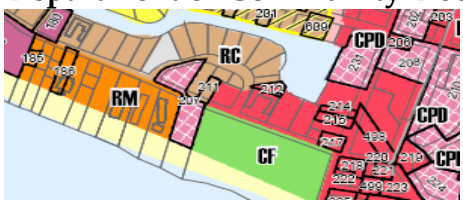
Town of Fort Myers Beach
Department of Community Development



MEMORANDUM

To: Local Planning Agency

CC: Jack Green, Interim Town Manager
Anne Dalton, Attorney to LPA

From: Frank Shockey, Interim Community Development Director

Date: September 23, 2009

RE: Draft revisions to LDC Chapter 34, Article IV, Division 26 (Parking)

The LPA has discussed revisions to Land Development Code (LDC) Chapter 34, Article IV, Division 26 on several occasions since the summer of 2008, when the LPA was requested to consider the topic by Town Council after inquiry by members of the public. The initial issue was the duration and extent of the provisions for "seasonal" parking lots found in LDC Section 34-2022. Upon further discussion the concern expanded to include requiring compliance with state and federal accessibility standards.

In summary, the attachment contains language to revise much of Division 26 to include accessibility requirements and clean up some stylistic issues. Then, for Section 34-2022, there are two options presented. One option would do away with the subsection that allows seasonal lots to be permitted repeatedly for up to 8 months each year, and retain only the subsection that allows a seasonal lot to be permitted only once for a period of up to 3 years. The other option would clearly allow either the repeated 8-month permit or the one-time 3-year permit, and clearly allow the 3-year permit to be replaced by the 8-month permit.

Note that I do not recommend changes to LDC Sections 34-2016(1), 34-2016(2), or 34-2020. Changes to the minimum dimensions of ordinary parking spaces would have far-reaching effects. Changes to the minimum number of spaces required

for various land uses would have perhaps even more far-reaching effects and should not be attempted without more careful study than we are prepared to undergo at this time.

The included changes are discussed in the following, with the most important items highlighted:

34-2011(a): "parcel" replaces "site" for internal consistency within the section.

34-2011(b)(1): language is deleted to allow proposed change in 34-2022 to be clear.

34-2011(b)(2): language added to avoid uncertainty regarding Town Council authority when rezoning land to CPD.

34-2011(b)(3): stylistic

34-2012: stylistic

34-2013: stylistic

34-2014: stylistic

34-2015, 34-2015(1): stylistic

34-2015(2)a.: language is deleted to allow proposed change in 34-2022 to be clear.

34-2015(2)b.: language added to avoid uncertainty regarding Town Council authority when rezoning land to CPD.

34-2015(2)c.: stylistic

34-2015(3): Language added for clarity in circumstances when zoning district regulations affect ch. 10 requirements.

34-2015(4) through 34-2015(7) inclusive: stylistic

34-2015(8): Vague language is deleted to return to simpler original language. (what is an "other walking destination"? and what is a "major" parking aisle?)

34-2015(9): Locational and related accessibility requirements for disabled spaces are taken from Section 553.5041(5), *Florida Statutes*, and 28 CFR Part 36, Appendix A ("the ADAAG").

34-2016: stylistic

34-2016(3): added language is from Section 553.5041(5)(c)1, *Florida Statutes*. Unchanged language comports with the requirement of 553.5041(5)(c)1. and the ADAAG.

34-2016(4): added language in subsections a.2. and b.3. is from Section 553.5041(6), *Florida Statutes.* The statute does not contain an exception for unpaved parking lots.

34-2017(a): stylistic

34-2017(a)(2) and 34-2017(a)(4): added language is from portions of the ADAAG referenced in Section 553.5041(5). The statute contains no exception for unpaved surfaces. The standards are more stringent than the deleted language.

34-2017(d): stylistic

34-2018(a): stylistic, and for internal consistency

34-2018(c)(2) and 34-2018(c)(3): clarifies that the director is the administrative delegate of the Town Manager who implements Town Council policy and the Town Attorney provides legal advice, hence both should be involved.

34-2018(c)(4): added language requires that the joint-use agreement be executed and recorded before the spaces involved can be used to justify other activities.

34-2019: stylistic

34-2022 (Option 1 – remove 8-month permit and allow only one 3-year permit)

It should be noted that this option would probably have disastrous effects on the Town's seasonal parking supply during every spring beginning 3 years from the adoption of this option, as seasonal lots will be closed after the 3-year period expires and the owners/operators may be unable or may choose not to attempt to

develop shared permanent commercial parking lots. A shared permanent commercial parking lot can be permitted by special exception in *some* commercial zoning districts, and then in some zoning districts, such as the DOWNTOWN district, design standards require the placement of parking lots in specific locations in relation to buildings, or require additional buffering. Developing a shared permanent commercial parking lot typically requires public hearings, and may require major site development activities, thus calling for a significant financial outlay.

It should also be recalled that some of the public comment that initiated this discussion came from seasonal lot operators who hoped to see the 8-month permit period *extended*, not removed completely.

34-2022(a): Deleted/added language removes the option for 8-month permit and clearly states that approval may be for one 3-year period only.

34-2022(b): Deleted/added language applies all the seasonal lot permit standards to the 3-year permit.

34-2022(b)(4): Added language clarifies that seasonal parking lots are not exempt from accessibility requirements.

34-2022(b)(5): Deleted/added language clarifies that unmaintained dirt or sand lots are not allowed regardless of whether they are "dust-free."

34-2022(b)(7) Clarifies that lighting must comply with sea turtle protection standards.

34-2022(b)(14) Deleted/added language more clearly references the visibility triangle section (34-3131).

Unnumbered deleted language is unnecessary repeated language after removal of 8-month permit option.

34-2022(b)(16) change clarifies an inconsistency between this subsection and 34-2022(b)(9), and references the visibility triangle section where necessary.

34-2022(b)(17) references the visibility triangle section and limitations on fence/wall height where necessary.

34-2022(b)(18) clarifies that temporary signs for a seasonal lot must be removed when the permit expires and that the matter is not debatable (as implied by "town manager may require signs to be removed").

34-2022(c) new language clarifies that the 3-year permit can be issued once only, and not for more than 3 years.

34-2022 (Option 2 – clarify the current 8-month and 3-year options)

Aside from requiring lot owners/operators to comply with accessibility standards, this change would simply make the current rules about the duration of permits clearer.

34-2022(a) added/deleted language clarifies that 8-month permit can be approved annually, not limited to a total of three permits within recorded memory, or limited to a permit in each of three consecutive years, both of which are not impossible to derive from the current language. Also clarifies that the 3-year permit is for no more than 3 years and can only be issued once.

34-2022(b) new language clarifies that 8-month permit can be approved annually for up to 8 months with limited beginning and ending dates.

Changes within 34-2022(b) mirror those above for "option 1"

Changes within 34-2022(c) mirror those above for analogous portions of "option 1"

34-2022(d) added/deleted language clarifies that the 3-year permit is limited to one time only, for a maximum of three years.

EXHIBIT A

FORT MYERS BEACH LAND DEVELOPMENT CODE

CHAPTER 34
ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES

Sec. 34-2011. Types of parking facilities.

(a) ***Single-purpose parking lots.*** Single-purpose parking lots are designed to serve individual businesses, condominiums, or shopping centers. Single-purpose parking lots are usually located on the same parcel~~site~~ as the use they serve and may include parking spaces under a building or in a parking garage.

(1) Most single-purpose parking lots are considered by this code to be accessory uses of land (§ 34-1171) and thus can be built to serve any permitted principal use on the same parcel of land.

(2) Some single-purpose parking lots serve two or more non-abutting parcels, as provided in § 34-2018 for joint-use parking lots.

(3) Surplus spaces in some single-purpose parking lots may be rented to the general public during peak periods, as provided in subsection 34-2019(a).

(b) ***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 by a governmental entity, and may include a surface parking lot and/or a parking garage.

(1) Seasonal shared parking lots may obtain temporary use permits administratively ~~for up to three-year periods~~ as provided in § 34-2022 of this chapter.

(2) 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 Commercial Planned Development zoning district procedures.

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

(c) ***On-street parking.*** Governmental entities sometimes provide on-street parking spaces, usually with parking meters, that are available for use by the public regardless of their destination. On-street parking is closely related to the functioning of the adjoining street and is provided as a public works project rather than being regulated as a land development activity by this code.

Sec. 34-2012. Definitions.

For purposes of this division only, certain words or phrases are defined as follows:

Employees means the regular working staff, paid, volunteer, or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain, or service a given facility or use under normal levels of service.

High turnover applies to parking lots where vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail stores, restaurants, bars, offices, or similar establishments is considered to be high turnover.

Low turnover applies to parking where vehicles are parked for relatively long periods of time, such as employee parking during the day, uses such as beach parking or marina parking where customers typically leave their cars for periods of several hours or more, and overnight parking in residential developments.

Parking aisle means an accessway within a parking lot which provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five (5) or more vehicles.

Parking lot entrance means the accessway which provides ingress or egress from a street right-of-way or easement to a parking lot.

Parking space means an area of land designed or intended for parking one (1) vehicle. Some parking spaces are designated as disabled spaces.

Sec. 34-2013. Access.

(a) Each parking lot must~~shall~~ have a distinct parking lot entrance. Such entrance must~~shall~~ meet the requirements of ch. 10, as well as the following:

(1) Minimum width at the property line for one-way entrances is 10 feet.
(2) Minimum width at the property line for two-way entrances is 20 feet.
(3) Maximum width at the property line is 25 feet.

The director may determine that traffic volumes, truck traffic, or other special circumstances warrant other requirements.

(b) Parking lots entrances must~~shall~~ not exceed a six percent grade for 20 feet into any lot or parcel, nor may~~shall~~ a parking lot entrance enter a street right-of-way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the director.

Sec. 34-2014. Parking plan.

A parking plan is~~shall be~~ required for all uses, except single-family ~~residence~~ and two-family dwelling units, and must~~shall~~ be submitted for review and approval in accordance with ch. 10. Developments that~~which~~ are not required to be approved in accordance with chapter 10 must~~shall~~ submit plans to the director prior to issuance of a building permit. The plan must~~shall~~ accurately designate the required parking spaces, parking aisles, and parking lot entrance, as well as the relation of any off-street parking facilities to the uses or structures such facilities are designed to serve.

Sec. 34-2015. Location and design.

The location and design of all parking lots must~~shall~~ embody the following provisions:

(1) ***Location of single-purpose parking lots.*** Parking spaces that are required to support specific land uses (see § 34-2020) must~~shall~~ be provided on the same premises and within the same or similar type zoning district as the use they serve, except in the DOWNTOWN zoning district as provided in § 34-676(a). Joint-use parking lots are regulated by § 34-2018.
(2) ***Location of shared parking lots.*** Shared parking lots may be constructed as follows:
   a. Seasonal shared parking lots may obtain temporary use permits ~~administratively for up to three-year periods~~ as provided in § 34-2022 of this chapter. ~~The location and certain design features of seasonal parking lots are regulated by § 34-2022.~~
   b. 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 CPD (commercial planned development) zoning district procedures.
   c. Parking garages that operate in whole or part as shared parking lots are also considered a principal use of land and may be approved only through the CPD (commercial planned development) zoning district procedures (see §§ 34-620(d) and 34-676(e)).
(3) ***Design.*** In addition to the requirements set forth in this division, all parking lots must~~shall~~ be designed in accordance with the buffer, landscaping, drainage, and other requirements set forth in ch. 10 and elsewhere in this chapter.
(4) ***Lighting.*** If the parking lot is to be used at night, adequate lighting must~~shall~~ be provided for the driveways, ingress, and egress points, and parking areas of all commercial and industrial uses. Such lighting must~~shall~~ be so arranged and directed as to eliminate glare on any other use, and must comply with applicable sea turtle lighting restrictions in ch. 14.
(5) ***Stacking***. All individual parking spaces must~~shall~~ be accessible from a parking aisle intended to provide access to the space.

Stacking of vehicles (one behind the other) may~~shall~~ be permitted only where each dwelling unit has a specific garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed only by employees of the facility.

(6) ***Exiting.*** All parking lots must~~shall~~ be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion, except where approved by the director under the following conditions:

a. The right-of-way is a local street and:
   1. There is insufficient room on the parcel for vehicles to turn and exit in a forward direction, and
   2. The number of parking spaces backing out are no more than the minimum required by this division to serve existing buildings; or

b. The parking spaces are in the "Pedestrian Commercial" category of the comprehensive plan and do not unduly interfere with critical congested road segments or the normal usage of existing or proposed sidewalks.

(7) ***End spaces.*** Parking lots utilizing 90° parking with dead-end aisles must~~shall~~ provide a turning bay for those spaces at the end of the aisle.

(8) ***Pedestrian system.*** In any parking lot where more than one tier of parking spaces is to be developed, walkways must~~shall~~ be provided which accommodate safe and convenient pedestrian movement~~. from vehicles to building entrances and other walking destinations. If these walkways cross major parking aisles, the walkways shall be clearly differentiated from the surface of the aisle.~~

(9) ***Disabled spaces***. Accessible spaces serving a particular building must be located on the shortest safely accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking must be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces must be dispersed and located closest to the accessible entrances. The accessible route must be no less than 44 inches wide and users must not be compelled to walk or wheel behind parked vehicles.

Sec. 34-2016. Dimensional requirements; delineation of parking spaces.

In addition to satisfying all other provisions of this division, the arrangement and spacing of off-street parking lots must~~shall~~ conform to the following requirements:

(1) ***Minimum dimensions.*** *[No changes]*

(2) ***Effect of minimum dimensions on size of parking lots.*** *[No changes]*

(3) ***Disabled space dimensions.*** Individual disabled parking space dimensions must~~shall~~ be 12 feet by 18 feet. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. Each access aisle must be striped diagonally to designated it as a no-parking zone. These dimensions do not guarantee compliance with the Americans with Disabilities Act (ADA) of 1990.

(4) ***Delineation of spaces.***

a. *Paved parking lots.*
   1. Parking spaces must~~shall~~ be delineated by all-weather painted lines, not less than four inches in width, centered on the dividing line between spaces.
   2. Parking spaces for the disabled must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY". Signs erected after October 1, 1996 must indicate the penalty for illegal use of these spaces.

b. *Unpaved parking lots.*
   1. Perimeter parking spaces in unpaved parking lots must~~shall~~ be delineated by placing a parking block three feet

from the end of the parking space and centered between the sides of the space.

2. If a perimeter space abuts a structure, the space may be indicated on the structure, in which case parking blocks are~~shall~~ not be required.
3. Parking spaces for the disabled must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY". Signs erected after October 1, 1996 must indicate the penalty for illegal use of these spaces.

Sec. 34-2017. Parking lot surfaces.

(a) ***High turnover parking lots.*** Except as provided in this section, all high turnover parking lot aisles and parking spaces must~~shall~~ be provided with a paved surface, except for the open space beyond parking blocks. The term "paved" ~~shall be interpreted to~~ means and includes asphalt, concrete, brick, paving blocks, porous (pervious) asphalt or concrete, and other similar treatments. Clean (washed) angular gravel (such as FDOT #57 stone) may also be used if stabilized as provided in subsection (b)(1).

(1) Any parking spaces that may be permitted, seaward of the 1978 coastal construction control line must~~shall~~ be stabilized with best management practices approved by the director.

(2) All disabled parking spaces, including disabled parking spaces seaward of the coastal construction control line, must have a stable, firm, slip-resistant surface. Changes in level between 1/4 and 1/2 inch must be beveled with a slope no greater than 1:2. Ramps accomplishing changes in level greater than 1/2 inch must be located outside of disabled parking spaces and their access aisles. Surface slopes of disabled parking spaces and their access aisles must be level with surface slopes not exceeding 1:50 in all directions. Gratings located within a disabled parking space, access aisle, or accessible route must have spaces no greater than one-half (1/2) inch wide in one direction. The surfaces of disabled parking spaces, access aisles, and accessible routes must comply with all state and federal requirements.~~, shall be provided without gaps or holes that would create a danger to the user.~~

(b) ***Low turnover parking lots***. Due to the low volume of vehicle turnover in this type lot, alternative unpaved surfaces may also be permitted provided that the areas are adequately drained and continuously maintained in a dust-free manner.

(1) Alternative surfaces may include stabilized surfaces of grass or clean (washed) angular gravel over a well-drained base, or other similar porous materials. Stabilization may be accomplished by turfblocks (concrete or plastic) or proprietary cellular or modular porous paving systems installed in accordance with the manufacturers' specifications.

(2) Crushed limerock that has not been washed or otherwise processed to remove fine particles will be permitted as a surface material only when designed, placed, and maintained in a manner that will:
   a. prevent the flow of sediment-laden runoff from the lot; and
   b. keep the surface dust-free at all times.

(3) The use of unimproved surfaces such as sand or dirt as approved parking is~~shall be~~ prohibited.

(4) Disabled spaces must have a stable, firm, slip-resistant surface. Changes in level between 1/4 and 1/2 inch must be beveled with a slope no greater than 1:2. Ramps accomplishing changes in level greater than 1/2 inch must be located outside of disabled parking spaces and their access aisles. Surface slopes of disabled parking spaces and their access aisles must be level with surface slopes not exceeding 1:50 in all directions. Gratings located within a disabled parking space, access aisle, or accessible route must have spaces no greater than one-half (1/2) inch wide in one direction. The surfaces of disabled parking spaces, access aisles, and accessible routes must comply with all state and federal requirements.~~be provided with a~~

~~smooth surface without gaps or holes which would create a danger to the user.~~

(c) ***Reduced surfacing standards***

(1) The director is authorized to permit portions of high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (§ 34-2017(b), above) when the reduced surfacing standard will be used in those portions of the parking lot expected to receive the lightest usage, such as overflow or employee parking areas.

(2) This subsection may not be construed inconsistently with the Americans with Disabilities~~y~~ Act (ADA) of 1990.

(d) ***Reservation of spaces for future use.*** When a use or activity is required by this chapter to provide more than ten (10) high turnover parking spaces, the director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use, provided that:

(1) The applicant clearly shows the reserved parking spaces on the site plan;

(2) The reserved parking areas must~~shall~~ not be counted towards the minimum open space or landscaping or buffering requirements of this chapter or chapter 10;

(3) All drainage facilities must~~shall~~ be calculated and built as though the reserved parking areas were impervious surfaces; and

(4) The reserved parking areas must~~shall~~ not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.

Should the property owner decide to pave the reserved area for parking, he must~~shall~~ submit the original site plan or development order approval to the director, who is authorized to approve the paving provided that such paving does not include any new entrances onto a public street. If the parking areas does involve new entrances, then a limited review development order is required.

Sec. 34-2018. Joint use of parking lots.

(a) A single-purpose parking lot can provide some or all of the required parking spaces for two or more unrelated businesses, provided that such joint-use parking lot:

(1) is built on a parcel~~site~~ where a commercial parking lot is permitted, and

(2) is placed on the parcel~~site~~ so as not to violate any applicable build-to lines or block visibility of vehicles (see § 34-3131), and

(3) is built to the same standards as single-purpose parking lots, and

(4) is located within 750 feet of each business~~use~~.

(b) The peak parking demands of the different uses must occur at different times. The director may require an applicant to provide a technical analysis of the timing and magnitude of the proposed parking demands.

(c) Applications for joint-use parking lots must include:

(1) A notarized statement from all property owners involved indicating the use of each property and forecasting that the peak level of activities of each separate building or use which create a demand for parking will occur at different times.

(2) A draft joint-use parking agreement, acceptable to the town attorney and the director, that:

a. specifically identifies the designated spaces that are subject to the agreement;

b. includes a statement indicating that the parties understand that these designated spaces cannot be counted to support any use other than those identified in the agreement;

c. identifies the current property uses, property owners, and the entity responsible for maintenance of the parking area.

d. includes a backup plan to provide sufficient parking if the joint-use parking agreement is violated by either party.

(3) Upon approval of the agreement by the town attorney and director, the agreement(s) must be recorded in the Lee County public records at the applicant's expense.

(4) A certified copy of the recorded joint-use parking agreement must be provided to the town before any joint use of parking spaces may commence.

Sec. 34-2019. Other use of parking lots.

(a) Parking spaces that are not in daily use and are located in parking lots having ten (10) or more parking spaces and meeting the other requirements

of this division may be rented to the general public during peak periods.

(b) The following structures and uses may be approved in parking lots by the director provided that a site plan is submitted showing that the structure will not reduce the parking spaces required for the principal use, or create a traffic or pedestrian hazard:

(1) Charitable or other similar dropoff collection stations.
(2) Aluminum can or other similar receiving machines or facilities.
(3) Photo pickup stations.
(4) Telephone booths and pay telephone stations.
(5) Automatic teller machines (ATMs).
(6) Other similar uses which do not unreasonably interfere with the normal functioning of the parking lot.

(c) Except as provided in this section and for ancillary temporary uses as provided in § 34-3048, required parking areas must~~shall~~ not be utilized for the sale, display, or storage of merchandise, or for repair, dismantling, or servicing of any vehicles or equipment. This shall not be interpreted to prohibit a residential property owner from the occasional servicing of his own noncommercial vehicle or conducting normal residential accessory uses.

Sec. 34-2020. Required parking spaces.

No changes.

Sec. 34-2021. Reserved

No changes.

Sec. 34-2022. Seasonal parking lots.(SEE ATTACHED OPTIONS 1 and 2)

(a) Temporary use permits (see § § 34-3041, and 34-3050) may be issued for seasonal parking lots. Approval of seasonal parking lots can be for a single period of up to 8 months long, commencing on November 15 and continuing until July 15 (subsection 34-2022(b)); or for a single period of up to 3 years on a year-around basis (subsection 34-2022(c)). For purposes of this section, temporary use permits for seasonal parking lots may also be issued for all or part of such time period and shall not be limited to 30 days as set forth in § 34-3041(d).

(b) A seasonal parking lot approved for a single period of up to 8 months must comply with the following regulations:

(1) A seasonal parking lot shall only be permitted on commercially zoned property.
(2) Ingress and egress to seasonal parking lots shall 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 but not limited to the following: 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, and may be maintained as a grass area or otherwise in a dust-free manner.
(6) Seasonal parking lots shall 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, shall utilize an existing entrance or exit, except that no additional traffic shall 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 shall be provided for the driveway's ingress and egress points. The lighting shall be directed to eliminate glare on any other use.
(8) The seasonal parking lot shall be secured in a manner which will not permit ingress and egress except during the designated hours of operation.
(9) The seasonal parking lot shall not adjoin or be less than ten feet from residential uses or residentially zoned property.
(10) A parking attendant shall be required during the posted hours of operation of the seasonal parking lot.
(11) The seasonal parking lot shall only be used for the parking of operable motor vehicles, with no overnight parking or camping.
(12) The maximum hours of operation shall be from 7:00 AM until 10:00 PM, unless extended by the director in writing.

(13) The parking spaces created through the approval of seasonal parking lots shall not be used for calculating off-street parking requirements as set out in § 34-2020.

(14) At intersections of parking lot entrances or exits with a street right-of-way or easement, no obstruction shall be planted or erected which materially obstructs the driver's view of approaching traffic or pedestrians (see § 34-3131).

(15) Seasonal parking lot signs must comply with requirements for commercial development signs in § 30-151, except that the signs may remain in use for the duration of the temporary use permit. These signs must be created and displayed in a professional manner. The town manager may require the removal of any signs that do not comply with these standards, or which remain visible after the expiration of the temporary use permit.

(16) The town manager may require visual screening between a seasonal parking lot and any residentially zoned or used property. If additional screening is requested by the town manager, it 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.

(c) A seasonal parking lot approved for a single period of up to 3 years must comply with subsection 34-2022(b) and with the following additional regulations:

(1) Compliance with all applicable regulations must be demonstrated on a paving, grading, and drainage plan acceptable to the director.

(2) Where a seasonal parking lot abuts residentially zoned or used property, that portion of the parking lot shall 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 not closer than five feet from the edge of a travel lane. The town manager 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 as requested by the town manager 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.

(3) Where a seasonal parking lot abuts a street, that portion of the parking lot shall be buffered by a continuous visual screen with a minimum opacity of 25 percent and a minimum height of three feet. This visual screen may be located up to one foot from the right-of-way or street easement line.

(4) Seasonal parking lot signs must comply with requirements for individual business establishment signs in § 30-153. These signs must be created and displayed in a professional manner. The town manager may require the removal of any signs that do not comply with these standards, or which remain visible after the expiration of the temporary use permit.

(d) Seasonal parking lots remaining in use for longer than three years are considered to be permanent shared parking lots and must be constructed to this division's standards for single-purpose parking lots, including landscape buffering. Permanent shared parking lots must be approved by special exception (see § 34-2015(2)b.).

Secs. 34-2023--34-2030. Reserved.

No changes.

Option 1 ~~EXHIBIT A~~

FORT MYERS BEACH LAND DEVELOPMENT CODE

Sec. 34-2022. Seasonal parking lots.

(a) Temporary use permits (see § § 34-3041, and 34-3050) may be issued for seasonal parking lots. ~~Approval of seasonal parking lots can be for a single period of up to 8 months long, commencing on November 15 and continuing until July 15 (subsection 34-2022(b)); or for~~ A seasonal parking lot may be permitted on a parcel of land once for a single period of up to three (3) years from the date of permit issuance~~on a year-around basis~~ (subsection 34-2022(b~~c~~)). For purposes of this section, temporary use permits for seasonal parking lots~~ may also be issued for all or part of such time period and~~ shall not be limited to 30 days as set forth in § 34-3041(d).

(b) A seasonal parking lot approved for a single period of up to~~ 8 months~~ 3 years must comply with the following regulations:

(1) A seasonal parking lot may~~shall only~~ be permitted only on commercially zoned property.

(2) Ingress and egress to seasonal parking lots must~~shall~~ 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 but not limited to the following: 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. Disabled spaces must comply fully with §§ 34-2015(9), 34-2016(3) and 34-2016(4).

(5) Seasonal parking lots must comply with the requirements of § 34-2017(b). ~~do not need to be surfaced, and may be maintained as a grass area or otherwise in a dust-free manner.~~

(6) Seasonal parking lots must~~shall~~ 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~~shall~~ utilize an existing entrance or exit, except that ~~no~~ additional traffic must not~~shall~~ 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~~shall~~ be provided for the driveway's ingress and egress points. The lighting must~~shall~~ be directed to eliminate glare on any other use, and must comply with applicable sea turtle lighting restrictions in ch. 14.

(8) The seasonal parking lot must~~shall~~ be secured in a manner which will not permit ingress and egress except during the designated hours of operation.

(9) The seasonal parking lot must~~shall~~ not~~ adjoin or~~ be less than ten (10) feet from residential uses or residentially zoned property.

(10) A parking attendant is~~shall be~~ required during the posted hours of operation of the seasonal parking lot.

(11) The seasonal parking lot must~~shall~~ only be used for the parking of operable motor vehicles, with no overnight parking or camping.

(12) ~~The maximum hours of operation shall be from~~Hours of operation must begin no earlier than 7:00 AM ~~until~~and end no later than 10:00 PM, unless extended by the director in writing.

(13) The parking spaces created through the approval of seasonal parking lots must~~shall~~ not be used for calculating off-street parking requirements as set out in § 34-2020.

(14) Intersections of parking lot entrances and exits with street rights-of-way and street easements must comply with § 34-3131.~~At intersections of parking lot entrances or exits with a street right-of-way or easement, no obstruction shall be planted or erected which materially obstructs the driver's view of approaching traffic or pedestrians (see § 34-3131).~~

~~Seasonal parking lot signs must comply with requirements for commercial development signs in §~~

~~30-151, except that the signs may remain in use for the duration of the temporary use permit. These signs must be created and displayed in a professional manner. The town manager may require the removal of any signs that do not comply with these standards, or which remain visible after the expiration of the temporary use permit.~~

~~The town manager may require visual screening between a seasonal parking lot and any residentially zoned or used property. If additional screening is requested by the town manager, it mustbe 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.~~

~~A seasonal parking lot approved for a single period of up to 3 years must comply with subsection 34-2022(b) and with the following additional regulations:~~

(15) Compliance with all applicable regulations must be demonstrated on a paving, grading, and drainage plan acceptable to the director.

(16) Where the property containing a seasonal parking lot abuts residentially zoned or used property, that portion of the parking lot must~~shall~~ be buffered by a continuous visual screen with a minimum opacity of 50 percent and a minimum height of three (3) 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 (1) foot from the right-of-way or street easement line but not closer than five (5) feet from the edge of a travel lane, and must comply with § 34-3131. The director~~town manager~~ 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 as requested by the director~~town manager~~ 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.

(17) Where a seasonal parking lot abuts a street, that portion of the parking lot must~~shall~~ be buffered by a continuous visual screen with a minimum opacity of 25 percent and a minimum height of three feet. This visual screen must~~ay~~ be located no less than~~up to~~ one (1) foot from the right-of-way or street easement line, and must comply with § 34-3131. Walls, fences, and railings must not exceed the maximum heights established by this code.

(18) Seasonal parking lot signs must comply with requirements for individual business establishment signs in § 30-153. These signs must be created and displayed in a professional manner. The director~~town manager~~ may require the removal of any signs that do not comply with these standards.~~, or which remain visible after the expiration of the temporary use permit.~~ Seasonal parking lot signs must be removed immediately upon expiration of the temporary permit.

(c) ~~Seasonal parking lots remaining in use for longer than three years are considered to be permanent shared parking lots and must be constructed to this division's standards for single-purpose parking lots, including landscape buffering. Permanent shared parking lots must be approved by special exception (see § 34-2015(2)b.).~~ A seasonal parking lot may not be approved more than once, and may not be approved for a period longer than three (3) years, on any parcel of land.

Option 2 ~~EXHIBIT A~~

FORT MYERS BEACH LAND DEVELOPMENT CODE

Sec. 34-2022. Seasonal parking lots.

(a) Temporary use permits (see § § 34-3041, and 34-3050) may be issued for seasonal parking lots. ~~Approval of s~~Seasonal parking lots ~~can~~ may be permitted annually for a ~~single~~ period of up to eight (8) months ~~long~~, commencing on November 15 and continuing until July 15 (subsection 34-2022(b)); or once for a single period of up to three (3) years from the date of permit issuance on a year-around basis (subsection 34-2022(c)). For purposes of this section, temporary use permits for seasonal parking lots ~~may also be issued for all or part of such time period and~~ shall not be limited to 30 days as set forth in § 34-3041(d).

(b) A seasonal parking lot may be permitted ~~approved~~ annually for ~~a single period of~~ up to eight (8) months beginning no earlier than November 15 and ending no later than July 15 of the immediately following year, and must comply with the following regulations:

(1) A seasonal parking lot may~~shall only~~ be permitted only on commercially zoned property.

(2) Ingress and egress to seasonal parking lots must~~shall~~ 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 but not limited to the following: 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. Disabled spaces must comply fully with §§ 34-2015(9), 34-2016(3) and 34-2016(4).

(5) Seasonal parking lots must comply with the requirements of § 34-2017(b). ~~do not need to be surfaced, and may be maintained as a grass area or otherwise in a dust-free manner.~~

(6) Seasonal parking lots must~~shall~~ 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~~shall~~ utilize an existing entrance or exit, except that ~~no~~ additional traffic must not~~shall~~ 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~~shall~~ be provided for the driveway's ingress and egress points. The lighting must~~shall~~ be directed to eliminate glare on any other use and must comply with applicable sea turtle lighting restrictions provided in ch. 14.

(8) The seasonal parking lot must~~shall~~ be secured in a manner which will not permit ingress and egress except during the designated hours of operation.

(9) The seasonal parking lot must not ~~shall not adjoin or~~ be less than ten (10) feet from residential uses or residentially zoned property.

(10) A parking attendant is~~shall be~~ required during the posted hours of operation of the seasonal parking lot.

(11) The seasonal parking lot must~~shall~~ only be used for the parking of operable motor vehicles, with no overnight parking or camping.

(12) ~~The maximum hours of operation shall be from~~ Hours of operation must begin no earlier than 7:00 AM ~~until~~ and end no later than 10:00 PM, unless extended by the director in writing.

(13) The parking spaces created through the approval of seasonal parking lots must~~shall~~ not be used for calculating off-street parking requirements as set out in § 34-2020.

(14) Intersections of parking lot entrances and exits with street rights-of-way and street easements must comply with § 34-3131. ~~At intersections of parking lot entrances or exits with a street right-of-way or easement, no obstruction shall be planted or erected which materially obstructs the driver's view of approaching traffic or pedestrians (see § 34-3131).~~

(15) Seasonal parking lot signs must comply with requirements for commercial development signs in § 30-151, except that the signs may remain in use for the duration of the temporary use permit. These signs must be created and displayed in a professional manner. The director ~~town manager~~ may require the removal of any signs that do not comply with these standards.~~, or which remain visible after the expiration of the temporary use permit~~. Seasonal parking lot signs must be removed immediately upon expiration of the temporary permit.

(16) The director~~town manager~~ may require visual screening between a seasonal parking lot and any residentially zoned or used property. If additional screening is requiredested by the director, ~~town manager,~~ it 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.

(c) A seasonal parking lot approved once for a single period of up to three (3) years must comply with subsection 34-2022(b) and with the following additional regulations:

(1) Compliance with all applicable regulations must be demonstrated on a paving, grading, and drainage plan acceptable to the director.

(2) Where the property containing a seasonal parking lot abuts residentially zoned or used property, that portion of the parking lot must~~shall~~ be buffered by a continuous visual screen with a minimum opacity of 50 percent and a minimum height of three (3) 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 (1) foot from the right-of-way or street easement line but not closer than five (5) feet from the edge of a travel lane, and must comply with § 34-3131. The director~~town manager~~ 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 as requested by the director~~town manager~~ 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.

(3) Where a seasonal parking lot abuts a street, that portion of the parking lot shall be buffered by a continuous visual screen with a minimum opacity of 25 percent and a minimum height of three feet. This visual screen must~~ay~~ be located no less than ~~up to~~ one (1) foot from the right-of-way or street easement line, and must comply with § 34-3131. Walls, fences, and railings may not exceed the maximum heights established by this code.

(4) Seasonal parking lot signs must comply with requirements for individual business establishment signs in § 30-153. These signs must be created and displayed in a professional manner. The director~~town manager~~ may require the removal of any signs that do not comply with these standards.~~, or which remain visible after the expiration of the temporary use permit.~~ Seasonal parking lot signs must be removed immediately upon expiration of the temporary permit.

(d) ~~Seasonal parking lots remaining in use for longer than three years are~~ A seasonal parking lot may not be permitted under § 34-2022(c) more than once, and may not be permitted under § 34-2022(c) for a period longer than three (3) years, on any parcel of land. Seasonal parking lots permitted under § 34-2022(b) may be permitted annually for a period of up to eight (8) months beginning no earlier than November 15 and ending no later than July 15 of the immediately following year, but are not limited to three (3) consecutive permits and are not limited to a total of three (3) such permits. ~~considered to be permanent shared parking lots and must be constructed to this division's standards for single-purpose parking lots, including landscape buffering. Permanent shared parking lots must be approved by special exception (see § 34-2015(2)b.).~~