



**LAND DEVELOPMENT CODE ADVISORY COMMITTEE
Public Works/Community Development Building
1500 Monroe Street, Fort Myers, FL
First Floor Conf. Rm. 1B**

**FRIDAY, FEBRUARY 10, 2012
8:00 A.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – JULY 8, 2011
3. Nominate and Elect Vice-Chairman
4. WIND MAPS LDC AMENDMENT
5. PAGE PARK LDC AMENDMENTS
6. ESTERO LDC SIGN AMENDMENTS
7. CAPTIVA LDC AMENDMENTS
8. Adjournment – Next Meeting Date: March 9, 2012

**MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, JULY 8, 2011
8:00 a.m.**

Committee Members Present:

Theresa Artuso
Andrew Fitzgerald
Matt Smith
Liz Donley
Christine Kneeland
Richard Ibach

Wayne Daltry
Kim Hawk
Peter Kemezys
Bill Prysi
Jerry Murphy

Excused Absences:

Karen Makowski
Patrick Vanasse
Michael Ekblad
Jennifer Sopen

Lee County Government Staff Present:

Donna Marie Collins, Chief Asst. County Attorney
Nettie Richardson, Principal Planner, Zoning
Debbie Carpenter, DCD Admin Svcs., Recorder

Pam Houck, Zoning Director
Brad Browning, Env. Planner
Aaron Martin, Env. Planner

Consultants and Public Present:

Ben Smith, LaRue Planning
Bill Brisson, LaRue Planning
Jim Boback, Boback Commercial Group
Shellie Johnson, EnSite
Edd Weiner, Lehigh Acres Planning

Call to Order and Affidavit:

Ms. Theresa Artuso called the meeting to order at 8:03 a.m. in the first floor conference room (1B), 1500 Monroe Street, Fort Myers, Florida.

Ms. Donna Marie Collins, Chief Assistant County Attorney, reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

Approval of Minutes

Mr. Wayne Daltry moved to approve the June 10, 2011 minutes; seconded by Mr. Bill Prysi. Called and carried.

Mr. Daltry noted that the item entitled "Various LDC Amendments Pertaining to the Planning Communities" preceded the North Fort Myers Planning Community in the meeting material but did not appear on the agenda and suggested adding it for discussion. He also had a topic that he wished to discuss and asked that it be added as a final item on the agenda.

VARIOUS LDC AMENDMENTS PERTAINING TO THE PLANNING COMMUNITIES

Ms. Nettie Richardson explained that the planning community regulations for each of Chapters

10, 14, 30 and 34 needed to be updated to incorporate a reference to each community plan. The amendments will go to the Board with the big round of amendments sometime after the Board returns from vacation, probably in September.

Mr. Daltry noticed that not every community was listed for each chapter. Ms. Richardson explained that not all communities have a requirement to review all things (rezonings and development orders). North Fort Myers was one community that did not have a requirement to look at development orders.

Mr. Matt Smith made a motion to approve the Various LDC Amendments Pertaining to the Planning Communities. Seconded by Mr. Richard Ibach. Called and carried.

NORTH FORT MYERS PLANNING COMMUNITY

Ms. Artuso recognized Mr. Ben Smith and Mr. Bill Brisson of LaRue Planning. She acknowledged that Mr. Matt Smith had a conflict of interest and would abstain from voting. Mr. Smith completed the appropriate Form 8B (Voting Conflict Form) and submitted it to the recording secretary. Ms. Richardson explained that Tony Palermo, Senior Zoning Planner, was present to answer questions.

Mr. Palermo explained the North Fort Myers (NFM) planning community amendments were a result of Goal 28 of the Comprehensive Plan. In meetings with the community throughout 2010 and 2011, and with the assistance of the NFM Planning Council and Design Review Panel, citizens identified several areas of special concern including aesthetics and architecture, the community's desire to review zoning actions within the NFM boundaries, signs, landscaping and uses. The amendments are community wide but identify corridors and neighborhood centers, and include special regulations for those areas as well.

Mr. Brisson, Senior Planner with LaRue Planning Management highlighted some of the specifics including: community review requirements; provisions for deviations and variances; definitions specific to NFM; buffers for high density and high intensity uses that abut existing large lot residential subdivisions; detached accessory apartments; interconnection between adjacent commercial and mixed use developments; special exception uses such as free standing bars, nightclubs, pawn shops and gambling; and a 20 foot riverfront easement for new waterfront or waterfront redevelopment within the town and neighborhood centers.

Special regulations for NFM neighborhood centers and certain portions of commercial corridors (as delineated on maps in Appendix A) are included in Chapter 32, modified for special provisions.

Town centers are based on type of building rather than use. Setback requirements are minimal. Allowable lot coverage is higher than standard LDC regulations. Maximum height is greater. Accessory apartments are permitted but are limited to 650 SF. The list of allowable uses is very broad but certain uses are considered inappropriate (Turkish baths, massage parlors, fortune tellers) and are permitted only in neighborhood centers. Bars and cocktail lounges are permitted within a hotel, when associated with a restaurant, or by special exception. Urban design guidelines include architectural preferences, but there is no strict architectural style – it is more a blend of Old Florida, Key West, Colonial and Caribbean styles.

Commercial corridor regulations include more standard, conventional requirements with special considerations such as: no side or rear setbacks; special parking and internal circulation regulations; shared and reduced parking requirements; basic urban design & architectural

guidelines similar to the neighborhood centers; landscaping buffering and tree preservation requirements; pedestrian walkways to promote walkability; and sign regulation modifications. Uses are very broad and have similar limitations as in the neighborhood and town centers.

Mr. Smith did not see a requirement for bike paths and recommended adding language to encourage bicycle paths in public transportation areas. He asked about political signs and was told that countywide codes would apply. He recommended also that the architectural design guidelines include language concerning the use of solar panels (Photovoltaic (PV) or solar) in order to prevent solar panels (or equivalent) from being prohibited. Mr. Brisson agreed to take the suggestion back to the community.

Mr. Daltry noted that Goal 28 included many elements of complete streets and asked what would be needed to add those initiatives to this plan. With respect to **Sec 10-7 General Requirements** he was concerned that North Fort Myers was excluded from reviewing development orders and asked that the community be added into that section.

Mr. Ibach asked why staff was only “encouraged”, not required, to participate in the community meetings. Ms. Kathie Ebaugh, Principal Planner, explained that a staff member generally attends; however, this was standard language in the event that a staff member is not available.

Mr. Drew Fitzgerald asked how community issues would be resolved, stating Estero sends a letter to the county confirming project review and identifying any issues. Mr. Pysi also asked about remediation and what steps the community could take to resolve specific issues. Staff responded that issues can sometimes be worked out between the developers and the community, or may be resolved by contacting the reviewer; or by participating in the public hearing process. Ms. Collins said the communities are given the opportunity to review, however are not delegated any type of authority. As long as a project meets code, the community cannot stop the process from moving forward.

Mr. Jerry Murphy recommended amending the language in the scope section (**Sec 33.101**) because it does not capture the boundaries (staff said boundaries were noted on the maps) and does not reference Lee Plan. Specifically, the word “and” should be deleted in the second line of that paragraph. He recommended **Sec 33-102** be expanded to include administrative amendments as well as administrative deviations and that a reference be made to major and minor planned developments. He recommended a table of contents for purposes of review and also suggested adding a subsection (4) *Development Orders* in order to address Mr. Daltry’s concern about the community’s ability to review development orders.

Mr. Peter Kemezys asked for a definition of Consumption on Premises. Staff referred him to Chapter 34 definitions.

Ms. Artuso suggested reviewing each page of the North Fort Myers amendments and asked for committee questions or comments when appropriate.

Sec 33-104 Mr. Murphy asked if this section was intended to apply only to existing planned developments and suggested clarifying the language. The community should be given the opportunity to review any amendment of a planned development.

Sec. 33-106 Ms. Artuso had comments concerning the definitions. *Arcade*. Not all architectural styles require that arcades have arches; therefore, she suggested removal of the requirement that columns be “topped by arches”. *Building Height*. Measuring building height

by stories is too vague therefore she suggested adding a measurement as part of the definition. *Facades*. A facade does not necessarily mean the front of the building. Mr. Brisson said in this case the term was being applied to the frontage line, not necessarily the front of the building. *Lot Line*. Remove the wording "See frontage line."

Mr. Murphy suggested adding a definition of commercial corridor. He noted that *Director* is defined elsewhere and does not need to be defined here and should be removed.

Mr. Kemezys asked if compact urban form was defined. Staff agreed to check, but thought it was used in conjunction with mixed-use and defined there.

Sec 33-203 (b)(1) Mr. Ibach asked for a modification of the wording for the berm slopes to read: no steeper than 4:1 slope. Mr. Prysi also noted that if a berm is built as a pyramid, dictating a berm height of 4' creates a conflict. Discussion between Mr. Ibach and Mr. Prysi followed.

Ms. Artuso asked that the spelling of two plant species be corrected. Bismarka to Bismarkia and Phoenix to Phoenix.

Mr. Murphy suggested a clarification for existing large lot subdivisions with commercial along a frontage road. The buffer requirement should refer to the subdivided lots since buffers are not required for the commercial portion.

Sec 33-204 Mr. Murphy asked that "parking spaces" be added to the title (**Entrances, exits and parking spaces**).

Sec 33-205 Mr. Murphy noted that a community review meeting could be waived at the Director's discretion and suggested the community should be given the ability to waive a review as well. After a brief discussion, staff suggested the community could look at upcoming projects and decide to waive a review of smaller projects.

Sec 33-209 Mr. Prysi had a concern about subsection (5) docks, access to the shoreline and who may submit for a dock permit. After discussion with staff it was determined that (5) should be omitted altogether.

Sec 33-247 Mr. Murphy asked for clarification of "free standing bar"; Mr. Brisson stated if a bar is not in a restaurant or a hotel, it is free standing.

Ms. Shelly Johnson of EnSite, Inc. had additional questions concerning local neighborhood bars or pubs and whether they would be allowed in a continuous store front. Mr. Brisson said if it is a single use, not associated with a hotel or restaurant, it would not be allowed. Ms. Johnson suggested that the community may want to revisit this due to the current situation at Coconut Point. Mr. Brisson reiterated that the neighborhood pub or bar was what the community was trying to control, but there is a provision to allow through the special exception process.

Mr. Kim Hawk asked how the list of prohibited uses was compiled. Mr. Brisson said the community outlined the types of businesses they wanted special attention paid to. The prohibition would apply to new businesses or expansions of existing non-conforming businesses. Mr. Hawk asked if a church or school could choose to locate next to or near a bar or other prohibited use and Mr. Brisson confirmed that would be allowed.

Mr. Pysi complimented the community on the definitions. He questioned the language in some of the upcoming sections and Mr. Brisson explained that this was form based code language.

Sec 32-249 Incentives (b) Public parking. Ms Collins was concerned about this section due to the possibility of eminent domain issues. Initially the sum of \$50,000.00 was referred to as a cash contribution, later as a “fee”. It is important to set out what the contribution or fee would be used for since the county can only use money for the purpose for which it was collected and if the purpose cannot be achieved, the money needs to be returned. She asked that staff review the section and clarify the intent and the goal.

Sec 32-250 Ms. Artuso noted that the architectural style characteristics within the Urban Design Guidelines were inconsistent and the section needed to be restructured. The preferred architectural style includes a “mixture of “Old Florida”, Key West, Colonial, and Caribbean”, whereas the *architectural design* and *exterior treatment* sections refer to “a.k.a. “Old Florida”. She suggested that the specific reference to Old Florida be removed.

Mr. Smith reiterated his previous recommendation to add an allowance for solar collectors (photovoltaic or solar panels) so that they are not otherwise prohibited.

Ms. Artuso asked for a clarification of the first paragraph on page 20 about the types of construction prohibited, specifically about walls. Mr. Brisson said this was intended to prevent construction of walls within the neighborhood centers. Mr. Pysi questioned Mr. Brisson with respect to the prohibited flat roofs without parapets. He said the paragraph includes a specific prohibition but the next section provides a “vague exception”. Mr. Brisson said it was to allow some flexibility. More discussion followed. Mr. Murphy suggested adding references to Figures 1 & 2 (pages 44 and 45). Mr. Edd Weiner, Lehigh Planning Panel, said the Building Code prohibits flat roofs without a parapet but that as an entry feature it is allowed. There is a difference between a flat roof on a building and a flat roof on a feature. Mr. Pysi said the exception eliminates the prohibition and recommended taking the exception out.

Sec 32-251 (b) & (c) Ms. Collins had a concern about the waterfront easements and potential inverse taking issues. If it is a mandatory easement that will benefit the public, the county will have to be prepared to compensate the owner for the property. It should be brought to the Board’s attention that there is a potential cost associated with this requirement.

Mr. Hawk had comments about eminent domain saying many states have restricted eminent domain. He has an issue with taking someone’s property without compensation and supports a return to “real” property rights.

Sec 33-602 (a)(3) Mr. Pysi said the 20 foot building setback requirement limited many development opportunities, such as adding or incorporating waterfront design elements like decks, patios or structures that come right up to the water. Mr. Pysi did not see the benefit of adding it as a prohibition in the community plan. There was a lengthy discussion about developing into a lake setback. Mr. Daltry had concerns about lake maintenance and water quality issues.

Mr. Pysi recommended deleting the 20 foot setback requirement. Mr. Daltry and Mr. Smith did not agree with striking the language and recommended a separate motion concerning this particular section.

Sec 33-604 Mr. Fitzgerald said the covered areas for bike racks (a)(2) seemed excessive and

an unnecessary expense. Subsection (b) distribution of parking, dividing large expanses of pavement and vehicles into smaller units or pods, was also a concern. He said retail businesses are used to having parking as close to the building as possible for convenience and this requirement would push the parking away from the building. Mr. Fitzgerald was supportive of reduced parking (as noted on page 26) but believed that retailers would take their businesses elsewhere if they had to comply with this regulation. Mr. Murphy said the county is working toward creating urban centers where the vehicle is not the predominant form of travel, with areas that promote walkability and where pedestrian and bicycle travel is encouraged with awnings, covered bus stops and/or bike racks. Mr. Smith agreed that many retailers would not voluntarily agree to this provision but that giant parking lots are not attractive and do not improve the environment. He felt that even if it was not as convenient, people would support an attractive and environmentally friendly business.

Mr. Fitzgerald recommended amending the language in (d)(2): sidewalks or pedestrian walkways must extend from the onsite pedestrian system to adjacent properties and connect, if a connection is available. Mr. Brisson agreed to incorporate that change.

Ms. Artuso noted that (3)(e) was inconsistent with how the other items were listed; it was either lacking a word or punctuation. Mr. Brisson agreed to review.

Mr. Pysi noted (c) *Access Drives* did not define a commercial to commercial relationship and, that a commercial relationship was lacking in (2).

Mr. Pysi had questions about the construction elements for pedestrian walkways (d)(3) on page 25 and whether these were more restrictive than what is required on page 34. His opinion was that the way this was written would allow someone to get around the requirements which defeats the intent. Mr. Brisson agreed to check on this. Mr. Pysi also commented that the low-level lighting, "such as a bollard light" to identify a crosswalk would not work well in daytime and discussion followed.

Mr. Kemezys asked for a definition of administrative amendment as applied in (h)(1). Staff explained it was a deviation from the code approved administratively rather than through the public hearing process.

Sec 33-607 Ms. Artuso said the Urban design guidelines here seemed to be a duplication of those in Chapter 32. Mr. Brisson confirmed they related specifically to the compact community requirements.

For (b)(7) Ms. Artuso had the same comments as previously discussed with "Arcades". In this case the definition specifies arcade openings "will be square" which contradicts the previous statement that arcades have to be "arched". Mr. Brisson said this requirement was specific to the corridors, and was not the same as in the neighborhood centers. Ms. Artuso said the definitions needed more flexibility.

Sec 33-608 Mr. Pysi recommended striking the word "tree" in the last sentence of Table 3 Buffer Requirements, Note 3. (building perimeter tree planting requirements) because there are no such requirements.

Ms. Artuso and Mr. Pysi each had concerns about the language in Table 4: Buffer Types, Note 2. which requires "an elevation of 36-inches as measured from the highest elevation within the buffer area.....". They suggested it be clarified. Mr. Brisson thought this language came straight

out of Chapter 34, but he agreed to check on it.

Due to a previous commitment, Mr. Fitzgerald left the meeting at 10:00 a.m.

Sec 33-614 Mr. Murphy recommended numbering the permitted uses rather than using letters.

Page 46 included a chart and information pertaining to *Shared Parking Factor*, but was missing the appropriate **SEC** number and title. Staff will reformat that page.

Mr. Prysni made the motion to move the North Fort Myers LDC amendments forward with comments, striking the language for the 20' setback from the lake. Seconded by Mr. Ibach. Discussion followed.

From the previous discussion, the group was of the understanding that there was to be a separate motion concerning **Sec 33-602(a)(3)**, not to strike the language entirely.

Mr. Prysni thought striking the language from these amendments was appropriate since it would still be in Chapter 10.

Mr. Daltry was concerned about building into the 20' setback citing water quality, public safety and water storage issues. Mr. Murphy suggested looking at the definition of building versus structure and possibly drafting the language differently in order to keep the building back 20 feet from the lake, but allow structures, such as a deck or patio on pilings, up to or over the water. Mr. Prysni said even if deleted here, setbacks would still be restricted by the existing LDC. Mr. Murphy stated the provisions of this chapter supersede the LDC and would take precedence. He thought the language could be amended so that the building setback would remain 20 feet, but provide some alternative for structures in the setback.

Mr. Hawk wanted it noted that he was against regulations that reduce property rights and protests the addition of another layer of bureaucracy, saying these are clearly new regulations for new businesses and new development in North Fort Myers. He is a resident of North Fort Myers and likes its quaint and charming character. He is against forcing property owners to comply with the idea of beauty as conceived by others and will vote against it.

Mr. Kemezys asked whether the community had added the provision for the 20' building setback. If so, it is not up to the committee to determine what the community wants.

Mr. Prysni amended his motion to move the NFM amendments forward without striking or making any decision concerning Sec 33-602(a)(3). Seconded by Mr. Daltry.

The motion was called and carried, 8-1 in favor, with Mr. Hawk opposed and Mr. Smith abstaining.

Ms. Donley made a motion concerning Sec 33-602(a)(3), recommending that the language for the 20' setback from a lake or man-made waterway be directed back to staff or the consultant for clarification and, as recommended by Mr. Murphy, possibly redefine "building" and "structure" in order to allow an accessory structure, such as a deck or patio, to be built within the 20 foot setback. Seconded by Mr. Murphy.

There was a brief discussion whether the revised language would be reviewed again by the Committee. Mr. Murphy recommended making the changes and forwarding to the Board as the

"LDCAC's recommendation". Mr. Daltry said the NFM community should be given the opportunity to review and comment. Ms. Richardson said there was still time for it to be brought up at the next monthly community meeting and have that specific section reviewed.

The motion was called and carried, 8-1 in favor, with Mr. Kemezcys opposed and Mr. Smith abstaining.

LEHIGH COMMUNITY LDC AMENDMENTS

Ms. Ebaugh introduced the item, stating a group of dedicated community volunteers has worked with staff for the past year to develop general LDC standards which apply to the whole of the Lehigh community as well as to commercial corridors. Mr. Palermo said the regulations are to implement Lehigh Acres Goal 32 and addresses citizen concerns such as community review of development and rezoning cases, street numbering especially for commercial properties, signs, model homes, food vending and duplex regulations.

Ms. Artuso asked why the focus on food vending. Staff said food vending carts are not currently allowed and need to be addressed.

Mr. Kemezcys asked about citizen participation. Ms. Ebaugh said a regular group of 30 to 35 volunteers attended the meetings. Every meeting was advertised and there was a significant outreach effort.

Ms. Artuso recognized Mr. Weiner, the president of the Lehigh Planning Panel. He had some concerns he wanted to pass along to staff which included the desire of the community to review development orders; street numbering - single family homes should be added; the mathematics for trees on page 3; transportation issues - including access onto residential streets and deceleration lanes; the facade treatments language; and additional language in the Signs section.

Ms. Artuso recognized Mr. Jim Boback, a commercial real estate broker and Lehigh resident. His opinion was that the amendment over regulates signs. Business visibility and exposure is very important and the regulations seem to be counterproductive. He did not agree with the straight prohibition of pylon signs, understanding Mr. Weiner preferred monuments signs, but thought there should be more of a middle ground. Mr. Weiner thought pole signs, citing the Winn Dixie pole sign with 27 businesses listed, are a visual blight and should be eliminated.

Mr. Hawk suggested that street numbers for single family units should be on the mailboxes. Commercial signs should be perpendicular to the roadway for maximum visibility.

Ms. Artuso suggested reviewing each page of the Lehigh Acres amendments and asked for committee questions or comments when appropriate.

Sec 33- . Posting of street numbers. Mr. Weiner recommended adding single family homes to this section.

Sec 33- . Community Review. Mr. Weiner requested adding a subsection (4) to include review of development orders.

Sec 33- . Landscaping (c)(3). Mr. Weiner asked that the required 7 trees be decreased to 5. Aaron Martin, Environmental Planner responded, saying this is the same buffer that was recently approved as a deviation for a case in Lehigh where a wall was being removed. It is a

compromise between A and F buffers. He recommended the higher number to provide better screening. Mr. Weiner was concerned that the total number of trees required within a 100 foot buffer calculated as a fraction; however, the landscape experts in the group explained that the numbers are always rounded upward.

Sec 33- . Transportation. Mr. Weiner had numerous concerns about access. Ms. Ebaugh explained that transportation questions and issues had been raised many times, and it was discussed at length at the last two meetings when Mr. Weiner was not present. The county recognizes the community's desire to not encroach into residential areas, however, according to Lee DOT, adding decel or turn lanes into commercial businesses is not an option due to the large number of driveways or access points on Lee Boulevard. Ms. Donley commented that traffic still has to slow down to turn onto a residential street; this still impedes traffic, so this is a traffic hazard as well. Pushing traffic onto residential streets is counterproductive for having a liveable, walkable community and it could be cured by having decel lanes. Lee DOT should do more to address this.

Sec 33- .Architectural Style. Mr. Prysi asked what type of architecture, if any, was excluded. Mr. Palermo confirmed "not many". Ms. Ebaugh said the architecture was intended to be "eclectic".

Sec 33- .Facade Treatment. Mr. Weiner asked that language be added to include a requirement for facade treatment to buildings "50 feet, or not less than one-third of the building".

Sec 33- . Maximum height. Ms. Artuso questioned the ratio for maximum number of stories versus total height; it was not consistent throughout. Ms. Ebaugh stated the heights were not based on a ratio, but rather on community preference and the intent was to limit tall buildings.

Sec 33- . Prohibited signs. Mr. Smith asked about the difference between pole and pylon signs. A pole sign is a bare pole, whereas pylon is usually two columns or a "decorated" pole. Mr. Prysi applauded the prohibition of pylon signs. Ms. Artuso said it seemed one pole or pylon sign with many businesses listed versus a monument sign for each business was the same type of litter. Mr. Weiner said that it was possible that size and location for monument signs could be addressed in the future. His main concern was the size and intensity for automatic changing signs (7). Mr. Weiner and staff stated there were many questions and concerns raised by the community but no real consensus on how to proceed; therefore, staff thought it best to include the prohibition here with the intent of amending the language in the future.

Mr. Hawk said Lee County has a bright light ordinance which he thought could address any bright sign or light issue scientifically rather than subjectively. Ms. Ebaugh said it was not just the brightness and intensity of the signs, but rather the content and how fast they change. There was the suggestion to remove (7) in order to amend the language, however, Ms. Ebaugh said in that case, the number of signs and the issues associated with them would continue to grow. The decision at the last community meeting was to leave the prohibition in, but continue the discussion and amend the language as the process continues.

Sec 33 - . Permanent signs (1)(a) Mr. Prysi recommended that the "must not exceed" sign base height be changed from 24 inches to 36 inches. The 24 inches is too low when taking landscaping into consideration.

Mr. Prysi made a motion to move the Lehigh Community Plan LDC amendments forward with comments. Seconded by Mr. Smith. Motion passed 9-1 with Mr. Hawk opposed.

Miscellaneous Discussion:

Mr. Daltry stated Lee County commissioned and received two studies prepared by the Regional Planning Council related to climate change. The first study, Climate Change Resiliency Strategy was received in October and identifies the county's exposure. The second volume, Climate Change Vulnerability Assessment provides strategies to address the threats. Many of the strategies include reforms to Land Development Codes; therefore, his question was whether the reforms were being worked on, and whether the LDC committee would be seeing the recommendations in the future.

Ms. Houck said she assumed the Sustainability Committee was working on this and that the recommendations would be forwarded to DCD staff when ready to go through committees. She agreed to check on this and provide a brief update to Mr. Daltry and the committee at the next meeting.

There was no further discussion and no new business.

Motion to adjourn by Mr. Daltry. The meeting was adjourned at 10:50 a.m.

The next meeting was tentatively scheduled for August 12, 2011.

**WIND MAPS
LDC AMENDMENT**

APPENDIX M

LEE COUNTY WIND BOURNE DEBRIS REGION AND BASIC WIND SPEED MAP

AMENDMENT IS TO REPLACE MAP M-3 (ONE PAGE) WITH THE
FOLLOWING THREE MAPS:

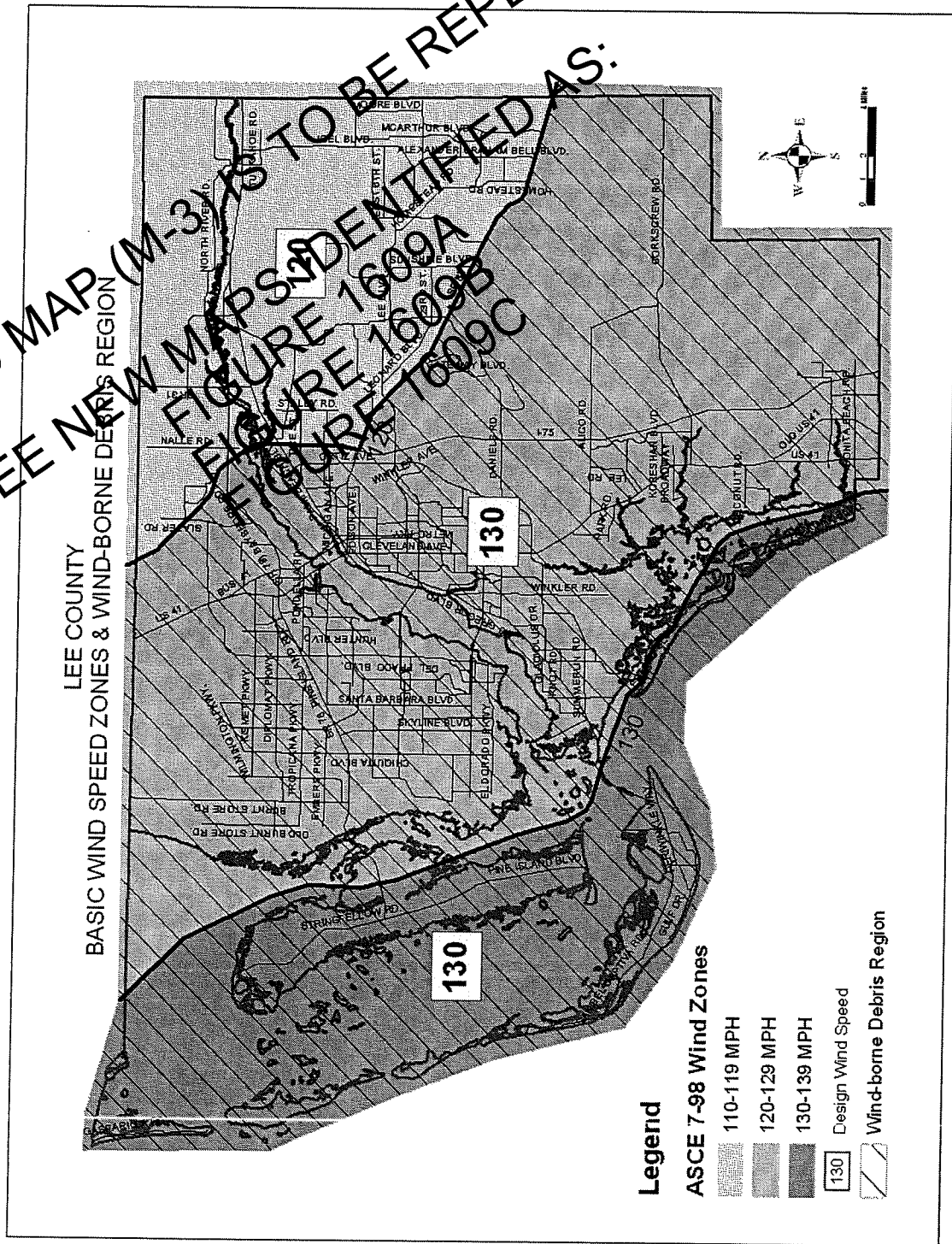
FIGURE 1609A – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY II BUILDINGS

FIGURE 1609B – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY III & IV BUILDINGS

FIGURE 1609C – ULTIMATE DESIGN WIND SPEEDS – RISK
CATEGORY 1 BUILDINGS

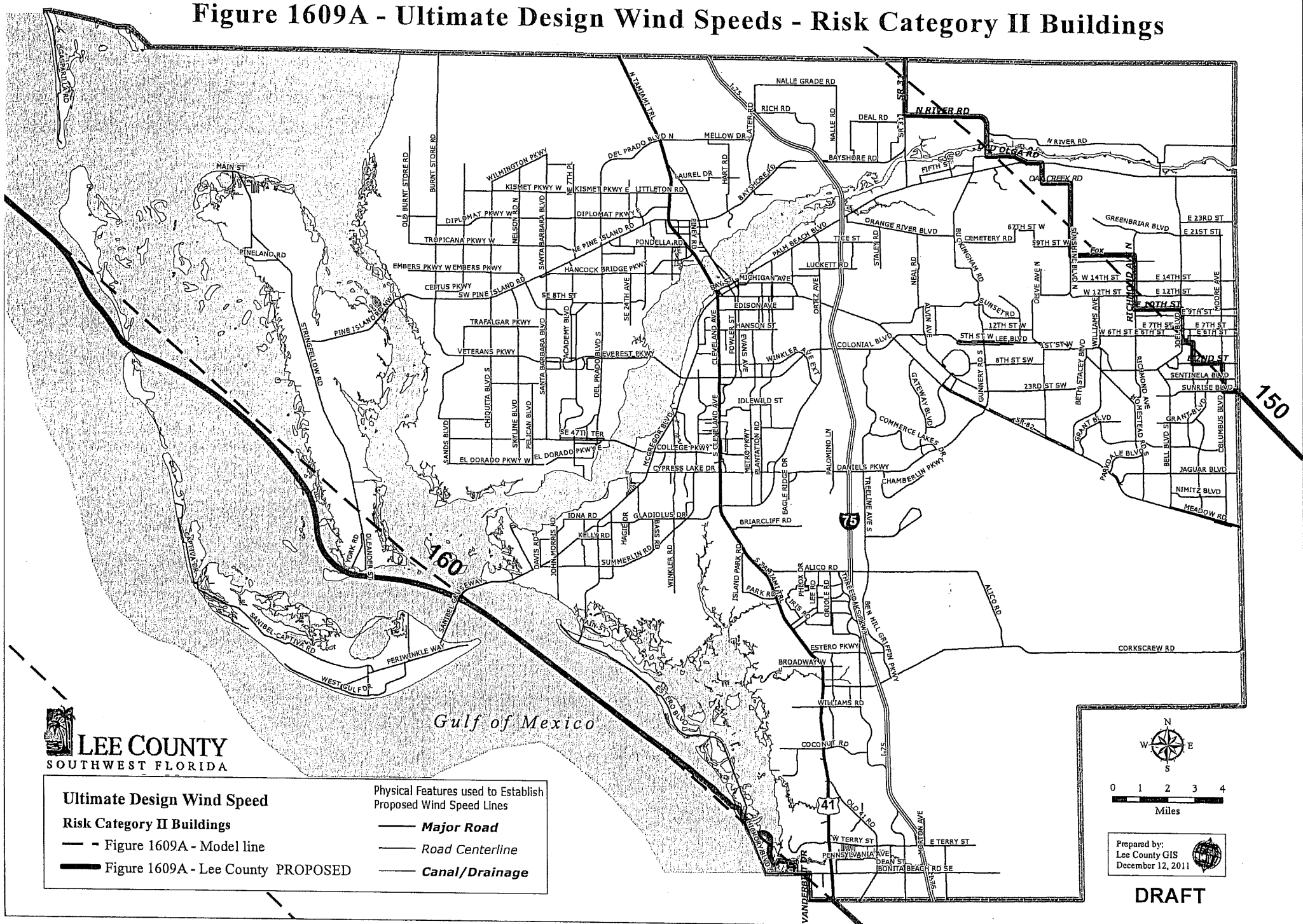
LEE COUNTY WIND BORNE DEBRIS REGION AND BASIC WIND SPEED MAP

THIS MAP (M-3) TO BE REPLACED
 SEE NEW MAPS IDENTIFIED AS:
 FIGURE 1689A
 FIGURE 1689B
 FIGURE 1689C



Map: Lee County Wind Borne Debris Region and Basic Wind Speed Map

Figure 1609A - Ultimate Design Wind Speeds - Risk Category II Buildings



LEE COUNTY
SOUTHWEST FLORIDA

Ultimate Design Wind Speed

Risk Category II Buildings

--- Figure 1609A - Model line

— Figure 1609A - Lee County PROPOSED

Physical Features used to Establish
Proposed Wind Speed Lines

— **Major Road**

— **Road Centerline**

— **Canal/Drainage**

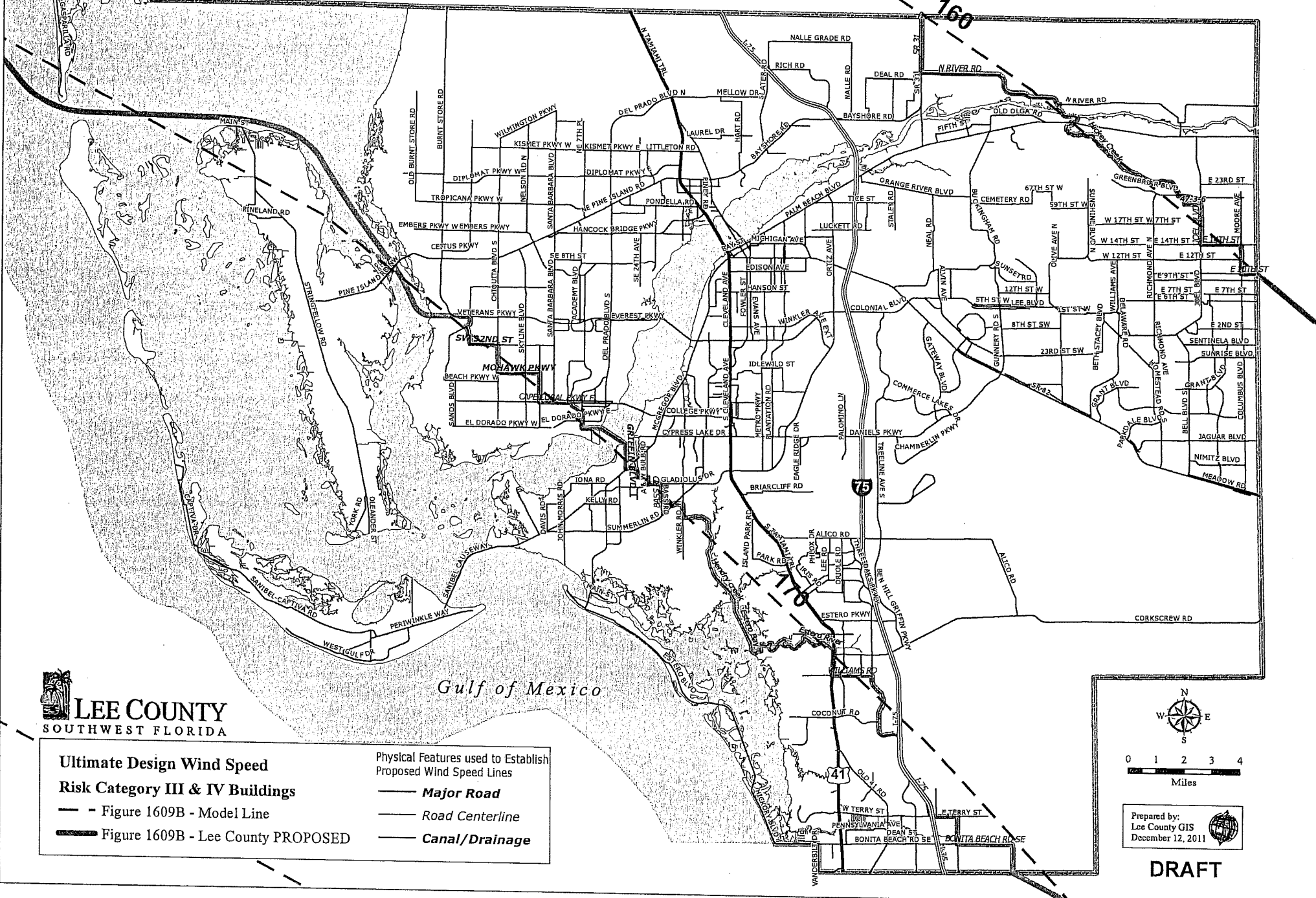


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Miles

Prepared by:
Lee County GIS
December 12, 2011

DRAFT

Figure 1609B - Ultimate Design Wind Speeds - Risk Category III & IV Buildings

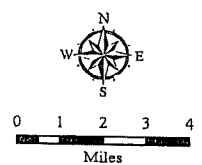


LEE COUNTY
SOUTHWEST FLORIDA

Ultimate Design Wind Speed
Risk Category III & IV Buildings

- - - Figure 1609B - Model Line
- Figure 1609B - Lee County PROPOSED

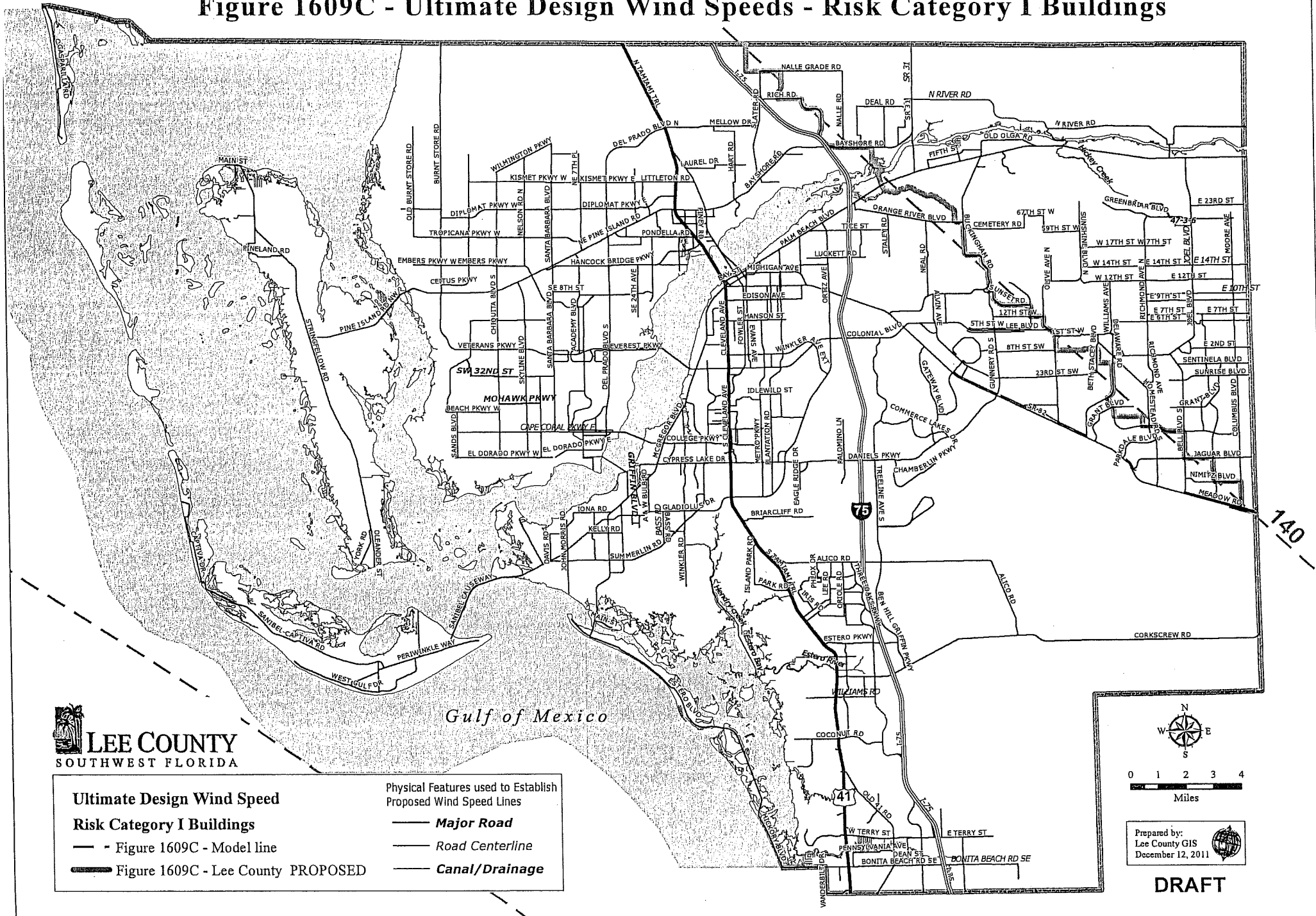
- Physical Features used to Establish Proposed Wind Speed Lines
- Major Road
 - Road Centerline
 - Canal/Drainage



Prepared by:
Lee County GIS
December 12, 2011

DRAFT

Figure 1609C - Ultimate Design Wind Speeds - Risk Category I Buildings



LEE COUNTY
SOUTHWEST FLORIDA

Ultimate Design Wind Speed

Risk Category I Buildings

— - Figure 1609C - Model line

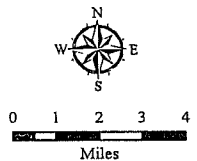
— Figure 1609C - Lee County PROPOSED

Physical Features used to Establish Proposed Wind Speed Lines

— **Major Road**

— **Road Centerline**

— **Canal/Drainage**



Prepared by:
Lee County GIS
December 12, 2011

DRAFT

**PAGE PARK
LDC AMENDMENTS**

Chapter 33 Planning Community Regulations

ARTICLE IV. PAGE PARK PLANNING COMMUNITY

DIVISION 1. IN GENERAL

Sec. 33-1207. Nonconforming screening and buffering.

Nonconforming screening and buffering will be subject to compliance and termination of use as follows:

- (a) Removal or compliance of a nonconforming fence or wall for commercial and industrial uses must occur by December 31, 2012.
- (b) ~~Compliance with screening provisions requiring a fence, wall or buffering (i.e. outdoor storage and dumpsters) for all uses must occur by December 31, 2013.~~ If the use of a property developed with nonconforming screening or buffering is subsequently discontinued for a continuous period of six calendar months, the land may not again be used except in conformity with the minimum buffer requirements then in effect. The intent of the owner, lessee or other user is not relevant in determining whether the use has been continued.
- (c) Any enlargement or expansion of a use or structure and any improvement that requires a local development order approval must comply with the minimum buffer requirements then in effect. Ordinary repairs and maintenance, including repair or replacement of roof covering, walls, fixtures, wiring or plumbing, is permitted without having to bring the screening or buffering into compliance.

DIVISION 2. DEVELOPMENT STANDARDS AND SPECIFICATIONS

SUBDIVISION III. LANDSCAPING

Section 33-1310. Landscape buffers tables.

- (a) All landscape buffers must comply with section 10-416, Landscape Standards. However, in lieu of sections 10-416(d)(3) and 10-416(d)(4), the tables below must be used. In addition, section 10-416(d)(6) will not apply to the Page Park Community.

TABLE 33-1310. LANDSCAPE BUFFERS – TABLE 1

Table 1	Existing Use								
	Use	SFR	MFR	COM	IND	ROW	<u>REC</u>	<u>WOR</u>	<u>Live-work</u>
Proposed Use	SFR	—	—	—	—	—	—	—	—
	MU	A	—	—	C	B	<u>A</u>	A	—
	COM	B	—	—	B	B	<u>A</u>	—	<u>A</u>
	WOR	B	—	—	B	A	—	—	—
	REC	A	—	—	B	A	—	—	—

	Live-Work	A	—	—	A	A	<u>A</u>	<u>A</u>	—
	IND	C	C	B	—	B	<u>C</u>	<u>C</u>	<u>B</u>
	<u>MFR</u>	<u>B</u>	—	—	—	<u>B</u>	<u>A</u>	<u>A</u>	—

* ~~MU includes all multiple-family residential development~~

- Notes: SFR = Single-family residential
 WOR = House of worship
 MFR = Multiple-family residential
 ROW - Public Right-of-way
 COM = Commercial
 REC = Recreation and parks
 IND = Industrial
 MU = Mixed Use

**ESTERO
LDC SIGN
AMENDMENTS**

Sec. 33-56. Definitions.

The following definitions are in addition to those set forth in other chapters of this Code 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 Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control.

Monument sign or monument-style sign is a ground sign, the structural base of which is on the ground. The height of the base must ~~not exceed~~ be at least 24 but no more than 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. ~~The face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure.~~ shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes.

Sec. 33-385. Permanent signs in commercial and industrial areas.

(a) Identification sign. A nonresidential subdivision or parcel will be permitted one monument-style identification sign along any street that provides access to the property in accordance with section 30-153.

(1) Except as provided in subsection (3) below, the maximum height of any identification sign will be 17 feet.

(2) Lighting.

a. Permissible lighting. Except as provided in section 30-153(2)a.1.iv., the monument-style identification or wall sign may be illuminated by:

1. Individual internally illuminated letters and logo on an unlit background (i.e. channel lit lettering);

2. Lighting behind the letters and logo that illuminates the sign background (i.e. reverse channel lit lettering);

3. A combination of 1. and 2., above; or

4. Edge-lit letters using concealed neon or remotely lit fiber optics.

b. Prohibited lighting. Monument-style identification or wall signs may not be animated or illuminated by:

1. A visible source of external lighting;
2. Exposed neon; ~~or~~
3. Exposed raceways; or
4. Internally illuminated box signs (as defined by a sign comprised of translucent surfaces electronically illuminated from within), unless face and side of sign are opaque except for letters and/or logo being translucent.

c. All electrical connections, wiring, etc., must be concealed.

(3) Except as provided herein, monument-style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and ten feet from any other property line. In no case will a monument-style identification sign be permitted between a collector or arterial street and a frontage road.

Exception: Where the building is within 15 feet of the street right-of-way or road easement the sign may be placed closer than 15 feet to the right-of-way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.

(4) All monument-style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.

(5) Copy area of a monument sign may not exceed 75 percent of the total sign structure area and a minimum 25 percent of the sign structure area must be devoted to architectural features.

(6) Signs identifying individual businesses must be easily read from the pedestrian level.

(7) Signs must match the architectural style of the building or development.

(8) Wall signs are permitted ~~on any wall facing a collector or arterial street or parking lot in accordance with section 30-153(2)(c)1. and section 30-153(3)d.,~~ with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of ~~all reasonable rectangles that enclose the sign parts~~ any and all signs on the tenant's wall. Wall signs ~~are limited to business name and logo, and~~ may not contain advertising messages or sales item names.

(Ord. No. 05-29, § 5, 12-13-05)

Sec. 33-54. Community review.

(a) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct one public informational session in accord with section 33-54(b) within the Estero Planning Community prior to obtaining a finding of sufficiency.

(1) Development orders. This includes all applications for development orders and Type 1, 2, 8, 10 and 12 limited review development orders requested within the Estero Planning Community.

(2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.

(3) Special exception and variance requests. This includes all requests that will be decided by the hearing examiner.

(4) Conventional rezoning actions.

(5) Permanent monument-style identification sign permits requested from the Building Department.

~~ARTICLE VI. ESTERO SIGN OVERLAY DISTRICT~~

~~Sec. 30-400. Reserved.~~

~~Editor's note: Ord. No. 11-01, § 2, adopted March 8, 2011, repealed § 30-400, which pertained to purpose of article. See also the Code Comparative Table.~~

~~Sec. 30-401. Definitions.~~

~~The following definitions are in addition to the definitions set forth in section 30-2(b).~~

~~Freestanding sign is a sign that is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the sign and the ground space.~~

~~Monument sign or monument-style sign is a freestanding or ground sign, the structural base of which is on the ground. The height of the base must not exceed 24 inches above the adjacent ground. Unless otherwise provided for in this article, the average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. The face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure.~~

~~Pole sign is a freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style support, which pole is in excess of 12 inches in height.~~

~~Pylon sign is a ground sign having a vertical dimension greater than its horizontal dimension.~~

~~(Ord. No. 03-16, § 5, 6-24-03)~~

~~Sec. 30-402. Applicability of article; 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 provisions of articles I through IV of this chapter remain in full force in the Estero Planning Community. In the case of conflicts between provisions of this article and other provisions of this chapter, the more restrictive will control.~~

~~(Ord. No. 03-16, § 5, 6-24-03)~~

~~Secs. 30-403, 30-404. Reserved.~~

~~Editor's note: Ord. No. 11-01, § 2, adopted March 8, 2011, repealed § 30-404, which pertained to prohibited signs. See also the Code Comparative Table.~~

~~Sec. 30-405. Temporary signs.~~

~~(a) — Special occasion signs.~~

~~(1) — Temporary on-site signs may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in section 30-6), carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided:~~

~~a. — A special occasion sign permit is issued by the building official;~~

~~b. — The special occasion sign permit is issued for a period of time not to exceed 15 days;~~

~~c. — No business may be permitted more than two special occasion permits in any calendar year; and~~

~~d. — Any business found in violation of the time limitation in 2., above, within a calendar year is not eligible to receive a temporary sign permit.~~

~~(b) — Signs must be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;~~

~~(c) — Signs illuminated by electricity must comply with all electrical and safety codes; and~~

~~(d) — Signs must be constructed and secured in accordance with all applicable standards.~~

~~(Ord. No. 03-16, § 5, 6-24-03)~~

~~Sec. 30-406. Permanent signs in commercial and industrial areas.~~

~~(a) Identification sign. A nonresidential subdivision or a multiple-occupancy complex of more than five establishments will be permitted one monument style identification sign along any street which provides access to the property as follows:~~

~~(1) Sign area. One square foot of sign area per face will be permitted for every one linear foot of frontage, provided that:~~

~~a. Every parcel will be allowed one monument style identification sign but no sign may exceed 200 square feet in area per sign face.~~

~~b. Only one monument style identification sign will be permitted along any street frontage of less than 330 linear feet. A second monument style identification sign may be permitted if the frontage along any one street exceeds 330 linear feet, provided that the total combined sign area of both signs does not exceed 300 square feet.~~

~~c. On corner lots, the developer may either place one monument style identification sign on both streets providing access as stipulated in subsections (2)a.1.i and ii of this section, or he may place one sign in the corner with a total sign area based upon the total frontage of both streets provided the maximum sign area does not exceed 300 square feet per face.~~

~~d. Where a nonresidential subdivision has more than one entrance from the same street, one additional monument style identification sign not exceeding 16 square feet in area, not illuminated, and displaying only the name of the development may be permitted at each additional entrance.~~

~~e. The total height of the sign structure may exceed the average width of a monument style identification sign.~~

~~(2) Except as provided in subsection (4), below, the maximum height of any identification sign will be 24 feet.~~

~~(3) Lighting.~~

~~a. Permissible lighting. Except as provided in subsection (2)a.1.iv of this section, the monument style identification sign may be illuminated by:~~

~~1. Individual internally illuminated letters and logo on an unlit background;~~

~~2. Lighting behind the letters and logo that illuminates the sign background;~~

~~3. A combination of 1. and 2., above; or~~

~~4. Edge-lit letters using concealed neon or remotely lit fiber optics.~~

b. ~~Prohibited lighting. Monument style identification signs must not be animated and must not be illuminated by:~~

1. ~~Visible external floodlighting.~~

2. ~~Exposed neon, unless integral to the architectural feature design.~~

3. ~~Exposed raceways.~~

c. ~~All electrical connections, wiring, etc., must be concealed.~~

(4) ~~Except as provided herein, monument style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and 10 feet from any other property line. In no case will a monument style identification sign be permitted between a collector or arterial street and a frontage road.~~

~~Exception: Where the building is within 15 feet of the street right-of-way or road easement the sign may be placed closer than 15 feet to the right of way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.~~

(5) ~~All monument style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.~~

(6) ~~Copy area may not exceed 75 percent of the total sign area and 25 percent of the sign area must be devoted to architectural features.~~

(7) ~~Signs identifying individual businesses must be easily read from the pedestrian level.~~

(8) ~~Signs must match the architectural style of the building or development.~~

~~(Ord. No. 03-16, § 5, 6-24-03)~~

**CAPTIVA
LDC AMENDMENTS**

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)~~