



Lee County  
*Southwest Florida*

# BUILDING HEIGHT AND RESILIENCY

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CPA2023-00004

Publicly Initiated Text Amendment

BoCC Transmittal Hearing – December 6, 2023

# CPA2023-00004

## Board Direction

- Direction from January 17, 2023 Board of County Commissioners Meeting
- Staff directed to identify regulatory constraints that limit rebuilding

## Proposed Amendments

- Amend Goal 23 and Policy 23.2.3 to remove language hindering hurricane recovery
- Amendments clarify how property owners may rebuild within the Captiva Community Plan Area
- Amendments do not amend the Future Land Use Map or increase density

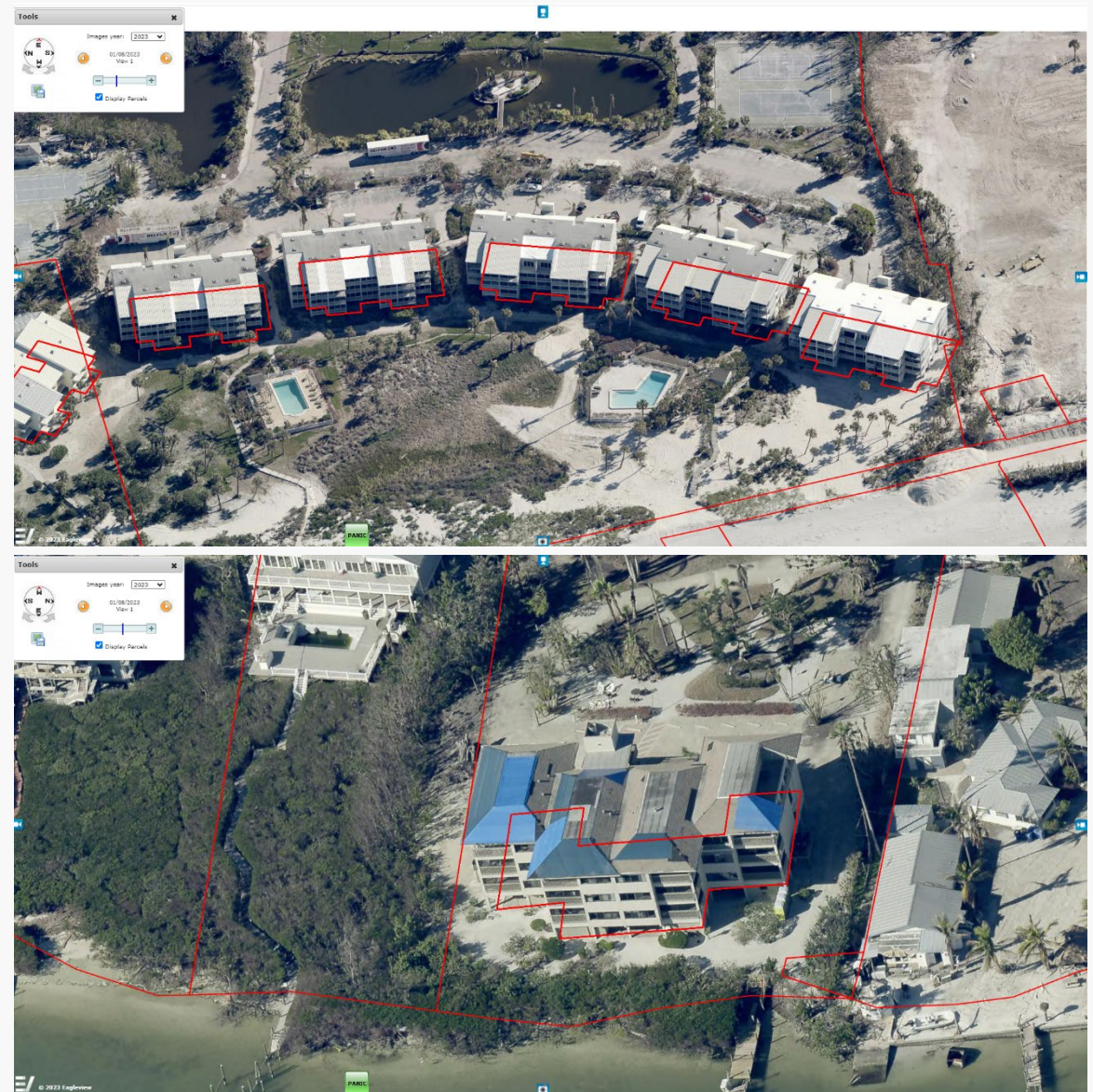
## Summary

- Amendments to the Lee Plan allow property owners to rebuild, but do not allow greater density.

# Lee Plan Analysis

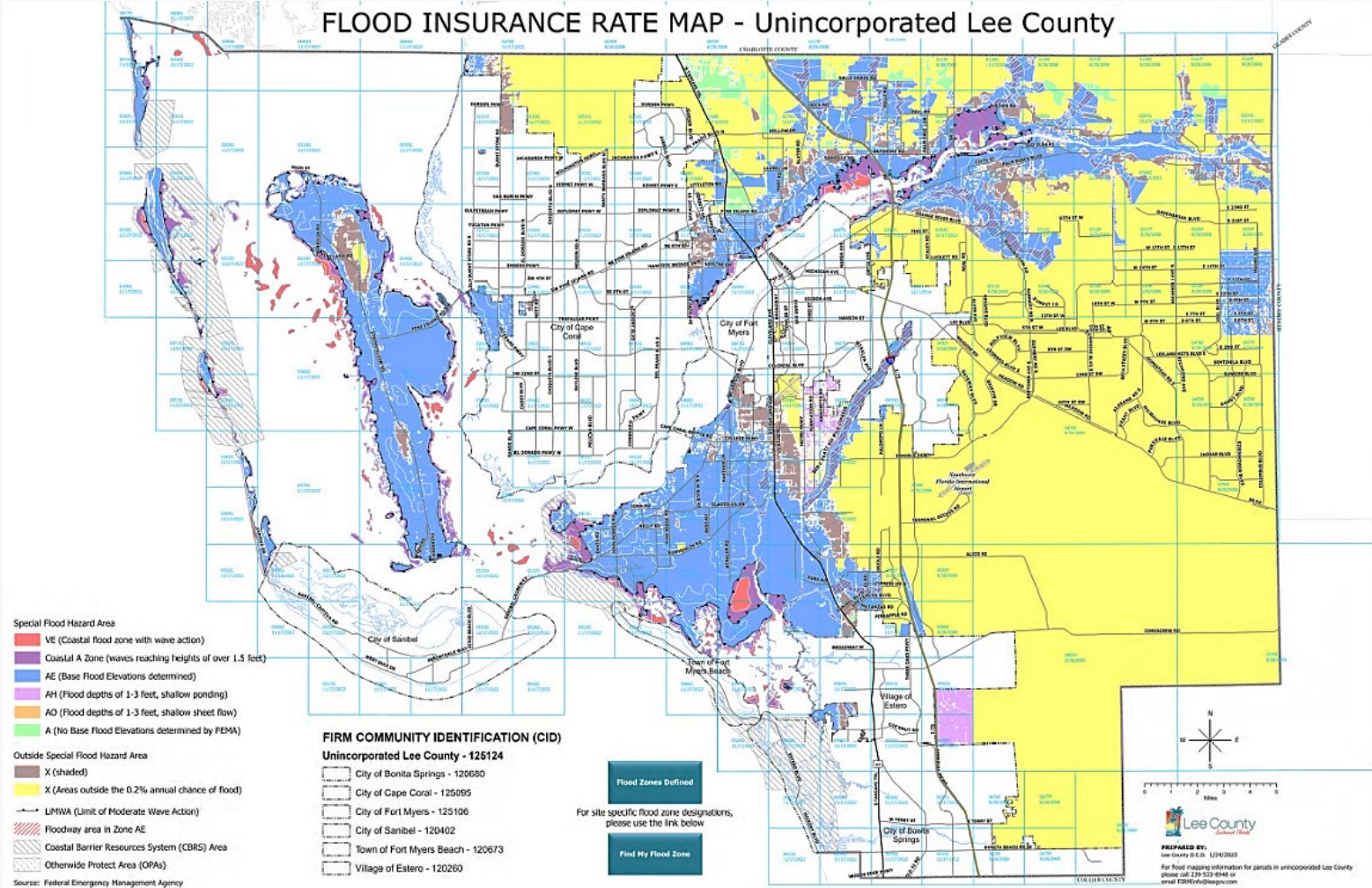
## GOAL 23: CAPTIVA COMMUNITY PLAN.

The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed use development of traditionally commercial properties, and enforce development standards that maintain ~~one and two story building heights and~~ the historic low-density residential development pattern of Captiva.



# Lee Plan Analysis

**POLICY 23.2.3: Building Heights.** Maintain building height regulations ~~established as of March 23, 2018~~ that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.



# Lee Plan Analysis



- **POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.
- **OBJECTIVE 23.2: PROTECTION OF COMMUNITY RESOURCES.** To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva.
- **OBJECTIVE 72.2: DEVELOPMENT REGULATIONS.** Maintain land development regulations that reduce the vulnerability of development from the threats of natural and man-made hazards.

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## State Reviewing Agencies

- Lee County received responses from:
  - FloridaCommerce
  - Florida Department of Transportation
  - Florida Fish and Wildlife Conservation Commission
  - Florida Department of Environmental Protection
  - Florida Department of Agriculture and Consumer Services
- FloridaCommerce provided a comment, suggesting Lee County meet with the affected communities.
- City of Sanibel submitted a letter of opposition, expressing concern about increased density.

## Recommendation

- **Staff recommends the BoCC Adopt** the proposed amendment as provided in Attachment 1.

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## Goal 23: Captiva Community Plan

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## POLICY 23.2.3: Building Heights

Maintain building height regulations ~~established as of March 23, 2018~~ that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.