

## ORDINANCE NO. 15-11

**AN ORDINANCE AMENDING TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE CHAPTER 34 REGARDING SEASONAL PARKING PROVISIONS (LDC ss. 34-202, 34-3049, AND TABLE 34-1); PROVIDING FOR THE DELETION OF SEASONAL PARKING LOT PROVISIONS; SEVERABILITY; CONFLICTS; CODIFICATION; SCRIVENER'S ERRORS; AND, AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council has the authority to enact ordinances and regulations pursuant to the provisions of Laws of Florida Chapter 95-494, Florida Statutes chapters 163 and 166 and its Town Charter; and

**WHEREAS**, the Seasonal Parking Regulations have been discussed by Council on December 8, 2014, February 2, 2015, March 16, 2015, and November 2, 2015 and Council has directed staff to prepare a Land Development Code Amendment which deletes these provisions from the code, and staff prepared an Amendment to accomplish the deletion, and

**WHEREAS**, on November 17, 2015 the Local Planning Agency reviewed the deletion of these provisions and recommend that the deletion of these provisions is consistent with the Town's Comprehensive Plan, and

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the Town of Fort Myers Beach as follows:

### **SECTION 1. AMENDMENT TO FORT MYERS BEACH LAND DEVELOPMENT CODE CHAPTER 34.**

Town of Fort Myers Beach Land Development Code Chapter 34 is hereby amended as follows with underlying identifying additional text and strike though identifying deleted text.

#### **CHAPTER 34**

#### **ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITITES**

#### **ARTICLE IV. SUPPLEMENTAL REGULATIONS**

#### **DIVISION 26. PARKING**

#### **Sec. 34-2011. Types of parking facilities.**

Parking facilities in the Town of Fort Myers Beach take a variety of forms, generally classified as follows:

(1) *Single purpose parking lots. No change to text.*

(2) *Shared parking lots.* Shared parking lots are open to the public, generally for a fee, regardless of the destination of the person parking there. Shared parking lots may be operated as a private business or governmental entity, and may include a surface parking lot and/or a parking garage.

~~a. All seasonal shared parking lots require permits that may be issued administratively as provided in §34-2022 of this chapter.~~

~~ba.~~ Permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts only by special exception or through the planned development zoning district procedures.

~~eb.~~ Parking garages that operate in whole or part as shared parking lots are also considered a principal use of the land and may be approved only through the planned development zoning district procedures (see §§34-620(d) and 34-676(e) of this chapter).

(3) *On-street parking. No change to text.*

#### **~~Sec. 34-2022. Seasonal parking lots.~~**

~~(a) Each permitted seasonal shared parking lot may operate for a period of up to eight months, commencing on November 15 and continuing until July 15 of the succeeding year. Prior to commencing its operation for all or any portion of each eight-month period beginning November 15 and ending July 15 of the succeeding year, a seasonal shared parking lot must obtain a seasonal parking lot permit in compliance with this code.~~

~~(b) A seasonal parking lot must comply with the following regulations:~~

~~(1) A seasonal parking lot may only be permitted in accordance with article III, division 2 of this chapter, or in a planned development zoning district where a shared permanent parking lot or seasonal parking lot is included in the approved schedule of uses.~~

~~(2) Ingress and egress to seasonal parking lots must not be through a residential neighborhood or residentially zoned district.~~

~~(3) The applicant must submit to the director a parking plan, drawn to scale, indicating the location of access points, ropes, and posts, and the circulation pattern within the parking lot.~~

- ~~(4) Individual spaces in seasonal parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.~~
- ~~(5) Seasonal parking lots do not need to be surfaced, but must be maintained as a planted area or otherwise in a dust-free manner.~~
- ~~(6) Seasonal parking lots must be designed so as to permit vehicles exiting the lot to enter the street right-of-way in a forward motion. The seasonal parking lot, where applicable, must utilize an existing entrance or exit, except that additional traffic must not be directed onto residential streets. Where no access exists, a parking lot plan showing an acceptable temporary access point(s) may be approved by the director.~~
- ~~(7) If the seasonal parking lot is to be used at night, adequate lighting must be provided for the driveway's ingress and egress points. The lighting must be directed to eliminate glare on any other use and must comply with applicable sea turtle lighting restrictions provided in ch. 14 of this LDC.~~
- ~~(8) The seasonal parking lot must be secured in a manner that prohibits ingress and egress except during the designated hours of operation.~~
- ~~(9) The seasonal parking lot must not adjoin or be less than ten feet from residential uses or residentially zoned property.~~
- ~~(10) The seasonal parking lot must be supervised by a parking attendant during its posted hours of operation.~~
- ~~(11) The seasonal parking lot must only be used for the parking of operable motor vehicles, with no overnight parking or camping.~~
- ~~(12) Hours of operation must not begin earlier than 7:00 a.m. and must end no later than 10:00 p.m., unless extended by the director in writing.~~
- ~~(13) The parking spaces created through the approval of seasonal parking lots must not be used for calculating off-street parking requirement as set out in §34-2020 of this chapter.~~
- ~~(14) Intersection of parking lot entrances and exits with street rights-of-way and easements must comply with §34-3131 of this chapter.~~
- ~~(15) Seasonal parking lot signs must comply with requirements for commercial development signs in §30-151 of this chapter, except that the signs may remain in use for the duration of the seasonal parking lot permit. These signs must be created and displayed in a professional manner. The director may require the removal of any signs that do not comply with these~~

~~standards. Seasonal parking lot signs must be removed immediately upon expiration of the seasonal parking permit.~~

~~(16) The director may require visual screening between a seasonal parking lot and any residentially zoned or used property. If additional screening is required by the director, it must be installed within 30 days of written notice to the property owner or parking lot operator or the seasonal parking lot permit will be null and void.~~

~~(c) As of November 15, 2010, a total of three consecutive or non-consecutive seasonal parking lot permits may be issued for a parcel without requiring compliance with the requirements below. Prior to issuance of the fourth and each subsequent consecutive or non-consecutive permit for that parcel, the permit applicant must comply with the following requirements:~~

~~(1) Where the parcel of land containing a seasonal parking lot abuts residentially zoned or used property, that portion of the parking lot must be buffered by a continuous visual screen with a minimum opacity of 50 percent and a minimum height of three feet. This screen may contain a combination of walls, fences, railings and shrubs. Walls, fences, and railings may not exceed the maximum heights established by this code. The visual screen may be located as close as one foot from the right of way or street easement line but no closer than five feet from the edge of a travel lane, and must comply with §34-3131 of this chapter. The director may require more extensive screening if the height, character, and location of the screen does not or may not adequately protect the abutting property from excessive impacts from the seasonal parking lot. Additional screening required by the director must be installed within 30 days of written notice to the property owner or parking lot operator, or the temporary use permit will be null and void.~~

~~(2) Where a seasonal parking lot abuts a street, that portion of the parking lot must be buffered by a continuous visual screen with a minimum opacity of 25 percent and a minimum height of three feet. The visual screen must contain a combination of walls, fences, railings and shrubs. The visual screen must be located not less than one foot from the right of way or street easement line and must comply with §34-3131 of this chapter. Walls, fences and railings must not exceed the maximum heights established by this code.~~

## DIVISION 37. SUBORDINATE AND TEMPORARY USES

### *Subdivision II. Temporary Uses*

#### **~~Sec. 34-3049. Seasonal parking lots.~~**

~~Seasonal parking lots may be permitted in commercial zoning districts, provided that they are in compliance with §34-2022 of this chapter.~~

#### **SECTION 2: AMENDMENT TO FORT MYERS BEACH LAND DEVELOPMENT CODE TABLE 34-1.**

Town of Fort Myers Beach Land Development Code Table 34-1 is hereby amended as follows:

The reference to "Parking lot, seasonal (see §34-2022) --TP" under Retail, Limited is hereby deleted in its entirety.

#### **SECTION 3: SEVERABILITY.**

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or for any reason whatsoever beheld invalid, then such provision will be null and void and will be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

#### **SECTION 4: CONFLICTS OF LAW.**

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

#### **SECTION 5: CODIFICATION AND SCRIVENER'S ERRORS.**

The Town Council intends that this ordinance will be made part of the Fort Myers beach Code of ordinances; and that sections f this ordinance can be renumbered or relettered and 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 Town Manager or designee, without the need for a public hearing.

**SECTION 6: EFFECTIVE DATE.**

This ordinance becomes effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Vice Mayor Andre and seconded by Council Member Stockton and, upon being put to a vote, the result was as follows:

Anita Cereceda	aye
Dan Andre	aye
Alan Mandel	aye
Rexann Hosafros	aye
Summer Stockton	aye

DULY PASSED AND ENACTED this 4th day of January, 2016.

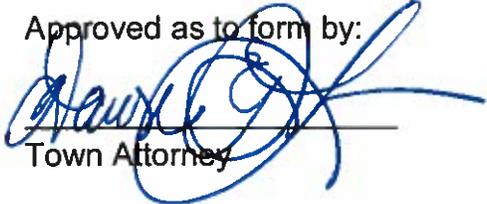
ATTEST:

By:   
Michelle Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Anita Cereceda, Mayor

Approved as to form by:

  
Town Attorney