

Share your questions or comments on the proposed  
Captiva Code update by March 1:

- Send emails to [captivacommunitypanel@gmail.com](mailto:captivacommunitypanel@gmail.com)
- Send mail to Captiva Community Panel, P.O. Box 72, Captiva, FL 33924
- Call panel administrator Ken Gooderham at (239) 489-2616  
or send faxes to (239) 362-9771.



## CAPTIVA COMMUNITY PANEL

P.O. Box 72, CAPTIVA, FL 33924-0072

Dear Captiva Property Owners:

The island of Captiva is an unincorporated part of Lee County. The Captiva Community Panel is responsible for periodically recommending updates to that part of the Lee County Land Development Code that applies directly to Captiva. The Panel is currently finalizing its recommendations to the County after conducting an island-wide survey, a series of community workshops, and many Panel meetings over the past two years to assess the concerns and priorities of our island residents, businesses and property owners.

The new Code provisions will better ensure that our septic systems are working properly, better limit fertilizer use to protect our near shore waters from harmful nutrients and algal blooms, better protect our beach dunes and dune vegetation, prohibit the commercial use of plastic straws which have littered our beach, keep our beaches clear of trash, cigarette butts and abandoned paraphernalia, better control noise disturbances after 10:00 p.m., reduce unnecessary light trespass onto neighboring properties, protect bicyclists from overgrown vegetation on Captiva Drive, safeguard pedestrians on Blind Pass bridge by limiting fishing to one side of the bridge, permit somewhat larger residential identification signs while reducing the number of construction and temporary real estate signs, and permit limited street parking for the Captiva Chapel by the Sea on Sundays during the season and Christmas Eve.

Before the Panel sends its recommendations to the County, the Panel wishes to provide our community with the exact wording of the Code proposals and another opportunity for comment. The proposed changes are printed below and can be viewed in the context of the entire Captiva Code online at [www.captivacommunitypanel.com](http://www.captivacommunitypanel.com). And your comments can be emailed to the Panel at [captivacommunitypanel@gmail.com](mailto:captivacommunitypanel@gmail.com). or mailed to the Captiva Community Panel at P.O. Box 72, Captiva, FL 33924. Please let the Panel know your thoughts by March 1, 2020.

### **Sec. 33-1617. - Septic System Regulation**

(a) The Department of Health or other state agency charged with oversight shall confirm the identify of all OSTDS on Captiva, including, at a minimum, the date that they were permitted, the location and operational condition of the systems, and the system capacity if such information exists and is available from a state, local or commercial data source. A property shall not be physically visited or inspected to obtain such information.

(b) For the properties on Captiva that may have undocumented septic systems, the registered owners of the properties shall be so notified and required to provide the state agency within 90 days with the location, the operational condition, and the system capacity of the OSTDS if such information exists. If such information does not exist, the property owner shall so notify the state agency in writing and shall within 30 days have the system located, pumped out and inspected to assess the operational condition of the system, its system capacity, and to identify any failure within the system. Documentation of such inspection shall be provided to the property owners and the state agency. Any OSTDS that is in failure, or has been in failure, that allows the discharge of untreated or improperly treated human waste onto the ground, into the groundwater or into surrounding waters, that contains an improperly built or maintained sewage treatment tank, or that creates, maintains or causes any condition capable of breeding flies, mosquitoes or any other arthropods capable of transmitting diseases directly or indirectly to humans, shall be repaired, modified or replaced at the property owner's expense within 90 days.

(c) Effective January 1, 2022, the owner of every OSTDS on Captiva shall have the system pumped out and inspected by December 31, 2022, and then at least once every 5 years thereafter to assess the fundamental operational condition of the system, prolong the life of the system, identify any failure within the system, and to determine the system capacity. Owners shall be responsible for paying the cost of the inspection and any required pump-out and may not request partial inspections or the omission of portions of the inspection and shall remedy any system failure found.

A pump-out and inspection of the system is not required if documentation of a tank pump-out, inspection or a permitted new installation, repair, or modification of the system within the previous 3 years is provided by the owner, and which states the capacity of the tank and indicates that the tank and drainfield are in good operating condition. Also exempt from the pump-out and inspection requirements is any performance-based treatment system (PBTS) or aerobic treatment unit (ATU) that has an operating permit from the state agency and has a current maintenance service agreement with an approved maintenance entity permitted by the state agency. (The maintenance entity shall be required to inspect every residential PBTS or ATU two times per year, and every PBTS or ATU serving a commercial establishment four times per year).

(d) The pump-outs and inspections shall be performed by a registered septic tank or master septic tank contractor registered under part III of chapter 489, a professional engineer having wastewater treatment system experience and licensed under chapter 471, or an environmental health professional certified in the area of OSTDS evaluation. All inspection procedures used by an inspector shall include a pump-out, a tank inspection, a drainfield inspection, and a written assessment of the condition of the system and the system capacity. The documentation of the pump-out and inspection shall be filed with the Department of Health (for Captiva), and shall contain the name and license number of the company providing the report.

(e) Before any inspection deadline, the state agency shall provide a minimum of 60 days' notice to owners that their systems must be inspected by that deadline. The notice must include a provision stating that the purpose of the inspection is to assess the fundamental operational condition of the system, prolong the life of the system, determine the system capacity, identify any failure within the system, and not to determine code compliance, or require a complete upgrade or overhaul of a system to meet current code requirements.

(f) The seller of a property with an OSTDS shall provide a prospective purchaser with a copy of the latest inspection report and assessment of the system. The prospective purchaser must acknowledge in writing the receipt of the report required by this section.

### **Section 33-1618. - Fertilizer Regulation.**

The Lee County Fertilizer Ordinance (Ordinance No. 08-08) shall apply to Captiva with the following supplementary provisions:

(a) No persons shall apply fertilizers containing nitrogen and/or phosphorus during the rainy season (June 1 through September 30 of each calendar year).

(b) Fertilizer content and application rate.

(1) No fertilizer shall be applied to turf and/or landscape plants that contains more than two (2) percent phosphorus or other compounds containing phosphorus, such as phosphate, per guaranteed analysis label (as guaranteed analysis and label are defined by F.S. ch. 576, such definition incorporated herein). The use of no phosphorous fertilizer is strongly encouraged, as Florida soils typically contain sufficient phosphorous for a healthy native or manmade landscape.

(2) Fertilizers applied to turf and/or landscape plants must contain no more than 20 percent total nitrogen, with at least 50 percent of the total nitrogen as slow release nitrogen per guaranteed analysis label (as guaranteed analysis and label are defined by F.S. ch. 576, such definition incorporated herein).

(3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary without exceeding the maximum weight per application. Fertilizer shall not be applied at a rate greater than one pound of nitrogen per 1,000 square feet per

application. No more than four pounds of nitrogen per 1,000 square feet shall be applied to any turf/landscape area in any calendar year. The above provisions are also applicable to and regulate the application of pesticide/fertilizer mixtures, including, but not limited to, "weed and feed" products.

(4) Since single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than six times during any one calendar year to a single area.

(5) No fertilizer shall be applied within 25 feet of any water body, seawall, water course, drain or drainage ditch, or any designated wetland or within 25 feet of any wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, F.A.C.). For purposes of this section, Florida Wetland shall be defined as "those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils."

**Section 33-1619. - Dune Vegetation Protection.**

(a) No person shall walk upon, traverse, sit, stand or lie upon, over or across any beach dune area as dune is defined in Section 14-170 of the Lee County Land Development Code except over or across approved and permitted pile supported elevated dune and beach walk-over structures and access ramps, or upon existing sparsely vegetated, on-grade pedestrian walkthroughs.

(b) All duly authorized law enforcement officers may enforce this Section 33-1619 as well as Section 14-172 of the Lee County Land Development Code entitled "Destruction or Diminishment of Dune or Beach System" on Captiva.

**Section 33-1620. - Prohibition of Plastic Straws.**

(a) A plastic straw shall not be sold or distributed within Captiva subject to the following exemptions:

(1) Straws used in private residences.

(2) Straws in beverages prepared and packaged outside of Captiva and not subsequently altered.

(3) Straws used in medical or dental facilities or prescribed by medical or dental practitioners.

(4) Straws included with and manufactured as a part of, or in combination with, a re-usable beverage containers and is intended for continued and multiple uses with such container.

(5) Straws used by any disabled person who requires or relies on the use of a straw to consume beverages and/or food supplements.

(b) A code enforcement officer or enforcement agency is authorized to issue a citation for a violation of this section. Penalties for any violation of this section:

(1) First offense within any one-year period: \$50.00 fine.

(2) Second offense within any one-year period: \$100.00 fine.

(3) Third offense within any one-year period: \$200.00 fine.

(4) Fourth offense and each subsequent offense within any one-year period: \$500.00 fine.

Each day that a prohibited sale or other distribution occurs shall constitute a separate violation.

**Section 33-1621. - Beach Protection.**

(a) All beach furniture and equipment shall be removed from the beach to behind the Coastal Construction Setback Line (previously referred to as the 1978 Coastal Construction Control Line depicted in PB. 31 PG. 1-21) between the hours of 9:00 p.m. until 8:00 a.m. at all times of the year when not in use and unoccupied. This provision shall not apply to permitted or zoned commercial hotels and resorts with staffed furniture and equipment operations. [The additional provisions of Sec. 14-173 of the Lee County Land Development Code also apply from May 1 through October 31].

(b) It is unlawful for any person to throw or deposit litter in any manner or amount upon any and all beaches and beach accesses on Captiva.

(c) A law enforcement officer, code enforcement officer or enforcement agency is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section.

(1) Any person who violates this section shall be cited as follows:

**(i) Civil penalties.**

Any person in violation of this section is guilty of a noncriminal infraction, punishable by a civil penalty of fifty dollars (\$50.00) for the first violation.

Any person in violation of this section is guilty of a noncriminal infraction, punishable by a civil penalty of two hundred fifty dollars (\$250.00) for the second violation.

Any person in violation of this section is guilty of a noncriminal infraction, punishable by a civil penalty no to exceed five hundred dollars (\$500.00) for the third violation.

All fines are encouraged to be converted to community service time.

**(ii) Criminal penalties.**

The fourth and all subsequent violations of the provisions of this section shall constitute a misdemeanor of the second degree and shall be punishable by a fine of up to five hundred dollars (\$500.00); and/or imprisonment of up to ten (10) days and/or community service time as prescribed; or by both such fine and imprisonment and/or community service time, all as prescribed by Florida Statutes.

**Sec. 33-1622. - Noise Disturbance.**

(a) In addition to Section 24¼ of the Lee County Code of Ordinances entitled "Noise Control," it shall also be unlawful on Captiva for any person or persons to operate any outdoor amplified equipment or play any amplified music which is cast upon the outdoors after 10:00 p.m., or to create a noise disturbance after 10:00 p.m. that is plainly audible from a receiving property at a distance of 50 feet from the noise source. The section does not apply to events at permitted or zoned resorts so long as the noise or music is contained on the resort property.

(b) The Lee County Sheriff's Office is empowered to investigate any situation where a person is alleged to be violating this section, and may charge persons responsible for acts which affect the peace and quiet of persons who may witness them for breach of the peace or disorderly conduct under F.S. § 877.03, as may be amended from time to time. Penalties are set forth in Section 24¼-9 and Section 24¼-10 of the Lee County Code of Ordinances.

**Sec. 33-1623. - Outdoor Lighting.**

(a) Statement of purpose and intent.

The purpose of this section is to reduce or prevent light trespass and to preserve the enjoyment of the night sky on Captiva.

(b) Outdoor lighting standards. The following standards apply to outdoor lighting on Captiva in addition to the sea turtle lighting standards found in Sections 14-71 through 79, and the outdoor lighting standards found in Section 34-625 of this Code. Enforcement shall be pursuant to Section 14-73(b) of this Code.

(1) All new outdoor lighting, including lighting on docks and bulkheads, shall be hooded or shielded so that the direct horizontal surface of the light source is masked, shall not shine directly beyond or above the structure or property to be illuminated, and shall not otherwise constitute light trespass.

(2) Spotlights on landscaping and foliage shall be hooded or shielded, shall not shine above the highest foliage to be lit, and shall not spill onto adjacent property.

(3) Fixtures affixed to poles, trees, and other structures shall be no more than 15 feet above grade, hooded or shielded, and directed downward.

(4) Outdoor lighting shall comply with the above standards at the time the existing lighting is replaced. This provision shall not apply to a repair or a partial replacement of a complete and uniform set of light or lighting fixtures.

(5) Lights shining directly onto adjacent property are not permitted at any time. Such existing lights shall be corrected immediately and are not subject to Sec. 33-1623(b)(4) above.

(c) Exemptions. The following sources of light are exempt from this section.

(1) Temporary emergency lighting needed by firefighters, police officers, or emergency work crews.

(2) Lights on approved vehicles.

(3) Lights required by government agencies near airstrips or heliports, or on communication towers.

(4) Seasonal and special event decorations with individual lights in place up to 60 days per year.

**Sec. 33-1630. - 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, native to South Florida, or non-invasive may be planted within the minimum required right-of-way buffer.

(c) Vegetation Buffer on Captiva Drive. No vegetation shall encroach into, onto or over Captiva Drive or its paved shoulder below the height of eight (8) feet, and a setback of at least one (1) foot from the paved shoulder shall be maintained at all times for all vegetation below the height of eight (8) feet.

**Sec. 33-1631. - Blind Pass Bridge.**

For pedestrian and traffic safety, no person or persons shall fish from the bay side of Blind Pass Bridge. Fishing shall continue to be permitted from the Gulf side of the bridge.

**Sec. 33-1645. - Signs not requiring a permit.**

(a) *Residential identification sign.* Identification signs not exceeding 6 square feet. The height of identification signs may not exceed four feet above grade and may be placed in rights-of-way and subject to the following standards and restrictions:

(c) Signs denoting the contractor, subcontractor, or design professional on the premises of work under construction and not exceeding four square feet in area or more than two signs at any time; provided, however, those signs may not remain on the premises for more than 10 days after the issuance of the certificate of occupancy.

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

(5) A property is limited to one temporary real estate sign at any given time.

**DIVISION 2. - PARKING ON CAPTIVA ISLAND**

**Sec. 24-41. - Definitions.**

(a) *Vehicle*, for purposes of this division, shall mean and include any device in, upon or by which any person or property is or may be transported or drawn upon a highway, including motorcycles, golf carts and motor-driven cycles as defined by Florida Statutes. Bicycles and mopeds are excluded from the purview of this division.

**Sec. 24-42. - General prohibition.**

The parking of vehicles in or upon all street and road rights-of-way within the boundaries of Captiva Island, Lee County, Florida, is hereby prohibited.

**Sec. 24-43. - Exceptions.**

This division shall not apply to:

(1) Individual private vehicles as approved by the county administrator or the administrator's designee, after consultation with the Captiva Fire Control District chief, to allow parking for special events of limited duration.

(a) Parking for special events of limited duration are pre-approved to include parking for a maximum of 2 hours duration between 10:30 a.m. and 12:30 p.m. for Sunday Captiva Chapel by the Sea services commencing on the second Sunday of November and concluding on the last Sunday in April, and also including Christmas Eve between 5:00 p.m. and 7:00 p.m.

(b) Visitors for Sunday Captiva Chapel by the Sea services and Christmas Eve shall first park in the CCA parking lot (and Chapel yard when available), and then, when necessary, only in designated areas on Chapin Lane, Wiles Drive, Gore Lane and Murmond Lane. All parking areas shall have clear signage and markers designating the parking areas and times parking is permitted, and parking attendants will be present during the full special event period. At no time shall a person park a vehicle within fifteen (15) feet of a fire hydrant, interfere with any other facilities needed by the Captiva Fire Control District or other emergency vehicles, park within five (5) feet of the edge of a private driveway, or otherwise trespass upon private property.

(c) Weddings and memorial services at the Captiva Chapel by the Sea shall not be considered special events and parking for those events shall only utilize the CCA parking lot (and Chapel yard when available) and shall not be permitted to park on any residential street on Captiva.

The new definitions associated with the proposed Code provisions are set forth below.

**Sec. 33-1614. - Definitions.**

*Beach furniture or equipment:* Any manmade apparatus or paraphernalia designed or manufactured for use or actually used on the beach or in the adjacent tidal waters. Examples include: chairs, tables, cabanas, lounges, umbrellas, watercraft, concession stands or storage units, sailboards, surfboards, fishing gear, sporting equipment, floatables, tents, canopies, bicycles and swing sets.

*Caretaker:* A person employed or assigned to look after a public building or a house.

*Distribution of plastic straws:* The sale, giving or delivering for any purpose of a plastic straw, whether or not incident to the sale or provision of any kind of beverage in a container. Distribution does not include provision of a plastic straw with a beverage at private residences; with beverages prepared and packaged outside of Captiva, provided such beverages are not altered, packaged or repackaged within Captiva; used in medical or dental facilities; included with and manufactured as a part of, or in combination with, a re-usable beverage container and is intended for continued and multiple uses with such container; and used by any disabled person that requires or relies on the use of a straw to consume beverages and/or food supplements.

*Light trespass:* Light that shines or illuminates beyond the property on which the light is installed, where the point source of the light is unshielded and clearly visible from the adjoining or nearby property, and where the visible light unduly and unnecessarily intrudes into an area where it does not belong.

*Litter:* Any garbage, rubbish, trash, refuse, cans, glass or plastic bottles, boxes, wood, cigarettes, cigarette butts, cardboard, glass, tin cans, containers, paper, paper wrappings, tobacco products, tires, appliances, abandoned plastic toys, broken chairs, broken beach paraphernalia, abandoned food, all horticultural debris not left for authorized pickup, or abandoned building or construction material.

*Noise disturbance:* Sounds or vibrations in quantities or at levels that unreasonably or unnecessarily interfere with or that disturb the quiet, comfort or repose of persons in any dwelling unit in the vicinity, including, but not limited to, the use of radios, stereo or other music systems, televisions, loudspeakers, or musical instruments, or yelling, shouting, hooting, whistling, singing, or the making of similar noises and which may violate Sec. 33-1622 of this Code.

*Plastic Straw:* A straw sold or distributed for the purpose of transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene and which is primarily intended for a single use. The term excludes food grade paper straws, straws made of compostable plant material, or straws made of metal, wood, ceramic or similar materials and designed for re-use.



The Captiva Community Panel thanks all of our property owners and businesses for their contribution in making Captiva one of the finest and most beautiful communities in our nation – if not the world. If you have any questions, please do not hesitate to call our Administrator Ken Gooderham at (239) 489-2616 or send faxes to (239) 362-9771. And again, you can mail the Panel at Captiva Community Panel, P.O. Box 72, Captiva, FL 33924, or email the Panel at [captivacommunitypanel@gmail.com](mailto:captivacommunitypanel@gmail.com). Please do so by **March 1, 2020**.

## CAPTIVA COMMUNITY PANEL

*Members: Antje Baumgarten • Mike Boris • Ann Brady • Jay Brown • John Jensen  
Mike Kelly • Mike Lanigan • Tony Lapi • David Mintz • Rene Miville • Mike Mullins*

### REMEMBER:

Share your questions or comments by March 1:

- Send emails to [captivacommunitypanel@gmail.com](mailto:captivacommunitypanel@gmail.com)
- Send mail to Captiva Community Panel, P.O. Box 72, Captiva, FL 33924
- Call panel administrator Ken Gooderham at (239) 489-2616  
or send faxes to (239) 362-9771.

Want to stay updated on Captiva happenings and meetings?  
If you're not receiving emails from the Captiva Community Panel already  
and want to get on the email list, email your address (one or many)  
to [captivacommunitypanel@gmail.com](mailto:captivacommunitypanel@gmail.com) to join!