



# Land Development Code Amendments

Board of Lee County Commissioners  
Public Hearing | September 5, 2023

1/17/23

Board Direction

5/12/23

Land Development Code Advisory Committee (LDCAC)

5/22/23

Local Planning Agency (LPA)

6/6/23

Board Direct to Public Hearing

6/20/23

Board Public Hearing

7/13/23

Public Meeting - Captiva

8/1/23

Public Meeting - Pine Island

8/2/23

Public Meeting - Sanibel

8/9/23

Public Meeting - Fort Myers

8/29/23

Board Workshop

9/5/23

Board Public Hearing - LDC Amendments

9/6/23

Board Public Hearing - Lee Plan Amendments

1/17/23 Board Direction:

Propose amendments to regulations that:

- Address county-wide height, setbacks and other development limitations potentially restricting ability to rebuild homes & businesses in a manner that reduces potential flooding threats
- Are applicable to development of South Seas

Continued public hearings to 9/5-9/6/23

# Board Direction & Timeline

# PUBLIC COMMENT

- Proposed amendments would allow unlimited height on Captiva
- Removes all density restrictions
- Speculation over South Seas development
- Support rebuilding usable space above base flood elevation
- Request staff to look at build-back provisions to eliminate possible inconsistencies to allow development that is both marketable & insurable
- Desire to keep height regulations related to Community Plan areas in LDC Chapter 33

# PROPOSED AMENDMENTS

Regulatory  
Certainty

Insurability

Economic  
Resiliency

# CURRENT METHOD

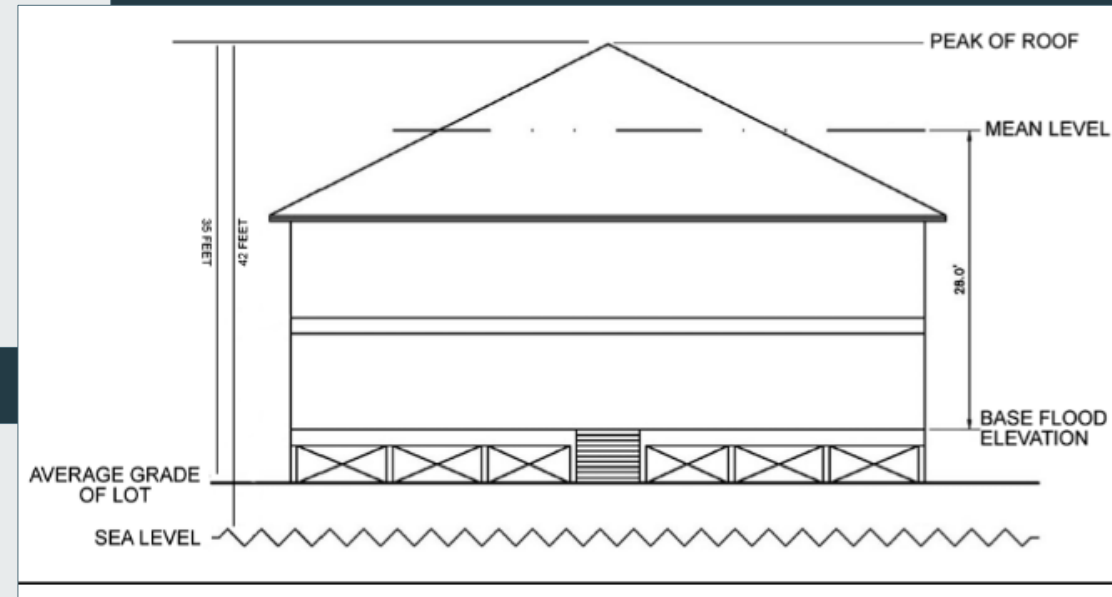
## Measuring Building Height

### STARTING POINTS

- Average centerline elevation of street abutting property
- Base flood elevation
- Minimum required flood elevation
- Minimum design flood elevation
- Lowest horizontal member at/below base flood elevation
- Average grade of lot
- Mean sea level

### FINISHING POINTS

- Highest point of roof surface - flat or Bermuda roof
- Roof peak
- Roof deck line
- Mean level between eaves & ridge - gable, hip, or gambrel roof



# PROPOSED METHOD

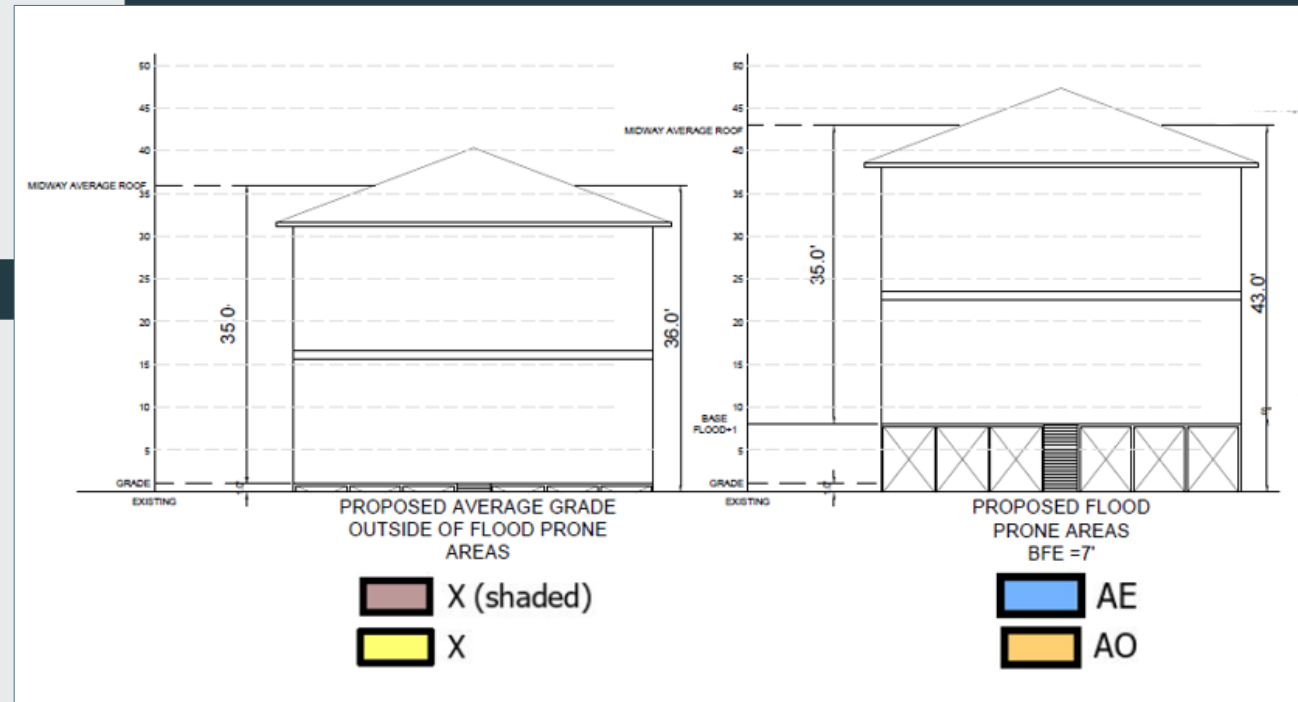
## Measuring Building Height – County-Wide

### STARTING POINTS

- Lowest minimum habitable floor elevation to issue a building permit

### FINISHING POINTS

- Highest point of roof surface - flat roof
- Deck line - mansard roof
- Mean height level between eaves & ridge - gable, hip, shed, gambrel roof



# RESILIENCY ELEVATION

## Coastal A & V Flood Zones

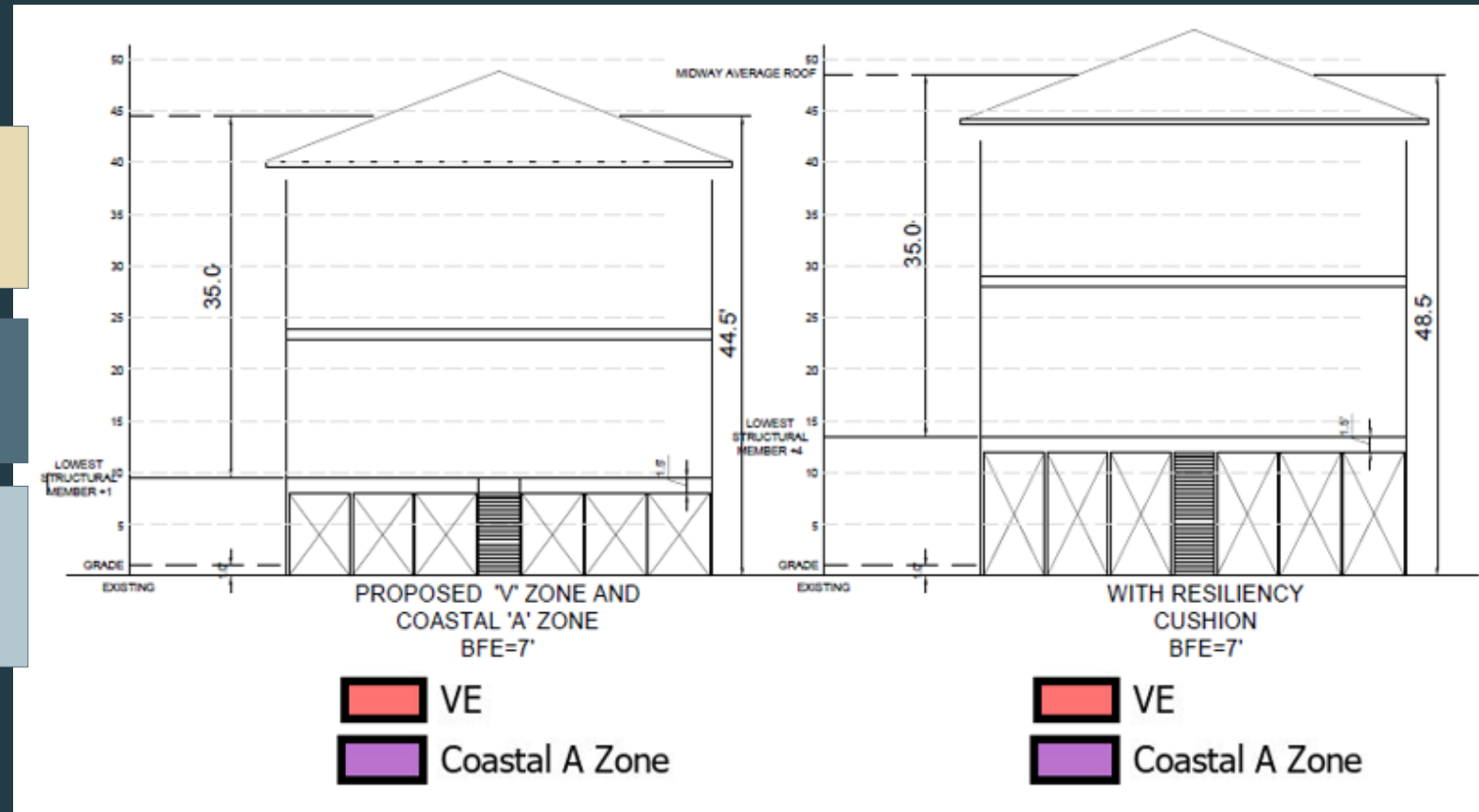
### INCREASED FLEXIBILITY & RESILIENCY



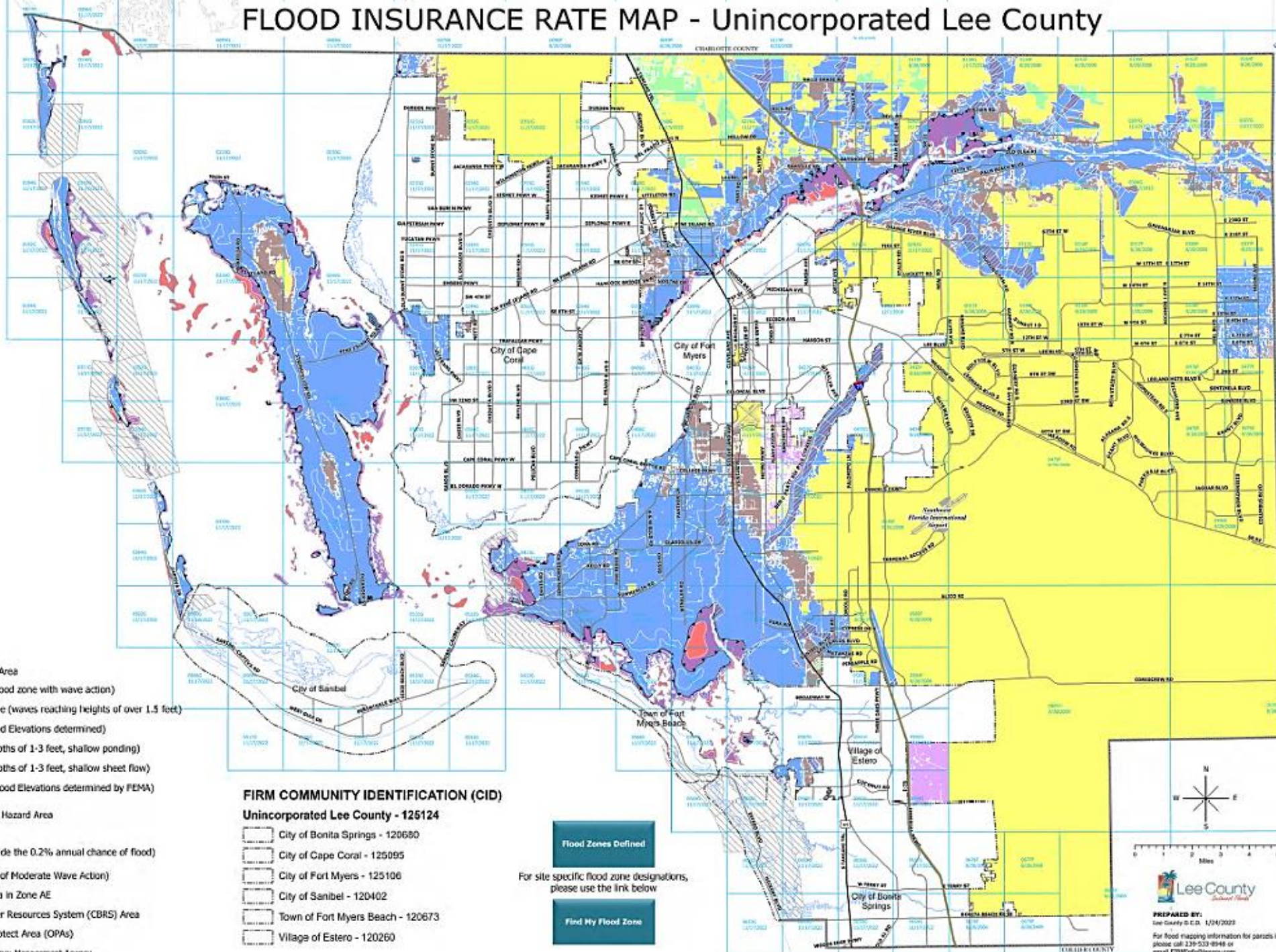
Areas most vulnerable to storm surge



Areas subject to high velocity wave action from storms or seismic sources



# FLOOD INSURANCE RATE MAP- Unincorporated Lee County



- Special Flood Hazard Area**
- VE (Coastal flood zone with wave action)
  - Coastal A Zone (waves reaching heights of over 1.5 feet)
  - AE (Base Flood Elevations determined)
  - AH (Flood depths of 1-3 feet, shallow ponding)
  - AO (Flood depths of 1-3 feet, shallow sheet flow)
  - A (No Base Flood Elevations determined by FEMA)

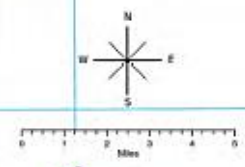
- Outside Special Flood Hazard Area**
- X (shaded)
  - X (Areas outside the 0.2% annual chance of flood)
  - LMWA (Limit of Moderate Wave Action)
  - Floodway area in Zone AE
  - Coastal Barrier Resources System (CBRS) Area
  - Otherwise Protect Area (OPAs)

- FIRM COMMUNITY IDENTIFICATION (CID)**  
Unincorporated Lee County - 125124
- City of Bonita Springs - 120680
  - City of Cape Coral - 125095
  - City of Fort Myers - 125100
  - City of Sanibel - 120402
  - Town of Fort Myers Beach - 120673
  - Village of Estero - 120260

**Flood Zones Defined**

For site specific flood zone designations,  
please use the link below

[Find My Flood Zone](#)



**PREPARED BY:**  
Lee County GIS - 1/24/2023  
For flood mapping information for parcels in unincorporated Lee County  
please call 239-533-8948 or  
email FIRMInfo@leegov.com

Source: Federal Emergency Management Agency





## Administrative Interpretation ADD2002-00098

- Governs development parameters
- Proposed amendments do not change development parameters
- Remains in effect after proposed amendments adopted, only superseded by public hearing specific to property

## Proposed Amendments

- Remove references to ADD2002-00098, allows South Seas to proceed through normal rezoning process
- Add a definition and corresponding map
- Treats South Seas hotels the same way as hotels throughout the county



# SOUTH SEAS ISLAND RESORT

# BUILD-BACK

## CURRENT

### NON-CONFORMING STRUCTURES

Rebuild or replace:

- Actual use, density, intensity existing at time of destruction.
- Size, style, type of original construction, original square footage.

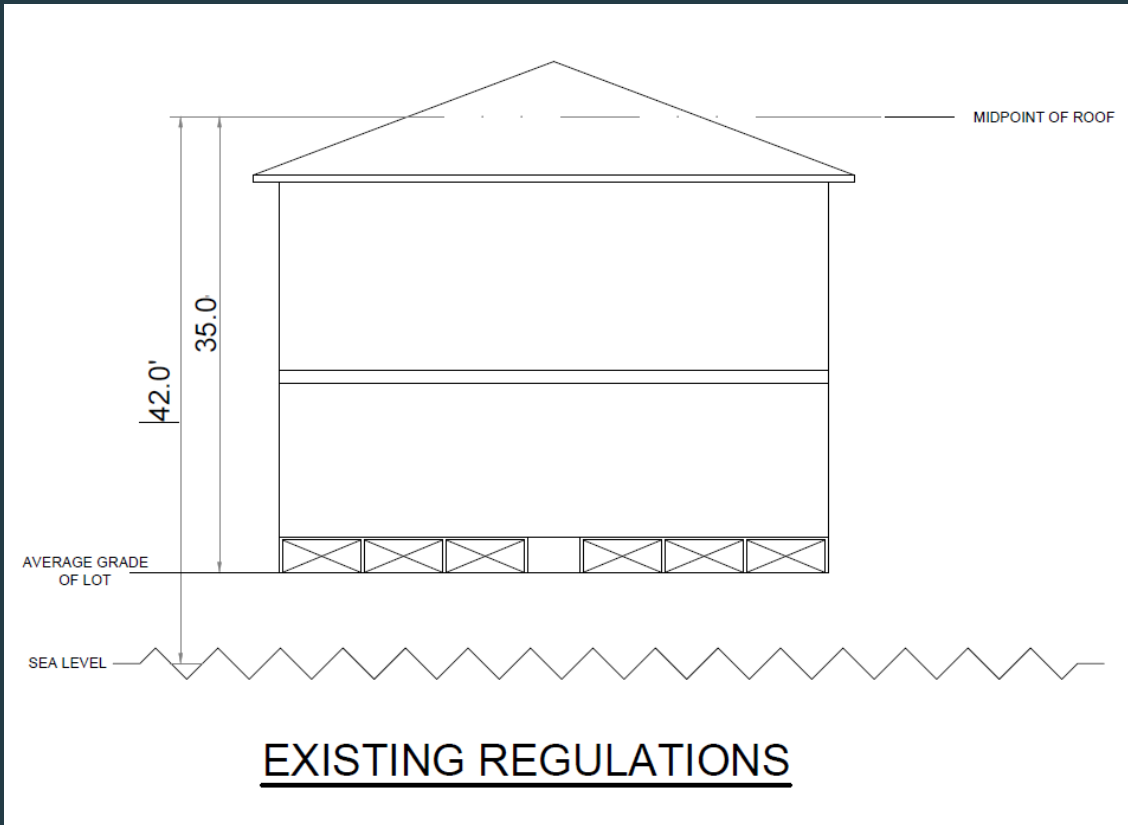
## PROPOSED

- Clarify how height is measured
- Additional elevation for resiliency & insurability.

## CLARIFICATION

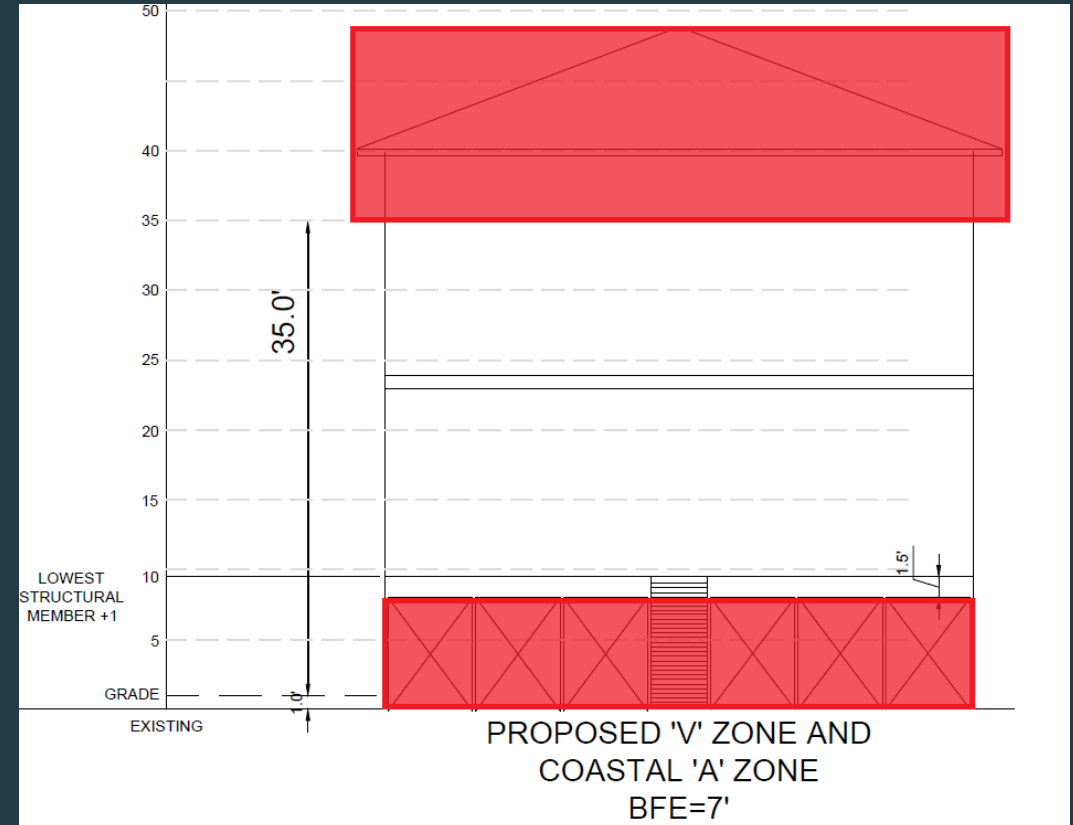
Amendments needed for **CONFORMING** structures.

# BUILD-BACK



## CURRENT

How building height is measured for South Seas Resort.



## BUILD BACK

Volume of building lost in order to comply with FEMA and FBC standards.

## DENSITY

Number of **RESIDENTIAL** dwelling or housing units per gross acre.

Maximum densities are in Lee Plan.

VS.

## INTENSITY

Measurement of degree of customarily **NONRESIDENTIAL** uses based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation or floor area ratios.

## HOTELS

- Hotels approved as part of a planned development not subject to density limitation - except in Captiva.
- All other aspects of the development (height, traffic, intensity of use, etc.) must be compatible with surrounding area and consistent with Lee Plan.



# QUESTIONS

