

LEE COUNTY ORDINANCE NO. 23-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY ORDINANCE NO. 83-35, AS AMENDED BY LEE COUNTY ORDINANCE NO. 92-01, RELATING TO PARKING ON CAPTIVA ISLAND; DEFINING GOLF CARTS AS VEHICLES OPERATING ON PUBLIC STREETS ON CAPTIVA AND PROVIDING FOR LIMITED PARKING IN AREAS WHERE POSTED AND VEHICLES CONDUCTING BUSINESS ON BEHALF OF THE CAPTIVA EROSION PROTECTION DISTRICT; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida ("Board") is the governing body in and for Lee County ("County"); and

WHEREAS, the Board has and continues to recognize Captiva for its unusual natural and serene environment and beautiful beaches, and the necessity of preserving the island's irreplaceable natural features for use and enjoyment by residents and visitors alike; and,

WHEREAS, public parking on the streets of Captiva is currently prohibited for safety concerns; and,

WHEREAS, the Board has determined there is a need to more effectively regulate parking on Captiva during certain periods of time and on certain streets; and,

WHEREAS, the purpose of this Ordinance is to amend the current regulations to meet the parking needs of the Captiva community, and to provide a clear description of the rules governing parking on Captiva; and,

WHEREAS, the Board also recognizes that golf carts are vehicles operating on public roads and streets under the jurisdiction of Lee County on Captiva and subject to the parking rules on Captiva, and that vehicles identified as conducting the business of the Captiva Erosion Protection District (CEPD) are engaged in legitimate governmental purposes; and,

WHEREAS, this Ordinance will provide for better public safety and consistent enforcement of parking regulations on Captiva, and is not inconsistent with the original findings and purposes set forth in Lee County Ordinance No. 83-35 which this Ordinance amends.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

SECTION ONE: AMENDMENT TO LEE COUNTY ORDINANCE

Lee County Ordinance No. 83-35, as amended by Lee County Ordinance No. 92-01, is amended as follows with strikethrough identifying deleted text and underline identifying new text.

SECTION TWO: SECTION ONE OF LEE COUNTY ORDINANCE NO. 83-35, AS AMENDED BY LEE COUNTY ORDINANCE NO. 92-01, IS HEREBY AMENDED AS FOLLOWS:

SECTION ONE: DEFINITIONS.

- (a) *Person*, for purposes of this division means any natural person, individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation and any other group or combination.
- (b) *Vehicle*, for purposes of this division, shall mean and include any device in, upon or by which any person or property is or may be transported or drawn upon a highway, including motorcycles, golf carts and motor-driven cycles as defined by Florida Statutes. Bicycles and mopeds are excluded from the purview of this division.

SECTION THREE: SECTION SIX OF LEE COUNTY ORDINANCE NO. 83-35, AS AMENDED BY LEE COUNTY ORDINANCE NO. 92-01, IS HEREBY AMENDED AS FOLLOWS:

SECTION SIX: EXCEPTIONS.

This Ordinance shall not apply to:

- (1) County vehicles parked for purposes of conducting county business, including, but not limited to Lee County sheriff's department, transportation, and public works department and community services and parks department vehicles.
- (2) Emergency and fire vehicles, including ambulances, for purposes of responding to an emergency or fire.
- (3) Sanibel police vehicles, Florida Highway Patrol vehicles, U.S. Coast Guard, 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.

- (4) CEPD vehicles conducting the business of the Captiva Erosion Protection District.
- (45) Private 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 county administrator.
- (56) Individual private vehicles as approved by the county administrator or the administrator's designee, after consultation with the Captiva Fire Control District chief, for reasons of health, handicaps, or unique hardship.
- (67) Individual private vehicles as approved by the county administrator or the administrator's designee, after consultation with the Captiva Fire Control District chief, to allow parking for special events of limited duration.
- (8) Areas designated on Wiles Drive and Chapin, Gore and Murmond Lanes where special postings by the Department of Transportation may allow limited parking for limited times. (See incorporated Map).

SECTION FOUR: 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 FIVE: SEVERABILITY

It is the Board of County Commissioners' intent that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance. The Board of County Commissioners further declares its intent that this Ordinance would have been adopted if such unconstitutional provision was not included.

SECTION SIX: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code of Ordinances. Sections of this Ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section," "article," or 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 SEVEN: MODIFICATIONS THAT MAY ARISE FROM 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 EIGHT: EFFECTIVE DATE

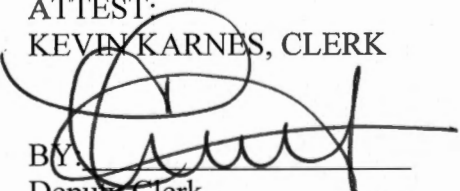
This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

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

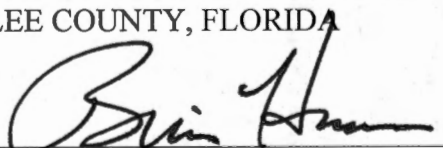
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 4th day of April 2023.

ATTEST:
KEVIN KARNES, CLERK

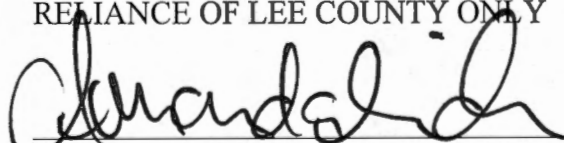
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELANCE OF LEE COUNTY ONLY


Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 10, 2023

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

Attn: Chris Jagodzinski

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. 23-06, which was filed in this office on April 7, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

RECEIVED

By Chris Jagodzinski at 10:33 am, Apr 10, 2023

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 23-06
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Parking

SECONDARY KEYFIELD

DESCRIPTOR: Law Enforcement

OTHER KEYFIELD

DESCRIPTOR: _____

ORDINANCE DESCRIPTION: LDC Ch 34 Captiva Parking

(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: 83-35

AMENDMENT #2: 92-01

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: _____

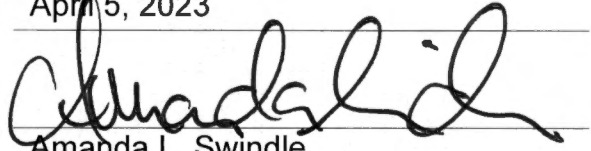
**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: April 5, 2023

TO: Commissioner Brian Hamman
Chair, Board of County
Commissioners

FROM:


Amanda L. Swindle
Assistant County Attorney, Senior

RE: Ordinance Amending LDC Chapter 34, Amendment to Captiva Parking Ordinance
Ord. No. 23-06
Agenda Item Public Hearing #4, April 4, 2023

Attached, approved as to form, please find the original of the amendments to the Land Development Code adopted by the Board of County Commissioners on April 4, 2023. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department for filing and transmittal to Tallahassee.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and return the fully executed copy with all exhibits to my attention.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than April 14, 2023.

Also attached please find the Data Retrieval form. Kindly include this ordinance in the Lee County Ordinance History.

Thank you for your prompt attention to this matter.

ALS/slk
Attachments

VIA EMAIL ONLY:

Laurel Chick, Manager, Internal Services
Joyce Conatser, Senior Fiscal Officer
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Office Manager, Minutes Department
Tina Boone, Legal Administrative Specialist, Senior (for LDC Municode & ordinance history)

2023 APR - 7 PM 3:38

RECEIVED
MINUTES OFFICE

AGENDA ITEM REPORT

DATE: April 4, 2023
DEPARTMENT: County Attorney
REQUESTER: Amanda Swindle
TITLE: Conduct Public Hearing to Amend Lee County Ordinance 83-35 Regarding Parking on Captiva

I. MOTION REQUESTED

Conduct public hearing to adopt an ordinance amending Lee County Ordinance 83-35 regarding parking on Captiva Island.

II. ITEM SUMMARY

Proposed amendments would provide exceptions to the general prohibition against parking on streets and road rights-of-way on Captiva Island for Captiva Erosion Protection Division vehicles and for designated areas where DOT postings allow limited parking during limited times.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

On May 17, 2022, the Board of County Commissioners directed staff to work with representatives from the Captiva Community Panel on changes to parking, noise, and other ordinances as they pertain to Captiva Island.

Regarding parking on Captiva, the Panel identified the need for two additional exceptions to the general prohibition against parking on streets and road rights-of-way on Captiva Island. The first exception is for Captiva Erosion Protection Division ("CEPD") vehicles conducting CEPD business. The second exception is for areas designated on Wiles Drive and Chapin, Gore and Murmond Lanes where special postings by the Department of Transportation may allow limited parking for limited times. These designated areas are intended to allow parking by members of the public for certain services and special events within the community. The amendments also clarify that golf carts are considered vehicles for purposes of the parking restrictions.

The Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on March 8, 2023, and unanimously recommended their adoption.

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding is required
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund:	

	Program: Project: Account Strings:	
G)	Fund Type?	
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
Proposed Ordinance	3/14/2023	Ordinance
FAIS Form	3/14/2023	Ordinance