

Upper Captiva LDC Design Matrix

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LDC Area	Upper Captiva Existing and/or Lee County (LDC & Ordinances)	Other Exemplary Language	
<p>Development Regulations and Setbacks</p>	<p>Sec. 34.2175(a) (1)- Height limitations for special areas and Lee Plan land use categories.</p> <p><i>Upper Captiva Island.</i> The height of a structure may not exceed 35 feet above grade (base flood elevation). The provisions of section 34-2174(a) do not apply to Upper Captiva Island. No variance or deviation from the 35-foot height restriction may be granted. (see 34-2174(a))</p> <p>Sec. 34-2171. - Measurement. (a). Except as provided in this subdivision, the height of a building or structure is measured as the vertical distance from grade* to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs, and to the highest point of any other structure (excluding fences and walls).</p> <p><i>Sec. 34-2174(a) . - Additional permitted height when increased setbacks provided. (a) Subject to conditions set forth in section 34-2175, any building or structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided every required street, side, waterbody, and rear setback is increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation.</i></p>	<p>Sec. 34.2175(a) (2)- Captiva Island. No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions of section 34-2174(a) do not apply to Captiva Island. No variance or deviation from this height restriction may be granted; provided however, one communication tower, not to exceed 170 feet in height, may be constructed in accord with Lee Plan Policy 13.1.14.</p>	
	<p>Sec. 34-2192. - Street setbacks. Pathway maintenance or setback</p> <p>(a) Required setback. Except as provided for in subsection (b) of this section, or unless a modification is granted as a variance or deviation, all buildings and structures must be set back from the adjacent street easement or right-of-way according to the functional classification of the adjoining street as set forth on the official trafficways map. Any street not shown on the trafficways map as a collector or arterial street will be presumed to be a local street or a private street for the purposes of this section.</p> <p>SETBACKS FROM STREETS</p> <table border="1" data-bbox="491 1320 1499 1408"> <tr> <td data-bbox="491 1320 1024 1408">Street Classification</td> <td data-bbox="1024 1320 1499 1408">Setback from Edge of Right-of-Way or Street Easement Line</td> </tr> </table>	Street Classification	Setback from Edge of Right-of-Way or Street Easement Line
Street Classification	Setback from Edge of Right-of-Way or Street Easement Line		

		(feet)	
	Arterial or collector street:		
	• With frontage street*	65	
	• Without frontage street	25	
	Local	25	
	Private	20	
	<p>* Applies only where the frontage street is located within 40 feet of the right-of-way; does not apply where the frontage street is or will be located within the right-of-way.</p> <p>(b) Exceptions.</p> <p>(1) Exception for certain structures. Certain structures are exempt from the street setback requirements as follows:</p> <p>a. Mail and newspaper delivery boxes. [text not provided: n/a to UC]</p> <p>b. Bus shelters, bus stop benches and bicycle racks. Bus shelters and bicycle racks may be located in any district, provided the location of the structure is approved by the county department of transportation.</p> <p>c. Utility equipment. Accessory utility equipment such as pad-mounted transformers, service pedestals and telephone terminal or switching devices are exempt from certain setback requirements, provided that they comply with the provisions set forth in division 14 of this article.</p> <p>(2) Exception for certain existing lots and structures.</p> <p>a. The setbacks set forth in subsection (a) of this section will not apply to residential structures or public schools erected prior to August 1, 1986, or which received a development order or building permit which is still valid on August 1, 1986.</p> <p>b. Street setbacks for corner lots recorded prior to January 28, 1983, which have a lot width of less than 100 feet will be modified as follows:</p> <p>1. If the corner lot abuts two local streets, the setback for the street opposite the interior side yard may be reduced to 15 feet.</p> <p>2. If the corner lot abuts a local street and a street of higher classification, the street setback for the local street may be reduced to 15 feet.</p>		
	<p><u>Water Body Setbacks: COASTAL CONSTRUCTION CODE</u></p> <p><i>Sec. 6-333. - Definitions</i></p> <p><i>Coastal barrier islands</i> means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, including Gasparilla Island (including Boca Grande Isles), Cayo Costa Island, North Captiva Island, Captiva Island, Estero Island, Lovers Key and Bonita Beach, and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment or</p>		

other material, including spoil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce will not be considered coastal barrier islands.

Coastal building zone means the coastal barrier islands, Buck Key, Black Island, Big Hickory Island, Long Key and the unnamed mangrove island between Broadway and Hogue Channels in their entirety and the land area 3,000 feet landward of mean high water from the western tip of Punta Rassa to the peninsula north of Pelican Bay with the eastern boundary being the eastern shoreline at mean high water of the peninsula in Siesta Isles. The bay islands in Gasparilla Sound, Pine Island Sound (including Cabbage Key and Useppa Island), Matlacha Pass and Estero Bay and Pine Island, San Carlos Island and the mainland area not expressly referred to in this definition are excluded from the provisions of this article.

Major structure includes, but is not limited to, residential, commercial, institutional, industrial or other public buildings and other construction having the potential for substantial impact on the coastal building zone.

Mean high-water line means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period. (See F.S. § 177.27(15).)

Minor structure includes, but is not limited to, pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported viewing platforms, gazebos and boardwalks; lifeguard support stands; public and private bathhouses, sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas; earth retaining walls; and ornamental garden structures, aviaries and other ornamental construction. Minor structures are those structures considered expendable under design wind, wave and storm forces.

Sec. 6-361. - Generally.

The following requirements will apply to all construction in the coastal building zone commenced on or after March 1, 1986. These requirements will be considered the minimum standards for construction in the coastal building zone.

Sec. 6-362. - Structural requirements for major structures.

(a) *Design and construction generally.* Major structures must conform to the minimum building code standards adopted by the county in section 6-111.

(b) *Mobile homes and manufactured homes.* [additional text not provided: n/a to UC]

(c) *Elevation, floodproofing and siting.* Major structures must be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR 59 and 60, or article IV of this chapter, whichever is more restrictive.

(d) *Velocity pressure.* Major structures, except mobile homes and manufactured homes, must, at a minimum be designated and constructed in accordance with

chapter 16, section 1606 of the 1997 Standard Building Code using a fastest-mile wind velocity of 110 miles per hour.

(e) *Foundation design.* Foundation design and construction of a major structure must consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design must account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction must provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this section do not apply landward of coastal construction control lines which have been established since June 30, 1980.

Sec. 6-364. - Structural requirements for nonhabitable major structures.
 Nonhabitable major structures must satisfy the structural requirements of section 6-362(c) and the applicable provisions of the Standard Building Code as required by article II of this chapter. However, these structures are not required to meet the balance of specific structural requirements set out in section 6-362. Such structures must be designed to produce the minimum adverse impact on the beach and dune system. All sewage treatment and public water supply systems must be floodproofed to prevent infiltration of surface water anticipated from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, must be floodproofed to prevent infiltration of surface water expected from a 100-year storm event, or must otherwise be designed to function when submerged under such storm conditions.

Sec. 6-365. - Structural requirements for minor structures.
 Minor structures must satisfy the structural requirements of section 6-362(c) and the applicable provisions of the Florida Building Code as required by article II of this chapter. However, these structures are not required to meet the balance of the specific structural requirements set out in section 6-362. These structures must be designed to produce the minimum adverse impact on the beach and dune system and adjacent properties to reduce the potential water and wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure is not permitted.

Sec. 6-366. - Location of construction.
 Except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos and coastal or shore protection structures, construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

Sec. 6-367. - Public access
 Development or construction activity may not interfere with accessways established

	<p>by the public through private lands to lands seaward of mean high tide line or mean high-water line by prescription, prescriptive easement or any other legal means, unless the developer provides a comparable alternative accessway. The developer has the right to improve, consolidate or relocate such public accessways if the accessways provided are:</p> <ol style="list-style-type: none"> (1) Of substantially similar quality and convenience to the public; (2) Approved by the Board of County Commissioners; and (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. § 163.3178. 	
	<p>Sec. 34-2194. - Setbacks from bodies of water</p> <p>(a) Gulf of Mexico. Except as provided in this section or elsewhere in this chapter, buildings and structures may not be placed closer to the Gulf of Mexico than set forth in chapter 6, article III, pertaining to coastal zone protection, or 50 feet from mean high water, whichever is the most restrictive.</p> <p>(b) Other bodies of water. Except as provided in this section or elsewhere in this chapter, buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater. For purposes of measuring setbacks from a canal, bay, or other body of water, the following will be used:</p> <ol style="list-style-type: none"> (1) If the body of water is subject to tidal changes, the mean high water line (MHWL) will be used. (2) If the body of water is seawalled, setback will be measured from the seaward side of the seawall, not including the seawall cap. (3) If the body of water is rip-rapped or has a natural or unimproved shoreline, the setback will be measured from the control elevation of the body of water. If the control elevation is unknown or not available, then the setback will be measured from the ordinary high water line (OHWL). <p>(c) Exceptions. (1) <i>Planned developments.</i> [available text not included. Will be incorporated if there are any planned developments programmed for UC]</p>	

<p>Residential Fire Extinguishers / Minimum fire code</p>	<p>Nothing related to residential fire extinguishers was found in Lee County Ordinances or Codes. A state law “residential fire” search yielded the results on the right.</p>	<p><u>633.025 Minimum firesafety standards.—</u></p> <p>(4) Such codes (state fire code) shall be minimum codes and a municipality, county, or special district with firesafety responsibilities may adopt more stringent firesafety standards, subject to the requirements of this subsection. Such county, municipality, or special district may establish alternative requirements to those requirements which are required under the minimum firesafety standards on a case-by-case basis, in order to meet special situations arising from historic, geographic, or unusual conditions, if the alternative requirements result in a level of protection to life, safety, or property equal to or greater than the applicable minimum firesafety standards. For the purpose of this subsection, the term "historic" means that the building or structure is listed on the National Register of Historic Places of the United States Department of the Interior.</p> <p>Actions of the department are subject to judicial review pursuant to s. 120.68. The department shall consider reports of the Florida Building Commission, pursuant to part VII of chapter 553, when evaluating building code enforcement.</p> <p>(9) The provisions of the Life Safety Code shall not apply to</p>
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		<p>newly constructed one-family and two-family dwellings. However, fire sprinkler protection may be permitted by local government in lieu of other fire protection-related development requirements for such structures. While local governments may adopt fire sprinkler requirements for one- and two-family dwellings under this subsection, it is the intent of the Legislature that the economic consequences of the fire sprinkler mandate on home owners be studied before the enactment of such a requirement. After the effective date of this act, any local government that desires to adopt a fire sprinkler requirement on one- or two-family dwellings must prepare an economic cost and benefit report that analyzes the application of fire sprinklers to one- or two-family dwellings or any proposed residential subdivision. The report must consider the tradeoffs and specific cost savings and benefits of fire sprinklers for future owners of property. The report must include an assessment of the cost savings from any reduced or eliminated impact fees if applicable, the reduction in special fire district tax, insurance fees, and other taxes or fees imposed, and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing, increased dead-end roadway length and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling. A failure to prepare an economic report</p>
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		<p>shall result in the invalidation of the fire sprinkler requirement to any one- or two-family dwelling or any proposed subdivision. In addition, a local jurisdiction or utility may not charge any additional fee, above what is charged to a non-fire sprinklered dwelling, on the basis that a one- or two-family dwelling unit is protected by a fire sprinkler system.</p> <p>(10) Before imposing a fire sprinkler requirement on any one- or two-family dwelling, a local government must provide the owner of any one- or two-family dwelling a letter documenting specific infrastructure or other tax or fee allowances and waivers that are listed in but not limited to those described in subsection (9) for the dwelling. The documentation must show that the cost savings reasonably approximate the cost of the purchase and installation of a fire protection system.</p> <p>History.--s. 6, ch. 87-287; s. 1, ch. 88-362; s. 8, ch. 91-110; s. 2, ch. 91-189; s. 8, ch. 95-379; s. 59, ch. 98-287; ss. 104, 105, ch. 2000-141; s. 3, ch. 2001-64; s. 1393, ch. 2003-261; s. 17, ch. 2005-147.</p>
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<p>Exterior / Interior Ingress & Egress Fire Code</p>	<p><u>Sec. 34.2175(a) (1)- Height limitations for special areas and Lee Plan land use categories (Exterior Stairway Section).</u></p> <p>In addition to compliance with all applicable building codes (including Fire and Life Safety Codes), any building with two or more stories or levels must provide an exterior stairway from the uppermost levels (including "widow's walks" or observation decks) to the ground OR a one-hour fire rated interior means of egress from the uppermost levels (including "widow's walks" or observation decks) to the ground. <i>[cannot locate the case / review in which this was thrown out]</i></p>	
<p>Pathway Maintenance</p>		<p>City of Cape Coral Lot Maintenance Requirements</p> <p>§ 12-97 <i>Maintenance requirements.</i></p> <p>(a) The exteriors of the properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items included, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.</p> <p>(b) The exteriors of the property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.</p>

		<p>(c) Front, side, and rear yard landscaping shall be maintained in accordance with the city's standard at the time registration was required.</p> <p>(d) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod.</p> <p>(e) Maintenance shall include, but not be limited to, watering, cutting, and mowing of required landscape and removal of yard waste.</p> <p>(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City Code of Ordinances and Florida Building Code, as amended from time to time.</p> <p>(g) Failure of the mortgagee or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or notice of violation/notice of hearing by a city's code enforcement officer. Pursuant to a finding and determination by the city's special magistrate, the city may take the necessary action to ensure compliance with this section.</p> <p>(Ord. 139-08, 12-15-2008; Ord. 7-09, 3-9-2009)</p>
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**Exterior
lighting
[General]**

Sec. 34-625. - Outdoor lighting standards.

(a) *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the night time visual environment by minimizing light pollution, glare, and light trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining night-time safety, utility, security and productivity.

(b) *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this section.

(c) *General exemptions.* The following are generally exempt from the provisions of this section:

- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or state regulatory agencies;
- (2) Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;
- (3) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and
- (4) Lighting for public roads except as provided in section 14-77.

(d) *Standards and Criteria.* In addition to the standards and criteria for outdoor lighting established in this subsection, there are standards for sea turtle lighting in chapter 14, Article I, division 2 of this Code and further technical standards are specified in a related County Administrative Code. When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply.

(1) *Illuminance.* Table 1 is provided as a general synopsis of the illumination level requirements. These levels are based upon general use or task categories and are measured in footcandles on the task surface (for example the parking lot or area surface) with a light meter held parallel to the ground or other surface, facing up, unless otherwise specifically stated.

Table 1. Illumination Level Requirements (1)

Use/Task	Initial Actual Footcandles (2),(4)	Initial Uniformity Avg. (3)
Parking, multi-family		
Low vehicular/pedestrian activity	0.3 min.	4:1
Medium vehicular/pedestrian activity	0.8 min.	4:1
Parking, industrial/commercial/ institutional, municipal		
High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events.	1.2 min.	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8 min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.3 min.	4:1
Non-residential walkways and bikeways	0.3 min.	5:1
Canopy, drive-thru, fuel pumps, overhang	6.0 min	5:1
<p data-bbox="520 930 772 963">Editor's note— Notes:</p> <p data-bbox="520 995 1491 1141">Editor's note— (1) These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a certificate of compliance. The outdoor lighting must be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.</p> <p data-bbox="520 1174 1491 1287">Editor's note— (2) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property, may not exceed 0.2 footcandle measured at 10 feet from the property line onto the adjacent residential property.</p> <p data-bbox="520 1320 1449 1401">Editor's note— (3) Uniformity ratios dictate that the average illumination values may not exceed initial values by more than the product of the initial value and the specific ratio. For example, in the case of commercial parking and high activity, the</p>		

initial average illuminance may not be in excess of 4.8 footcandles (1.2 x 4).

Editor's note— (4) Where all night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in this Code.

(2) *Lamp standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the Director for a cause shown. Specifically, mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited. Lighting of outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc. are exempt from the lamp type standards provided that all other applicable provisions are met.

(3) *Luminaire standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions.

- a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20 watt incandescent bulb), regardless of number of bulbs, may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
- b. Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60 watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
- c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.
- d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward, or directed towards the shoreline areas, The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.
- e. All externally illuminated billboards and signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols is preferred to minimize detrimental effects. Illumination resulting from sign lighting must be considered as

	<p>contributing to the illumination levels specified herein.</p> <p>f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.</p> <p>g. All non-essential exterior commercial lighting must be turned off after business hours.</p> <p>(4) <i>Luminaire mount standards.</i> the following standards apply to luminaire mountings.</p> <p>a. <i>Free standing luminaires.</i> Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 25 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within 50 feet of a residentially zoned property or use may not exceed 15 feet. Poles used to illuminate pedestrian walkways may not exceed 15 feet. Lighting for outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards provided that all other applicable provisions are met.</p> <p>b. <i>Building mounted luminaires.</i> These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet, or the roof, or 25 feet, whichever is the lowest.</p> <p>c. <i>Canopy lighting.</i> Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to 85 degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. No part of the canopy may be back-lighted. Lights may not be mounted on the top or sides (fascias) of the canopy. The sides (fascias) of the canopy may not be illuminated in any manner.</p> <p>d. <i>Trees and landscaping.</i> To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.</p> <p>(e) <i>Development order and permit criteria.</i> The applicant for any development order or building permit, as applicable under the provisions of this Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this Code. Specifically the submission must include the following:</p> <ol style="list-style-type: none"> 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices. 	
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2. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.
3. All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.
4. All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this Code. The use of a light loss factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this Code.

(f) *Compliance.*

1. Prior to the final inspection for a certificate of compliance pursuant to section 10-183, site verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this Code.
2. If any outdoor light fixture or the type of light source therein, is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to assure compliance with this Code. This request or amendment must be approved prior to the installation of the proposed change.
3. Outdoor lighting must be maintained in compliance with this Code.

(g) *Existing outdoor lighting.* Light pole height requirements do not apply to existing light poles. Existing light fixtures must be brought into compliance with this Code within ten years of the adoption of this Code (June 24, 2003). Any fixtures replaced after the date of the adoption of this Code (June 24, 2003) must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this Code apply to all outdoor lighting.

(Ord. No. 03-16, § 6, 6-24-03)

Sea Turtle Lighting

Sec. 14-75. - Lighting for existing development

Existing development must ensure that sea turtle nesting habitat is not directly or indirectly illuminated by artificial lighting originating from the existing development during the nesting season. Existing development must incorporate and follow the measures outlined in section 14-79 to reduce or eliminate interior light emanating from doors and windows visible from the beach, a dune, or other sea turtle nesting habitat.

(Ord. No. 98-03, § 3, 1-13-98; Ord. No. 05-14, § 4, 8-23-05)

Sec. 14-76. - Lighting for new development

New development must comply with the following requirements:

- (a) Artificial lighting must conform to the general requirements of section 14-75;
- (b) A lighting plan must be submitted to the county for review prior to the earlier of building permit or development order issuance for all new development on the barrier islands identified in Appendix B, as follows:
 - (b)(1) Seaward of the coastal construction control line, as defined in section 6-333 (CCCL), a lighting plan is required for all new development.
 - (b)(2) Landward of the CCCL, a lighting plan is required for all commercial and industrial development, and for all multi-story developments in multi-family zoning districts.
 - (b)(3) The location, number, wattage, elevation, orientation, fixture cut sheets, and types of all proposed exterior artificial light sources, including landscape lighting, must be included on the lighting plan. A county approved lighting plan is required before a building permit will be issued and final inspections for a certificate of occupancy or certificate of compliance will be performed by the county; and
 - (b)(4) Tinted glass, or any window film applied to window glass that meets the definition for tinted glass in section 14-72, must be installed on all windows and glass doors visible from the beach. The alternative selected to comply with this subsection must be identified on the building permit plans.
 - (b)(5) Exterior light fixtures visible from the beach must meet all of the following criteria to be considered appropriately designed:
 - (b)(5)a. Completely shielded downlight-only fixtures or recessed fixtures having 25-watt yellow bug type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used, if they comply with section 14-75. Mercury vapor and metal halide lighting is prohibited.
 - (b)(5)b. All fixtures must be mounted as low as possible through the use of low-mounted wall fixtures, low bollards, and ground level fixtures.
 - (b)(5)c. All exterior lighting must be installed so that the cone of light will fall substantially within the perimeter of the property. Through the use of shielding and limitations on intensity, artificial light traveling outward and upward producing a sky glow must be reduced to the greatest extent possible without unduly interfering with the purpose of the exterior lighting.

(b)(5)d. Lighting on ceiling fans placed on balconies or porches visible from the beach is prohibited.

(b)(5)e. Artificial lighting, including but not limited to uplighting, is not permitted seaward of the 1978 CCCL.

(b)(5)f. A colored or partially opaque lens must be installed over pool and spa lights.

(6) Parking lot lighting must use:

- a. Poles no higher than 12 feet in height;
- b. Shoebox-style fixtures containing high pressure sodium or low pressure sodium bulbs 150 watts or less; and
- c. Opaque shields with a non-reflective black finish on the inside that completely surrounds each fixture and extends below each fixture at least 12 inches.

(7) Low profile artificial lighting is encouraged, such as step lighting or bollards with louvers and shields that are no taller than 48 inches with bulbs of 35 watts or less. Opaque shields must surround 180 degrees of each fixture to keep direct light off the beach.

(8) Illuminated signs must conform to the requirements of section 14-76. Reverse lighting signs are recommended, where the background is opaque and the letters/logo are illuminated from within the sign. If exterior lighting is used to illuminate the sign, the lights must be downlights with shields and louvers to pin point the light. The use of neon is not permitted.

(c) Prior to the issuance of a Certificate of Occupancy (CO), the exterior lighting of new development must be inspected after dark by the county, with all exterior lighting turned on, to determine compliance with an approved lighting plan and this division.

(Ord. No. 98-03, § 3, 1-13-98; Ord. No. 05-14, § 4, 8-23-05)

Sec. 14-77. - Publicly owned lighting

Streetlights and lighting at parks and other publicly owned beach access areas are subject to the following requirements:

- (a) The beach must not be directly or indirectly illuminated by newly installed or replaced point sources of light.
- (b) Artificial lighting at parks or other public beach access points must conform to the provisions of section 14-75.

(Ord. No. 98-03, § 3, 1-13-98)

Sec. 14-79. - Guidelines for mitigation and abatement of prohibited artificial lighting

- (a) Appropriate techniques to achieve lighting compliance include, but are not limited to:
 - (1) Fitting lights with hoods or shields.

	<p>(2) Utilizing recessed or down fixtures with low wattage bulbs.</p> <p>(3) Screening light with vegetation or other ground-level barriers.</p> <p>(4) Directing light away from sea turtle nesting habitat.</p> <p>(5) Utilizing low-profile lighting.</p> <p>(6) Turning off artificial light during the nesting season.</p> <p>(7) Motion detectors set on the minimum duration.</p> <p>(8) Lowering the light intensity of the lamps to 25-watt yellow bug lights.</p> <p>(9) Spraying reflective surfaces within fixtures or globes on fixtures with a flat black grill or oven paint.</p> <p>Although plastic sleeves for fluorescent bulbs may help to reduce the amount of artificial light to an acceptable level if the bulbs are of sufficiently low wattage, additional shielding is still needed as sea turtles are more sensitive to the wavelengths of fluorescent light.</p> <p>(b) Opaque shields for lights covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on its seaward side may be installed so that the light source or any reflective surface of the light fixture is not visible from sea turtle nesting habitat.</p> <p>(c) Floodlights, uplights, spotlights, and decorative lighting directly or indirectly visible from sea turtle nesting habitat should not be used during the nesting season. The ideal alternatives within direct line-of-sight of the beach are completely shielded downlight-only fixtures or recessed fixtures, with any visible interior surfaces or baffles covered with a matt black non-reflective finish.</p> <p>(d) Appropriate techniques to eliminate interior lighting directly or indirectly illuminating the beach, include, but are not limited to: applying window tint film to windows, using tinted glass, moving light fixtures away from windows, closing blinds or curtains, and turning off unnecessary lights.</p> <p><i>(Ord. No. 98-03, § 3, 1-13-98; Ord. No. 05-14, § 4, 8-23-05)</i></p>	
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<p>Sea Turtle Habitat: Additional Regulations</p>	<p><u>Sec. 14-78. - Additional regulations affecting sea turtle nesting habitat</u></p> <p>(a) <i>Fires.</i> Fires are prohibited on the beach during the sea turtle nesting season.</p> <p>(b) <i>Driving on the beach.</i> Driving on sea turtle nesting habitat, specifically including the beach, is prohibited during the nesting season, except as follows:</p> <p>(1) <i>Research or patrol vehicles.</i> Only authorized permittees of the FWC, DEP officials, and law or code enforcement officers conducting bona fide research or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season. No lights may be used on the vehicles during the nesting season unless they are covered by appropriate red-colored filters. The vehicles must travel below the previous night's mean high tide line to avoid dunes, dune vegetation, sea turtle nests and bird nesting areas.</p> <p>(2) <i>Mechanical beach raking.</i> The mechanical raking of the beach or wrack line is prohibited, except in accordance with section 14-174. During the nesting season, mechanical beach raking:</p> <p>a. Must not occur before 9:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first; and</p> <p>b. Must not disturb any sea turtle or sea turtle nest; and,</p> <p>c. Must avoid all staked sea turtle nests by a minimum of ten feet.</p> <p>(3) <i>Beach furniture and equipment transport.</i> During the nesting season, the transport of beach furniture and equipment:</p> <p>a. May not be set out in the morning until after a sea turtle monitor has inspected the beach in the area of the authorized activity to ensure any new sea turtle nests are identified and marked.</p> <p>b. May not travel within ten feet of a sea turtle nest or dune vegetation.</p> <p>(4) See section 14-175 for other restrictions on vehicular traffic on the beach that apply before and after the nesting season.</p> <p>(c) <i>Parking.</i> Vehicle headlights in parking lots or areas on or adjacent to the beach must be screened utilizing ground-level barriers to eliminate artificial lighting directly or indirectly illuminating sea turtle nesting habitat.</p> <p><small>(Ord. No. 98-03, § 3, 1-13-98; Ord. No. 05-14, § 4, 8-23-05)</small></p>	
<p>Water & Wastewater (Well & Septic Systems)</p>	<p>Ord. Sec. 32-15. - Purpose and short title</p> <p>This article is known and cited the Lee County Well Code ("well code"). This article provides minimum requirements for safeguarding life, health and public welfare by regulating and controlling design, construction, alteration, repair, equipment, location, maintenance, and plugging of wells, borings, and elevator shafts in Lee County. The well code is dedicated to</p>	

development and maintenance of better well drilling, to safeguarding water resources, and to standardizing drilling and related practices.

Contents:

DIVISION 1. - GENERALLY

DIVISION 2. - WELL USE CLASSIFICATIONS

DIVISION 3. - COMPLAINTS, MEDIATIONS, FORMAL HEARING PROCESS,
and APPEALS

DIVISION 4. - PERMITS

DIVISION 5. - TEST WELL REQUIREMENTS

DIVISION 6. - DRILLING INSPECTORS AND INSPECTIONS

DIVISION 7. - CONSTRUCTION OF WELLS, BORINGS AND SHAFT HOLES

DIVISION 8. - LICENSING

DIVISION 9. - SUPPLEMENTAL REGULATIONS

DIVISION 10. - PENALTIES

[remainder not printed here, due to length – contents are hyperlinked for additional reference]

[Sec. 10-352. \(B\) - Potable water systems](#)

Connection to central system required for certain developments. The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned water utility, or within the County utilities' future water service areas as defined in the Lee Plan, must connect to that respective water system: *[portions not re-printed here, due to n/a to UC]*

Private systems. If the proposed development is not required to connect pursuant to section 10-352(a):

(1) A development order may be issued upon satisfactory documentation that the development will itself provide water service in accordance with the regulations of the state department of health and rehabilitative services, the state department of environmental regulation and the South Florida Water Management District; and

(2) The water system approved under section 10-352(b)(1) must be removed or abated and connection to that utility must be made not more than 90 days from the date the utility provides written notice to the property owner that potable water service is available at the boundary of the development and connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance: and

(3) The private water system installed must comply with Chapter 64E-8 of the Florida Administrative Code; as such provisions now exist or may be amended.

(Ord. No. 92-44, § 11(B), 10-14-92; Ord. No. 94-07, § 11, 2-16-94; Ord. No. 07-24, § 3, 8-14-07; Ord. No. 09-23, § 4, 6-23-09)

Sec. 10-353. (b) - Sanitary sewer systems generally

Connection to central system required for certain developments. The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned utility, or within the County utilities' future sewer service areas as defined in the Lee Plan, must connect to that respective sewer system: *[portions not reprinted here – UC is not within boundaries of a utility]*

Individual sewage disposal systems.

If the proposed development is not required to connect pursuant to 10-353(a):

(1) A development order may be issued upon satisfactory documentation that the development will itself provide sanitary sewer service in accordance with the regulations of the state department of environmental protection, or on-site sewage disposal in accordance with the regulations of the state department of health; and

(2) The system approved under 10-353(b)(1) must be removed or abated and connection to the utility must be made not more than 90 days from the date the utility provides written notice to the property owner that sanitary sewer service is available at the boundary of the development and connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance.

(3) The individual sewage disposal system installed must comply with Chapter 64E-6 of the Florida Administrative Code as the same now exists or as it may be amended from time to time.

(Ord. No. 92-44, § 11(C), 10-14-92; Ord. No. 94-07, § 11, 2-16-94; Ord. No. 96-06, § 4, 3-20-96; Ord. No. 07-24, § 3, 8-14-07; Ord. No. 09-23, § 4, 6-23-09)

<p>Solid Waste & Garbage Disposal</p>	<p><u>Sec. 17-89. - Outer Islands service area</u></p> <p>Due to the unique circumstances of the Outer Islands service area, the "Outer Islands" as described by Exhibit "A", attached hereto and incorporated herein, are hereby exempt from any section or provisions of this article (<i>ARTICLE VI. - GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL FOR LEE COUNTY</i>) to the extent that where there is a contrary method of operation or a conflict between the terms and provisions of this article and the rules, regulations and conditions pursuant to this section, the regulations, terms and conditions of this section shall control. However, the Outer Islands shall remain subject to all of the other requirements of this article to the extent that the provisions are not inconsistent with the terms of this section.</p> <p>The Lee County Outer Islands, specifically Cabbage Key, North "Upper" Captiva Island, Cayo Costa, and Useppa Island shall, in combination, form the Outer Islands service area within the county mandatory solid waste collection and disposal benefit unit (MSBU). This service area shall be assessed pursuant to the terms of this article for the provision of the solid waste disposal services with uniform rates for the entire service area. It shall be the responsibility of the county to provide either directly or indirectly through agreements with franchised contractors for the disposal of garbage at a county solid waste designated disposal site by the hauling contractor franchised by the county to service the receiving site.</p> <p>All property owners of improved property within the Outer Island service area shall be subject to the levy of a special assessment as further set out pursuant to this article.</p>	
<p>MSTU / MSBU (Lee County's procedures)</p>	<p><u>Sec. 27-341. - Creation of the unit, purpose and boundaries</u></p> <p>The purpose of the Upper Captiva Municipal Service Taxing Unit shall be to provide FY 2004 storm debris removal located within the boundaries of the unit as provided by funding from the annual budget of the MSTU, which shall be determined in public meetings. <i>[remainder of text not provided – hyperlinked text for those who are interested]</i></p>	<p><u>Lee County Municipal Services Taxing/Benefit Units (MST/BU)</u></p> <p>Municipal Services Taxing and Benefit Unit</p>

		<p>This fee for service program is designed to assist citizens in the unincorporated areas of Lee County to organize and create special improvement units for the purpose of obtaining specific services, which are beyond the core level of services, as provided by the County.</p>
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<p>Rental Standards</p>	<p>See Example of Captiva Island Density Regulations</p>	<p>Subdivision IV. - Captiva Island</p> <p>Sec. 34-1541. - Findings.</p> <p>The Board of County Commissioners hereby finds and declares that, for the purpose of protecting the public health, safety and welfare of the citizens of Captiva Island, it is necessary to further restrict the population density and the height of buildings and structures on Captiva Island.</p> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <p>Sec. 34-1542. - Penalty for violation of subdivision; additional remedies. Any violation of this subdivision shall be punishable as prescribed by law. The violation of any of the provisions of this subdivision may be restricted in injunction.</p> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <p>Sec. 34-1543. - Conflicting provisions. This subdivision is intended to be complementary to any other ordinance, regulation or law which is presently in effect for the County. Where any provision of this subdivision imposes a regulation different</p>
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		<p>from that imposed by any other ordinance, regulation or law, then the provisions of this subdivision shall apply; otherwise all other ordinances, regulations and laws shall apply.</p> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <p>Sec. 34-1544. - Variances.</p> <p>(a) A variance from the provisions of this subdivision may be granted by the Board of County Commissioners upon satisfactory proof of the following by the applicant:</p> <p>(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands.</p> <p>(2) The special conditions and circumstances were not a result of the actions of the applicant.</p> <p>(3) Literal interpretation of the provisions of this subdivision would work unnecessary and an undue hardship on the applicant.</p> <p>(4) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure.</p> <p>(5) The granting of the variance will be consistent with the general intent of this subdivision and will not be</p>
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		<p>injurious to the island residents or otherwise detrimental to the public welfare.</p> <p>(b) The procedure for applying for and obtaining the variance will be the same as required by the regulations of this chapter in effect at the time the application filed, except that all variances must be granted by the Board of County Commissioners.</p> <hr/> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <hr/> <p>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</p>
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		<p>not exceed 550 square feet.</p> <p><i>(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)</i></p> <p>Sec. 34-1546. - Density limitations.</p> <p>No building or development permits shall be issued for any development on Captiva Island at a density greater than the following:</p> <ol style="list-style-type: none"> (1) Three units per acre for dwelling units; or (2) Three units per acre for motels, hotels, condominiums and apartments. <p>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.</p> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord.</i></p>
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		<p><i>No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <p>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.</p> <p><i>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</i></p> <p>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</p>
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		<p>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.</p> <p>(Ord. No. 78-7, §§ 1—6, 5-10-78; Ord. No. 82-44, §§ 2—5, 7—9, 12-1-82)</p>
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<p>Vehicular Traffic on Beaches</p>	<p>Sec. 14-175.- Prohibition of vehicular traffic on the beach</p> <p>The operation of any engine-powered vehicle, machine, or implement, including any electrical powered vehicle, machine, or implement, on the beach, dune, or sea turtle nesting habitat, as defined in section 14-72, is prohibited except for the following:</p> <p>(a) <i>Research or patrol vehicles.</i> Only authorized permittees of the FWC, DEP officials, and law or code enforcement officers, EMS and firefighters, scientific monitoring conducting bona fide research, or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season. No lights may be used on these vehicles during the nesting season unless they are covered by appropriate red-colored filters. These vehicles must travel below the previous night's mean high tide line to avoid dunes, dune vegetation, sea turtle nests and bird nesting areas.</p> <p>(b) <i>Mechanical beach raking.</i> Vehicles operating under permits issued pursuant to section 14-174.</p> <p>(c) <i>Beach furniture and equipment transport.</i> Vehicles operating under permits issued pursuant to section 14-173.</p> <p>(d) <i>Wheelchairs.</i> A wheelchair, or other conveyance with prior approval from the county, for a person with a disability, which is actually being used by the person with a disability. Handicap access to the beach is encouraged through use of wheelchairs equipped with special beach friendly tires that are available for rent or purchase.</p> <p>(e) <i>Maximum tire pressure.</i> Any vehicle authorized to drive on the beach may not exceed a ground-to-tire pressure of ten PSI as computed in accordance with section 14-174, except for wheelchairs permitted in accordance with section 14-175(d).</p> <p>(f) <i>Sea turtle nesting season.</i> See section 14-78 for additional restrictions during the sea turtle nesting season. (Ord. No. 05-14, § 4, 8-23-05)</p>	
<p>Landscape Standards</p>	<p>Sec. 10-416. - Landscape standards</p> <p>(a) <i>General.</i> Landscaping for all new developments, except community and regional parks as defined in the Lee Plan, must include, at a minimum, the following number of trees, in addition to the landscaping required for parking and vehicle use areas and buffers. General tree requirements may be reduced through the utilization of larger trees as specified in section 10-420(c)(2) or through use of an alternative landscape betterment plan (see section 10-419). Existing waterbodies within the development area will not be included in the calculation for general tree requirements.</p> <p>(1) <i>Single-family residence developments that are constructed on individual (single) lots.</i> One tree must be provided per 3,000 square feet of development area, which must include a minimum of two trees per single-family lot installed prior to issuance of the certificate of occupancy.</p>	

<p>Invasive Plants / exotic species</p>	<p>Sec. 10-420. (h) - Plant material standards-Invasive Exotics</p> <p><i>[Please note: there are open space requirements as part of this section – most single-family residential developments are not subject to this section.]</i></p> <p><i>Invasive exotics.</i> The following highly invasive exotic plants may not be planted, (ie. are prohibited) and must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include:</p> <table border="1" data-bbox="489 560 1499 1190"> <thead> <tr> <th colspan="4">Prohibited Invasive Exotics</th> </tr> <tr> <th>Common name</th> <th>Scientific name</th> <th>Common name</th> <th>Scientific name</th> </tr> </thead> <tbody> <tr> <td>earleaf acacia</td> <td><i>Acacia auriculiformis</i></td> <td>Old World climbing fern</td> <td><i>Lygodium microphyllum</i></td> </tr> <tr> <td>woman's tongue</td> <td><i>Albizia lebbek</i></td> <td>Melaleuca, paper tree</td> <td><i>Melaleuca quinquenervia</i></td> </tr> <tr> <td>bishopwood</td> <td><i>Bischofia javanica</i></td> <td>downy rose myrtle</td> <td><i>Rhodomyrtus tomentosus</i></td> </tr> <tr> <td>Australian pines</td> <td><i>All Casuarina species</i></td> <td>Chinese tallow</td> <td><i>Sapium sebiferum</i></td> </tr> <tr> <td>carrotwood</td> <td><i>Cupianopsis anacardioides</i></td> <td>Brazilian pepper, Florida holly</td> <td><i>Schinus terebinthifolius</i></td> </tr> <tr> <td>rosewood</td> <td><i>Dalbergia sissoo</i></td> <td>tropical soda apple</td> <td><i>Solanum viarum</i></td> </tr> <tr> <td>air potato</td> <td><i>Dioscorea alata</i></td> <td>Java plum</td> <td><i>Syzygium cumini</i></td> </tr> <tr> <td>murray red gum</td> <td><i>Eucalyptus camaldulensis</i></td> <td>rose apple</td> <td><i>Syzygium jambos</i></td> </tr> <tr> <td>weeping fig</td> <td><i>Ficus benjamina</i></td> <td>cork tree</td> <td><i>Thespesia populnea</i></td> </tr> <tr> <td>Cuban laurel fig</td> <td><i>Ficus microcarpa</i></td> <td>Wedelia</td> <td><i>Wedelia trilobata</i></td> </tr> <tr> <td>Japanese Climbing fern</td> <td><i>Lygodium japonicum</i></td> <td></td> <td></td> </tr> </tbody> </table>	Prohibited Invasive Exotics				Common name	Scientific name	Common name	Scientific name	earleaf acacia	<i>Acacia auriculiformis</i>	Old World climbing fern	<i>Lygodium microphyllum</i>	woman's tongue	<i>Albizia lebbek</i>	Melaleuca, paper tree	<i>Melaleuca quinquenervia</i>	bishopwood	<i>Bischofia javanica</i>	downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Australian pines	<i>All Casuarina species</i>	Chinese tallow	<i>Sapium sebiferum</i>	carrotwood	<i>Cupianopsis anacardioides</i>	Brazilian pepper, Florida holly	<i>Schinus terebinthifolius</i>	rosewood	<i>Dalbergia sissoo</i>	tropical soda apple	<i>Solanum viarum</i>	air potato	<i>Dioscorea alata</i>	Java plum	<i>Syzygium cumini</i>	murray red gum	<i>Eucalyptus camaldulensis</i>	rose apple	<i>Syzygium jambos</i>	weeping fig	<i>Ficus benjamina</i>	cork tree	<i>Thespesia populnea</i>	Cuban laurel fig	<i>Ficus microcarpa</i>	Wedelia	<i>Wedelia trilobata</i>	Japanese Climbing fern	<i>Lygodium japonicum</i>			
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<p>Habitat Protection</p>	<p><u>DIVISION 8. - PROTECTION OF HABITAT</u></p> <p><i>[For planned developments and development orders, surveys and management plans for habitat protection are required]</i></p> <p>Surveys and management plans are not required for:</p>																																																					

	<p>(1) Small developments; (2) Properties rezoned to planned development (PD) or planned unit development (PUD) prior to September 1, 1989; or (3) Property subject to a preliminary development order issued prior to September 1, 1989.</p> <p>However, if the property is rezoned or if the master concept plan has been vacated, a species survey and management plan will be required. The Director may waive survey and management plan requirements if the Director deems that prior surveys and management plans are adequate.</p>	
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**Water /
Surface Runoff**

Sec. 10-321. - Generally

(a) Stormwater system required; design to be in accordance with SFWMD requirements.

A stormwater management system must be provided for the adequate control of stormwater runoff that originates within a development or that flows onto or across the development from adjacent lands. All stormwater management systems must be designed in accordance with South Florida Water Management District (SFWMD) requirements and provide for the attenuation/retention of stormwater from the site. Issuance of a SFWMD permit addressing the requirements set forth in this section will be deemed to establish compliance with this chapter and review of these projects may be limited to external impacts and wet season water table elevation. Projects granted SFWMD exemptions are subject to review by the County and will follow the criteria and requirements of the SFWMD. For purposes of stormwater management calculations, the assumed water table must be established by the design engineer in accordance with sound engineering practice. The Director of Development Review will review the stormwater management system on all development order projects for compliance with this chapter and may require substantiation of all calculations and assumptions involved in the design of stormwater management system.

(b) Development outside future urban areas to comply with policies of [the] Lee Plan; surface water management plans within urban areas.

(1) All development outside of future urban areas must be designed to comply with the Lee Plan policies 61.2.1, 61.2.2 and 61.2.3.

(2) [n/a to UC – compact communities language]

(3) Surface water management plans for developments within urban areas must mimic natural systems where feasible in accordance with Lee Plan policy 61.2.4. Techniques to mimic the function of natural systems are specified in section 10-418.

(c) Crown elevation of local subdivision streets.

Except as provided in subsection (d) of this section, minimum elevation of the crown of local subdivision streets must be 5.5 feet above mean sea level (USC & GS) datum. This standard applies only to streets interior to a project. In order to accommodate differences in elevation between interior streets and exterior streets, when such exterior streets exist below the minimum elevation, elevation variations along the interior streets necessary to provide a sloped lowering of the interior streets to meet the existing exterior street elevations may be permitted in accordance with applicable generally accepted engineering standards if approved by the Director of Development Review.

(e) Caution to plan adequate elevation and drainage facilities.

Many areas of the County will require street crown elevations far exceeding the minimums stated in this section, and subdivision designers are cautioned to plan both adequate elevation and drainage facilities to prevent any flooding that could endanger health or property.

(g) Site grading.

Site grading for all developments must be performed in accordance with the plans approved under the development order; and, must conform to the performance standards set forth in

section 34-3104(b).

(Ord. No. 92-44, § 10(A), 10-14-92; Ord No. 94-07, § 10, 2-16-94; Ord. No. 97-10, § 3, 6-10-97; Ord. No. 05-14, § 3, 8-23-05; Ord. No. 07-24, § 3, 8-14-07; Ord. No. 10-25, § 2, 6-8-10)

Also Available:

[Sec. 10-326. - Inlet spacing.](#)

[Sec. 10-327. - Dedication of drainage system; maintenance covenant.](#)

[Sec. 10-328. - Drainage easements.](#)

[Sec. 10-329. - Excavations.](#)

[Sec. 10-330. - Outfall into County right-of-way.](#)

Lee Plans Policies [no hyperlink available]

POLICY 61.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes. (Amended by Ordinance No. 00-22)

POLICY 61.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the county will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations. (Amended by Ordinance No. 00-22)

POLICY 61.2.3: Outside the future urban areas where traditional drainage structures exist (ditches, canals, dikes, etc.), the county may permit their continued existence and maintenance, but will discourage their expansion or extension. (Amended by Ordinance No. 00-22)

POLICY 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, not withstanding the type or intensity of development permitted.

<p>Beach Renourishment</p>	<p>Beach Renourishment: Florida Statutes Title XI Chapter 161 161.091</p> <p>Beach management; funding; repair and maintenance strategy</p> <p>(1) Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from the Ecosystem Management and Restoration Trust Fund may be made by the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, restoration, and nourishment; and storm and hurricane protection. Legislative intent in appropriating such funds is for the implementation of those projects that contribute most significantly to addressing the state's beach erosion problems.</p> <p>(2) The department shall develop a multiyear repair and maintenance strategy that:</p> <ul style="list-style-type: none"> (a) Encourages regional approaches to ensure the geographic coordination and sequencing of prioritized projects; (b) Reduces equipment mobilization and demobilization costs; (c) Maximizes the infusion of beach-quality sand into the system; (d) Extends the life of beach nourishment projects and reduces the frequency of nourishment; and (e) Promotes inlet sand bypassing to replicate the natural flow of sand interrupted by improved, modified, or altered inlets and ports. <p>(3) In accordance with the intent expressed in s. <u>161.088</u> and the legislative finding that erosion of the beaches of this state is detrimental to tourism, the state's major industry, further exposes the state's highly developed coastline to severe storm damage, and threatens beach-related jobs, which, if not stopped, may significantly reduce state sales tax revenues, funds deposited into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund, in the annual amounts provided in s. <u>201.15</u>, shall be used, for a period of not less than 15 years, to fund the development, implementation, and administration of the state's beach management plan, as provided in ss. <u>161.091-161.212</u>, prior to the use of such funds deposited pursuant to s. <u>201.15</u> in that trust fund for any other purpose.</p> <p>History.</p> <p>s. 1, ch. 65-408; ss. 25, 35, ch. 69-106; s. 1, ch. 71-182; s. 1, ch. 72-170; ss. 1-3, ch. 74-102; s. 1, ch. 75-288; s. 1, ch. 77-379; s. 6, ch. 78-257; s. 5, ch. 80-183; s. 4, ch. 86-138; ss. 16, 23, ch. 87-97; s. 1, ch. 91-79; s. 4, ch. 96-321; s. 1, ch. 97-187; s. 2, ch. 98-311; s. 5, ch. 99-247; s. 8, ch. 2000-346; s. 2, ch. 2008-114.</p>	
<p>Shoreline Erosion &</p>	<p>U.S. Supreme Court: Stop the Beach Renourishment v. Florida Department of Environmental Protection, No. 08-1151.</p> <p>12/2/2009 - Decided 6/17/2010</p>	

<p>Property Rights</p>	<p>The U.S. Supreme Court ruled the state has a duty to protect the beaches and said a state law allows the program without compensating property owners in some cases. The justices unanimously upheld a Florida Supreme Court ruling that backed the state's program to bring in sand to save miles of eroding shorelines without paying the homeowners who lose exclusive access to the water.</p>	
<p>Manatee Protection</p>	<p><u>Florida Statute Title XXVIII Chapter 379 Subsection 2</u></p> <p>PROTECTION OF MANATEES OR SEA COWS.—</p> <p>(f)1. Except for emergency rules adopted under s. <u>120.54</u>, all proposed rules of the commission (<i>Fish and Wildlife Conservation Commission</i>) for which a notice of intended agency action is filed proposing to govern the speed and operation of motorboats for purposes of manatee protection shall be submitted to the counties in which the proposed rules will take effect for review by local rule review committees.</p> <p>2. No less than 60 days prior to filing a notice of rule development in the Florida Administrative Weekly, as provided in s. <u>120.54(3)(a)</u>, the commission shall notify the counties for which a rule to regulate the speed and operation of motorboats for the protection of manatees is proposed. A county so notified shall establish a rule review committee or several counties may combine rule review committees.</p> <p>3. The county commission of each county in which a rule to regulate the speed and operation of motorboats for the protection of manatees is proposed shall designate a rule review committee. The designated voting membership of the rule review committee must be comprised of waterway users, such as fishers, boaters, water skiers, other waterway users, as compared to the number of manatee and other environmental advocates. A county commission may designate an existing advisory group as the rule review committee. With regard to each committee, fifty percent of the voting members shall be manatee advocates and other environmental advocates, and fifty percent of the voting members shall be waterway users.</p> <p>4. The county shall invite other state, federal, county, municipal, or local agency representatives to participate as nonvoting members of the local rule review committee.</p> <p>5. The county shall provide logistical and administrative staff support to the local rule review committee and may request technical assistance from commission staff.</p>	

	<p>6. Each local rule review committee shall elect a chair and recording secretary from among its voting members.</p> <p>7. Commission staff shall submit the proposed rule and supporting data used to develop the rule to the local rule review committees.</p> <p>8. The local rule review committees shall have 60 days from the date of receipt of the proposed rule to submit a written report to commission members and staff. The local rule review committees may use supporting data supplied by the commission, as well as public testimony which may be collected by the committee, to develop the written report. The report may contain recommended changes to proposed manatee protection zones or speed zones, including a recommendation that no rule be adopted, if that is the decision of the committee.</p> <p>9. Prior to filing a notice of proposed rulemaking in the Florida Administrative Weekly as provided in s. <u>120.54(3)(a)</u>, the commission staff shall provide a written response to the local rule review committee reports to the appropriate counties, to the commission members, and to the public upon request.</p> <p>10. In conducting a review of the proposed manatee protection rule, the local rule review committees may address such factors as whether the best available scientific information supports the proposed rule, whether seasonal zones are warranted, and such other factors as may be necessary to balance manatee protection and public access to and use of the waters being regulated under the proposed rule.</p> <p>11. The written reports submitted by the local rule review committees shall contain a majority opinion. If the majority opinion is not unanimous, a minority opinion shall also be included.</p> <p>12. The members of the commission shall fully consider any timely submitted written report submitted by a local rule review committee prior to authorizing commission staff to move forward with proposed rulemaking and shall fully consider any timely submitted subsequent reports of the committee prior to adoption of a final rule. The written reports of the local rule review committees and the written responses of the commission staff shall be part of the rulemaking record and may be submitted as evidence regarding the committee's recommendations in any proceeding relating to a rule proposed or adopted pursuant to this subsection.</p> <p>13. The commission is relieved of any obligations regarding the local rule review committee process created in this paragraph if a timely noticed county commission fails to timely designate the required rule review committee.</p>	
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	<p>(g) In order to protect manatees or sea cows from harmful collisions with motorboats or from harassment, the Fish and Wildlife Conservation Commission is authorized, in addition to all other authority, to provide a permitting agency with comments regarding the expansion of existing, or the construction of new, marine facilities and mooring or docking slips, by the addition or construction of five or more powerboat slips. The commission shall adopt rules under chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusions that manatees inhabit these areas on a regular basis:</p> <ol style="list-style-type: none">1. In Lee County: the entire Orange River, including the Tice Florida Power and Light Corporation discharge canal and adjoining waters of the Caloosahatchee River within 1 mile of the confluence of the Orange and Caloosahatchee Rivers.	
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<p>No wake zone & sign regulations</p>	<p>Boating Restricted Areas: Florida Statute Title XXIV Chapter 327 327.46</p> <p>Boating-restricted areas</p> <p>(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards.</p> <p>(a) The commission may establish boating-restricted areas by rule pursuant to chapter 120.</p> <p>(b) Municipalities and counties have the authority to establish the following boating-restricted areas by ordinance:</p> <ol style="list-style-type: none"> 1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is: <ol style="list-style-type: none"> a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width. b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width. c. Inside or within 300 feet of any lock structure. 2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is: <ol style="list-style-type: none"> a. Within 300 feet of any bridge fender system. b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet. c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline. d. On a lake or pond of less than 10 acres in total surface area. 3. An ordinance establishing a vessel-exclusion zone if the area is: <ol style="list-style-type: none"> a. Designated as a public bathing beach or swim area. b. Within 300 feet of a dam, spillway, or flood control structure. 	
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	<p>(c) Municipalities and counties have the authority to establish by ordinance the following other boating-restricted areas:</p> <ol style="list-style-type: none"> 1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway. 2. An ordinance establishing a slow speed, minimum wake, or numerical speed limit boating-restricted area if the area is: <ol style="list-style-type: none"> a. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway. b. Subject to unsafe levels of vessel traffic congestion. c. Subject to hazardous water levels or currents, or containing other navigational hazards. d. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety. 3. An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively: <ol style="list-style-type: none"> a. As a canoe trail or otherwise limited to vessels under oars or under sail. b. For a particular activity and user group separation must be imposed to protect the safety of those participating in such activity. <p>Any of the ordinances adopted pursuant to this paragraph shall not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application complete. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application shall be subject to review under chapter 120. The commission shall initiate rulemaking no later than January 1, 2010, to provide criteria and procedures for reviewing applications and procedures for providing for public notice and participation pursuant to this paragraph.</p> <p>(2) Each such boating-restricted area shall be developed in consultation and coordination with the governing body of the county or municipality in which the</p>	
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	<p>boating-restricted area is located and, when the boating-restricted area is to be on the navigable waters of the United States, with the United States Coast Guard and the United States Army Corps of Engineers.</p> <p>(3) It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity, as defined in this chapter, within a boating-restricted area which has been clearly marked by regulatory markers as authorized under this chapter.</p> <p>(4) Restrictions in a boating-restricted area established pursuant to this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.</p> <p>History. s. 7, ch. 63-105; s. 1, ch. 65-361; ss. 25, 35, ch. 69-106; s. 23, ch. 78-95; s. 7, ch. 81-100; s. 27, ch. 99-245; s. 16, ch. 2000-362; s. 13, ch. 2009-86.</p> <p>Note. — Former s. 371.522.</p>	
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Roads (Private road standards)

Sec. 10-293. - Private streets

[Though n/a to UC, standards are cited below]

Private streets may be permitted and approved provided:

- (1) They comply with the street design standards and the street construction specifications in this chapter;
- (2) The appropriate notation is made on the site plan and the plat to identify it as a private street; and
- (3) The private streets are maintained through a covenant that runs with the land in the form of, but not limited to, a homeowners' or condominium association declaration or such other legal mechanisms providing assurance to the owners of the contiguous property that the street will be continually maintained. The owners of the contiguous property must be provided with a legal right to enforce the assurance that the road be continually maintained. Legal documents providing for the continual maintenance may only be accepted after review and approval by the County Attorney's Office for compliance with this section.

(Ord. No. 92-44, § 9(M), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 09-23, § 4, 6-23-09)

TABLE 3. SPECIFICATIONS FOR PRIVATELY MAINTAINED STREETS

	Local Street	Access Street
Minimum right-of-way/easement widths:		
One-way:		
Closed drainage, rear lot drainage or inverted crown	30'	30'
Open drainage	40'	35' ^a
Two way:		
Closed drainage or inverted crown	40'	40'
Open drainage	45'	40' ^a
Minimum distance between reverse curves	N/A	N/A
Minimum centerline radius for horizontal curves	50' ^b	50' ^b
Minimum grade of streets with		
Closed drainage	0.2%	0.2%
Inverted crown	0.4%	0.4%
Open drainage	0.0%	0.0%

^aThis standard applies to frontage streets. The local street standard applies to all

	other access streets, including reverse frontage roads.	
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<p>Other Items: Solar Energy</p>	<p><u>Sec. 34-2196. - Uses employing solar energy or wind-driven electrical generators</u></p> <p>Any use proposing to use solar or wind energy for water heating, climate control or electricity may request a special exception to modify the property development regulations so as to maximize use of solar or wind energy, provided that:</p> <p>(1)The modifications from this chapter are the minimum required to provide such access; (2)The modifications do not decrease either total lot area or total usable yard area; (3)The principal use, absent its solar or wind aspects, is a permitted use in the zone for which it is proposed; and (4)The proposed plans for solar or wind access best serve to protect the degree and location of that access and do not, or will not, require the restriction of development on adjoining properties with respect to their existing zoning classification.</p> <p><i>(Zoning Ord. 1993, § 202.18(B)6; Ord. No. 96-06, § 5, 3-20-96)</i></p>	
<p>Other Items: Signs, Rules and Regulations</p>	<p><u>Chapter 30: Signs</u></p> <p>Sec. 30-1. - Purpose and intent of chapter</p> <p>(a) <i>Generally.</i> The purpose and intent of this chapter is to:</p> <p>(1) Facilitate the implementation of goals, objectives and policies set forth in the county comprehensive plan relating to sign control and protection of areas from incompatible uses.</p> <p>(2) Promote convenience, safety, property values and aesthetics, by establishing a set of standards for the erection, placement, use and maintenance of signs which will grant equal protection and fairness to all property owners in the county.</p> <p>(3) Encourage signs which help to visually organize the activities of the county, lend order and meaning to business identification, and make it easier for the public and business delivery systems to locate and identify their destinations.</p> <p>(b) <i>Protection of public safety.</i> The regulation of the placement, installation and maintenance of signs is justified by the innate scheme and primary purpose to draw mental attention to them, potentially to the detriment of sound driving practices and the safety of the motoring public to which a majority of signs are oriented. Therefore, it is an intent of this chapter to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.</p> <p>(c) <i>Protection of property values and aesthetics.</i> The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of</p>	<p>Captiva Signs Rules and Regulations</p> <p>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</p>

	<p>property. The fact that signs are intended to command visual contact grants them a proportionately greater role than other structures in determining the overall aesthetic quality of the community. Therefore, the regulation of signs is further justified on the basis that the county has an obligation to promote the general welfare, including enhancement of property values, so as to create a more attractive business climate and make the county a more desirable place in which to visit, trade, work and live.</p> <p>(d) <i>Equal protection and fairness.</i> This chapter is designed to be fair to each property owner in that each receives equal and adequate exposure to the public and no one is allowed to visually dominate his neighbor.</p> <p>(e) <i>Use.</i> With the stated purpose in mind, it is the intention of this chapter to authorize the use of signs in commercial and industrial areas which are:</p> <ol style="list-style-type: none"> (1) Compatible with their surroundings; (2) Appropriate to the type of activity to which they pertain; (3) An expression of the identity of the individual proprietors or of the community as a whole; and (4) Large enough to sufficiently convey a message about the owner or occupants of a particular property, the commodities, products or services available on such property, or the business activities conducted on such property, yet small enough to prevent excessive, overpowering advertising which would have a detrimental effect on the character and appearance of commercial and industrial areas, or which could unduly distract the motoring public causing unsafe motoring conditions. <p>(f) <i>Limitations.</i> It is also the intent of this chapter to limit signs in noncommercial areas to essential uses, primarily for identification and information, in order to protect the character and appearance of noncommercial areas.</p> <hr/> <p>(Ord. No. 85-26, § 1, 8-21-85)</p> <hr/>	<p>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.</p> <p>Definitions <i>[not included here]</i></p> <p>Sec. 30-223. - 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 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.</p> <hr/> <p>(Ord. No. 71-2, § VI, 2-24-71)</p> <hr/> <p>Sec. 30-224. - Exceptions to article. The regulations and</p>
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		<p>restrictions contained in this article do not apply to the following signs in accordance with the following terms and conditions:</p> <p>(1)Professional nameplates not exceeding 2.25 square feet in area.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>
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		<p>the building under construction by the owner thereof.</p> <p>(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.</p> <p>(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.</p> <p>(7)Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs and other such temporary emergency or nonadvertising signs.</p> <p>(8)Temporary real estate signs, provided that the signs conform with the following restrictions:</p> <ol style="list-style-type: none"> 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
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		<p>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.</p> <p>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.</p> <p>(9) Signs erected entirely within the interior of a business establishment and not designed to be visible from the outside.</p> <p>(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.</p> <p><i>(Ord. No. 71-2, § V, 2-24-71; Ord. No. 01-03, § 4, 2-27-01)</i></p> <p>Sec. 30-225. - Applicability of general sign ordinance;</p>
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		<p>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.</p> <p><i>(Ord. No. 71-2, § VIII, 2-24-71)</i></p> <p>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:</p> <ul style="list-style-type: none"> (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
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		<p>similar effect.</p> <p><i>(Ord. No. 71-2, § 1, 2-24-71)</i></p> <hr/> <p>Sec. 30-227. - Construction standards.</p> <p>In addition to the provisions of this article, all signs erected on lands included on Captiva Island shall be erected so as to conform with the applicable provisions of the Southern Standard Building Code.</p> <p><i>(Ord. No. 71-2, § 1, 2-24-71)</i></p> <hr/> <p>Sec. 30-228. - Consent of property owner required; posting signs on trees or utility poles.</p> <p>(a) It shall be unlawful for any person to post any bills, handbills, notices or advertisements or to brand, write, mark or paint any sign, letters or characters upon a building, wall, fence or other property of another person on lands located upon Captiva Island without first obtaining the consent of the owner of such property or his duly authorized agent.</p> <p>(b) It shall be unlawful for any person to post bills, notices or advertisements or to brand, write, mark or paint any sign, letters or characters upon or on any tree or telephone, telegraph or power pole located on Captiva Island.</p> <p>(c) The provisions of this section to the contrary</p>
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		<p>notwithstanding, nothing contained in this section shall be construed to prohibit the distribution of literature in the locations described in this section by an agency of the government of the United States, the state or the county, or by any quasipublic body as defined in this article, or to prohibit the erection of signs which comply with this article.</p> <p><i>(Ord. No. 71-2, § III, 2-24-71) 2-24-71)</i></p>
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