

Captiva Community Panel
Land Development Code language
Working draft
January 26, 2012

DIVISION 1 – IN GENERAL

Section 33-YY: Applicability

- (A) Scope. The provisions of Article YY apply to all development located on Captiva Island not specifically exempted per Sec. 33-YY, “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 provisions of this Article apply to all development and redevelopment located on Captiva Island unless specifically stated otherwise.
- (B) Zoning. The provisions of this Article apply to all requests to rezone property on Captiva Island. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.
- (C) Development Orders. The provisions of this Article apply to development orders and Type 1, 2, 10, and 12 limited review development orders requested on Captiva Island. Compliance with these provisions will be required in order to obtain development order approval.
- (D) Demonstrating Compliance. Compliance with the standards set forth in this Article must be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required.

Section 33-YY: Community Review

- (A) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct at least one public information meeting on Captiva Island prior to obtaining a finding of sufficiency:
 - (1) Development orders, including applications for all development orders and Type 1, 2, 10, and 12 limited review development orders requested within Captiva .
 - (2) Planned development zoning actions, including administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.
 - (3) Special exception and variance requests.
 - (4) Conventional rezoning actions.
 - (5) Administrative actions

(B) Meeting requirements. The owner or agent submitting the application requiring review under this section must conduct at least one (1) public informational meeting in conjunction with a publicly advertised meeting, 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.

Section 33-YY: Existing development and Planned Developments

(A) 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.

(B) Existing, approved master concept plans may be voluntarily brought into compliance with the Captiva Community Plan or any regulation contained in this Article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under §125.66, F.S.

Section 33-YY: Definitions

The following definitions are in addition to those set forth in other chapters of this LDC and are applicable to the provisions set forth in this Article only. If, when construing the specific provisions contained in this Article, these definitions conflict with definitions found elsewhere in this LDC, then the definitions set forth below will take precedence. Otherwise the definitions contained elsewhere in this LDC will control.

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.

Dwelling unit, accessory: A single-family dwelling unit, which is located on a lot or parcel containing one principal dwelling unit, and which is smaller than, and detached from, the principal dwelling unit.

Dwelling unit, principal: The largest single-family dwelling unit, measured in square feet of enclosed living area, located on a lot or parcel containing more than one single-family dwelling unit. (See “Dwelling unit, accessory.”)

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.

Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, provided that a group of five three or more adults who are not related by blood, marriage or adoption shall not be deemed to constitute a family, and further provided that domestic employees 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.

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.)

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.

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.

Onsite Treatment and Disposal System (OSTDS): Consistent with Chapter 381.0065(2)(j), F. S., 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-YY: Deviations and variances

(A) Variances or deviations may be requested in accordance with Chapter 34. If an applicant desires to deviate from any architectural, site design or landscaping guideline in this Article, an applicant may 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 or variance, must be submitted as part of the application.

(B) Variances and deviations shall be limited to unique circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e. where all of the following findings, in addition to the findings required by Sec. 34-145, are met:

- 1) Where the hardship cannot be corrected by other means allowed in the code;**
- 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 specifically prohibited in this article and not otherwise contrary to the spirit of the ordinance.

DIVISION 2 – ENVIRONMENTAL STANDARDS

Section 33-YY: Mangrove setback

All development, including fill, must be setback 10 feet from any existing mangrove(s) which abuts a natural body of water. This does not preclude permits for a maximum four (4) foot wide boardwalk through the mangroves or a dock structure waterward of the mangroves.

Section 33-YY: 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 or for the lawful conveyance of a residential or commercial property by a seller which includes an existing onsite treatment and disposal system (OSTDS), the applicant or seller must provide written documentation of an inspection and maintenance by a qualified professional in compliance with current standards prior to approval of or issuance of a development order, zoning approval, or conveyance.

(B) Consistent with Sec. 381.0065(4)(e) 6. and 7, F. S., and its implementing administrative rules, no OSTDS may be constructed within 75 feet of a tidally influenced water body, except that a minimum setback of 50 feet shall apply to lots created before 1972 as provided in Sec. 381.0065(4)(g)2, Florida Statutes. Only performance-based OSTDS may be constructed in excess of 75 feet, (or 50 feet in the case of lots created before 1972) to a maximum of 300 feet away from 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

Sec. 33-YY. Residential Single-family Estate District

(A) Purpose and intent. It is the intent and purpose of this section to maintain an 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 lot size of one (1) acre, but also allowed a guest house and servants' caretakers' quarters. It is furthermore the intent of this section to assure that property owners may offer their estate-sized properties for rental to responsible renters or lessees. To achieve this balance of interests, it is the intent of the Board that property owners may not rent or lease any combination of principal or accessory units on a single RSC-2 zoned lot to more than one (1) renter or lessee at a time.

(B) 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.

(C) RSC-2 zoning 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. In the instance that the property is bisected by the Coastal Construction Control Line, leaving a limited area for development or redevelopment, the Director may authorize a lesser street setback, but in no case may such lesser setback be less than 20 feet from the public street right of way, and such relief must be limited to that which provides a reasonable use of the property in question while not adversely affecting the aesthetics of the neighboring or adjoining lots.
 - b. Side yard: 10 feet minimum
 - c. Rear yard: 20 feet minimum
 - d. Gulf of Mexico: 50 feet minimum, within which setback mangroves shall be protected according to Sec. 33-YY(A) above.
 - e. Other water bodies: 25 feet minimum, within which setback mangroves shall be protected according to Sec. 33-YY(A) above.
- 5) Maximum lot coverage: 25 percent
- 6) Allowed structures:
 - a. Principal dwelling unit
 - b. Accessory dwelling units

(D) Two (2) accessory dwelling units, and permitted accessory structures, 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, subject to the following:

- 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) Property owners may rent or lease for periods of less than 30 days or one (1) month any combination of principal or accessory units on a single RSC-2 zoned

lot, but may not rent or lease said units to more than one (1) renter or lessee at a time.

(E) The use of tents, lean-tos, motor vehicles, and similar accommodations, as temporary residences for employees and other persons are prohibited. For purposes of this section, employees are understood to include temporary workers and construction and landscape crews.

Section 33- YY: Height restrictions on Captiva Island

(A) Consistent with Policy 13.1.2 of the Lee Plan, the height of buildings and structures may not exceed the least restrictive of the two following options:

1. 35 feet above the average grade of the lot in question or 42 feet above mean sea level measured to the peak of the roof, whichever is lower; or

2. 28 feet above the lowest horizontal member at or below the lawful base flood elevation measured to the mean level between eaves and ridge in the case of gable, hip, and gambrel roofs. If lowest horizontal member is set above the base flood elevation the 28 foot measurement will be measured starting from the base flood elevation. Notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as these elements equal 20% or less of the total roof area.

(B) 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-YY: Rezoning & density

(A) *Conflicting provisions.* A conflict between this chapter and the balance of this Code will be resolved in accordance with Secs. 33-4 and 34-1543.

(B) *Nonconforming uses.* A structure or the use of a structure where the use of the land which was lawfully existing on Dec. 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 Dec. 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.

(C) *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 or hotels, including lock-off units, shall be counted as a full dwelling unit when computing the allowable density. To be counted as a dwelling unit, such lock-off accommodations shall contain at least one (1) bedroom with a bathroom and be accessible from a separate door, entering from outside the dwelling unit.

(D) 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 and located within the RSC-2 zoning district, may also obtain a permit for no more than two (2) accessory dwelling units in addition to the primary dwelling unit as provided in Sec. 33-YY(D) above.

Section 33-YY. 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, sponsored by 501(c) corporations designated by the U.S. Internal Revenue Service, or registered as a not-for-profit entity with the State of Florida. Such events include bazaars, fundraising events, seasonal or holiday observances, or activities (e.g. bounce houses) for which the public may have access.

(B) Temporary use permits for temporary parking lots under Sec. 34-2022, “Temporary parking lots,” are prohibited for Captiva Island. This section shall not be construed to prohibit temporary parking on a golf course or other unpaved surface when authorized by the owner or manager of a property where an event is taking place.

DIVISION 4 – PLANNING PROCEDURES

Section 33-YY. 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. The applicant’s failure 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 and JPG links to documents stored on publicly accessible websites shall be deemed as fulfilling this requirement.

Timing: Submittals: Seven (7) days prior to public information session. Official county documents: Within 60 days of issuance

Location of files: For printed documents for review prior to a public information session: Captiva Memorial Library, 11560 Chapin Lane. For electronic clearinghouse documents: A website established and maintained by either the Captiva Community Panel or Lee County.

Relationship to public informational meeting: Available to the public seven (7) days prior to meeting.

Length of time files should be maintained: Submittals – 30 days after submittal is received by Lee County. Official documents – Five (5) years after issuance, electronic online documents only.

DIVISION 5—DESIGN STANDARDS; SIGNS

Sec. 33-YY. Applicability

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.

Sec. 33-YY. 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 subsection, 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, such as “one way,” “entrance,” or “exit.”

Residential identification sign means a sign intended to distinguish a particular 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.

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

Sec. 33-YY. Prohibited signs

The following types of signs are prohibited:

- (1) Banner signs as defined in this section, pennants or other flying paraphernalia.
- (2) Sandwich signs.
- (3) Billboards.
- (4) Animated signs as defined in this section, and including all signs which employ a beacon light or flashing light.
- (5) Neon signs or signs of similar effect.
- (6) "Sold" signs.

Sec 33-YY. Removal of prohibited signs

All prohibited signs must be removed upon direction of the appropriate County code enforcement officer and shall not be replaced.

Sec. 33-YY. Temporary signs

Temporary sign permits for prohibited signs will not be issued.

Sec. 33-YY. Signs not requiring a permit

(A) Residential identification sign

Identification signs not exceeding 2.0 square feet in area on lots with total frontage of less than 100 feet and 4.0 square feet in area on lots with frontage of 100 feet or more. The height of identification signs shall not exceed four (4) feet above grade and may be placed in rights-of-way and subject to the following standards and restrictions:

1) Identification signs must comply with Secs. 14-76 and 34-625 of the Land Development Code and may be illuminated only in accordance with the following standards:

- a. The area occupied by the luminaire and its supports will not be included when calculating the square footage of the sign.
- b. Sign lighting shall be designed and located so as not to cause confusion with traffic control devices.
- c. Full cutoff fixtures with black non-reflective interior surfaces must be used. Uplighting is prohibited. No sign shall have internal illumination.
- d. If exterior lighting is used to illuminate the sign, the lights must be down lights with shields and louvers to pinpoint the light.
- e. Illumination shall be with white light only, using fluorescent lamps or bulbs, except if visible from the beach then they must be amber LED bulbs used in properly shielded fixtures. Mercury vapor and metal halide lighting is

prohibited. LED bulbs are recommended . Fluorescent fixtures shall be of the enclosed type with a gasketed lens and a wet location label.

f. A maximum of one fixture shall be allowed per sign face.

g. The maximum wattage shall not exceed 36 watts per sign face.

h. Approval for electric hookup to illuminate the sign must be obtained from the Lee County Department of Transportation.

2) The identification sign must include the street number of the property with numerals four (4) inches high.

3) 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.

4) Identification signs in existence at the time of the adoption of this ordinance which exceed the square footage or height requirements, but are not otherwise deemed to be located in an unsafe or hazardous location, shall be considered nonconforming uses for purposes of this paragraph and may remain in place until removed or destroyed.

(B) 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.

(C) Signs denoting the architect, engineer, contractor or subcontractor on the premises of work under construction and not exceeding four (4) 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 issuance of the certificate of occupancy.

(D) 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 four (4) square feet in area.

(E) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(F) Traffic or other municipal, county, state or federal signs, legal notices, and other such temporary emergency or non-advertising signs.

(G) Temporary real estate signs, which for the purposes of this section include "for sale," "open house," "open for inspection," "by appointment only," "model home" and similar signs, shall be located in a front yard and a minimum of two feet from any property line, parallel to the frontage and conforming to the following restrictions:

1. They shall be located only on the property advertised.

2. In all districts not of residential character such signs shall not exceed four (4) square feet in area, and shall not exceed two (2) square feet in areas zoned as RSC-2, RS-1, TFC-2 and RM-2. The bottom edge of such signs shall not be

greater than 12 inches above average grade of the sign's location. Such signs shall be limited to one (1) sign per parcel.

3. Temporary real estate signs shall be sturdily constructed, neat in appearance, ground signs only, with prongs not exceeding one-half inch in diameter and designed to be inserted and, removed without tools.
4. Temporary real estate signs may be erected only upon the property's being placed on the market for sale and shall be removed no more than five (5) days after the property is no longer for sale.

(H) Signs, which do not exceed 12 inches when measured vertically or horizontally, upon business premises, which are informational or directory in nature and neither contain the name of the business nor advertise any product or service.

Sec. 33-YY. Nonconforming signs

With the exception of nonconforming identification signs as provided in Section 33-YY, every lawfully 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. For purposes of this ordinance, prohibited signs, as identified in Sec. 33-YY shall not be considered nonconforming.

Sec. 33-YY. Maintenance of nonconforming signs

(A) A nonconforming sign may be maintained in its condition as of the time it becomes nonconforming, but may not be structurally or mechanically extended or altered except in such a manner as to make it conform more closely to the provisions of this article.

(B) Any such nonconforming sign which is suddenly damaged or destroyed by act of God or vandalism may be re-erected according to the standards in place at that time.

Sec. 33-YY. 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 by law. For the purposes of this section, each day that a violation of such provision is permitted to exist shall constitute a separate offense.

Sec. 33-YY. Permanent signs in commercial areas

Any ground mounted or wall mounted signs located in the C-1, CS-1, CT or RM-2 zoning categories must comply with Secs. 14-76 and 34-625 of this Land Development Code

A) Ground mounted identification signs are subject to the following limitations:

- 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) Sign area is limited to 32 square feet.
- 3) Signs cannot exceed a maximum of ten (10) feet in height or ten (10) feet in width.
- 4) The sign must display the street number/s of the property on the face of the sign. The numbers must measure four to six inches in height. The copy area of the street number will not be counted toward the allowable sign copy area.

B) Wall mounted signs: Wall signs are limited to ten percent (10%) of a tenants' wall area with a maximum size of 32 square feet.

C) Illuminated, ground-mounted, and wall signs. ES staff must review the lighting proposed to insure compliance with sea turtle regulations LDC Section 14-76 and the outdoor lighting standards LDC Section 34-625 prior to the issuance of the sign permit. The sign must be inspected after dark by ES staff, with all exterior lighting turned on, to determine compliance with an approved lighting plan and this division prior to final inspection.

Sec. 33-YY. Number of signs

No business establishment located upon Captiva Island shall erect more than one (1) ground-mounted commercial advertising sign per driveway or point of access by water.

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

Sec. 33-YY. 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, 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. Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 33-YY. Applicability of division

This division shall apply to the operators and owners of hotels, motor courts, and motels located upon Captiva Island.

Sec. 33-YY. 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.

Sec. 30-221. Findings; purpose of article. ~~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 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. 30-222. Definitions

The following words, terms and phrases, when used in this article, 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.~~

~~Flashing sign means signs on which the electrical lighting devices go on and off alternately, either all of such lights or lighting devices or part thereof.~~

~~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.~~

~~Quasipublic 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.~~

~~Sign means any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks or demonstrations, designed to advertise, inform or~~

~~identify or to attract the attention of persons not on the premises on which the device or display is located, and visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each component or element shall be considered to be a single sign. The area of a projecting or ground sign with sign surface on both sides of such sign shall be the area computed on a single face.~~

~~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.~~

~~Sec. 30-223. Penalty for violation of this 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. Sec. 30-224. Exceptions to this 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) Professional nameplates not exceeding 2.25 square feet in area.~~
- ~~(2) Residential nameplates not exceeding 2.25 square feet in area and a height of 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 residential nameplate 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 32 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, C-1A, C-2 and IL districts, and in all AG district not of a residential character), and not exceeding four 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 nonadvertising 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.~~
 - ~~c. In areas classified as RS-1, TFC-2 and RM-2, the size of the signs shall be limited to two 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. 30-225. Applicability to 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. 30-226. 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.~~
- ~~(2) Signs employing a beacon light.~~
- ~~(3) Signs employing a flashing light.~~
- ~~(4) Sandwich signs.~~
- ~~(5) Billboard signs.~~
- ~~(6) Snipe signs.~~
- ~~(7) Animated signs.~~
- ~~(8) Neon signs or signs of similar effect.~~

~~(Ord. No. 71-2, § I, 2-24-71)~~

~~Sec. 30-251 Signs deemed nonconforming.~~

~~Every sign of every type located upon Captiva Island which does not comply with this article shall be deemed nonconforming.~~

~~(Ord. No. 71-2, § IV, 2-24-71)~~

~~Sec. 30-252: Removal~~

- ~~(a) All nonconforming banner signs, sandwich signs and snipe signs shall be removed within six months of the effective date of the ordinance from which this article is derived.~~
- ~~(b) All nonconforming signs except those enumerated in subsection (a) of this section shall be altered, moved or removed to conform with the requirements of this article within three years of the effective date of the ordinance from which this article is derived.~~

~~(Ord. No. 71-2, § IV, 2-24-71)~~

~~Sec. 30-253. Maintenance~~

- ~~(a) During the period a nonconforming sign is permitted to remain under the provisions of section 30-252, such sign may be maintained in its condition as of the time it becomes nonconforming, but may not be structurally or mechanically extended or altered except in such a manner as to make it conform more closely to the provisions of this article.~~
- ~~(b) Any such nonconforming sign which is suddenly damaged or destroyed by act of God or vandalism may be reerected in the same location for the balance of the time the destroyed sign would have been permitted to remain under the provisions of section 30-252; provided, however, the sign as reerected shall not contain any advertising not included in the sign it replaces, nor shall it be larger or otherwise extended or altered from its original design so as to make it more nonconforming under the terms of this article.~~

~~(Ord. No. 71-2, § IV, 2-24-71)~~

Sec. 30-254. Variances.

- (a) ~~Any person aggrieved by the effect of this division upon his existing nonconforming sign shall have the right to petition the Board of County Commissioners for relief therefrom. All such persons shall be afforded a public hearing on their petition, at which time all interested parties shall be heard. Notice of the hearing and its purpose shall be published one time in a newspaper of general circulation in the county at least 15 days prior to such hearing.~~

- (b) ~~Relief may be granted only in cases where the petitioner demonstrates a special hardship, making the application of this division unreasonable. As criteria for determining whether relief should be granted, the board shall consider the age of the sign, its original cost, the expense involved in making it conform to this article or in replacing it with a conforming sign, and the nature and extent of its nonconforming features. If the board finds a special hardship and determines that relief may be granted without substantial violation of the purposes of this article, it may extend the time limitations imposed by section 30-252 for such period of time as it may deem appropriate.~~

~~(Ord. No. 71-2, § IV, 2-24-71)~~

Sec. 30-311. 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, roominghouses, 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 reference—Definitions and rules of construction generally, § 1-2.~~

Sec. 30-312. 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. 30-313. 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.

(Ord. No. 71-2, § II, 2-24-71)

Sec. 34-691. Purpose and intent

(b) RSC-2 residential single-family estate district.

(1) 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 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. Other existing developments in the unincorporated area of the County may also request to be rezoned to RSC-2, provided it is appropriate.

(2) 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 chapter. 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.

Sec. 34-1545. 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.

(Ord. No. 78-7, §§ 1-6, 5-10-78; Ord. No. 82-44, §§ 2-5, 7-9, 12-1-82; Ord. No. 96-25, § 2, 12-18-96)

Sec. 34-1546. Density limitations

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; or~~

(2) ~~Three units per acre for motels, hotels, condominiums and apartments.~~

For the purpose of this subdivision, the term "development" is defined to mean any improvements to land which require a building permit or development permit and the relocation of any existing buildings on another lot or parcel of land. The term "dwelling unit" means a room or group of rooms designed, used or intended be used as a single unit, which provides living facilities for one or more persons. The term "habitable floor" means any floor area usable for living purposes, including working, sleeping, eating, cooking, recreation or any combination thereof. Utility space or similar areas are not considered habitable space.

~~(Ord. No. 78-7, §§ 1-6, 5-10-78; Ord. No. 82-44, §§ 2-5, 7-9, 12-1-82)~~

Sec. 34-1547. Lock off accommodations.

~~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.~~

~~(Ord. No. 78-7, §§ 1-6, 5-10-78; Ord. No. 82-44, §§ 2-5, 7-9, 12-1-82)~~

Sec. 34-1548. 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 one guest dwelling unit and one servant's dwelling unit in addition to the primary dwelling unit.~~

~~(Ord. No. 78-7, §§ 1-6, 5-10-78; Ord. No. 82-44, §§ 2-5, 7-9, 12-1-82)~~