

LAND DEVELOPMENT CODE

ARTICLE IX. CAPTIVA

DIVISION 1. IN GENERAL

Sec. 33-1612. - Community review.

- (a) *No changes.*
- (b) *Meeting requirements.* ~~The applicant submitting the application requiring review under this section must conduct at least one public informational meeting in conjunction with a publicly advertised meeting, including public notification in community-based media outlets. The applicant must provide a general overview of the project for interested citizens. The applicant is 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 the issues raised. The meeting must be advertised no later than five days prior to the date of the meeting. The owner or agent applying for an application requiring review under this section must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending zoning cases. The notice must be published and posted at least one week prior the scheduled meeting date.~~

At the meeting, the agent will provide a general overview of the project for any interested citizens. 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 the applicant's response to any issues that were raised. This information must be submitted to the county before an application can be found sufficient.

Sec. 33-1615. – Deviations and variances.

- (a) *No changes.*
- (b) ~~Variances and deviations will be allowed only where unnecessary hardship would occur i.e. where the following findings, in addition to the findings required by section 34-145, are met: Variances and deviations will only be permitted if all of the findings required by section 34-145 and all of the specific findings below are met:~~
- (1) The hardship cannot be corrected by other means allowed in the code;
 - (2) Strict compliance of the regulations allows the property owner no reasonable use of the property, building or structure;
 - (3) The variance or deviation 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 or deviation would allow no reasonable use of the property, building or structure;

- (4) The applicant did not cause the need for the variance or deviation;
- (5) The variance or deviation to be granted is the minimum variance or deviation that will make possible the reasonable use of the property, building or structure; and
- (6) The variance or deviation is not specifically prohibited in this article and not otherwise contrary to the spirit of the ordinance.

(c) Variances and deviations are not permitted from the height requirements provided in section 33-1627.

DIVISION 2. ENVIRONMENTAL STANDARDS

Sec. 33-1622. Tree Requirements.

- (a) Trees Adjacent to Captiva Drive. For projects requiring a local development order with frontage on Captiva Drive, only trees that are indigenous to Captiva or native to South Florida, and that are not prohibited invasive exotics, may be planted within the minimum required right-of-way buffer.
- (b) Heritage Trees. For projects requiring a local development order, Heritage Trees, as defined in Chapter 10, will be preserved or when possible, may be relocated on-site. If a Heritage Tree must be removed from the site, then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space.

Secs. 33-1623 - 33-1625. Reserved.

DIVISION 3. PROPERTY DEVELOPMENT REGULATIONS

Sec. 33-1627. Height restrictions on Captiva Island.

- (a) ~~Consistent with Policy 13.1.2 of the Lee Plan, the~~ The height of buildings and structures may not exceed the least restrictive of the two following options:
 - (1)- (2) *remain unchanged.*
 - (b) *remains unchanged.*

Sec. 33-1628. - Rezoning and density.

- (a) - (d) *remain unchanged.*
- (e) Development orders or development permits, as they are defined in the Lee Plan, that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of [Effective Date of Ordinance]) are prohibited.