



# Amendment to the Land Development Code

STAFF USE ONLY

APPLICATION No: \_\_\_\_\_ FILING DATE: \_\_\_\_\_ ACCEPTED BY: \_\_\_\_\_ FEE: \_\_\_\_\_

## Part I. Applicant Information

Name of Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone: Home \_\_\_\_\_ Cell \_\_\_\_\_ Fax \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

## Part II. Provide A Brief Description of the Amendment:

Article \_\_\_\_\_ Part \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

## PART III. Attachments Checklist

The information and attachments requested as part of this application are the minimum necessary to determine if the proposed amendment complies with the requirements of the Comprehensive Land Use Plan (CLUP) and the Land Development Code (LDC). The City may require additional information at any time during the application process, depending upon the nature of the amendment request.

- \_\_\_ Copy of the draft ordinance to amend the Land Development Code
- \_\_\_ Description of how the proposed amendment is consistent with the intent and purpose of the Sanibel Comprehensive Land Use Plan
- \_\_\_ Description of how the proposed amendment will encourage the most appropriate use of land and city resources, consistent with the public interest.
- \_\_\_ Complete Side Two of this application if the proposed amendment applies only to a specific parcel of land.

\* \* \* \* \* **CERTIFICATION** \* \* \* \* \*

I hereby certify that the information contained in this application and the attachments hereto are true and correct to the best of my knowledge and belief. Furthermore, I acknowledge that the City has the right to inspect the subject property in conjunction with this Land Development code amendment application. (Please advise the City of any restrictions or limitations on the inspections.)

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

**NOTE TO APPLICANT:** The proposed amendment may be subject to private deed restrictions or covenants. It is the applicant's responsibility to verify with the appropriate property owners association whether the proposed amendment complies with the applicable deed restrictions or covenants. **The City does not enforce deed restrictions or act as an arbitrator between the applicant and the association.**

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\*\*\*\*\* Complete Only For Amendments for a Specific Parcel of Land \*\*\*\*\*

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## Part 1. Parcel Identification

Tax Strap No: \_\_\_\_ - **46** - \_\_\_\_ - T \_\_\_\_ - \_\_\_\_ . \_\_\_\_

Street Address of Property: \_\_\_\_\_

## Part 2. Owner Information

Name of Owner: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Phone: \_\_\_\_\_ Business \_\_\_\_\_ Fax \_\_\_\_\_

Owner Email Address: \_\_\_\_\_

## Part 3. Provide a Brief Description of the Proposed Amendment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Part 4. Attachments Checklist

The information and attachments requested as part of this application are the minimum necessary to determine if the proposed amendment complies with the requirements of the Comprehensive Land Use Plan (CLUP) and the Land Development Code (LDC). The City may require additional information, at any time during the application process, to determine compliance with the requirements of the CLUP and the LDC.

\_\_\_ DEED/AFFIDAVIT OF OWNERSHIP OR CONTRACT FOR PURCHASE OR LEE COUNTY OWNER OF RECORD

\_\_\_ OWNER'S AUTHORIZATION (Notarized)

\_\_\_ SURVEY (1"=20', With Raised Seal and Signature of Florida Registered Surveyor or Engineer)

\_\_\_ LOCATION MAP

\_\_\_ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE:

\_\_\_\_\_  
\_\_\_\_\_

## Part 5. Public Hearing Notification Requirement

\_\_\_ Provide name and address labels for all property owners within a radius of 300 feet of the extreme limit of the parcel proposed for development (to be obtained from the Lee County Geographic Information System Department). Refer to the "Adjacent Property Owners" section of the "Instructions for Permits and Other Applications of the Sanibel Land Development Code" for complete details on obtaining this information.

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## INSTRUCTIONS FOR PERMITS AND OTHER APPLICATIONS OF THE SANIBEL LAND DEVELOPMENT CODE

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### STANDARDS FOR LAND DEVELOPMENT CODE AMENDMENTS

The planning commission may recommend to city council amendments to zone district boundaries or permitted uses or other regulations contained in the Land Development Code, in accordance with the following standards:

- a. The planning commission shall make reference to the comprehensive land use plan to determine if the proposed amendment to the land development regulations is consistent with the intent and purpose of the plan.
- b. The planning commission shall determine whether the proposed amendment:
  - (1) Will encourage the most appropriate use of land and city resources, consistent with the public interest;
  - (2) Will prevent the overcrowding of land and avoid undue concentration of population;
  - (3) Will adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the City of Sanibel;
  - (4) Will adversely affect the character and stability of the present and future land use and development of the community ;
  - (5) Will adversely affect orderly growth and development;
  - (6) Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and
  - (7) Is consistent with the city Charter.
- c. If the planning commission determines that a proposed amendment is inconsistent with the comprehensive land use plan or its intent and purpose, the planning commission may, nevertheless, recommend approval of the proposed amendment, along with a corresponding amendment to the comprehensive land use plan, if the planning commission determines that the proposed amendment should be approved based upon a consideration of all of the factors specified above.

### DECISION BY PLANNING COMMISSION

The planning commission shall render its decision, by resolution, without further public hearing, within no more than thirty (30) days following the conclusion of the hearing. A copy of such resolution shall be forwarded to the applicant, or her attorney, if represented by an attorney, within ten (10) days following adoption of such resolution.

### DECISION BY CITY COUNCIL

The city council shall consider all applications for amendments to zone district boundaries, permitted uses and other development regulations contained in the Land Development Code; after review and the recommendation by the planning commission, in accordance with all applicable requirements of Florida Statutes and the city charter.

### ACTIONS REQUIRING SUPERMAJORITY VOTE OF COUNCIL

- 1) Actions to remove land from the environmentally sensitive lands conservation district may be taken by the city only by ordinance adopted by the affirmative vote of not less than four-fifths (4/5) of the membership of council where the full membership is voting; or unanimous vote of the voting members where less than the full membership is voting.
- 2) Actions to increase the residential development intensity as established in the comprehensive land use plan, except for the rounding upward of fractional allocations of fifty (50) percent or more of the next whole number may be taken by the city only by ordinance adopted by the affirmative vote of not less than four-fifths (4/5) of the membership of council where the full membership is voting; or unanimous vote of the voting members where less than the full membership is voting.
- 3) Actions to remove land, by boundary change or otherwise, from the mangrove forest ecological zone, the lowland wetland ecological zone, the upland wetland ecological zone or the interior wetlands conservation district, as established in the comprehensive land use plan, may be taken by the city only by ordinance adopted by the affirmative vote of not less than four-fifths of the membership of council where the full membership is voting; or unanimous vote of the voting members when less than the full member ship is voting.