

APPLICATION FOR DEVELOPMENT PERMIT
SUBDIVISION
MINOR
(WITH APPLICATION INFORMATION)

PART IV. ATTACHMENTS CHECKLIST:

The information and attachments requested as part of this application are the minimum necessary to determine compliance with the requirements of The Sanibel Plan 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 Sanibel Plan and the LDC. Provide three copies of all surveys and plans. For a complete explanation of each item, refer to the Planning Department handout entitled "Instructions for Permits and Other Applications of the Sanibel Land Development Code".

- _____ VERIFICATION OF PERMITTED RESIDENTIAL DENSITY (For Development on Vacant Parcels Only)
- _____ DEED (COPY) OR LEE COUNTY OWNER OF RECORD
- _____ OWNER'S AUTHORIZATION (Certified Form Available in the Planning Department)
- _____ OTHER AGENCY PERMITS (Certified Statement - Required Permits - Copy of Applications/Permits)
- _____ VARIANCE REPORT WITH LIST/LABELS OF ALL PROPERTY OWNERS WITHIN 300 FT OF SUBJECT PROPERTY (Obtain from Lee County Property Appraiser's Office)
- _____ SURVEY (1"=20', With Raised Seal And Signature Of Florida Registered Surveyor Or Engineer)
- _____ LOCATION MAP
- _____ SITE DEVELOPMENT PLAN (1" = 20')
- _____ REFUSE AND GARBAGE DISPOSAL PLAN (Size, Location, Screening, Pollution Control, & Weather Protection)
- _____ PRELIMINARY PLAT
- _____ COPY OF RESTRICTIVE COVENANTS/DEED RESTRICTIONS
- _____ AFFIDAVIT FOR RECORDING IN O.R. BOOK
- _____ DECLARATION OF DENSITY ALLOCATION
- _____ PLANS FOR STORMWATER & DEWATERING EROSION CONTROL
- _____ EXTERIOR LIGHTING PLAN
- _____ VEGETATION PLAN/VEGETATION BUFFER PLAN FOR DEVELOPMENTS WITH MORE THAN 5 UNITS
- _____ WILDLIFE HABITAT IDENTIFICATION AND PLAN FOR PRESERVATION
- _____ VERIFY GOPHER TORTOISES ARE PROTECTED ON SITE OR HAVE BEEN REMOVED
- _____ DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS
- _____ IWA WATER AVAILABILITY LETTER
- _____ WASTEWATER TREATMENT STATEMENT (Sewer Availability Letter or Wastewater Permit for Septic System)
- _____ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE:

***** **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 development permit application. (Please advise the City of any restrictions or limitations on the inspections.)

SIGNATURE OF OWNER / OWNER'S AUTHORIZED REPRESENTATIVE

DATE

NOTE TO OWNER/APPLICANT: The proposed development 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 development 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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INSTRUCTIONS FOR PERMITS AND OTHER APPLICATIONS OF THE SANIBEL LAND DEVELOPMENT CODE
*** SUBDIVISIONS ***

Land Development Code Chapter 114 shall be applied to, and shall be complied with, as to all subdivisions of land or structures thereon which occur within the City of Sanibel except for:

1. The subdivision of designated lots of a previously approved and recorded subdivision which under common ownership, provided that:
 - a. No lot lines are relocated or adjusted;
 - b. No individual lot designated on the recorded plat is subdivided; **and**
 - c. Each of the subdivided lots or parcels of land meets the minimum requirements of LDC Section 86-91 or 86-92 for the development of at least one (1) dwelling unit. However, this exception shall not apply where the development of the property would result in the creation of a nonconforming lot, structure, or use.
2. A division of property by testamentary or interstate provisions.
3. A division of property by court order.

DEFINITIONS FROM LAND DEVELOPMENT CODE CHAPTER 114 (SECTION 114-3)

Minor Subdivision: Any subdivision, other than the creation of cooperative or condominium units, which meets either of the following conditions:

1. Division of a parcel of land for the purpose of enlarging an adjoining lot, notwithstanding that such adjoin lot, as enlarged, may still be a nonconforming lot pursuant to the terms of the Land Development Code; provided that the remaining parcel does not, because of said division, become a nonconforming lot (except for subdivisions approved to LDC Chapter 114, Article III).
2. The division of land into no more than five (5) lots, each of which has frontage on, and access to, a pre-existing and maintained public or private street; provided that such division of land complies with the residential density limitations of Section 86-91 of the Land Development Code (except for subdivisions approved pursuant to Chapter 114, Article III); provided that no new public street is created; and further provided that, in the opinion of the city manager, no off-site or off-tract drainage facility or easement, or other public dedication or improvement, is necessary to satisfy any requirement or regulation of the Land Development Code.

Major Subdivision: Any subdivision, other than the creation of cooperative or condominium units, not classified as a minor subdivision.

Plat: A map of a subdivision.

1. **Final Plat:** The final map of a subdivision which has been approved by the city council pursuant to Land Development Code Section 114-89.
2. **Preliminary Plat:** The preliminary plat indicating the proposed layout of a subdivision which is submitted to and approved by the Planning Commission pursuant to Land Development Code Section 114-87.

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SUBDIVISION
MINOR
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CREATION OF COOPERATIVE OR CONDOMINIUM UNITS (LDC SECTION 114-47)

No cooperative or condominium units may be created within the city unless and until the cooperative or condominium documents required by law to be recorded are first submitted to and approved by the city pursuant to the following:

EXISTING STRUCTURE ONLY: When each cooperative or condominium unit created (not to include common elements) consists only of a portion of an existing structure and not of any land area, the cooperative or condominium documents shall be submitted to the city manager for approval as for a short-form development permit pursuant to the requirements of Section 82-401 et seq. Such documents may only be approved by the city manager, and a development permit issued, if each individual unit thus created complies with all requirements of the Land Development Code regarding any required minimum unit size or any other regulation specifically relating to such a subdivision.

LAND OR NEW STRUCTURE INCLUDED: When any cooperative or condominium unit to be created includes an area of land or a portion of a structure not yet constructed, the cooperative or condominium documents shall be submitted to the planning commission for approval as for a long-form development permit pursuant to the terms of Section 82-421 et seq. The cooperative or condominium documents may not be approved by the planning commission, and no development permit may be issued, unless each unit thus created and the site as a whole, including common elements, complies with all applicable requirements of this land development code, including minimum unit size, if any.

RESTRICTIVE COVENANTS AND CONDOMINIUM OR COOPERATIVE DECLARATIONS (LDC)

When a subdivision is approved by the planning commission or city manager pursuant to Land Development Code Chapter 114, the City shall require, as a condition of such approval, the recording of property executed and binding restrictive covenants or condominium or cooperative declarations containing provisions specifically required by the Land Development Code and such other provisions as are necessary to effectuate the regulations and purpose thereof. The covenants or documents shall also include a limitation on the amendment of such required provisions without the written consent of the City of Sanibel.

PRIVATE STREETS: When private streets are included within an approved subdivision and are designed or constructed to standards less than those required for public streets, the required covenants or condominium or cooperative declarations shall specifically include a notice to lot or unit purchasers that the streets within said subdivision are not public streets, are to be maintained by the owners at their own expense, and are intended to remain private streets in perpetuity.

APPLICATION FOR DEVELOPMENT PERMIT
SUBDIVISION
MINOR
(WITH APPLICATION INFORMATION)

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

MINOR SUBDIVISION

___ **DEED** Copy of the owner's deed to the property included within this application as recorded in public records; and if the applicant is not the owner of record, a certified authorization from all the owners of record to the applicant to apply for permits on behalf of the owner.

___ **OWNER'S AUTHORIZATION** If someone other than the owner will serve as the applicant in connection with the permitting process, a certified statement which authorizes that person to represent the owner and to bind the owner.

___ **OTHER AGENCY PERMITS** A certified statement by the applicant setting forth all other permits that are required by any other governmental agencies in connection with the proposed development. If no other permits are required, the statement shall clearly indicate none are required. If any other such permits are required, the applicant shall submit, along with the application, a copy of the application submitted, or to be submitted, for each other required permit or, if available, a copy of the permit received.

___ **VERIFICATION OF PERMITTED RESIDENTIAL DENSITY** **NOTE:** Recorded deeds and other historical property records which may be required for verification of permitted residential density are available at the Official Records Department in the Lee County Courthouse.

For any vacant, unplatted parcel (not in a modern platted subdivision), provide a certified statement identifying any contiguous lands which were under common ownership with the subject parcel on December 1, 1975.

For any vacant parcel in a modern platted subdivision (listed below), provide a certified statement identifying any contiguous lands which were in common ownership with the subject parcel on July 8, 1976. (**Note:** Any lot in a subdivision marked by an asterisk [*] having 10,000 net square feet or more is exempt from this requirement.)

Anchors Aweigh*	Gumbo Limbo	Sanibel Pines
Beachview Country Club	Kearn's*	Sanibel River Estates*
Belle Meade	Lagoon Estates*	Sanibel Shores
Betts	Lake Murex*	Sanibel Woodlands
Bright Water	Leisure Acres	Sawyer's
Bryant Michigan*	Little Lake Murex	Seaside*
Caloosa Shores	Los Conchas	Sedgemoor
Cardinal Ridge	Palm Lake*	Shell Basket*
Castaways	Periwinkle Properties	Shell Harbor*
Chateau Sur Mer*	Poinciana Circle	Southwinds*
Del Sega	Ranchos Way	Terrill Ridge
Dinkin's Bayou	O.L. Richardson's*	Tradewinds*
Dunes - Phase I	Sanibel Center	Water Shadows*
Dunes - Phase II	Sanibel Estates*	West Rocks*
East Rocks*	Sanibel Harbours*	Windrow
Gulf Pines	Sanibel Isles*	S.B. Woodring's*
Gulf Shores*	Sanibel Lake Estates*	

APPLICATION FOR DEVELOPMENT PERMIT
SUBDIVISION
MINOR
(WITH APPLICATION INFORMATION)

For any vacant parcel in the following subdivisions approved by the City, each platted lot is entitled to a dwelling unit.

Anhinga Estates	Heron's Landing	Sea Gate
Butterknife	Huschka	Sea Oats
Dunes - Phase III	Island Woods	Seagull Estates
Eastwood Landings	Kinzie Island	Seaspray
Foley	Lane-Cochran	South Capers
Gopher Walk	Long Acre Lake	Whisperwood Cove
Gulf Ridge	Sanctuary at Wulfert	
Gulf Ridge East	Sanibel Bayous	

For any other vacant parcel in a subdivision approved by the City, identify a development permit issued after July 19, 1976, which approved a subdivision establishing the subject parcel as a lot.

For all subdivision, duplex, and multifamily applications, provide actual calculations determining the number of dwelling units permitted on the parcel, carried to the hundredths place.

_____ **LOCATION MAP** A location plan indicating the relation of the development site to streets and well-known landmarks, existing zoning district(s) of the development site, and zoning within 200 feet of the development site.

_____ **SURVEY WITH LAYOUT OF SUBDIVISION AND LEGAL DESCRIPTIONS OF SUBDIVIDED PARCELS** An up-to-date (accurately reflecting present conditions), certified survey of the subject parcel bearing the signature and raised seal of a Florida registered land surveyor or professional engineer. If the land borders or contains an open body of water, the survey must be dated within six months prior to the date the application is filed. Included with the application shall be the original and two(2) paper copies of a survey by a professional land surveyor registered in the State of Florida, certified as to meeting minimum technical standards set forth in Section 472.027, Florida Statutes. The original survey shall be drawn on a twenty-four inch by thirty-six inch (24" x 36") linen or stable base film, with a three-inch (3") margin on the left for binding and a one-half inch (1/2") margin on the other three (3) sides. The survey must indicate or comply with the following:

- a) Scale must be 1" = 20'.
- b) The lot lines, dimensions, and acreage for each lot being created.
- c) The acreage of the total parcel being subdivided in square feet.
- d) Coastal Construction Control Line (if applicable).
- e) Legal description of the original parcel, and a legal description of each lot being created, which may accompany the survey if not possible or practicable to designate thereon.
- f) North arrow, which shall be the same orientation on all pages.
- g) The location of public or private streets abutting the parcel being subdivided, indicating width of right-of-way, edge, and width of pavement or traveled way, and all rights-of-way within the parcel being subdivided.
- h) Any structures located on the parcel being subdivided.
- i) Location of the percolation test and soil log (if applicable).
- j) Ground elevations (sufficient in number to accurately depict the site contours), referenced to NAVD of 1988.
- k) Easements, with use and dimensions noted, and whether public or private.
- l) Location and description of on-site well (if applicable), and whether active or inactive, public or private, and used for potable water, irrigation, or other purpose.
- m) If the parcel contains open bodies of water, roads or road rights-of-way or easements, the area (in square feet) of each, indicated separately. The surface area of an open body of water shall be calculated to the contour of the average elevation of the groundwater of the water table aquifer. The edge of an open body of water shall be represented by the mean high water line.
- n) Survey purporting to establish the local tidal datum or determination of the location of mean-high or mean-low water line shall provide certification by Florida registered land surveyor or professional engineer that such document was prepared in compliance with Florida Statutes, Chapter 177, Part II.

APPLICATION FOR DEVELOPMENT PERMIT

SUBDIVISION

MINOR

(WITH APPLICATION INFORMATION)

- o) Information on or accompanying the survey identifying the existing uses of all land and buildings shown thereon and indicating any structures to be removed.
- p) The delineation of all local drainage areas, open bodies of water, drainage ways, and any other area in which the seasonal high water table is at or above the ground surface.
- q) A notation in large or bold-faced type or printing that states "**THIS IS NOT A RECORD PLAT**".
- r) A city approval statement, to be signed by the city manager or director of the planning department, certifying that the minor subdivision conforms to all applicable ordinances and regulations of the City of Sanibel; and
- s) A statement to be signed by the clerk of the circuit court, stating " Received and filed as an unrecorded map in accordance with Section 177.132, Florida Statutes".

_____ **DRAINAGE PLAN** A drainage plan and map, demonstrating compliance with Land Development Code Chapter 126, Article XIII. Environmental Performance Standards and Chapter 118, Article IV. Standards for Stormwater Control.

_____ **UTILITY PLAN** Plans for proposed utility layouts (sewer, stormdrains, water, gas, and electricity) showing feasible connections to existing or any proposed utility system. When individual water supply or sewage disposal systems are proposed, the plans for such systems shall be approved by the appropriate local and state agencies. When a public sewer system is not available, the developer shall have percolation tests made and submit the results with the application.

_____ **EXTERIOR LIGHTING PLAN** A plan for exterior lighting, including the size, nature of construction, height, area and direction of illumination, and wattage to be used or foot-candles produced, if exterior lighting is proposed. The plan shall demonstrate compliance with Land Development Code Chapter 126, Article XIV. Division 4. Outdoor Lighting.

_____ **VEGETATION PLAN** A vegetation plan (**2 copies**) demonstrating compliance with the Land Development Code, including verification that the site has been prepared for vegetation inspection in accordance with the City's adopted vegetation standards. The vegetation plan shall generally describe all vegetation within the area to be disturbed by the proposed development, and shall:

- a) Include an inventory of all native vegetation or native plants, as defined in this code, (number and species) within the area to be disturbed. Native vegetation or native plants, as defined in this code, outside areas to be disturbed must be preserved in place;
- b) Locate and identify on a site plan all native vegetation or native plants, as defined in this code, within the area to be disturbed that is either two (2) inches or greater in diameter at any point more than two (2) feet above ground level or six (6) feet or more in height; locate and identify all native shrub-like plants (such as wild olive, wild coffee, white indigo berry and ferns, etc.) that are more than two (2) feet in height, and locate and identify any threatened or endangered species listed by the Florida Game and Freshwater Fish Commission, regardless of size;
- c) Provide a description of native trees within the area to be disturbed that are two (2) feet or more in height, by species, estimated number and general location;
- d) Describe the proposed treatment of the native vegetation or native plants, as defined in this code, within the area to be disturbed, i.e., transplant on- or off-site or destroy.
- e) State whether there exists upon the parcel any Brazilian pepper, Melaleuca, Earleaf Acacia, Lead Tree, Java Plum, Air Potato, Exotic Inkberry or Mother-in-Law's Tongue/Bowstring Hemp. If so, the vegetation plan shall include a plan for removal of these exotics, and for keeping the parcel permanently free of these exotics. The developer may omit from such a plan provisions for exotic removal and maintenance on any portions of a parcel which are donated to a bona fide organization dedicated to conservation, and which has a management plan for exotic removal; or to the city.

APPLICATION FOR DEVELOPMENT PERMIT

SUBDIVISION

MINOR

(WITH INSTRUCTIONS)

_____ **WILDLIFE PLAN** Identification and location of wildlife habitats of gopher tortoises, eastern indigo snakes, eagles, ospreys, loggerhead turtles, alligators, pileated woodpeckers, and river otters on the lot or parcel to be developed, to be verified through a field inspection by the City. In the case of the development of a single-family dwelling, the City, upon request of the owner, shall conduct the field inspection;

AND

A plan to preserve a portion of any existing indigenous wildlife habitat or to provide evidence of additional sanctuary area on or off the property to mitigate unavoidable destruction. Such plan, sanctuary, or mitigation is to be at the applicant's expense.

_____ **GOPHER TORTOISE PROTECTION** Verification that gopher tortoises have been protected on the site or have been removed from the proposed area of construction by a city authorized handler according to a plan approved by the City.

_____ **WATER AVAILABILITY** Documentation establishing the availability of water for the proposed development from the Island Water Association, Inc.

_____ **WASTEWATER TREATMENT** If connection to an existing package plant or to the Sanibel Sewer System is proposed, documentation of the availability of service from the owner of the wastewater facility. If a septic system or alternative system is proposed, submit a separate application for a City of Sanibel Wastewater Disposal Permit pursuant to Land Development Code Chapter 118, Article III.

_____ **RESTRICTIVE COVENANTS/DEED RESTRICTIONS** Whenever a subdivision is approved pursuant to Land Development Code Chapter 114, the city shall require, as a condition of such approval, the recording of properly executed and binding restrictive covenants or condominium or cooperative declarations containing provisions specifically required by the Land Development Code and such other provisions necessary to effectuate the regulations and purpose thereof. The covenants or documents shall also include a limitation on the amendment of such required provisions without the written consent of the City of Sanibel.

_____ **AFFIDAVIT** An affidavit prepared and executed in accordance with the formalities required under Florida law to be recorded in the public records of Lee County simultaneously with the subdivision plat. The affidavit shall provide a legal description of the original parcel of land approved by the City of Sanibel for a minor subdivision; legal description of the lots created by the minor subdivision; a statement indicating the subdivision plat can be viewed at the Office of the Clerk of Lee County, Fort Myers, Florida, and a notation that a reduced copy of the recorded subdivision plat is attached to the affidavit.

_____ **DECLARATION OF DENSITY ALLOCATION** If a parcel is subdivided pursuant to Land Development Code Chapter 86 Division 3. Unified Residential and Multifamily Housing, the developer shall execute and record in the public records of Lee County a declaration that the density allocation for the property to be developed has been fully utilized. If the development is to be phased and only a portion of the development intensity allocated to the property is to be utilized, then the declaration shall reflect that portion so utilized. The declaration shall be prepared, executed, and recorded in accordance with the formalities required under Florida law for conveyance of real property, for which the developer shall be responsible. A development permit shall not be issued until such time as the developer shows compliance with this requirement.

_____ **NOTIFICATION TO ALL PROPERTY OWNERS WITHIN 300FT OF SUBJECT PROPERTY** Provide Name and Address Labels for all property owners within a 300 FT radius of the extreme limits 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.

APPLICATION FOR DEVELOPMENT PERMIT
SUBDIVISION
MINOR
(WITH INSTRUCTIONS)

REVIEW OF APPLICATION (Review from LDC Section 114-68)

The city manager shall review the application to determine if the proposed subdivision qualifies as a minor subdivision as defined in Land Development Code Chapter 114. If it does NOT, the application shall be returned to the applicant with a notation thereon that the same must be resubmitted as an application for approval of a major subdivision. If the city manager determines that the proposed subdivision qualifies as a minor subdivision, the city manager shall review the application and shall approve the proposed subdivision only if each lot or parcel of land thereby created complies with all provisions of the land development code and may be developed pursuant to the requirements thereof (except for subdivisions approved pursuant to Chapter 114, Article III). When a minor subdivision is approved, the city manager shall sign the approval statement on the original survey and return the same to the applicant for recording.

RECORDING (From LDC Section 114-69)

No development permit shall be issued for the subdivision until the approved survey is recorded by the applicant and returned to the city so that a copy of the recorded survey, with the signature of the clerk of court and the record book and page number indicated thereon, may be made and retained for the city's records.