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26 quality of the surrounding Pine Island Sound and Gulf of Mexico.
 27 In order to preserve and conserve the fragile ecosystems and
 28 natural characteristics of the island, it is necessary to
 29 restrict the land uses and the height and density of structures
 30 and to limit noise, light, water and air pollution. The purpose
 31 of this act is to permit limited development of the island while
 32 preserving its natural beauty and plant, marine, animal and bird
 33 life, its mangrove fringe, and its sustainability.

34 Section 2. There is hereby created a special conservation
 35 area, for the uses and purposes set forth herein, known as the
 36 Captiva Island Conservation Area. The boundaries of the district
 37 shall include all of Captiva Island in Lee County, including all
 38 adjacent submerged lands, tidal lands, overflow lands, and tidal
 39 ponds.

40 Section 3. ~~(1) No building or other structure shall be~~
 41 ~~erected or altered within the district so that the peak of the~~
 42 ~~roof is more than 28 feet base flood elevation.~~
 43 ~~The height of buildings and structures may not exceed the least~~
 44 ~~restrictive of the two following options:~~

- 45 ~~(1) Thirty-five feet above the average grade of the lot in~~
 46 ~~question or 42 feet above mean sea level measured to the~~
 47 ~~peak of the roof, whichever is lower; or~~
 48 ~~(2) Twenty-eight feet above the lowest horizontal member at~~
 49 ~~or below the lawful base flood elevation measured to the~~
 50 ~~mean level between eaves and ridge in the case of gable~~

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51 hip and gambrel roofs.
 52 (2) The density of any development which includes dwelling
 53 units, whether or not it includes commercial rental dwelling
 54 units ~~such as hotels or motels~~, shall not exceed 3 dwelling
 55 units per acre. In computing such density, only land above mean
 56 sea level, contiguous and under single ownership may be
 57 utilized. Parcels which are bisected by a publicly dedicated
 58 road, including state and county roads, shall not be considered
 59 contiguous for the purpose of computing density hereunder.
 60 (3) A single-family dwelling may be constructed on lands
 61 zoned for such use, including lots which were platted and
 62 recorded prior to the effective date of this act or lands
 63 rezoned for single family use after the effective date of this
 64 act. Notwithstanding, the use of nonconforming lots shall be
 65 governed by local zoning regulations.
 66 (4) No land within the district shall be used for
 67 commercial, industrial, or multi-family purposes except land
 68 that was zoned for such uses prior to the effective date of this
 69 act. Nothing contained in this act shall preclude maintenance of
 70 fuel supply facilities at existing ports or off-loading
 71 facilities.
 72 (5) This section shall not render legally existing
 73 structures unlawful ~~or prohibit the right to build back~~
 74 ~~nonconforming buildings damaged by natural disaster in~~
 75 ~~compliance with updated federal flood elevations without a~~

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reduction in use, density, intensity, size or square footage of the damaged buildings.

Section 4. (1) This act shall not be construed as limiting the application of or repealing any local comprehensive land use plan, law, or rule dealing with the subject of zoning, conservation, or air and water pollution standards; but if any of the standards specified by this act are more restrictive than those specified in such other plan, law, or rule, the standards specified by this act shall prevail.

(2) No local government body may grant variances or exceptions to the height, density, or other requirements of this act.

(3) In order to enforce the provisions of this act and/or to enjoin a violation of same, a real property owner need not allege or prove that the violation of this act will adversely affect the property rights of said real property owner to any greater extent or different degree than said violation will affect any other real property owner within the district. A real property owner who is successful in his or her efforts to enforce this act through civil proceedings shall be awarded a reasonable attorney's fee and court costs which shall be assessed as a judgment against the person or persons determined by the court to have violated this act. No action by any county commission shall be required as a condition precedent to enforcement of this act pursuant to this section.

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101 Section 5. If any provision of this act or the application
 102 thereof to any person or circumstance is held invalid, the
 103 invalidity shall not affect other provisions or applications of
 104 the act which can be given effect without the invalid provision
 105 or application, and to this end the provisions of this act are
 106 declared severable.

107 Section 6. This act shall be known and cited as the Captiva
 108 Island Conservation Area Act.

109 Section 7. (1) During the 2024 general election, there
 110 shall be a referendum election concerning whether this act shall
 111 become a law.

112 (2) The ballot title for the referendum question shall be
 113 in substantially the following form:

114 CREATING CAPTIVA ISLAND CONSERVATION AREA

115 (3) The referendum question shall be placed on the ballot
 116 in substantially the following form:

117 Shall Chapter 2024- , Laws of Florida, creating the
 118 Captiva Island Conservation Area, limiting the height of certain
 119 structures, limiting the density of dwelling units, and limiting
 120 commercial, industrial, or multi-family zoning those areas zoned
 121 for that purpose on the effective date of the act?

122 () Yes.

123 () No.

124 (4) The referendum election shall be conducted by the
 125 Supervisor of Elections of Lee County in accordance with the

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126 | Florida Election Code.

127 | Section 8. This act shall take effect upon approval by a
128 | majority vote of qualified electors in the proposed Captiva
129 | Island Conservation Area voting in a referendum to be held at
130 | the 2024 general election, except section 7 and this section
131 | shall take effect upon becoming a law.