

**Captiva Community Panel  
Land Development Code language**

*Draft #11  
November 2009*

**WHEREAS, the Lee County Board of County Commissioners recognizes that Captiva Island is a place of incomparable beauty and fragile natural resources that are cherished by residents and enjoyed by many visitors, and**

**WHEREAS, the Lee County Board of County Commissioners adopted Ordinance 03-01 on January 9, 2003, amending the Lee County Comprehensive Plan by adding Goal 13, Objective 13.1, and Policies 13.1.1 through 13.1.14 inclusive, relating to development on Captiva: and**

**WHEREAS, the Lee County Board of County Commissioners adopted Ordinance 07-09 on May 16, 2007, amending the Lee County Comprehensive Plan by adding Objective 13.2 and Policy 13.2.1 relating to mixed use developments on Captiva Island; and**

**WHEREAS, the Captiva Community Panel has proposed to amend the Lee County Land Development Code (LDC) to include new language related to development on Captiva Island pursuant to the provisions of the Lee County Comprehensive Plan, and have specifically provided recommended changes relating to building heights, signage, water quality, mangrove protection, and accessory dwelling units; and**

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

**SECTION 1. PURPOSE AND INTENT.**

**This ordinance is adopted to carry out the purpose and intent of, and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended; and to implement Goal 13 of the Lee County Comprehensive Plan and its subordinate objectives and policies.**

**SECTION 2. ADOPTION OF AMENDMENT TO LAND DEVELOPMENT CODE**

**The Lee County Board of County Commissioners hereby adopts the following amendment to the Lee County Land Development Code.**

**Chapter 33**

**Article IV – Captiva Planning Community**

## **DIVISION 1 – IN GENERAL**

### **Section 33-511: Purpose and intent**

(A) The purpose of this article is to establish standards for Captiva Island that evoke the carefree, unhurried lifestyle and incomparable aesthetics of one of most beautiful and unspoiled islands on the Florida Gulf Coast. The Board of County Commissioners finds that Captiva Island is a place unlike any other in Lee County and is determined to maintain its unique natural environment and appealing built features. These standards are intended to maintain and enhance the historic pattern of development on Captiva Island, consisting of unobtrusive, low-density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic.

### **Section 33-512: Applicability and boundaries**

(A) Scope. The provisions of Article IV apply to all development located Captiva Island, but not specifically exempted per Sec. 33-513, “Existing development” below, as defined in Goal 13 of the Lee County Comprehensive Plan, but exclusive of Upper Captiva, Cayo Costa, Useppa, Buck Key, and Cabbage Key. The following provisions apply to all development and redevelopment located on Captiva Island.

(B) In case of conflicts between provisions of the general Land Development Code and this article, the more restrictive provision shall control.

### **Section 33-513: Existing development**

Development within the area defined as South Seas Resort is exempt from the provisions of this section so long as it complies with the Administrative Interpretation, ADD2002-00098, as adopted by the Board of County Commissioners in 2002.

### **Section 33-514: Definitions**

The following words, terms and phrases, when used in this article, are in addition to the definitions appearing in Section 34-2, and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Cupola:** A covered tower or vault, without a separate source of heating or air-conditioning, which may contain an underlying floor, which rises from a roof ridge, and is typically enclosed by opaque walls. (See Lantern.)

**Dormer:** A projection from a sloping roof that includes a window.

**Façade articulation:** An extrusive architectural element or decorative feature which provides visual relief from an exterior wall, e.g. a buttress, pilaster, bay window, or oriel.

**Lantern:** A covered tower or vault, without heating or air-conditioning, rising from a roof ridge, which may contain an underlying floor and is typically enclosed by windows to admit light in order to function as a solarium, observatory, viewing area, or similar use. (See Cupola.)

This version reflects changes from the October 13, 2009 meeting with M-DA comments.

**Roofline articulation:** An architectural element or decorative feature which provides visual relief from a horizontal roof ridge, e.g. a parapet or widow's walk.

**Lock-off accommodations:** A portion of a main house or accessory unit, typically without a kitchen, that is separated from the unit and made available for long-or short-term rental or other use. Where the floor area of a dwelling unit contains lock-off accommodations which can be occupied separately from the main living unit, such lock-off accommodations shall be counted as a full dwelling unit when computing the allowable density as provided in section 34-1546. To be counted as a dwelling unit, such lock-off accommodations shall contain at least one bedroom with a bathroom and be accessible from a separate door, entering from outside the dwelling unit or a common foyer.

**Onsite Treatment and Disposal System (OSTDS):** Consistent with Chapter 381.0065(2)(j), Florida Statutes, means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under Chapter 403, F. S.

**Section 33-515: Deviations and variances**

(A) An applicant who proposes to deviate from any architectural, site design, landscaping or signage guidelines in this article may request to do so at the time of development order in accordance with section 10-104. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation must be submitted as part of the development order application. However, such deviation requests shall be held to the same standards as variance requests, and must be reviewed by the Captiva public at a public meeting held on Captiva Island in accordance with section 33-542.

(B) Variances shall be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met:

- 1) Where the hardship cannot be corrected by other means allowed in the ordinances,
- 2) Where strict compliance of the regulations allows the property owner no reasonable use of the property, building or structure,
- 3) Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property, building or structure,
- 4) Where the applicant did not cause the need for the variance,
- 5) Where the variance to be granted is the minimum variance that will make possible the reasonable use of the property, building or structure, and
- 6) Where the variance is not contrary to the spirit of the ordinance.

## **DIVISION 2 – ENVIRONMENTAL STANDARDS**

### **Section 33-521: Mangrove protection**

(A) Mangroves on Captiva Island will be protected to the greatest extent possible in a manner consistent with Florida law and policy. This provision shall be interpreted to preserve existing mangroves and to limit mangrove removal to those situations in which the non-issuance of a permit would result in an inverse condemnation.

(B) If unlawful mangrove destruction is conclusively documented on a property, no county permits or licenses shall be issued for activities on that property until proof is provided to county officials that the destroyed mangroves have been restored to the sites and in the quantities documented to have existed prior to the unlawful removal. This provision is not intended to limit the ability of a property owner to engage in mangrove trimming when such trimming is consistent with federal, state, and local regulations and all appropriate permits are obtained.

### **Section 33-522: Water quality**

(A) Prior to the approval or issuance of any development order, zoning action, or building permit which would result in the expansion of an existing permitted use, or for a use not previously permitted, the addition of an accessory unit, or the net increase of one or more rooms to an existing residential unit for a property which includes an existing onsite treatment and disposal system (OSTDS), the applicant must provide written documentation of an inspection and maintenance by a qualified professional within the past three years (including pumping out the in-ground chamber.) If the OSTDS has not been inspected within that time frame, it must be inspected and brought into compliance with current standards prior to approval of or issuance of a development order or zoning approval.

(B) Only performance-based OSTDS may be constructed between 150 feet and 300 feet away from a tidally influenced water body. No OSTDS may not be constructed within 150 feet of a tidally influenced water body. Constituent loadings must be considered to protect any potable water supply wells; wastewater treatment in OSTDS must demonstrate control of pathogenic microbes and nitrates. OSTDS must demonstrate control of nitrogen and nitrogen compounds, phosphorus, toxic organics, and heavy metals in all areas. If the wastewater constituent loadings are too high at the water table boundary, pretreatment or some other pollutant reduction may be required.

(C) Sizing of any new OSTDS must reflect the designed size and expected use of any new residential or commercial structure on Captiva, sized to accommodate the number of bathrooms or expected annual usage, in order to facilitate efficient performance and minimize the need for frequent pumpouts.

## **DIVISION 3 – PROPERTY DEVELOPMENT REGULATIONS**

### **Section 33-531: Captiva estate zoning**

(A) RSC-2 residential single-family estate district: The purpose of the RSC-2 residential single-family estate district is to provide for a continuation of the uses created by Resolution No. Z-70-78, adopted June 2, 1970. This resolution created an estate category (EU-1) with minimum

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lot size of one acre, but also allowed a guest house and servants' quarters. All property on Captiva Island formerly zoned RS-2 and subject to Resolution No. Z-70-78, has been converted to RSC-2.

(B) Since this district is intended to continue the provisions of Resolution No. Z-70-78, certain use regulations and definitions will be somewhat different from the regulations found elsewhere in this Code. For purposes of this district only, the term "family" is defined as one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, provided that a group of three or more persons who are not related by blood, marriage or adoption shall not be deemed to constitute a family, and further provided that domestic servants may be housed on the premises without being counted as a separate or additional family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent or institutional group.

(C) No subdivisions of parcels that were zoned RSC-2 (Captiva Estate) on Jan. 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in the RSC-2 district.

(D) RSC-2 zoning as defined for the Captiva Planning Community includes the following standards:

- 1) Lot area: 43,560 square feet minimum
- 2) Lot width: 100 feet minimum
- 3) Lot depth: 200 feet minimum
- 4) Setbacks:
  - a. Street: 50 feet minimum
  - b. Side yard: 10 feet minimum
  - c. Rear yard: 20 feet minimum
  - d. Gulf of Mexico: 50 feet minimum
  - e. Other: 20 feet minimum
- 5) Maximum lot coverage: 25 percent
- 6) Allowed structures:
  - a. Main house
  - b. Accessory dwelling unit

(E) Two accessory dwelling units, which may include accommodations for guests, family members, or live-in employees and their families, per residential lot may be permitted on property zoned RSC-2, provided the following conditions are met:

- 1) The accessory units are in addition to a principal single-family detached dwelling.
- 2) All units will comply with all setback requirements for accessory structures.
- 3) If three units (i.e. one principal and two accessory) exist on the site, no more than two of the dwelling units (i.e. the principal or accessory units) on site may be rented or leased at any given time for periods of less than 30 days or 1 (one) month, whichever is less.
- 4) If two units (i.e. the principal and one accessory) exist on site, no more than one of the dwelling units (i.e. either the principal or accessory unit) may be rented or leased at any given time for periods of less than 30 days or 1 (one) month, whichever is less.

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(F) Temporary residences for guests and employees, including tents, lean-tos, motor vehicles, and similar accommodations, are prohibited. For purposes of this section, employees are understood to include temporary workers and construction and landscape crews.

M-DA note: Can your kids sleep overnight in a tent in your backyard? Yes, because they don't count as 'guests' or 'employees.'

**Section 33-532: Height restrictions**

(A) Consistent with Policy 13.1.2 of the Lee Plan, no building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions of section 34-2174(a) do not apply to Captiva Island. Deviations or variances from this section are prohibited. Architectural features, including but not limited to cupolas, lanterns, dormers, façade or roofline articulations, etc., and mechanical appurtenances may extend an additional eight (8) feet above the roof peak, so long as such details do not account for more than 20% of the total front façade area and any mechanical appurtenances are fully screened from visibility from adjoining properties.

(B) Due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location capability for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised.

**Section 33-533: Rezoning & density**

(A) Statement of purpose and intent.

The Board of County Commissioners is mindful that Captiva Island is subject to hurricanes and tropical storm events and that the rapid and orderly evacuation of the island is necessary to the protection of life and limb. The Board of County Commissioners is also mindful that Captiva Island is an extraordinary community of great natural and built beauty and exceptional environmental resources. It is therefore the purpose and intent of the Board of County Commissioners, as articulated in the Lee Plan provisions concerning Captiva Island, to maintain a low density of population and to restrict building heights throughout the island.

(B) Penalty for violation of subdivision; additional remedies.

Any violation of this subdivision shall be punishable as prescribed by law. The violation of any of the provisions of this subdivision may be restricted in injunction.

(C) Conflicting provisions.

This subdivision is intended to be complementary to any other ordinance, regulation or law which is currently in effect for the county. Where any provision of this subdivision imposes a regulation different from that imposed by any other ordinance, regulation or law, then the

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provisions of this subdivision shall apply; otherwise all other ordinances, regulations and laws shall apply.

(D) Nonconforming uses.

A structure or the use of a structure where the use of the land which was lawfully existing on December 13, 1982, but which does not conform to the provisions of this subdivision, will be considered an existing nonconforming use. Any existing nonconforming use may be continued after December 13, 1982; provided, however, no such existing nonconforming use may be expanded, changed, enlarged or altered in a way which increases its nonconformity.

The redevelopment of nonconforming hotels and motels may not result in an increase in the number of rental units. The average unit size of rental units in those redeveloped structures may not exceed 550 square feet.

(E) Density limitations.

Except as may be specifically permitted by the Lee Plan, no building or development permits shall be issued for any development on Captiva Island at a density greater than the following:

- (1) Three units per acre for dwelling units, including condominiums and apartments; or
- (2) Three units per acre for motels, hotels, including lock-off units where permitted by ¶(F) below.

(F) Exceptions.

County Zoning Resolution No. Z-70-78, adopted on June 2, 1970, is to remain in full force and effect and be binding on all present and future property owners affected by the resolution. All zoning maps and records of the division of community development and division of code enforcement shall so indicate the zoning for the lands affected by Resolution No. Z-70-78 to be estate zoning requiring each lot or parcel to contain a minimum square footage of 43,560 square feet for the issuance of a building or development permit or order. Each parcel or lot containing a minimum of 43,560 square feet may also obtain a permit for no more than two accessory dwelling units in addition to the primary dwelling unit as provided in Sec. 33-531(D) above.

**Section 33-534. Temporary use permits**

(A) Temporary use permits under Sec. 34-3042, “Carnivals, fairs, circuses and amusement devices,” are prohibited for Captiva Island. This section shall not be construed to prohibit civic events or not-for-profit fundraising events.

(B) Temporary use permits for temporary parking lots under Sec. 34-2022, “Temporary parking lots,” are prohibited for Captiva Island.

**DIVISION 4 – PLANNING PROCEDURES**

**Section 33-541. Information clearinghouse**

Consistent with Lee Plan Policy 13.1.6, the Captiva Island community hereby establishes a “document clearing house” on Captiva, where copies of zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. This requirement shall also be applied to development orders or county permits for work whose value exceeds \$500,000 or for work which exceeds the 50% threshold for improvements to existing structures.

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The county's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**Format:** Printed, or PDF or Word files on CD or stored on a publicly accessible computer. Links to documents stored on publicly accessible county Web sites shall be deemed as fulfilling this requirement.

**Timing:**

Submittals: 7 days prior to public informational session

Official county documents: Within 60 days of issuance

**Location of files:** Captiva Memorial Library, 11560 Chapin Lane

**Relationship to public workshop:** Available to the public 7 days prior to workshop

**Length of time files should be maintained:**

Submittals – One year after submittal is approved or rejected by Lee County

Official documents – Five years after issuance, longer if necessary.

**Section 33-542: Public information meeting standards**

The owner or agent applying for the following types of county approvals must conduct at least one public informational session within the Captiva Planning Community prior to obtaining a finding of sufficiency.

(A) Development orders, including all applications for development orders and Type 1, 2, 4, 5, 6, 7, 9, 10 and 11 limited review development orders requested within the Captiva Planning Community.

(B) Planned development zoning actions, including administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.

(C) Special exception and variance requests, including all requests that will be decided by the hearing examiner.

(D) Conventional rezoning actions.

(E) Meeting requirements. The owner or agent submitting the application requiring review under this section must conduct at least one public informational meeting within the boundaries of the Captiva Planning Community where the agent will provide a general overview of the project for any interested citizens. The applicant shall be fully responsible for providing the meeting space and security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

**DIVISION 5—DESIGN STANDARDS; SIGNS**

**Section 33-551. Findings and purpose**

This version reflects changes from the October 13, 2009 meeting with M-DA comments.

(A) It is the purpose of this section to protect and preserve the character and appearance of Captiva Island by preventing excessive advertising which would have a detrimental effect on the character and appearance of the island, and to limit signs to essential uses primarily for purposes of identification and information.

(B) The Board of County Commissioners hereby finds and declares that the island of Captiva possesses natural beauty, wildlife, present and future land usage characteristics of low population density, low-intensity business and commercial development, and road systems unable to accommodate high commercial usage and the attendant profusion of signs, making this island unique within the county and warranting the control of commercial advertising signs by ordinance separate from the balance of the county and in keeping with its unique character, and that such separate ordinance will promote the beauty, safety and general welfare of the community. It is the purpose of this article to protect and preserve the character and appearance of Captiva Island by preventing excessive advertising which would have a detrimental effect on the character and appearance of the island, and to limit signs to essential uses primarily for purposes of identification and information in order to protect the residential character and appearance of such district.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-552. Definitions.**

The following words, terms and phrases, when used in this article are in addition to the definitions appearing in Section 30-2, and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Animated sign** means any sign of which all or any part thereof revolves or moves in any fashion whatsoever, and any sign which contains or uses for illustration any lights or lighting devices which change color, flash or alternate, show movement or motion, or change the appearance of the sign or any part thereof automatically, including wind-operated devices. Animated signs shall include flashing signs and a beacon light.

**Banner sign** means a sign possessing characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind, either with or without frames, including awning signs.

**Directional sign** means signs used for public information or directions. A directional sign is limited to a maximum of 24 inches by 38 inches in size and is further limited to the name of the business only together with directional information. All signs shall be uniform in design.

**Identification sign** means a sign intended to distinguish a particular residential or non-residential property or estate, using the name of the owner or owners, the street address, or some form of artwork, lettering, fanciful naming, or other device.

**Illuminated sign.** See Lighted sign in this section.

**Lighted sign** means a sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

**Quasi public body** includes churches and organizations operating as a nonprofit activity serving a public purpose or service, and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations, cultural activities and chambers of commerce.

**Wall sign** means an outdoor advertising display sign affixed to or painted on the wall of any building, where such sign projects not more than 12 inches from the building.

(Ord. No. 71-2, § I, 2-24-71)

Cross references: Definitions and rules of construction generally, § 1-2.

**Sec. 33-553. Penalty for violation of article.**

Any person who shall intentionally violate any of the terms or provisions of this article shall be punished as provided in section 1-5. For the purposes of this section, each day that a violation of such provision is permitted to exist shall constitute a separate offense.

(Ord. No. 71-2, § VI, 2-24-71)

**Sec. 33-554. Exceptions to article.**

The regulations and restrictions contained in this article do not apply to the following signs in accordance with the following terms and conditions:

- (1) Identification signs not exceeding 4.0 square feet in area.
- (2) Identification signs not exceeding 4.0 square feet in area and a height not exceeding four feet above grade may be placed in rights-of-way and must not be illuminated. The sign support must be of a suitable breakaway or yielding design. Any identification sign placed in an unsafe or hazardous location, as determined by the Department of Transportation, must be relocated or removed at the owner's expense.
- (3) Bulletin boards for public, charitable or religious institutions, to be located on the same premises as the institution and not exceeding 32 square feet in area.
- (4) Signs denoting the architect, engineer, contractor or subcontractor on the premises of work under construction and not exceeding 16 square feet in area; provided, however, that such signs shall not be allowed to remain on the premises for more than 30 days after the acceptance of the building under construction by the owner thereof.
- (5) Occupational signs denoting only the name, street number or occupation of an occupant in a commercial building, a public or institutional building, or a dwelling house (except dwelling houses in C-1, CS-1 and CT districts), and not exceeding 4 square feet in area.
- (6) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (7) Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs and other such temporary emergency or non-advertising signs.
- (8) Temporary real estate signs, provided that the signs conform with the following restrictions:
  - a. They shall be located only on the property advertised.
  - b. In commercial and industrial areas and districts and in all AG district not of residential character such signs shall not exceed 100 square feet in area.

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c. In areas classified as RS-1, TFC-2 and RM-2, the size of the signs shall be limited to 2 square feet in area. Where the property advertised to be sold is a single building, lot or site, a house, or any other parcel of land not exceeding 100 feet in road frontage, such signs shall be limited to one sign per parcel. Where the property does not fall within this classification the signs shall be spaced a minimum of 200 feet apart, and the total number of signs for any parcel of land offered for sale, regardless of size, shall not exceed four.

d. No such signs shall be allowed to remain on the premises for more than 30 days after the closing of a sale of the land or the rental of the real estate thus offered.

(9) Signs erected entirely within the interior of a business establishment and not designed to be visible from the outside.

(10) Signs, no dimension of which exceeds 12 inches, upon business premises, which are informational or directory in nature and neither contain the name of the business nor advertise any product or service.

(Ord. No. 71-2, § V, 2-24-71; Ord. No. 01-03, § 4, 2-27-01)

**Sec. 33-555. Applicability of general sign ordinance; conflicting provisions.**

This article is adopted as an addendum to the general sign ordinance of the county set out in articles I through IV of this chapter. The general sign ordinance or any successor thereto shall remain in force as to Captiva Island. In case of conflicts between provisions of the general sign ordinance and this article, the more restrictive provision shall control.

(Ord. No. 71-2, § VIII, 2-24-71)

**Sec. 33-556. Prohibited signs.**

No commercial advertising signs whatsoever shall be erected on Captiva Island except those signs specifically authorized by the provisions of this article. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed as to limit the general prohibition contained in this section:

- (1) Banner signs or any sign of similar type, including pennants as defined in Sec. 30-2.
- (2) Sandwich signs.
- (3) Billboard signs.
- (4) Snipe signs.
- (5) Animated signs as defined in this section, and including all signs which employ a beacon light or flashing light.
- (6) Neon signs or signs of similar effect.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-557. Construction standards.**

In addition to the provisions of this article, all signs erected on lands included on Captiva Island shall be erected so as to conform with the applicable provisions of the Southern Standard Building Code.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-558. Consent of property owner required; posting signs on trees or utility poles.**

(A) It shall be unlawful for any person to post any bills, handbills, notices or advertisements or to brand, write, mark or paint any sign, letters or characters upon a building, wall, fence or

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other property of another person on lands located upon Captiva Island without first obtaining the consent of the owner of such property or his duly authorized agent.

(B) It shall be unlawful for any person to post bills, notices or advertisements or to brand, write, mark or paint any sign, letters or characters upon or on any tree or telephone, telegraph or power pole located on Captiva Island.

(C) The provisions of this section to the contrary notwithstanding, nothing contained in this section shall be construed to prohibit the distribution of literature in the locations described in this section by an agency of the government of the United States, the state or the county, or by any quasi public body as defined in this article, or to prohibit the erection of signs which comply with this article.

(Ord. No. 71-2, § III, 2-24-71)

Secs. 30-229--30-250. Reserved.

**Sec. 33-559. Nonconforming signs.**

Every existing sign of every type located upon Captiva Island which does not comply with this article shall be deemed nonconforming upon the effective date of this ordinance.

(Ord. No. 71-2, § IV, 2-24-71)

**Sec. 33-55(10). Permitted signs.**

Lighted signs, roof signs, ground signs, marquee signs, projecting signs and wall signs shall be permitted when erected on lands of Captiva Island zoned under the C-1, CS-1 and CT categories or the RM-2 category, subject to the following restrictions:

(1) No such signs shall be erected any closer than 30 feet to the boundary line dividing such district from a district in which they are prohibited.

(2) Roof signs, wall signs, marquee signs, projecting signs and ground signs shall each be limited to a maximum size of 100 square feet. In addition, no such sign shall be erected with any dimension of height, width or depth exceeding ten feet.

(3) No part of any roof sign shall extend more than 35 feet above average grade.

(4) Wall signs, ground signs, marquee signs and projecting signs may be lighted by methods not prohibited by this article; provided, however, any lighted sign located within 100 feet of any residential zoning district shall be shielded in such a manner that no direct rays of light are cast into any residential premises.

(5) The total height of ground signs from average grade to the top of the sign shall not exceed 35 feet.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-55(11). Number of signs.**

No business establishment located upon Captiva Island shall erect more than one commercial advertising sign.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-55(12). Commercial signs prohibited in certain districts.**

No commercial advertising signs whatsoever, whether on- or off-premises, shall be permitted in any RS-1, RS-2 or TFC-2 district; except that, where a platted subdivision in which lots are actively being sold by the developers or owners of the subdivision contains no land zoned other than RS-1, RS-2 or TFC-2, the owners or subdividers may select one lot of the subdivision upon

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which to erect one roof sign, wall sign or ground sign to advertise for the sale of the subdivision lots in conformity with the regulation of such signs set forth in this division.

(Ord. No. 71-2, § I, 2-24-71)

**Sec. 33-55(13). Off-premises signs.**

By adopting this article, the Board of County Commissioners intends to encourage the practice of using directional signs or programs by public or quasi public bodies in lieu of private commercial advertising signs or private directional signs to direct customers from main roads on Captiva Island to commercial establishments located off of or not visible from main roads.

Therefore, no off-premises commercial advertising signs or directional signs of any type shall be erected on Captiva Island other than by public or quasi public bodies. Further, no signs shall be erected at the site of information offices or sales offices located on main roads which advertise the sale of goods or services at another location away from the site of the information offices or sales offices.

(Ord. No. 71-2, § I, 2-24-71; Ord. No. 74-5, § 1, 1-30-74)

Secs. 30-285--30-310. Reserved.

**DIVISION 6. MULTIPLE-UNIT DWELLINGS AND TOURIST ACCOMMODATIONS**

**Sec. 33-561. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**"Outdoor" or "outside sign"** means any sign visible to passersby, whether the sign is located within or without buildings.

**"Owner and operator."** The term "operator" shall include tenants, managers or any person in charge of the operation of hotels, apartment houses, rooming houses, motor courts and like establishments. The word "operator" or "owner" shall include natural persons, firms and corporations.

**"Room rates"** means the rate at which rooms or other rental units are rented to occupants.

(Ord. No. 71-2, § II, 2-24-71)

Cross references: Definitions and rules of construction generally, § 1-2.

**Sec. 33-562. Applicability of division.**

This division shall apply to the operators and owners of hotels, apartment houses, rooming houses, motor courts, tourist camps, trailer camps, motels and tourist courts located upon Captiva Island.

(Ord. No. 71-2, § II, 2-24-71)

**Sec. 33-563. Posting of room rates.**

It shall be unlawful for any owner or operator of any establishment within the scope of this division located upon Captiva Island to post or maintain posted, on any outdoor or outside advertising sign pertaining to such establishments, any room rates for accommodations in such establishments.

This version reflects changes from the October 13, 2009 meeting with M-DA comments.

(Ord. No. 71-2, § II, 2-24-71)

**SECTION 3. SEVERABILITY.**

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4. CONFLICT.**

Any Ordinance or portion thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be effective as provided by law.

**PASSED AND ADOPTED** by Board of County Commissioners of Lee County at its regular meeting this \_\_day of 20XX.

**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chair/Vice Chair

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk of the Board