

LEE COUNTY ORDINANCE NO. 21-05

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 19-05 RELATING TO ON-STREET PARKING IN THE LEE COUNTY PORTION OF GASPARILLA ISLAND, FLORIDA; PROVIDING RECITAL CLAUSES; 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 wishes to encourage the use of the public parking facilities on to the Island by Lee County residents and visitors; and

WHEREAS, Policy VIII.B.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; 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, and 19-05, in order to provide for the use of public parking facilities on Gasparilla Island; and

WHEREAS, the Board wishes to amend Lee County Ordinance 19-05 as set forth herein to clarify that bus and recreational vehicle parking is limited to the hours between dawn and dusk.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; THAT LEE COUNTY ORDINANCE NO. 19-05 IS HEREBY AMENDED AS FOLLOWS:

**SECTION ONE: AMENDMENT TO SECTION SEVEN: AREAS FOR PUBLIC PARKING**

Lee County Ordinance No. 19-05, Section Seven, pertaining to Areas for Public Parking is hereby amended as follows, with additional text identified by underlining.

**SECTION SEVEN: 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. 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 5th Street and 7th Street. Buses and recreational vehicles are prohibited from parking anywhere else within the boundaries of Gasparilla Island.

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

Kevin Ruane	Aye
Cecil Pendergrass	Aye
Ray Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18<sup>th</sup> day of May, 2021.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

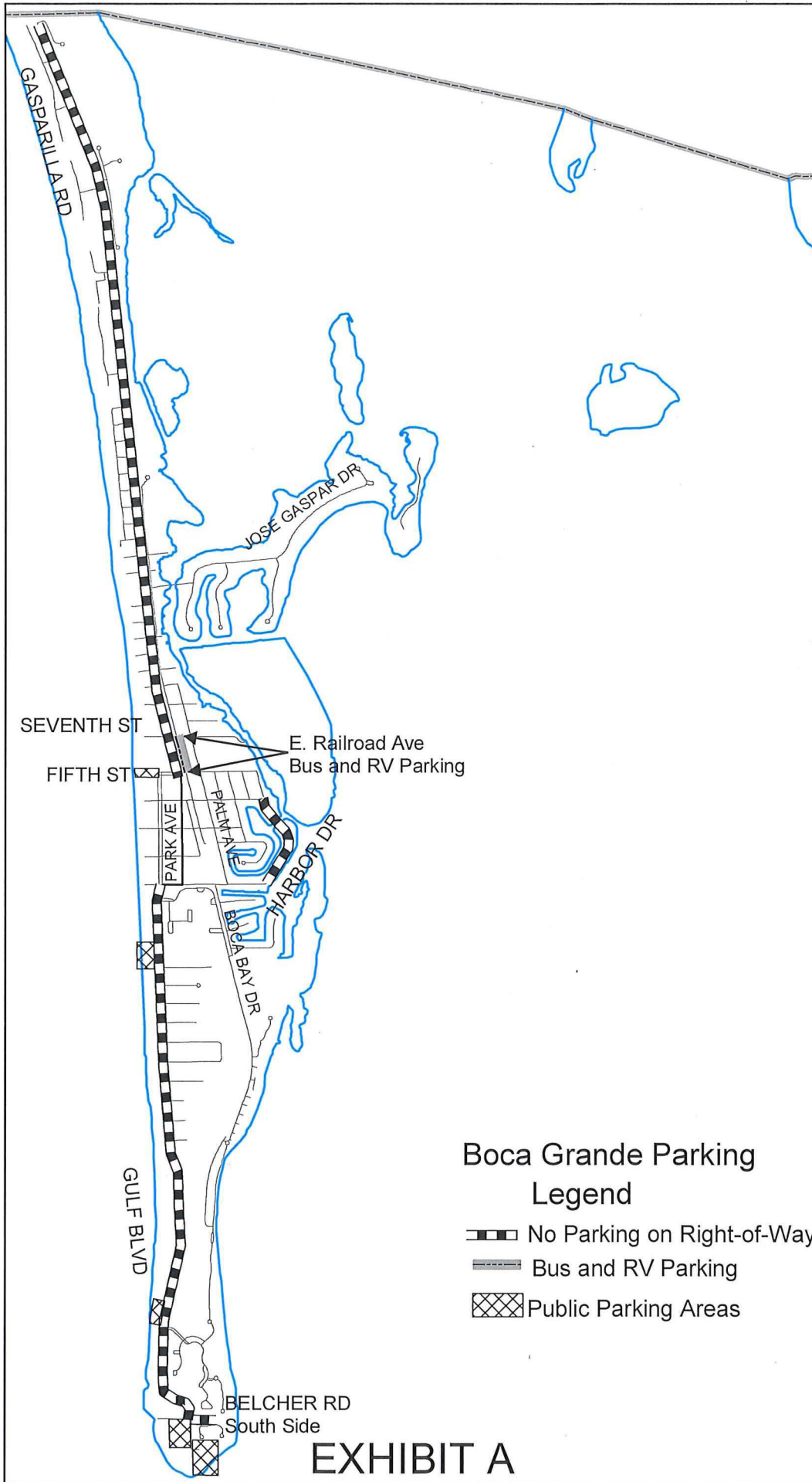
BY: Missy Flint  
Deputy Clerk

BY: [Signature]  
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE  
RELANCE OF LEE COUNTY ONLY  
[Signature]  
Office of the County Attorney

Exhibit A: Gasparilla Island Area Map



**EXHIBIT A**



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

May 19, 2021

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

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 21-05, which was filed in this office on May 18, 2021.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb