



CITY OF SANIBEL  
 Planning Department  
 APPLICATION FOR DEVELOPMENT PERMIT  
**ACCESSORY BEACH EQUIPMENT**  
**(WITHIN THE RESORT HOUSING DISTRICT)**  
 (WITH APPLICATION INFORMATION)

STAFF USE ONLY

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

**PART I. PARCEL IDENTIFICATION**

TAX STRAP NUMBER: \_\_\_\_\_ - 46 - \_\_\_\_\_ - T \_\_\_\_\_ - \_\_\_\_\_ . \_\_\_\_\_

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

**PART II. OWNER & APPLICANT INFORMATION**

NAME OF OWNER: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Phone No: \_\_\_\_\_ Business \_\_\_\_\_ Fax \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Phone No: \_\_\_\_\_ Business \_\_\_\_\_ Fax \_\_\_\_\_

Applicant's Email Address: \_\_\_\_\_

Applicant's Interest in Property: \_\_\_\_\_

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

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

Generally describe the types and numbers of beach equipment to be held (stored) outside overnight. Specifically identify bicycles separately.

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

**PART IV. REQUIRED INFORMATION**

How many rental units are in the resort? \_\_\_\_\_

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**PART V. 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. For a complete explanation of each item, refer to the Planning Department handout entitled "Resort Housing Accessory Beach Equipment: Summary of Regulations and Procedures".

- \_\_\_\_\_ DEED (Copy) or Lee County Owner of Record
  - \_\_\_\_\_ OWNER'S AUTHORIZATION (Certified Form Available in City Planning Department)
  - \_\_\_\_\_ OTHER AGENCY PERMITS (Certified Statement – Required Permits – Copy of Applications/Permits)
  - \_\_\_\_\_ LOCATION MAP
  - \_\_\_\_\_ SITE DEVELOPMENT PLAN (1" = 20")
    - Location and dimensions of the proposed outdoor holding (storage) area for beach equipment, not including bicycles
    - Location and dimensions of the proposed outdoor holding (storage) area for bicycles
    - Show the 1974 and 1991 Coast Construction Control Lines
    - Show any nearby property lines and setback requirements from those property lines
  - \_\_\_\_\_ VEGETATION PLAN that identifies any native vegetation that is impacted by the use of the proposed outdoor holding (storage) area
  - \_\_\_\_\_ SCREENING PLAN that shows compliance the LDC Section 126-638(c)(4) for the outdoor holding (storage) area
  - \_\_\_\_\_ WILDLIFE HABITAT IDENTIFICATION AND PLAN FOR PRESERVATION
  - \_\_\_\_\_ VERIFY GOPHER TORTOISES ARE PROTECTED ON SITE OR HAVE BEEN REMOVED
  - \_\_\_\_\_ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE:
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\*\*\*\*\* **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.)

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**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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**SUMMARY OF REGULATIONS AND PROCEDURES**

**ORDINANCE No. 03-13** amended the regulations in the Land Development Code pertaining to accessory beach equipment at Resort Housing uses.

Accessory Beach equipment is permitted at Resort Housing Uses, whether or not the resort is located in the Resort Housing District.

The information provided is intended to answer the following questions about providing beach equipment at resorts in the City of Sanibel.

**WHAT IS ACCESSORY BEACH EQUIPMENT?** (Chapter 78. General Provisions, Section 78-1)

*Beach equipment means any manmade, nonmechanized or nonmotorized furniture, apparatus or paraphernalia designed, manufactured, intended for use or actually used on the beach or in the adjacent tidal waters, and which when put to its intended use is compatible with the natural functions of the beach and dune system. Examples include: lightweight chairs and lounges, umbrellas, sailing vessels up to 16 ft in length, canoes, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, floatables, and bicycles.*

**PERMITTED USES** (Chapter 126. Zoning, Article XII. Resort Housing District, Section 126-635). Resort Housing Accessory Beach Equipment is allowed as a permitted accessory use at resort housing developments, subject to compliance with the requirements of Section 126-638.

**EXCEPTIONS AND PROHIBITIONS** (Chapter 126. Zoning, Article V. Nonconformances, Division 2. Uses, Section 126-152, (f)). Making accessory beach equipment available to owners, tenants, and guests at nonconforming resort housing developments, subject to compliance with the requirements of Section 126-636.

**DEVELOPMENT PERMIT** A development permit is required when the beach equipment is intended for outdoor overnight and not for holding (storage) areas and not in or under a legal building or structure.

**FEES** (Chapter 90, Fees, Article II. Development Permits, Division 4. Accessory Uses and Structures, Section 90-109) The fee for accessory beach equipment shall be **\$300.00** for the resort housing development, **plus \$5.00 for each resort housing unit in the development in excess of 20 dwelling units, but not more than \$500.00.**

**OTHER AGENCY PERMITS**

The resort is responsible for obtaining and complying with applicable federal or state permits. In many instances, other agency permits will not be required; however, if any structure, such as a fence, are proposed seaward of the 1991 State Coastal Construction Control Line, a permit may be required by the Florida Department of Environmental Protection (DEP).

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**REQUIREMENTS** (Chapter 126. Zoning, Article IV. Conditional Uses, Section 126-636)

A resort housing development, whether a permitted or a legal nonconforming use, may make available to its owners, tenants, and guests beach equipment accessory to the resort housing use provided, however, that the requirements of this section apply to all resort housing developments.

A development permit is required when the overnight and not in use holding areas for accessory beach equipment are outdoors and not in or under a legal building or structure; however, a development permit for outdoor holding areas for accessory beach equipment will not require removal of prohibited invasive exotic species or plants.

All resort housing developments, whether or not a development permit is required, shall operate in compliance with the requirements of this section.

1. Access to use of the beach equipment shall be only from within the parcel and not from any abutting street or public way, or from the public beach.
2. All of the dwelling units in the parcel must either be under common ownership or be approved under one development permit which unites the land upon which the dwelling units and accessory use are located as a single parcel and as to which effective restrictive covenants are recorded on the public records of the county which perpetuate the right of dwelling unit owners, tenants, and guests to use such accessory use.
3. Use of the beach equipment shall be limited to the owners, tenants, and guests of the resort housing dwelling units.
4. The application of, and exceptions to, **developed area standards** shall be as follows:
  - a. **For the outdoor holding areas for accessory beach equipment, not including bicycles**, up to 150 SF, plus 50 SF per acre in the resort housing development, shall not constitute developed area, provided that the beach equipment in the outdoor holding area is substantially screened from view.
  - b. **For the outdoor holding areas for bicycles**, up to 100 SF, plus 30 SF per acre in the resort housing development, shall not constitute developed area, provided that the bicycles in the outdoor holding areas are screened from view.

Required screening for the outdoor holding areas for accessory beach equipment and for bicycles shall be from the public beach, from road rights-of-way, from adjoining properties, and from public beach access ways. This screening shall be provided in a manner that is effective from off-site perspectives at ground level to 6FT above the ground. Lawfully existing structures may be used to provide the required screening and appropriate vegetation can be added. Fencing may also be used to provide this screening; however, a development permit for the fence, which meets the

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requirements of Chapter 126. Zoning, Article XIV Supplemental District Regulations, Division 6. Fences and Walls, must be obtained.

*A development permit for a fence will include a condition that requires the removal of prohibited exotic species of plants from the resort use obtaining the permit.*

The foregoing exceptions to the limitations on the maximum amount of developed area permitted at a resort housing development apply only to accessory beach equipment, including bicycles, and cannot be used for any other structures that constitute developed area. All outdoor holding areas for beach equipment, including bicycles, on the parcel, not excluded by the exceptions provided by this section, shall be considered developed area.

5. The outdoor holding areas for beach equipment shall not be located in the Gulf Beach Ecological Zone, unless:
  - a. Such areas are inside or under a legal building or structure
  - or**
  - b. Such areas are located no further seaward than the most seaward building in the resort housing development **and** such areas are not on the beach, upon a dune, or in an area containing dune vegetation.
  - c. **In addition**, outdoor holding areas for beach equipment shall be at an approved location that meets the **minimum required front and side yard setbacks**.
6. The beach equipment shall not be placed or positioned on the beach prior to being provided for use.
7. The beach equipment shall not be used, placed, located, or stored on the dune.
8. The beach equipment shall not be placed, located, used, or transported in any manner in which:
  - a. Destroys or materially diminishes the beach or dune system, dune vegetation, or wildlife habitat
  - b. Destroys or disturbs wildlife nesting activities or nesting sites including marine turtle nesting activity and nesting sites

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c. Is such that it interferes with the use of the beach by others

**or**

d. Is inconsistent with the requirements of the Code of Ordinances, Chapter 74. Waterways, Article VII. Beach and Dune System. Section 74-182 Destruction or diminishment of beach or dune systems and 74-183 Exceptions, permits.

9. When not in use between the hours of 9:00pm and 7:00am, the beach equipment shall not remain on the beach, upon the dune, in an area containing dune vegetation, or in the waters adjacent to the beach.
10. The beach equipment shall not be hawked, sold, vended, or rented, or any business activity conducted, from any location on the beach or dune.
11. Development permit approval pursuant to the requirements of this subsection shall be valid for as long as the property remains in compliance with the requirements of this section.
12. The city manager, or the manager's designee, shall make periodic inspections to determine continued compliance with the requirements of this section and the conditions of approval when a development permit is required.