

**COOPERATIVE OR CONDOMINIUM SUBDIVISIONS
CITY OF SANIBEL DEVELOPMENT PERMIT APPLICATION**

APPLICATION NO. _____ DP FILING DATE: _____ ACCEPTED BY: _____ FEE PAID: _____

OTHER APPLICATIONS FILED WITH THIS REQUEST: _____

PART I. PARCEL IDENTIFICATION

TAX STRAP NUMBER: _____-46- _____-T _____- _____- _____- _____- _____- _____- _____- _____-

STREET ADDRESS OF PROPERTY: _____

PART II. OWNER/APPLICANT INFORMATION

NAME OF OWNER: _____

OWNER MAILING ADDRESS: _____

OWNER PHONE NO: Home _____ Business _____ Fax _____

NAME OF APPLICANT: _____

APPLICANT ADDRESS: _____

APPLICANT PHONE NO: Home _____ Business _____ Fax _____

APPLICANT'S INTEREST IN PROPERTY: _____

PART III. PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED DEVELOPMENT:

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".

- ___ DEED (Copy)
- ___ OWNER'S AUTHORIZATION (Certified – Form available in City Planning Department)
- ___ OTHER AGENCY PERMITS (Certified Statement Re: Required Permits and Copy of Application/Permits)
- ___ VERIFICATION OF PERMITTED RESIDENTIAL DENSITY (See Land Development Code Sections 86-91 and 86-92)
- ___ SURVEY (1"=20', With Raised Seal and Signature of Florida Registered Surveyor or Engineer)
- ___ LOCATION MAP
- ___ SITE DEVELOPMENT PLAN (1"=20')

PART IV. ATTACHMENTS CHECKLIST: (Continued)

- ___ IDENTIFICATION OF ALL PROPOSED USES OF LAND AND STRUCTURES ON THE SITE
 - ___ DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS
 - ___ COPY OF RESTRICTIVE COVENANTS/DEED RESTRICTIONS
 - ___ VERIFICATION OF PERMITTED RESIDENTIAL DENSITY (See Land Development Code Sections 86-91 and 86-92)
 - ___ DECLARATION OF DENSITY ALLOCATION
 - ___ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE
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PART V. PUBLIC HEARING NOTIFICATION REQUIREMENT

- ___ FOR LAND OR NEW STRUCTURES INCLUDED ... 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 Lee County Geographic Information System Department). Refer to the "Adjacent Property Owners" section of the "Instructions For Permits and Other Applicants of the Sanibel Land Development Code" for complete details on obtaining this information.

***** **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 OR 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.

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 except for:

- a. The subdivision of designated lots of a previously approved and recorded subdivision which are under common ownership, provided that:
 - (1) No lot lines are relocated or adjusted;
 - (2) No individual lot designated on the recorded plat is subdivided; and
 - (3) 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.
- b. A division of property by testamentary or interstate provisions.
- c. 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 adjoining 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.

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)

Whenever 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 properly 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.