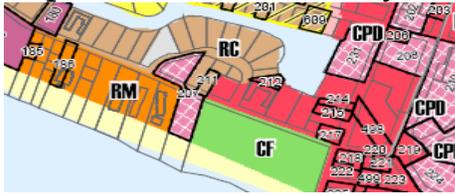


**Town of Fort Myers Beach
Department of Community Development**



MEMORANDUM

To: Local Planning Agency

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

From: Frank Shockey, Interim Community Development Director

Date: October 22, 2009

RE: Updated draft revisions to LDC Chapter 34, Article IV, Division 26

After discussing the draft revisions to the parking requirements of LDC Chapter 34, Article IV, Division 26 on September 29, the language has been revised to comport with LPA consensus direction. Specific quoted language of the building code and similar technical standards has been removed and replaced with a general reference, and is omitted from the section regarding unimproved seasonal parking lots.

Section 34-2022 has been simplified to remove the cross-reference to the procedures for temporary permits and to remove the option to allow a “seasonal” lot to operate continuously during a three-year period. Language is also included in Section 34-2022, as requested by LPA, to require that after five seasonal permits have been issued on a piece of land the higher buffering requirements must be met for further permits to be issued.

The other stylistic changes (“shall” to “must”, etc.) remain in place.

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 **parcelsite** 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 **be permitted to 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~~ have a distinct parking lot entrance. Such entrance ~~must~~ 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 lot entrances ~~must~~ not exceed a six percent grade for 20 feet into any lot or parcel. ~~nor shall a~~ A parking lot entrance ~~must not~~ 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~~ required for all uses, except single-family ~~residence~~ and two-family dwelling units, and ~~must~~ be submitted for review and approval in accordance with ch. 10. Developments ~~that~~ are not required to be approved in accordance with chapter 10 ~~must~~ submit plans to the director prior to issuance of a building permit. The plan ~~must~~ 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~~ 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~~ 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~~ ~~must~~ 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~~ 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~~ be provided for the driveways, ingress, and egress points, and parking areas of all commercial and industrial uses. Such lighting ~~must~~ 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~~ 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.~~

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. 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 mean~~ 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 comply with applicable requirements of state law and the Florida Building Code., 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 ~~comply with applicable requirements of state law and the Florida Building Code.~~ 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 ~~must may~~ not be construed inconsistently with the Americans with Disabilities 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 area 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 **parcelsite** where a commercial parking lot is permitted, and
- (2) is placed on the **parcelsite** 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 **businessuse**.

(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 **mustshall** not be utilized for the sale, display, or storage of merchandise, or for repair, dismantling, or servicing of any vehicles or equipment. This **subsection does not 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.

(a) ~~Temporary use permits (see § § 34-3041, and 34-3050) may be issued for seasonal parking lots.~~ **Approval of seasonal parking lots can be Each permitted seasonal shared parking lot may operate for a single period of up to 8 months-long, commencing on November 15 and continuing until**

July 15 of the immediately following year. Prior to commencing its operation for all or any portion of each 8-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 section.

~~(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~~ A seasonal parking lot must comply with the following regulations in order to obtain a seasonal parking lot permit:

- (1) A seasonal parking lot shall 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 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.
- (5) Seasonal parking lots do not need to be surfaced, ~~but must 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~~ shall not adjoin or be less than ten (10) 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. A parking attendant 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~~ 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 seasonal parking lot permit each year.

- (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 ~~required requested~~ 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 ~~seasonal parking lot temporary use permit~~ will be null and void.

(c) ~~A seasonal parking lot approved for a single period of up to 3 years A parcel of land for which a total of five (5) seasonal parking lot permits have been issued for operating periods after November 15, 2010 must comply with subsection 34-2022(b) and with the following additional regulations to receive the sixth and each successive seasonal parking lot permit, regardless of the length of time intervening between any two seasonal parking lot permits issued for that parcel of land: Compliance with all applicable regulations must be demonstrated on a paving, grading, and drainage plan acceptable to the director.~~

- (1) Where ~~the parcel of land 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 ~~must 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 ~~requiredas 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.

- (2) 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 (3) feet. This visual screen ~~mustay~~ 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.

~~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.~~

~~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.