

Captiva height regulations: A history

Proposed Land Development Code (LDC) language

Section 33-YY: Height restrictions on Captiva Island

(A) Consistent with Policy 13.1.2 of the Lee Plan, 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 below the lawful base elevation. Deviations or variances from this section are prohibited. Architectural features, including but not limited to cupolas, lanterns, dormers, façade or roofline articulations, etc., and mechanical appurtenances may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as such details do not account for more than 20% of the total front façade area and any mechanical appurtenances are fully screened from visibility from adjoining properties.

(B) The existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location capability for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised.

(C) Buildings or structures illustrated as zone "X" on the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or its successor agency, is at sea level, shall be erected or altered so that the peak of the roof may not exceed 35 feet above the average grade of the lot in question or 42 feet above sea level, whichever is lower.

Current LDC language

Sec. 34-2174. - 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.

(b) In zoning districts that do not specify a maximum height limitation, the increase to setbacks stated in this section will apply to all buildings or structures exceeding 35 feet in height.

(c) The height increases described in section 34-2174(a) and (b) may not be used in Greater Pine Island.

Sec. 34-2175. - Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(a) Special areas.

(1) **Upper Captiva Island.** 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.

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.

(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.

(3) **San Carlos Island.** The height of a structure may not exceed 35 feet above grade, except as provided for in section 34-2174. If seaward of the coastal construction control line, elevations may exceed the 35-foot limitation by three feet for nonconforming lots of record.

(4) **Gasparilla Island conservation district.** No building or other structure may be erected or altered so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(5) **Greater Pine Island.** See section 33-1088.

(6) **All other islands:** The height of a structure may not exceed 35 feet above grade (base flood elevation). Except as provided in subsections 34-2175(3), (4), and (5), the provisions of section 34-2174(a) do not apply to islands. No variance or deviation from the 35-foot height restriction may be granted.

Ordinance 99-13

Sec. 34-2175. Height limitations for special areas.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(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.

If the county received a coastal preapplication compliance determination request relating to construction of a single family home on property located on Captiva Island seaward of the coastal construction control line before February 1, 1998 and the property owner received construction approval for the home from the Florida Department of Environmental Protection (DEP) before August 25, 1998, then the home may be built according to the height regulations and limitations in effect on the date the coastal

Ordinance 97-10

Sec. 34-2175: Height limitations for special areas:

(2) Captiva Island. No building or structure shall may be erected or altered so that the height exceeds two stories above the lowest habitable floor. ~~however, in no case shall~~ However a building or structure may not be erected or altered so that the peak of the roof exceeds the height of 28 feet above the lowest habitable floor.

Ordinance 78-07

Section 4. Height Regulations: No building or structure shall be erected or altered so that the peak of the roof exceeds a height of 35 feet. The building height shall be measured from the elevation from the lowest occupied floor but in no case from an elevation higher than 10 feet above the average ground level, unless Flood Insurance or Coastal Code Regulations, require the elevation to be higher than 10 feet.

Ordinance 74-09

SECTION 2.2: No building or structure shall be erected or altered so that the peak of the roof exceeds a height of 35 feet. The building height shall be measured from the elevation (above mean sea level) of the floor of the first occupied story of the building but in no event from an elevation higher than that required by federal authorities to establish eligibility or insurance under the flood insurance program; in the absence of such flood insurance eligibility requirements, the building height shall be measured from the elevation of the lowest occupied floor but in no case from an elevation higher than ten feet above mean sea level.

Ordinance 73-7

Section (2) of Ordinance No. 1, Lee County, Florida, is respectfully amended to read as follows:

Section (2). No building or structure shall be erected or altered to exceed the height of 35 feet from the average fill-grade level of the site and that in no case shall this datum be greater than 10 feet above mean sea level.

Ordinance 71-1

Section 2: No building or structure shall be erected or altered to exceed the height of thirty-five (35) feet above the mean average ground level of the building site on Sanibel and Captiva islands.

Section 3: Building site are herein defined shall be the average ground level of the land surrounding any building or other structural improvement.

Section 4. The height limitation of this ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, utility towers, forest fire observation towers when operated by a branch of the government, transmission towers, chimneys, aerials, or other appurtenance, either temporary or permanent, which are usually required to be placed above the roof level and not intended for home occupancy.