

Building heights in Captiva's Village

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 concerns about even-taller homes being built on the island, in an effort to strengthen existing height regulations under a uniform cap.

In theory, this standard works. In practice, on a barrier island in which multiple layers of government may impose BFE rules, it meant that homes with higher BFE requirements were squeezed under the uniform restrictions, encroaching on living space. This has been evident with ceiling heights (particularly in second stories) which have been cramped and architectural elements (roof lines) which have been flattened or eliminated in an effort to stay under the 42/35 cap while still allowing something taller 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 (such as requiring lowest horizontal structural members to be at or above the minimum BFE, not at or below as is allowed landward of the CCCL) to help ensure that 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 exists 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 except to maintain building height uniformity.

There are several BFE zones which affect buildable lots on Captiva, ranging from VE-13 on the seaward-most lots on the Gulf to AE-12, -11, -10 and -9 further inland. There is also an area, dubbed the "X Zone," on the bayside of the Village, where BFE requirements were eliminated in the last FEMA revision. In other words, there is no federally mandated base flood elevation in the X zone.

When the last series of FEMA elevation changes caused building heights in some areas to move a little higher -- and, inexplicably, some areas to move lower or without BFE requirements altogether -- some property owners saw that a uniform building height regulation was not uniformly fair to island property owners. The uniform height problem would become an even greater issue in the event of a catastrophic storm in which might cause structural damage sufficient to require rebuilding under the new code language. Accordingly, in coordination with its 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 the ideal opportunity to engage islanders in a discussion about building heights. If the Panel could identify a consensus in support of change, it would recommend amended language to the Board of County Commissioners. In any case, they would provide a forum for community dialogue on the subject.

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 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 height 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 Aug. 20, 2010 and closed Sept. 30, 2010, with final results presented to the panel and public at its Oct. 19, 2010, meeting.

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 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 small lot sizes in the Village make building height and mass a serious issue for neighbors concerned with the overall ambience of the Village. Lot widths that can be as narrow as 50 feet for a still-buildable lot, building height carries a far greater impact than 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 its willingness to support a Village exemption at its Jan. 11, 2011, meeting, provided they could be assured that Village residents supported the exemption. The Panel 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.

To ensure that as many Village residents as possible are heard from regarding this important issue, the Panel voted at its March 8, 2011, meeting to conduct a mail survey of all Village property owners to assess the consensus on which building height standard should be applied to the Village -- the new islandwide standard being proposed or the existing standard. Postcards have been mailed with a return date of April 1, 2011, and the Panel hopes to discuss results of the survey at its April 12, 2011, public meeting. Village property owners seeking more information on this are encouraged to review materials on the Panel's website -- www.captivacommunitypanel.com -- or contact Ken Gooderham -- (239) 489-2616 or kengooderham@comcast.net -- to be provided information and answers on their questions.

— *Ken Gooderham*