla Island.

- G. 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.

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.

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.

Sec. 28-161. Specific parking prohibitions.

Except as provided in Section 28-164, 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 Island Gasparilla Road (also known as County Road and Highway 771) from the Charlotte County/Lee County line south to and including 5th Street.
- B. Gasparilla Road (also known as County Road and Highway 771) from the Charlotte County/Lee County line south to and including 5th Street.
- C. 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.
- D. Belcher Road on the south side, east of the State Park entrance.
- E. 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 28-161E(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.

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

Sec. 28-163. Restricted Parking Areas

A. Parking permits will be available on the following basis:

1. 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.
2. 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.
3. 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.
4. 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.

B. The Official Parking Zone map, dated May 20, 2025, the original of which is on file at _____ 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. A copy of the map and general zone description is on file in the _____ office.

C. Parking in a Residential Zone is restricted to the following Vehicles:

1. Vehicles displaying an A, B, C, or D permit are permitted to park in all Residential Zones.
2. 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.

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

1. A Vehicle displaying a C permit is not restricted to the 2-hour limit in Non-Residential zones.

2. A Vehicle displaying a B permit is not restricted to the 2-hour limit in a Non-Residential zone that is adjacent to the hotel/motel where the permit holder is a registered guest.

3. 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 2-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.

- 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. 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.
- E. 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.
- F. Except with regards to the Gilchrist median restrictions of Section 28-161, individual private vehicles as approved by the Lee County assigned Boca Grande deputy, to allow parking for ~~designated approved~~~~special~~ events of limited duration.
- G. 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~~~~service-related~~ vehicles.

- H. Private Vehicles parked between 8 AM and 1 PM on Sundays for attendance at local events.
- G-I. 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 Ordinance shall lie with the Lee County ~~Sheriffs Department~~ Sheriff's Office. Nothing herein precludes Lee County from hiring a private company to enforce the parking regulations to ensure compliance. Items A through D of Section 28-163 of this Ordinance 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.

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~~vehicle~~ registrant is required, within forty-eight (48) hours after notification of the violation, to furnish to the Lee County Sheriff's Office's ~~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. 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. 28-1667. Penalties.

Any Parking violations of ~~Section 6 or Section 7~~ of this Ordinance shall be punishable by either a fine of two hundred dollars (\$200.00) ~~thirty five dollars (\$35.00)~~ 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 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 three hundred dollars (\$300.00) ~~two hundred dollars (\$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. 28-1678. Boca Grande parking map. ~~Vehicle parking legend.~~

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

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.

[The remainder of this page is intentionally left blank.]

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

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

DULY PASSED AND ADOPTED this _____ day of _____, 2025.

ATTEST:
KEVIN C. KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

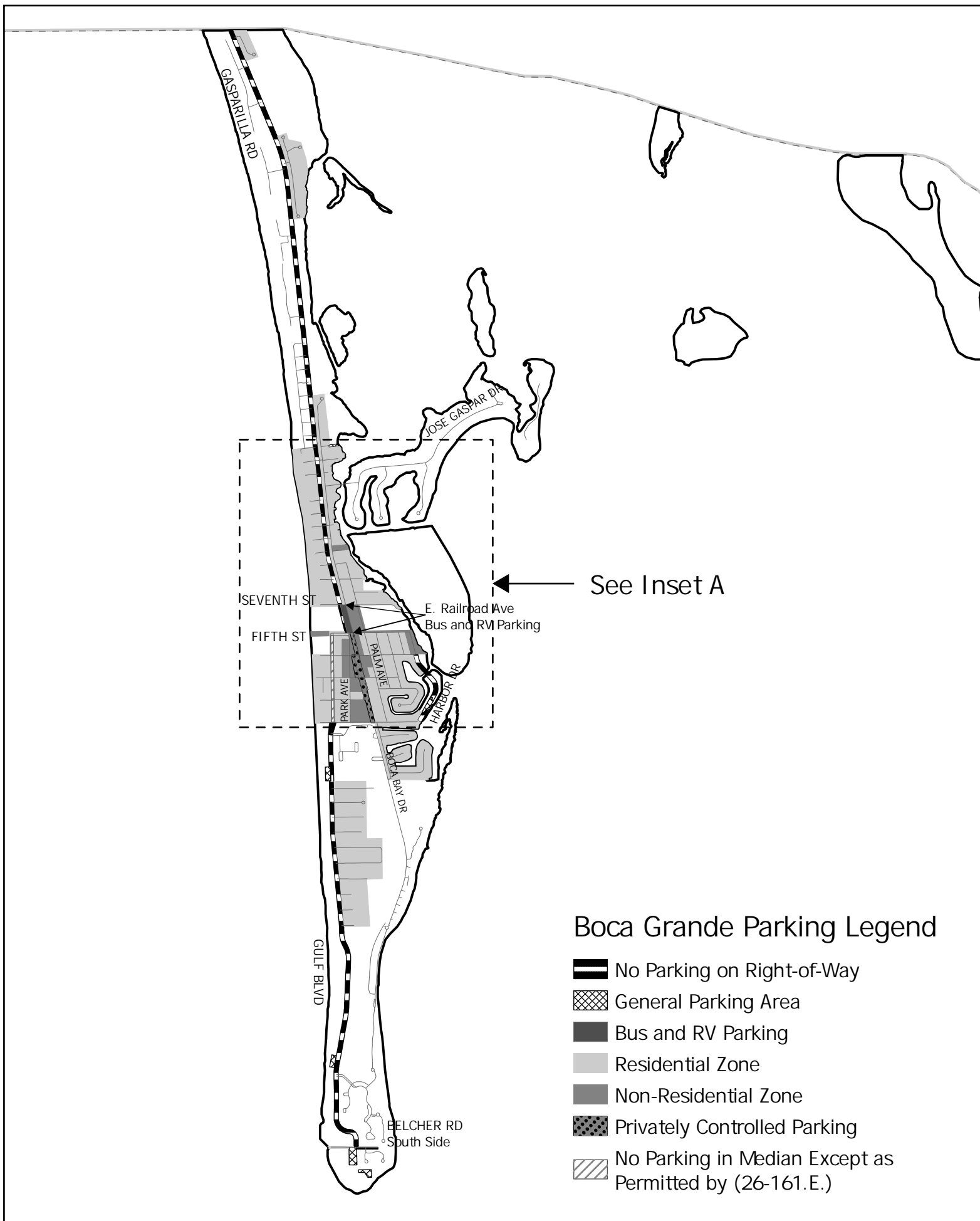
By: _____
Deputy Clerk

By: _____
Print Name: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY








By: _____
Lee County Attorney's Office

EXHIBIT A



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 (26-161.E.)

