

SEPTEMBER 2021  
CHAPTER 33  
ARTICLE IX. – CAPTIVA  
DIVISION 1. - IN GENERAL

**Sec. 33-1611. - Applicability.**

- (a) *Scope.* The provisions of article IX apply to development located on Captiva Island not specifically exempted under section 33-1613, "Existing development" below, as defined in Goal 13 of the Lee County Comprehensive Plan, but excluding Upper Captiva, Cayo Costa, Useppa, Buck Key, and Cabbage Key. This Article applies to development and redevelopment located on Captiva Island unless specifically stated otherwise.
- (b) *Zoning.* This article applies to requests to rezone property on Captiva Island.
- (c) *Development orders.* This article applies to development orders and limited review development orders described in sections 10-174(1), 10-174(2) and 10-174(4)a. that are requested on Captiva Island.
- (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.
- (e) Unless specifically provided herein, development within the area defined as South Seas Resort is exempt from this article, so long as the development complies with the Administrative Interpretation, ADD2002-00098, adopted by the Board of County Commissioners in 2002.

(Ord. No. [12-19](#), § 2, 9-11-12; Ord. No. [13-10](#), § 9, 5-28-13)

**Sec. 33-1612. - Community review.**

- (a) *Applications requiring review.* The owner or agent applying for the following county approvals must conduct at least one public information meeting on Captiva Island prior to obtaining a finding of sufficiency:
  - (1) Development orders.
  - (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 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 to 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.

(Ord. No. [12-19](#), § 2, 9-11-12; Ord. No. [13-10](#), § 9, 5-28-13; [Ord. No. 17-18](#), § 2, 11-21-17)

**Sec. 33-1613. - Existing development and planned developments.**

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. All other requests to change the zoning designation of a parcel must comply with the notice and hearing requirements under F.S. § 125.66.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1614. - 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.

*Beach furniture or equipment:* As defined by Section 14-170 of the Land Development Code.

*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.")

*Domestic employee:* A person who works within the employer's household providing a variety of household services for an individual or a family.

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

*Dwelling unit, accessory:* A single-family dwelling unit, intended for use by guests or domestic employees, 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. For purposes of this definition, guests shall mean persons staying on the property at the invitation of the property owner or lessee.

*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 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.

*Guest:* See "Dwelling unit, accessory."

*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.")

*Lessee:* A person renting property under a written lease from an owner (lessor).

*Light trespass:* As defined by Section 34-2 of the Land Development Code.

*Lock-off accommodations:* A portion of a principal or accessory dwelling 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 that can be occupied separately from the main living unit, the lock-off accommodations will 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, the lock-off accommodations must 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.

*On-site Treatment and Disposal System (OSTDS):* Consistent with F.S. § 381.0065(2)(j), 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 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 items 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 F.S. ch. 403.

*Renter:* One who pays rent for the use of another's property; a tenant.

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

(Ord. No. [12-19](#), § 2, 9-11-12)

### **Sec. 33-1615. - Deviations and variances.**

- (a) Variances or deviations may be requested in accordance with chapter 34. If an applicant desires to deviate from the architectural, site design or landscaping guidelines in this article, an applicant may do so at the time of development order in accordance with section 10-104(b). 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 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.

(Ord. No. [12-19](#), § 2, 9-11-12; Ord. No. [13-10](#), § 9, 5-28-13; [Ord. No. 17-18](#), § 2, 11-21-17)

**Secs. 33-1616—33-1620. - Reserved.**

**DIVISION 2. - ENVIRONMENTAL STANDARDS**

**Sec. 33-1621. - Water quality.**

Prior to the issuance of a development order, zoning, or building permits for a new building or an addition or remodeling to convert existing space to living area, for properties that contain existing OSTDS, the applicant must provide written documentation indicating the approximate date the System was constructed and the last date the OSTDS was serviced or received a pumpout by a licensed septic contractor.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1622. – Beach Furniture and Equipment.**

- (a) All beach furniture and equipment when not in use and unoccupied, must be removed from the beach to behind the foredune or vegetation line, whichever is most seaward, between the hours of 9:00 p.m. and 8:00 a.m. at all times of the year between Alison Hagerup Park and the south end of Wiles Drive. Beach furniture and equipment not removed pursuant to this provision shall be considered abandoned property and subject to removal. [The additional provisions of Sec. 14-173 also apply from May 1 through October 31].
- (b) Enforcement of this section is authorized in accordance with Section 14-73(b) and Section 14-177 of the Land Development Code.

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

- (a) Outdoor lighting standards. The following standards to prevent light trespass 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 aimed, directed, or focused onto adjacent property, or causing direct light or glare to be projected onto adjacent property are not permitted at any time. Such existing lights shall be corrected immediately and are not subject to Sec. 33-1623(a)(4) above.

(b) 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.
- (5) Lights or lighting that is required by other sections of the Code.

Secs. 33-1624—33-1625. - Reserved.

### **DIVISION 3. - PROPERTY DEVELOPMENT REGULATIONS**

#### **Sec. 33-1626. - Residential single-family estate district.**

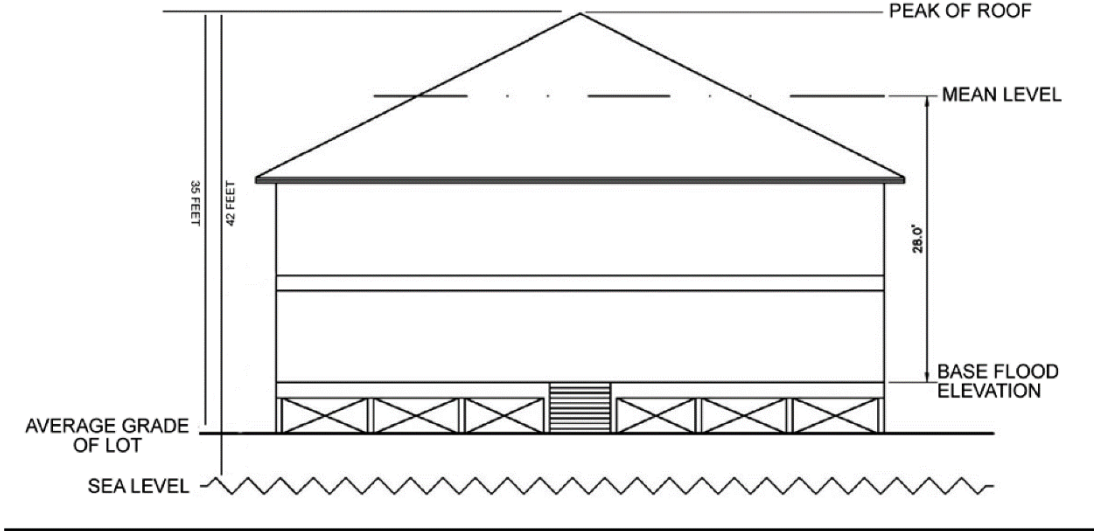
- (a) Subdivisions of parcels that were zoned RSC-2 on January 1, 2002, regardless of the zoning designation thereafter, are prohibited unless the resulting lots comply with the minimum lot size and dimensional requirements in the RSC-2 district.
- (b) RSC-2 zoning includes the following standards:
  - (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 the setback may not be less than 20 feet from the public street right-of-way, and relief must be limited to that which provides a reasonable use of the property 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.
    - e. Other water bodies: 25 feet minimum.
  - (5) Maximum lot coverage: 25 percent.
  - (6) Allowed structures:
    - a. Principal dwelling unit.
    - b. Accessory dwelling units.

- (c) Two accessory dwelling units, which may include accommodations for guests, family members, or domestic employees and their families, as well as permitted accessory structures, may be permitted on each lot zoned RSC-2, subject to the following:
  - (1) The accessory units are in addition to a principal single-family detached dwelling unit.
  - (2) All units and accessory structures will comply with applicable setback requirements.
  - (3) Property owners may not rent or lease for periods of less than seven days any combination of principal or accessory dwelling units on a single RSC-2 zoned lot, and may not rent or lease units under more than one lease at a time.
- (d) 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 include temporary workers and construction and landscape crews, but do not include family members or house guests.

(Ord. No. [12-19](#), § 2, 9-11-12)

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

- (a) The height of buildings and structures may not exceed the least restrictive of the two following options:
  - (1) Thirty-five 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) Twenty-eight 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 the 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 feet above the roof peak or eight 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 percent 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 to a height not to exceed 170 feet, provided the new facility makes space available to the county for emergency communications service coverage for Captiva, as well as co-location capability for wireless carriers desirous of serving Captiva. Destruction of mangroves to build or operate a tower or related tower facilities is prohibited. The telecommunication tower will be a monopole, unless public safety is compromised.

(Ord. No. [12-19](#), § 2, 9-11-12; [Ord. No. 17-18](#), § 2, 11-21-17)

**Sec. 33-1628. - Rezoning and density.**

- (a) *Conflicting provisions* . A conflict between this chapter and the balance of this Code will be resolved in accordance with Sections 33-4 and 34-1543.
- (b) *Nonconforming uses* . A structure or the use of a structure where the use of the land was lawfully existing on December 13, 1982, but does not conform to the provisions of this subdivision, will be considered an existing nonconforming use. Existing nonconforming uses may be continued after December 13, 1982; provided, however, no existing nonconforming use may be expanded, changed, enlarged or altered in a way that 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 units offered for rent in 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 will be issued for 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;
  - (3) Lock-off accommodations will be counted as a full dwelling unit when computing the allowable density.
- (d) *Exceptions*. Zoning Resolution No. Z-70-78, adopted on June 2, 1970, remains in force and is binding on present and future property owners. Zoning maps and records will reflect that the property subject to 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. Parcels or lots 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 accessory dwelling units in addition to the primary dwelling unit as provided in section 33-1626(c).
- (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 Nov. 22, 2017) are prohibited.

(Ord. No. [12-19](#), § 2, 9-11-12; [Ord. No. 17-18](#), § 2, 11-21-17)

**Sec. 33-1629. - Temporary use permits.**

- (a) Temporary use permits under section 34-3042, "Carnivals, fairs, circuses and amusement devices," are prohibited on Captiva Island. This section will 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 section 34-2022, "Temporary parking lots," are prohibited for Captiva Island. This section will 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.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1630. - Tree and landscaping 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 Florida Friendly may be planted within the minimum required right-of-way setback. Florida Friendly Landscaping is defined in F.S. 373.185.
- (b) Landscaping adjacent to 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 two feet from the edge of the pavement shall be maintained at all times for all vegetation below the height of eight (8) feet.

**Sec. 33-1631. 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. 33-1632—33-1639. - Reserved.

**DIVISION 4. - DESIGN STANDARDS; SIGNS**

**Sec. 33-1640. - Applicability.**

This division is adopted as a supplement to the general sign ordinance of the County set out in articles I through IV of chapter 30. The sign ordinance remains in force as to Captiva Island. In case of conflicts between provisions of the general sign ordinance and this article, the more restrictive provision will control.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1641. - Definitions.**

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

*Animated sign:* Signs or any part thereof that revolve or moves in any fashion whatsoever, and signs that contain or use for illustration lights or lighting devices that 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 may include flashing signs and a beacon light.

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



*Directional sign:* Signs used for public information or directions, such as "one way," "entrance," or "exit."

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

*Lighted sign:* A sign with characters, letters, figures, designs or outlines illuminated by electric lights, light emitting diodes (LEDs) or luminous tubes as part of the sign proper.

*Residential identification sign:* 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.

*Tenant's wall area:* The outside wall area of a renter's or lessee's unit in a multi-unit commercial complex, excluding any wall space in the complex's common areas.

*Wall sign:* An outdoor advertising display sign affixed to or painted on the wall of a building, where the sign projects not more than 12 inches from the building.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**Sec. 33-1642. - Prohibited signs.**

The following types of signs are prohibited, except as exempted in section 33-1645(b), "Signs not requiring a permit":

- (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.
- (5) Neon signs or signs of similar effect.
- (6) "Sold" signs.
- (7) Temporary signs for any of the prohibited signs identified in this section.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1643. - Removal of prohibited signs.**

Prohibited signs must be removed upon direction of the County code enforcement officer and may not be replaced.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1644. - Reserved.**

(Ord. No. [12-19](#), § 2, 9-11-12)

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

- (a) *Residential identification sign.* Identification signs not exceeding 6.0 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:

- (1) Identification signs must comply with sections 14-76 and 34-625 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 must 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 may 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 must 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 must be of the enclosed type with a gasketed lens and a wet location label.
    - f. A maximum of one fixture is allowed per sign face.
    - g. The maximum wattage may 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 inches high.
  - (3) The sign support must be of a suitable breakaway or yielding design. Identification signs 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 the ordinance from which this article is derived that exceed the square footage or height requirements, but are not deemed to be located in an unsafe or hazardous location, will 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 contractor, subcontractor, or design professional on the premises of work under construction and not exceeding 6 square feet in area. There may be no more than 2 signs per property and signs must be removed within 10 days of the issuance of the certificate of occupancy or certificate of compliance.
  - (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 square feet in area.
  - (e) Memorial signs or tablets, names of buildings and dates of erection when cut into masonry surfaces 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, for the purposes of advertising the property for sale or rent, including short-term rentals, which conform to the following restrictions:
  - (1) Signs must be located only on the property advertised.
  - (2) In all districts not of residential character signs may not exceed four square feet in area, and may not exceed two square feet in areas zoned as RSC-2, RS-1, TFC-2 and RM-2. The bottom edge of the signs may not be greater than 12 inches above average grade of the sign's location.
  - (3) Temporary real estate signs must 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 must be removed no more than five days after the property is no longer for sale.
  - (5) Signs must be located in a front yard and a minimum of two feet from the property line, parallel to the frontage road.
  - (6) A property is limited to one temporary real estate sign at any given time. If the parcel includes water access, a second temporary real estate sign not exceeding two square feet in area is allowed either on a permanent dock structure or a minimum of ten feet landward of the property boundary adjacent to the water access or away from the landward edge of the mangrove fringe.
- (h) Signs that 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 products or services.
- (i) Temporary banners, sandwich signs and other temporary ground signs promoting a specific event, to be located in the vicinity of the event promoted and not exceeding 32 square feet in area for banners and ten square feet for sandwich signs and ground signs. Signs cannot be erected more than seven days prior to the event, and must be removed no later than the day following the event.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1646. - Nonconforming signs.**

With the exception of nonconforming identification signs as provided in section 33-1645, every lawfully existing sign of every type located on Captiva Island that does not comply with this article will be deemed nonconforming upon the effective date of the ordinance from which this article is derived.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1647. - 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 to make it conform more closely to the provisions of this article.
- (b) Nonconforming sign may be re-erected according to the standards articulated in section 33-1645.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1648. - Permanent signs in commercial areas.**

Ground-mounted or wall-mounted signs located in the C-1, CS-1, CT or RM-2 zoning categories must comply with sections 14-76 and 34-625.

- (a) Ground-mounted identification signs are subject to the following limitations:
  - (1) No signs may be erected closer than 30 feet to the boundary line dividing the zoning district of the property on which the sign is erected from a zoning district in which they are prohibited.
  - (2) Sign area is limited to 32 square feet.
  - (3) Signs cannot exceed a maximum of ten feet in height or ten feet in width.
  - (4) The sign must display the street number/s of the property on the face of the sign. Each numeral 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 of a tenant's wall area, with a maximum size of 32 square feet.
- (c) Illuminated, ground-mounted, and wall signs: Must comply with lighting requirements set forth in Section 14-76 and 34-625.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1649. - Number of signs.**

Business establishments located upon Captiva Island may not erect more than one permanent ground-mounted commercial advertising sign per driveway and point of access by water. Temporary "for sale" or "for rent" signs will not count against this limit.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1650. - Reserved.**

**DIVISION 5. - MULTIPLE-UNIT DWELLINGS AND TOURIST ACCOMMODATION**

**Sec. 33-1651. - 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 on the outside walls or separate from a building.

*Owner and operator.* The term "operator" includes 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.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Cross reference—** Definitions and rules of construction generally, § 1-2.

**Sec. 33-1652. - Applicability of division.**

This division applies to the operators and owners of hotels, motor courts, and motels located on Captiva Island.

(Ord. No. [12-19](#), § 2, 9-11-12)

**Sec. 33-1653. - Posting of room rates.**

It is unlawful for an owner or operator of an establishment within the scope of this division located on Captiva Island to post or maintain posted, on an outdoor or outside advertising signs pertaining to the establishments, room rates for accommodations.

(Ord. No. [12-19](#), § 2, 9-11-12)

Secs. 33-1654—33-1660. - Reserved.

**CHAPTER 30  
ARTICLE V. - CAPTIVA ISLAND  
DIVISION 1. - GENERALLY**

Secs. 30-221—30-226. - Reserved.

**Editor's note**— Ord. No. [12-19](#), § 1, adopted Sept. 11, 2012, repealed §§ 30-221—30-226, which pertained to signs on Captiva Island and derived from Ord. No. 71-2, §§ I, IV, V and VIII, adopted Feb. 24, 1971.

**Sec. 30-227. - 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. 30-228. - 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 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—30-280. - Reserved.**

## DIVISION 2. - GENERAL RESTRICTIONS<sup>21</sup>

Footnotes:

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**Editor's note**— Ord. No. [12-19](#), § 1, adopted Sept. 11, 2012, repealed Div. 2 and renumbered Div. 3 as Div. 2 as set out herein. The former Div. 2, §§ 30-251—30-254, pertained to nonconforming signs and derived from Ord. No. 71-2, § IV, adopted Feb. 24, 1971.

### **Sec. 30-281. - 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 IL category, the C-1, C-1A and C-2 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 ground level.
- (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 ground level to the top of the sign shall not exceed 35 feet.

(Ord. No. 71-2, § I, 2-24-71)

### **Sec. 30-282. - 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. 30-283. - 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 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. 30-284. - 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 quasipublic 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 quasipublic 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)

**[DIVISION 3. - RESERVED]**

Secs. 30-285—30-310. - Reserved.

**DIVISION 4. - RESERVED<sup>[3]</sup>**

Footnotes:

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**Editor's note**— Ord. No. [12-19](#), § 1, adopted Sept. 11, 2012, repealed Div. 4, §§ 30-311—30-313, which pertained to multiple-unit dwellings and tourist accommodations and derived from Ord. No. 71-2, § II, adopted Feb. 24, 1971.

Secs. 30-311—30-399. - Reserved.