

Captiva Community Panel

Lee Plan amendment

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

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IV. Amendment support documentation

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.

POLICY 13.1.2: No building or structure may be erected or altered so that the peak of the roof, or the mean height level between eaves and ridge in the case of gable, hip and gambrel roofs, exceeds 28 feet above the lowest horizontal member at or above the lawful base flood elevation. In those areas of the island as specified in the Land Development Code only, 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.

2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

N/A

3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

N/A

4. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

N/A

5. Map and describe existing zoning of the subject property and surrounding properties.

ENCLOSED -- at end of PDF.

6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.

N/A

8. An aerial map showing the subject property and surrounding properties.

N/A

9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

The Captiva Community Panel is a citizens' advisory group authorized by the Lee County Board of County Commissioners under Lee County Administrative Code 13-3. The panel is operated by the Captiva Island Property Owners Association Inc. (the panel sponsor) under a contract with Lee County approved by the Lee County Board of County Commissioners on Jan. 8, 2002.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

Short Range – 5-year CIP horizon:

The proposed changes will have no impact on existing or projected traffic. See the enclosed amendment analysis for more detail.

2. Provide an existing and future conditions analysis for (see Policy 95.1.3):

a. Sanitary Sewer

b. Potable Water

c. Surface Water/Drainage Basins

d. Parks, Recreation, and Open Space

e. Public Schools.

The proposed changes will have no impact on existing or projected needs concerning sewer, water drainage or open space. See the enclosed amendment analysis for more detail.

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement;
- d. Solid Waste;
- e. Mass Transit; and
- f. Schools.

The proposed changes will have no impact on existing or projected needs concerning fire protection, EMS provisions, law enforcement, solid waste, mass transit or schools. See the enclosed amendment analysis for more detail.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- 2. A map and description of the soils found on the property (identify the source of the information).
- 3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
- 5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

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The proposed changes will have no environmental impact.

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

- 1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
- 2. A map showing the subject property location on the archeological sensitivity map for Lee County.

The proposed changes will have no impact on historical resources.

E. Internal Consistency with the Lee Plan

- 1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.
 1. This proposed amendment will not affect population projections or capacity.
 2. See enclosed analysis for details.
 3. This proposed amendment has no impact on adjacent local governments and their comprehensive plans.
 4. The issues addressed by this proposed amendment is not cited by state or regional policy plans.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

1/2/3/4: Not applicable.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

See attached discussion and documentation.

CCP Lee Plan amendment discussion

Feb. 22, 2011

The revisions in the base flood elevation (BFE) for Captiva Island, approved by the Federal Emergency Management Agency (FEMA) in 2006 (and partially revised in 2008), served as a reminder to Captivans that even minor changes in BFE could have a serious impact on structures given the island's long-standing building height restrictions.

The current height restrictions, enacted in the 1990s, capped building heights at 42 feet above "mean sea level" or 35 feet above "average grade of the lot." This language was adopted in reaction to fears of even-higher homes being built on the island, in an effort to strengthen existing height regulations under a uniform cap.

In theory, this works. In practice, on a barrier island with an array of BFE rules, it meant that homes with higher BFE requirements were squeezed under the uniform restrictions, encroaching on living space as ceiling heights (particularly in second stories) were curtailed and architectural elements (roof lines) were flattened or eliminated in an effort to stay under the 42/35 cap while still allowing something more than eight-foot-high ceilings.

The issue was particularly acute for those lots seaward of the state's 1991 Coastal Construction Control Line (CCCL), a line of jurisdiction established based on the estimated damages resulting from a so-called 100-year storm event (a storm of such severity that in theory it should strike the coastline only once in every 100 years) to an island's shoreline and the adjacent upland properties and structures. Construction seaward of the 1991 CCCL requires approvals from the Florida Department of Environmental Protection (FDEP), including setting the mandated elevation for a structure's lowest horizontal structural member.

Typically, FDEP sets those elevations 2-3 feet higher than the FEMA-mandated BFEs, along with setting other construction requirements to help ensure those structures seaward of the 1991 CCCL have a better design likelihood of surviving storm winds and waves intact (or with a minimum of damage). However, under a uniform maximum building height cap as existed on Captiva, any increase in FDEP mandated construction elevations eats into buildable area in order to accommodate all the necessary structural and HVAC requirements -- meaning lower ceiling heights for no good reason but to maintain building height uniformity.

The island faces a number of BFE zones affecting its buildable lots, ranging from VE-13 on the seaward-most lots ringing the Gulf to AE-12, -11, -10 and -9 further inland -- and even one area, dubbed the "X Zone," on the bayside of the Village, where BFE requirements were eliminated in the last FEMA revision. Maps indicating the various island zones are attached.

When the last FEMA elevation changes moved some areas a little higher -- and, inexplicably, some areas lower or without BFE requirements altogether -- some property owners saw that a uniform building height regulation was not uniformly fair to island property owners -- and would become even more of an issue should a catastrophic storm result in structural damage sufficient enough to require rebuilding take place under the new code language... including that for building height.

Accordingly, in coordination with their planning consultant, the Captiva Community Panel sought to investigate its options as part of its planned update of the Lee County Land Development Code (LDC) as it affects Captiva Island. The current building height language was already in place in both the LDC and the Lee Plan, incorporated into the latter in 2003 as a show of the island's commitment to maintain low-rise structures without the option for variance and to withstand any legal challenge. The panel's feeling was this planned LDC revision process was a good opportunity to engage islanders in a discussion about building heights. If a consensus arose that change was warranted, good; if not, at least the issue had been addressed at an opportune time.

At a series of meetings and workshops open to the public and advertised or announced, the panel's planner first offered background on building heights and the impact of various changes, then proceeded to offer a number of drafts of new language to provoke discussion and refinement through public input and interaction. (A chronology of such meetings and actions is attached; minutes and/or recordings of all of them are available on request.)

What eventually emerged was a concept of creating a consistent building "envelope" atop whatever BFE requirement governed a particular island lot. All property owners would thus be assured 28 feet of buildable area on top of the governing BFE requirements, which would allow a two-story home with 9- to 10-foot ceilings for both floors... perhaps more for one and less for the other, if that was a design choice. Also, by measuring building height from the mean roof height (rather than the absolute peak), some allowance for moderate architectural embellishment was afforded to designers; in return, however, the overall height and mass of such accoutrement was limited to eight feet over the mean roof height, rather than the unlimited amount allowed under current LDC language.

For those homes in the X Zone the existing uniform building height rules were kept in place, so those owners could decide whether to build a multi-storied structure with minimal mandated elevation and adjacent parking or (given the rather limited lot sizes in the X Zone) elevate the structure to allow parking underneath while still making possible two stories with reasonable ceiling heights as could be achieved under the current rules.

After a working LDC draft was finalized by the panel in May 2010, the group decided to offer islanders the opportunity for input through an online community survey, targeting eight questions covering four main areas (including building heights) to allow feedback on the proposed code changes. Voters and property owners were notified how to access this survey via postcard, and allowed one survey per property owned or voter registration maintained. The survey opened 20 August 2010 and closed 30

September 2010, with final results presented to the panel and public at its Oct. 19, 2010, meeting. (A summary of responses pertaining to the height questions is attached.)

After these results were released and discussed publicly, the panel took another look at the LDC draft -- and, in particular, the building height issue. Prompted both by the survey responses and by public feedback that the rules being proposed for the island might not work as well for the unique Village properties, the panel voted at its Dec. 14, 2010, meeting to exempt the Village from the proposed rule revision and retain the existing uniform building height rules for that area while encouraging residents and property owners there to discuss the issue (and any others unique to the Village) and report back to the panel with feedback.

The reasoning behind this exemption is twofold:

1) The range of BFE changes is broader and more compressed in the Village (see maps), ranging from the VE-13 Gulf-front zone to the aforementioned X Zone with no BFE requirement. On Captiva, this BFE breadth occurs only in the Village area -- and the proposed building height rules could create a less uniform building height streetscape that might carry with it negative community impacts.

2) The unique lot sizes in the Village make building height and mass more of an issue for neighbors and for the overall ambience. Thanks to lot widths that can be as narrow as 50 feet for a still-buildable lot, building height carries a far greater impact that on, say, the estate-zoned acre-plus lots of the Gold Coast. Houses are closer together with less of a vegetation buffer than anywhere else on the island, creating heightened sensitivity to disparate heights or high-mass homes that result when owners construct structures that fill the allowable building envelope -- minimum elevation to maximum building height by allowable setbacks -- as is typically the case in high-value real estate markets such as Captiva.

The panel reaffirmed this Village exemption at its Jan. 11, 2011, meeting, and sought input from Village residents at a Jan. 20, 2011, informal workshop, where the desire for the uniform-height standard and the definition of the Village itself was again confirmed.

As a result of this, the Captiva Community Panel has arrived at the language being submitted in this application, and is submitted this amendment to the existing Lee Plan Policy 13.2.1 in anticipation of a similar change in the Lee County LDC currently under staff review. This may undergo further discussion and possible revision, which is why definition of the area to be exempted from the proposed language (e.g., which will remain under the existing height restrictions) will be enumerated in the county Land Development, to allow for further discussion prior to adoption and for potential changes should on-the-ground experience after adoption persuade Captivans that further refinement is warranted.

Two final notes:

1) This minor change in building heights will not in any way change building-unit density (which is capped by ordinance at 3 units per acre unless otherwise specified by ordinance) nor increase the overall population in this coastal high-hazard area (since this will not change allowable building

dimensions in such a way to allow additional habitable space sufficient to accommodate additional residents beyond what is current allowed).

2) The property rights of any owner on Captiva will not be affected by this proposed change in Lee Plan language. These owners will still be able to build upon their properties, albeit in a slightly more aesthetically pleasant fashion or in a way that accommodates current building trends for higher ceiling heights in the main living areas. The ability to develop multi-story buildings will remain as restricted as it is under current guidelines, with the only latitude in buildings heights tied directly to governmental regulations (outside county jurisdiction) that mandate how high above NAVD habitable structures must be elevated. The same issues concerning building elevation for structures build prior to the current regulations will be in play should owners decide (or be forced) to redevelopment under these proposed new restrictions. The only benefit to the new language will be more accommodation for buildable lots in the V or A zones seaward of the state Coastal Construction Control Line, who will have a better chance of being able to rebuild any structures slightly more like the ones they are replacing if they were constructed under the building height restrictions which existed prior to the current regulations.

However, the proposed change will slight enough that its real impact to adjacent properties -- especially outside the area of exemption where the smallest building lots are found -- will be almost indiscernible... sufficient to allow owners a smidgeon of latitude in ceiling heights and architectural articulation, but not enough to materially change the visage of ambience of Captiva.

— ***Ken Gooderham***

Captiva Panel meeting chronology

Feb. 22, 2011

The Captiva Community Panel had worked on a draft of a Captiva Land Development Code for at least two years leading up to June 2009, developing working language on a variety of topics stretching over seven drafts. The panel then applied to Lee County for a Community Planning Grant (#5117) to continue its planning efforts toward a completed LDC draft submittal by the end of 2010. This following is a summary of the efforts put forth under and subsequent to this grant, which also lead up to the Lee Plan Amendment now being submitted for county review and approval.

June 2009: Draft 7 of proposed Land Development Code finalized, panel decides to issue RFP for planner to address four areas of concern: Height restrictions, RSC-2 zoning, mangrove protection, signs.

July 2009: Proposals from five planners reviewed by the panel at its public meeting.

August 2009: Planner hired (Morris-Depew Associates Inc.) based on recommendation from a panel subcommittee.

September 2009: Grant application with Lee County initiated, planner reviews current LDC draft.

October 2009: Planner presents Draft 9, sets workshop review schedule at Oct. 13 panel meeting; workshop on mangroves and water quality held Oct. 27.

November 2009: Workshop discussions reviewed at Nov. 11 panel meeting.

December 2009: Workshop on height restrictions held on Dec. 1. Discussions reviewed at the Dec. 8 panel meeting, RSC-2 zoning options discussed.

January 2010: Workshop on height restrictions and RSC-2 zoning issues held Jan. 7. Discussions reviewed at the Jan. 12 panel meeting. Another workshop on height restrictions and RSC-2 issues held Jan. 28.

February 2010: Workshop discussions reviewed at the Feb. 9 panel meeting. Another workshop on height restrictions (with specific requests to planner for illustrations of options) and signs held Feb. 18.

March 2010: Discussions reviewed at the March 9 panel meeting. Revisions suggested, reviewed at a special panel meeting March 24. Draft 12E was adopted by the panel as a final staff draft (working draft) of the LDC proposals at the end of the March 24 meeting.

April 2010: Discussions reviewed at the April 13 panel meeting, and a decision was made to allow electronic surveying of the community on the proposed LDC draft. A special meeting on the proposed rental restrictions was held April 27, where the islandwide restrictions were deleted from the working draft and additional research was requested.

May 2010: Research was reviewed at the May 11 panel meeting, where the RSC-2 specific restrictions were deleted from the working draft and the final proposed LDC draft was accepted. A survey

committee was formed to refine the staff draft of survey questions and report back to the panel to devise a final survey draft.

June 2010: The idea of an online community survey was discussed, and necessary bylaw changes were advanced to make this possible.

July 2010: A draft of the proposed survey (including structure and graphics) was developed and approved by the panel.

August 2010: The final version of the survey was approved at a public meeting. All registered voters and property owners were notified by postcard in on Aug. 20 and Sept. 1, with additional information provided in the local weekly newspaper and to an islandwide email message send to a maintained list twice. A Sept. 30 deadline was established, with a report to the panel at a public meeting in October.

September 2010: A retainer with Max Forgey/Forgey Planning Services is approved to allow Forgey to continue his role as the panel's planning consultant begin during his work with Morris-Depew Associates.

October 2010: Survey results were extensively discussed at an Oct. 19 public meeting, which was publicly noticed repeated in advance. The panel voted to send the May 2010 LDC draft to county staff for comments while continuing to review and discuss survey results and comments at ist November meeting. (See attached for a full survey report and breakdown.)

November 2010: Discussion continued on the LDC draft and survey, with the panel opting to more thoroughly review the language in conjunction with expected county reaction to draft language.

December 2010: After further discussion, the panel voted to exempt the Village from the proposed new building height regulations and allow it to stay under the existing uniform-height rules. More input from Village residents was solicited on this and any other LDC issues the Village wanted to address, and panel consultants were instructed to work with residents as requested.

January 2011: The panel confirmed its support for a Village exemption to the new building height rules, and a Village workshop was scheduled later n the moth to discuss Village boundaries and issues. At that workshop, a definition for the Village was confirmed and the decision was to limit the discussion to building heights at this point and report this discussion back to the panel at its Feb. 8, 2011, public meeting.

All panel meetings are recorded and have minutes posted on the panel Web site; meetings are advertised in the island's weekly newspaper. All panel workshops are recorded and noticed in the island weekly newspaper. Both events are noticed to an islandwide email list, and materials are posted on the panel Web site in advance when possible (www.captivacommunitypanel.com). All panel events are open to the public and provide opportunities for public comment.

LDC community survey summary

BACKGROUND: Questions were developed by panel consultants and were revised by both the survey committee and the panel itself. Postcards were mailed to all island property owners and registered voters (on Aug. 20 and Sept. 1, 2010) with a link to the online survey; links were also provided from the panel website and mentioned in island newspaper articles and emailings. The survey was open from Aug. 23 to Sept. 30, 2010, and results were reported back to panel members and the public at the panel Oct. 19, 2010, meeting and posted on the panel's website.

NOTES: Survey responses are shown in percentages and total numbers and as both a "Support -- Don't support -- Don't know" and simple "Yes -- No" percentages. Comments are pasted directly from the online as submitted and typos have not been corrected. For the sake of space, comments that were exact duplicates made multiple times have not been included more than once.

- Total responses 430 to entire survey
- Accepted responses 384 (89.3%)
- Disputed responses 46 (10.7%) ... reasons were:
 - No STRAP or voter ID 24
 - Duplicate ID, older responses 18 (likely changed answers)
 - Duplicate ID, incomplete responses 3 (likely abandoned)
 - Duplicate voter ID 1
- 430 total responses out of 1,510 mailed (28.47% response)
- 95 voters responded out of 361 mailed (26.3%)
- 374 property owners responded out of 1,149 mailed (32.55%)

Survey security questions:

- Do you own property on Captiva?
 - Yes 374 97.4%
 - No 10 2.6%
- On which section of the island do you live?

		Survey	Actual
<input type="checkbox"/> Gold Coast	87	22.66%	12.6%
<input type="checkbox"/> Tween Waters	34	8.85%	8.6%
<input type="checkbox"/> Village	152	39.58%	27.5%
<input type="checkbox"/> South Seas	111	28.91%	51.3%
- Have you attended any meetings or workshops conducted by the Captiva Community Panel in the past year?
 - Yes 156 40.63%
 - No 228 59.38%
- Have you read the final draft of the Captiva Land Development Code? (It is available online at www.captivacommunitypanel.com.)

- Yes 240 62.50%
- No 144 37.50%

- **HEIGHT RESTRICTIONS:** Allow owners to construct at least a two-story, 28-foot-high home over base flood elevation, even in areas of the island where federal or state requirements force structures to be built higher above sea level. (Areas where no minimum flood elevations are required must build no higher than 42 feet above sea level or 35 feet above average grade.) Measurement of height will begin at the lowest horizontal member, and will end at the mean (middle) of the roof slope (Sec. 33-532(A and C)). This proposal will maintain the "no variance" policy for building heights allowed on the island.

- Support 187 49.73%
- Don't support 180 47.87%
- Don't know 9 2.39%

As a straight "Yes-No" question: 50.95% support ... 49.05% don't support.

Zones	Support		Don't support		Don't know	
Total	187	49.73%	180	47.87%	9	2.39%
Gold Coast	46	52.87%	40	45.98%	1	1.15%
Tween Waters	18	54.55%	13	39.39%	2	6.06%
Village	65	44.52%	77	52.74%	4	2.74%
South Seas	58	52.73%	50	45.45%	2	1.82%

Comments?

- The existing height policy works fine for Captiva. Leave it alone.
- The CCA believes that the current height restrictions in the LDC and the Lee Plan have improved the quality of life on Captiva and that the proposal to substantially loosen these restrictions by tying building heights to flood elevations has not been adequately justified. The CCA does not support this amendment.
- We believe that the current height restrictions in the LDC and the Lee Plan have improved the quality of life on Captiva and that the proposal to substantially loosen these restrictions by tying building heights to flood elevations has not been adequately justified
- If this proposal increases the height allowance I am against it. I want new construction or remodeled homes to be kept as small as possible.
- Please use this second survey as our votes for the purpose of this survey.
- This is the KEY item on keeping Captiva as a unique area to attract visitors
- Let's let all owners build 2 floors above the parking level, up to 10 feet ceiling heights.
- It is high time we were asked our opinions, especially given the secretive way the CCA slipped in the prior changes. Finally a democratic approach.
- This allows all property owners to build a home with two living levels. It also allows homes built before the height ordinance was enacted to rebuild their homes should they be catastrophically damaged by hurricane or fire.
- We don't need bigger, taller houses on Captiva.
- Sounds like an "I've got mine" limitation on others who would seek residential upgrades.
- I support this, But would also like to see implemented (knowing this would not be very popular I assume) that like other coastal towns, and widely implemented in California coastal town, that any home, erected where their are potential and existing water views, of immediate neighbors, that only a certain percentage of a view, can be allowed to obstruct, someone else existing view. This keeps homes on the island, which do not have direct water frontage, but have existing views, from losing their view, and the land/home value from depreciating, from the lost view incurred. I also think it is important for the Panel to address an issue I feel is important, and exists on the island, particularly in existing residences, and in renovations, and new construction, that areas which a home owner builds up on their property, which creates a flooding situation potential for the next door neighbor, have to be addressed, in the permitting and engineering, before they are permitted, and any necessary engineering of storm drain, etc. be required, so there

is no negative implications on the neighbor in terms of potential flooding. This has implications on the streets along the village center, and area along Binder lane, which are low lying areas. Besides property destruction, there is the septic problems, when these areas flood, which can be exacerbated by a property owner building up their property at a higher level, at the compromise to the neighbor. Some properties in this area are built up, or build-up in septic tanks, from a foot to 4 ft. , and has great impact in the lower lying island areas. The noise level also, needs to be regulated, and any renter who violates this, is warned, the rental agency or owner warned, and a fine put on the renter by the rental agency to the owner, or the owner themselves if the noise integrity is not maintained, with the same "time" adherence as the local business have, for example in which music is played; in addition, if someone has flood lights, or spot lights on a home, or dock, which are directed at another home, these should be upon request, redirected onto their own property. Plus, if someone has a alarm system, which repeatedly goes or or gets tripped after a certain amount of alarm instances, within a certain period, the owner is required to fully address the problem, and if it continues the alarm be replaced or disabled, for noise control. While I fully agree we should minimize control of people's personal rights and properties, when something concerning a person's home, creates a hazard, or nuisance situation, which impacts a neighborhood, negatively, it needs to be addressed. I also think there should be some sort of restrictions in rentals, along the streets in the area of the island from the Green Flash, up to South Seas, so that renters do not have more than a certain number of residents and cars, to minimize noise, traffic, and septic implications. I don't know how this could be easily regulated but it could be based on the number of beds in the home, or sq footage. I would also suggest, while most people keep the beaches clean, that secure covered garbage depositories be located in high traffic beach areas, so that the beaches remain pristine, this could be handled by a tax of some sort, for garbage service to handle this especially on Monday mornings. (I doubt this would be a popular cause, but I think it should be addressed for a few select areas). I think parking in the main center of the island, is a continued issue, in peak season, and peak vacation weekends, because residents themselves cannot even find a parking place near the store to buy food, because of all the tourists. Hopefully the increased dispersion of rentals throughout the island, rather than increasing the hot spot areas, can minimize this, but any future business, or conversion of any residential property into a business property must consider the parking situation this causes. We have ample businesses on the island now, but not enough parking to handle them, and this is at a compromise to the island residential owners whose taxes are the major support of this island, to access this area. In summary I feel our biggest island issues are septic, dispersing the density from the hot spot areas, keeping down pollution from automobiles, and noise levels, and then also trying to maintain an integrity of structure size, view issues and flooding issues. People came here for the privacy factor, and beauty of the beaches, so this goal, and ecologically thought out goals are a priority, to maintain not only the socio-economic environment, so property values are maintained, which we all choose as a place to live in, and visit, and the environmental habitant of the island.

- Strongly support
- The current height restrictions have served the island well over the years. The need or desireability of tying building heights to flood elevations does not seem to be explained or justified.
- Absolutely no need to change existing regulation
- The use of the term "average grade" could be quite different as it relates to properties, maybe using the existing grade at the highest elevation of the proposed structure or the average of the four corners of the proposed structure would be more definitive. The use of the term "mean [middle]of the roof slope" leaves a lot of room depending on the slope of the roof ie a 4/12 would be drastically different if it were a 24/12 pitch. Also some mention needs to be made of auxiliary structures such as fireplace structures etc. so as to define their height [usually codes require that they be 2' above any point 10' away] as someone might want it much higher.
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- Allowing higher structures will move us toward being a junky tourist island like Sf. Myers Beach.
- I think the way it is has worked just fine.
- VERY bad idea
- We prefer to keep building heights to a mimimum.
- Would be awful. Supermansions would spoil the island.
- this is an issue. lee county keeps raising the height where the building starts but they do not raise the upper limit. what you get are houses with flat roofs. the regulation should be so people can build a new home with 10 foot ceilings on the first floor and 9 foot on the second floor and still have an attractive roof line. whatever that is, that should be the height. talking about big mansions is not the subject. good looking new home is the purpose.

- What we have now has worked fine. Tying this to FEMA charts means that anything could change on a yearly basis or any time they change their flood plane levels
- Hell NO!
- I see no problem with the existing and no need to change to allow taller bldgs. especially not just to allow 10 ft high ceiling rooms on 2 levels.
- **HEIGHT RESTRICTIONS:** Encourage more sloped roofs (resulting in less boxiness or bulk) and more roof articulation (details such as cupolas, etc.), but set a limit on how high and large this articulation can be (four feet above roof peak or eight feet above sea level) and not to exceed 20% of the total front facade area (Sec. 33-532(A)).
 - Support 193 51.88%
 - Don't support 161 43.28%
 - Don't know 18 4.84%

As a straight "Yes-No" question: 54.52% support ... 45.48% don't support.

Zones	Support		Don't support		Don't know	
Total	193	51.88%	161	43.28%	18	4.84%
Gold Coast	49	57.65%	34	40.00%	2	2.35%
Tween Waters	21	63.64%	9	27.27%	3	9.09%
Village	62	42.76%	75	51.72%	8	5.52%
South Seas	61	55.96%	43	39.45%	5	4.59%

Comments?

- This is the second time this question is asked. The CCA believes that the current height restrictions in the LDC and the Lee Plan have improved the quality of life on Captiva and that the proposal to substantially loosen these restrictions by tying building heights to flood elevations has not been adequately justified. The CCA does not support this amendment.
- We believe that the current height restrictions in the LDC and the Lee Plan have improved the quality of life on Captiva and that the proposal to substantially loosen these restrictions by tying building heights to flood elevations has not been adequately justified
- With the change in height restrictions, this provision seems like a lot of loopholes that will be filled by creative architecture.
- With the change in height restrictions, this provision seems like a lot of loopholes that will be filled by creative architecture.
- Let's let folks decide their own architecture. Get government out of people's lives.
- This really only affects aesthetics and is less critical than the other proposed changes.
- Strongly Support
- This is still confusing me. I do not want anything rebuilt or built higher than currently allowed. Please mark me accordingly
- Having some guidanc to prevent extra tall architectural appurtances without a zoning approval seems to me to have some merit.
- Absolutely no need to change existing regulation
- Let owners enjoy ownership.
- Windmills to generate electric power or provide pump energy should be allowed.
- attractive houses is the goal. if roof heights need to be changed so be it.
- Already answered above
- would this have prevented the 2 monoliths on tween waters? No so why change to effectively allow taller buildings that would most likely be just as boxy as people try to get as much space under roof as code allows. There are plenrty of homes built under the old rules that are not boxy and have attractive roofs - they may not have 2 floors with 10 foot ceilings but increasing the height could lead to 2 and 1/2 floors which would then prompt people to request even higher allowances. Leave it as it is and preserve the ambiance of the island.

Maximum building heights chart

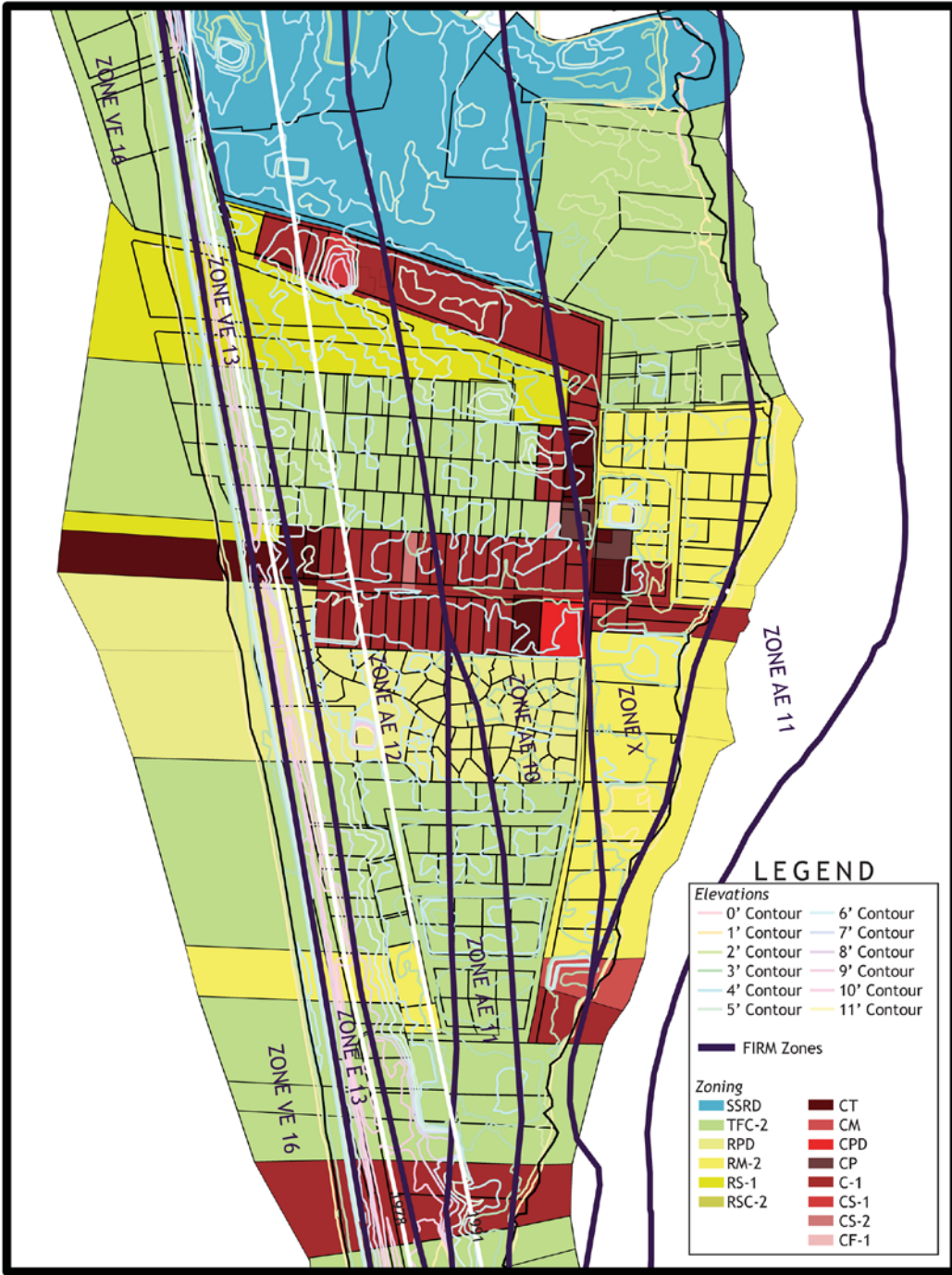
FIRM Flood zone	Base elevation (above SL)	A. Lowest possible horizontal member	B. Maximum vertical distance to: (1) Peak of flat roof OR (2) Mean of slope	C. Additional vertical articulation¹	D. Illustrative building height (A+B+C)=D	Comment
VE 13 (CCL)	16.5	16.5	28.0	8.0	52.5	Seaward of 1991 Coastal Construction Control Line (extreme case)
AE 12	12.0	~10.5 ²	28.0	8.0	~46.5	
AE 11	11.0	~9.5	28.0	8.0	~45.5	
AE 10	10.0	~8.5	28.0	8.0	~44.5	
AE 9	9.0	~7.5	28.0	8.0	~43.5	
X	0	0	35.0 ³	0	42.0 ⁴	

¹ 8 feet above peak of flat roof or 4 feet above the peak of a sloped roof, whichever is lower. For illustrative purposes, assume an additional 8 feet above the mean of the roofline.

² For flood insurance purposes, base elevations in AE flood zones are measured from the finished floor. These illustrations assume that the lowest horizontal member will be approximately 18 inches lower.

³ Peak of roof. The mean of slope option is not available in the X zone.

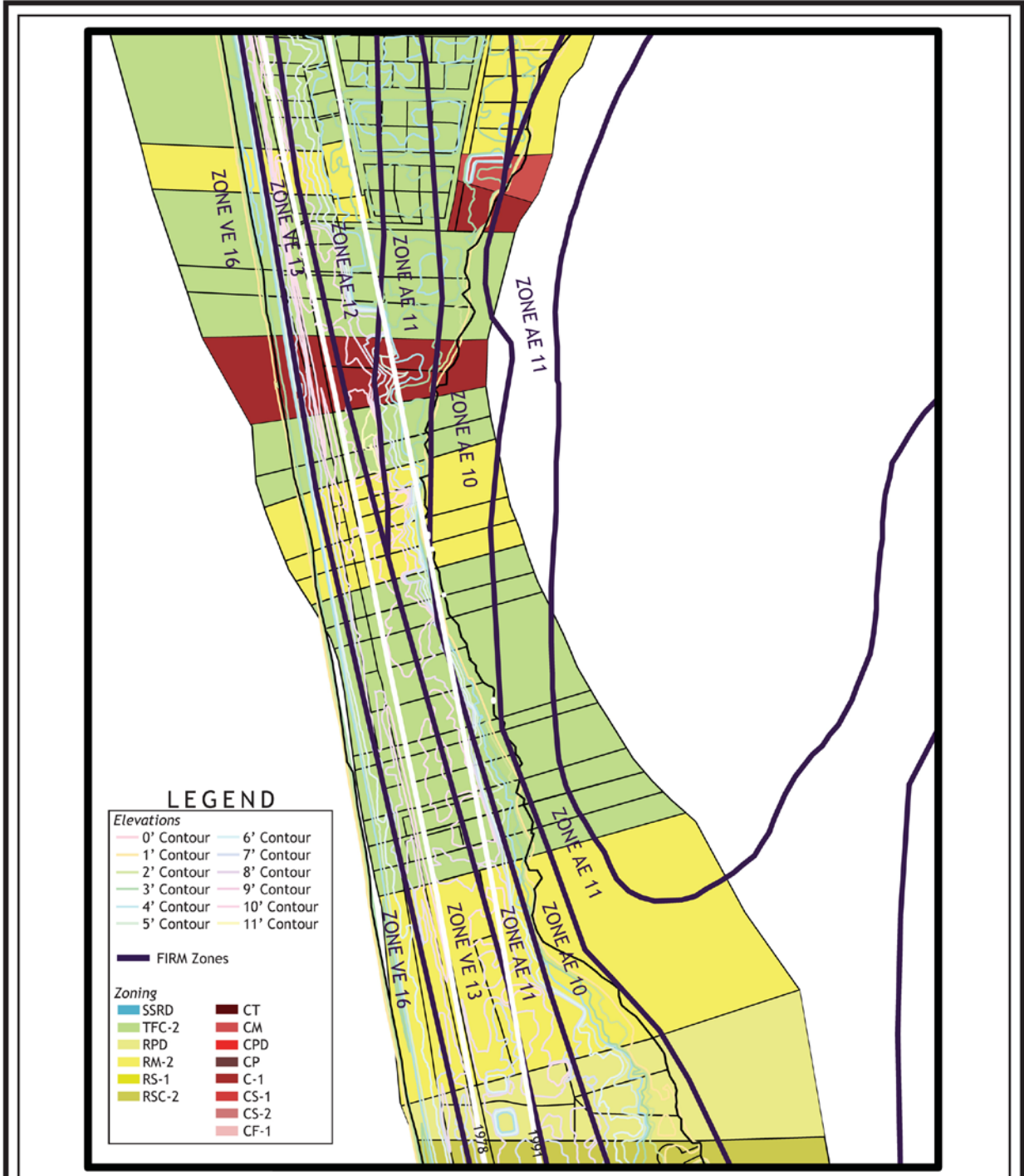
⁴ In the X zone, residential units may be built to 35.0 feet above the mean grade of the lot or 42.0 feet above sea level, whichever is lower.



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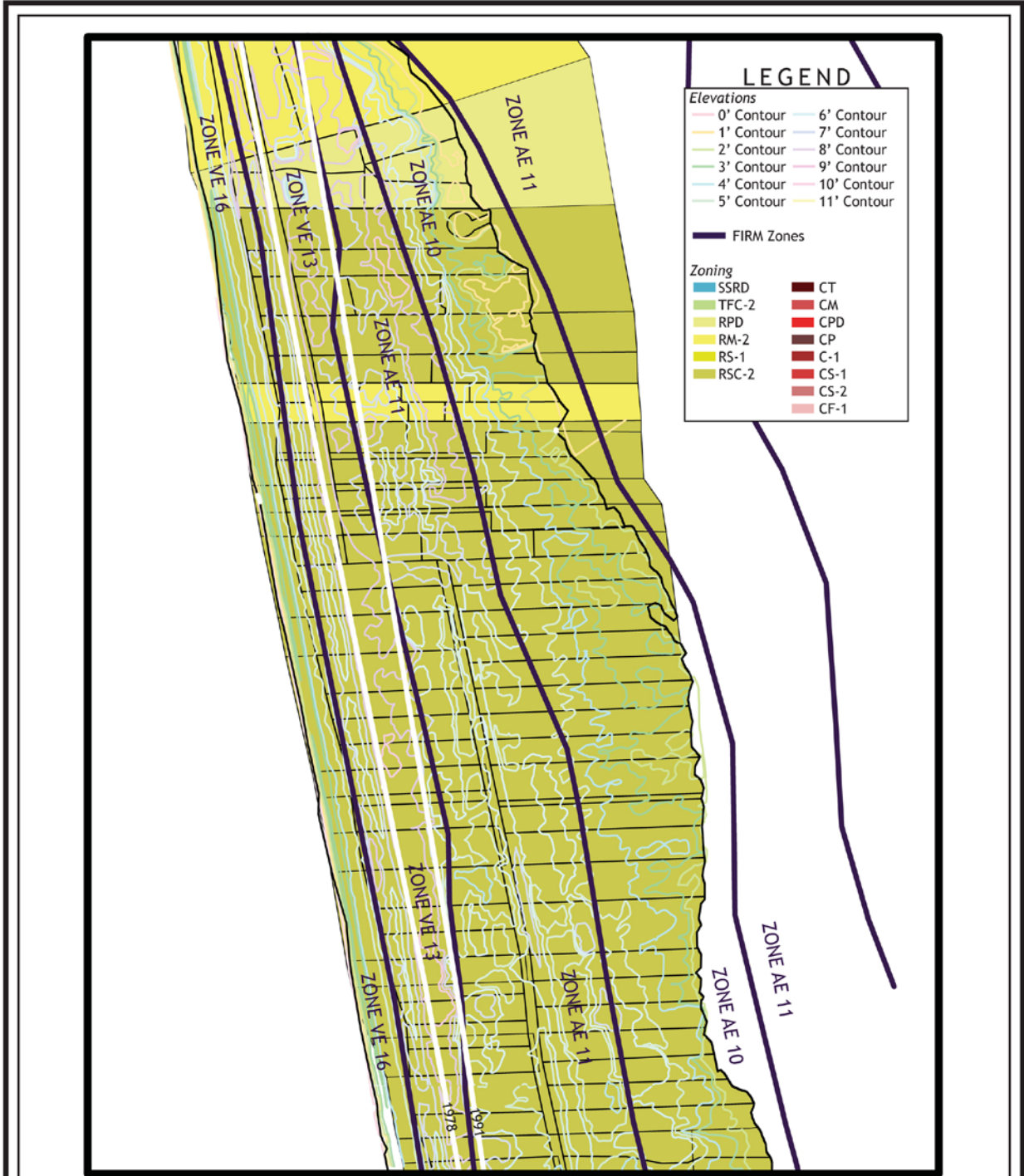




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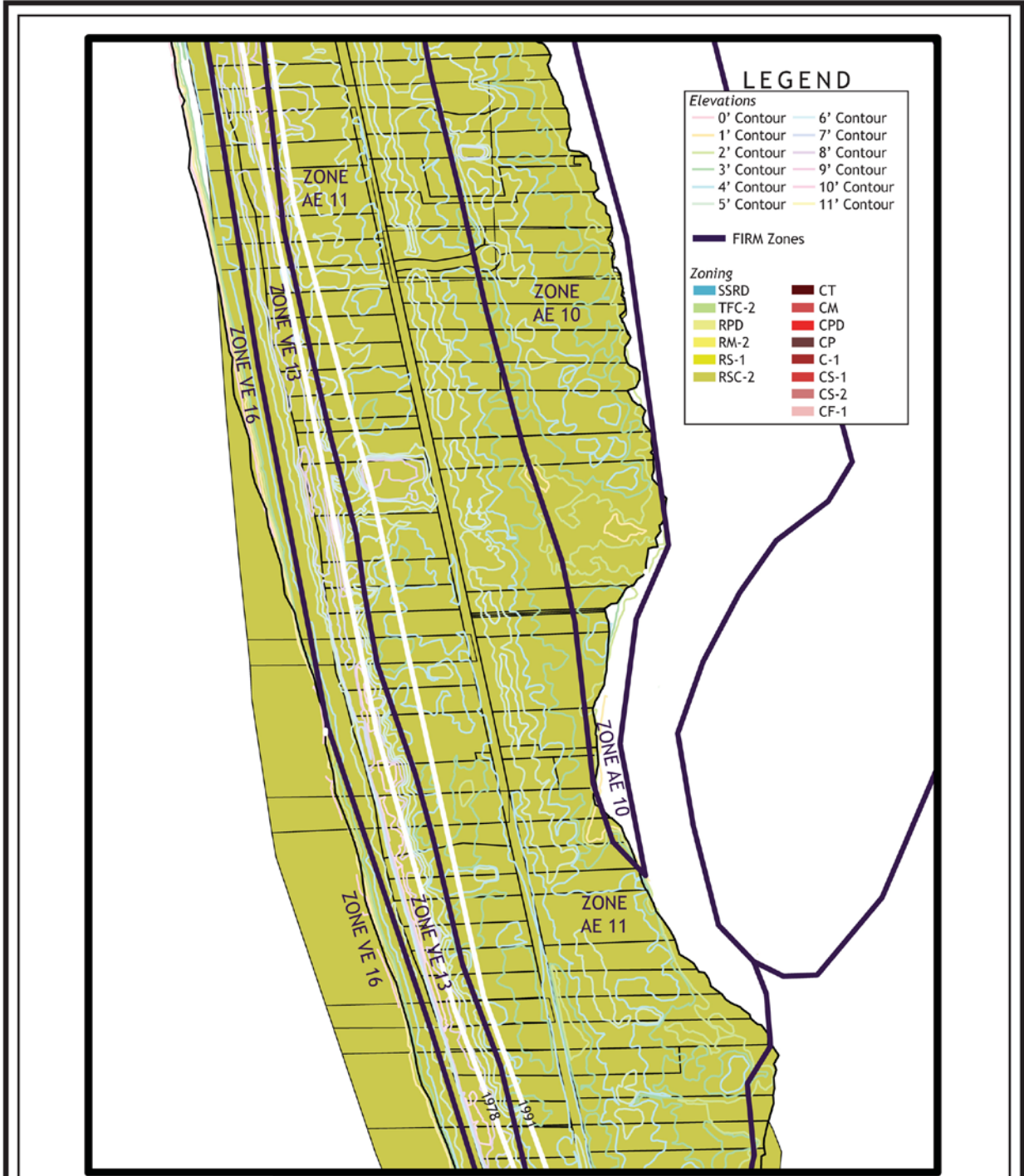




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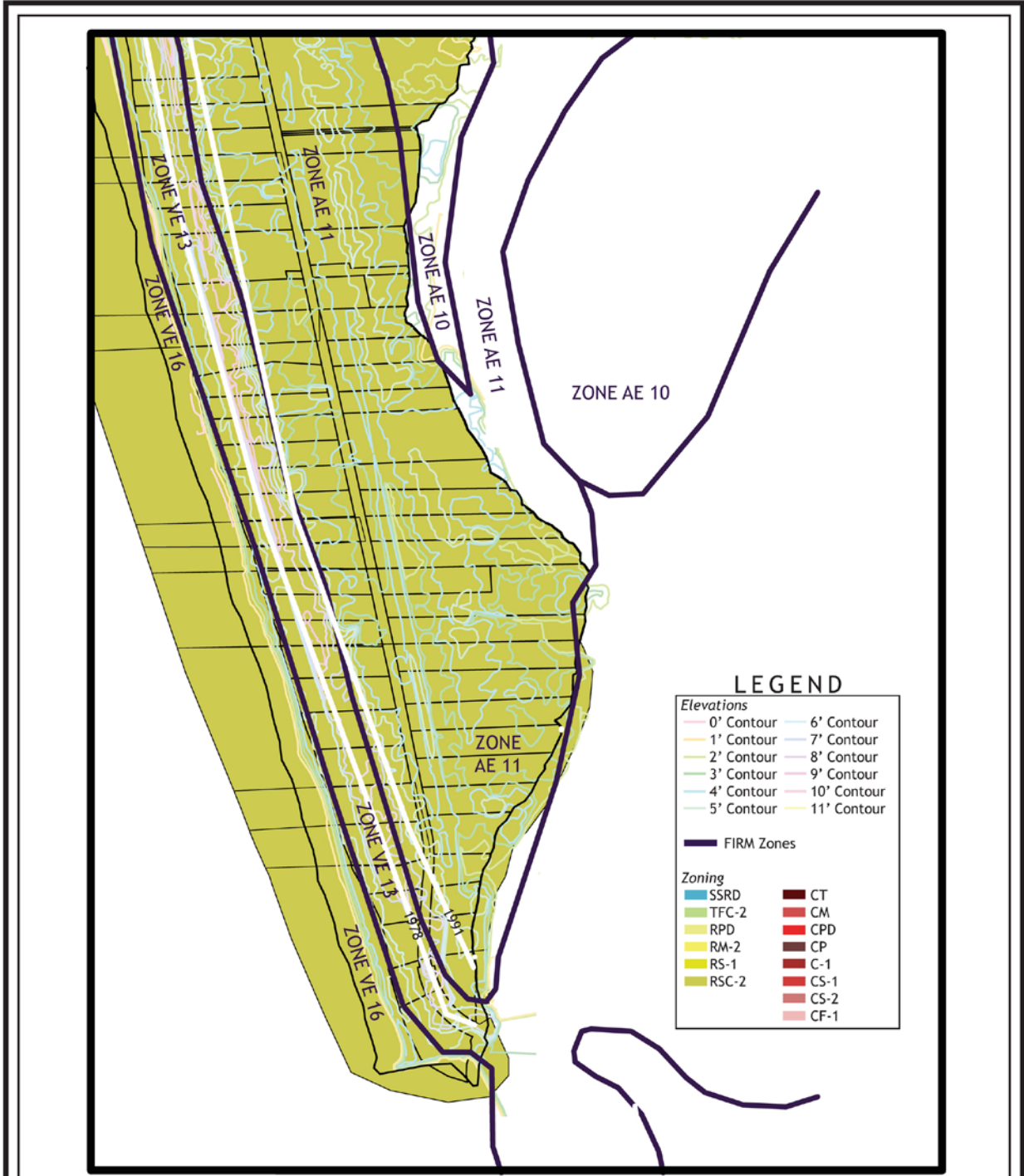




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