

APPLICATION FOR DEVELOPMENT PERMIT
FENCE
(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".

- _____ 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)
- _____ COMPLETED BUILDING PERMIT APPLICATION (If Swimming Pool Fence)
- _____ SURVEY (1"=20', With Raised Seal and Signature of Florida Registered Surveyor or Engineer)
- _____ LOCATION MAP
- _____ SITE DEVELOPMENT PLAN (1" = 20')
- _____ DIMENSIONED DRAWING OF THE FENCE
- _____ SWORN AND NOTARIZED CONSENT STATEMENT FROM ADJOINING PROPERTY OWNER IF FENCE IS TO BE LOCATED ON COMMON PROPERTY LINE
- _____ VEGETATION PLAN
- _____ WILDLIFE HABITAT IDENTIFICATION AND PLAN FOR PRESERVATION
- _____ VERIFY GOPHER TORTOISES ARE PROTECTED ON SITE OR HAVE BEEN REMOVED (If Applicable)
- _____ 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

FENCES

Part I. EXPLANATION OF CHECKLIST ATTACHMENT ITEMS TO BE PROVIDED WITH FENCE APPLICATION

- _____ **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 government 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.
- _____ **SURVEY (3 COPIES)** An up-to-date [meaning accurately reflecting present conditions], certified survey of the subject parcel MAY be required to verify setback compliance. The survey must bear 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 (6) months prior to the date the application is filed. The survey must indicate the following:
- a) Scale must be 1" = 20'
 - b) Property lines, bearings, and dimensions
 - c) Area of parcel in square feet
 - d) Coastal Construction Control Line (if applicable)
 - e) Legal description of the property
 - f) North arrow, which shall be the same orientation on all pages
 - g) Abutting streets, indicating width of right-of-way, edge and width of pavement of traveled way, and whether public or private
 - h) Existing structures
 - 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, and used
 - 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 right-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.

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- n) Survey purporting to establish the local tidal datums or determination of the location of mean-high or mean-low water line shall provide certification by a Florida registered land surveyor or professional engineer that such document was prepared in compliance with Florida Statutes, Chapter 177, Part II
- o) Information on or accompanying the survey identifying the existing uses of all land and building shown thereon and indicating any structures to be removed
- p) The delineation of all local drainage areas, open bodies of water, drainageways, and any other area in which the seasonal high water table is at or above the ground surface.

_____ **SITE PLAN (3 COPIES)** A site development plan drawn to scale and clearly dimensioned, showing the location of the fence and its relation to building, structures, open bodies of water, Coastal Construction Control Line (both Bay and Gulf), and any other features listed below necessary to show compliance with fence installation standards:

- a) Scale must be 1" = 20'
- b) North arrow, which shall have the same orientation on all pages
- c) Property lines, with dimensions
- d) Coastal Construction Control Line (if applicable)
- e) Abutting road right-of-way and easements, with dimensions
- f) Proposed structures and existing structures which are to remain on the site, showing elevations of lowest floors
- g) Proposed driveway, parking, loading, and turn-around areas, with dimensions, including any loading docks or platforms, and all other developed areas
- h) Existing and proposed ground elevations, referenced to NGVD of 1929
- i) Detailed specifications and location of proposed drainage swales or retention areas (including cross-sections and method of soil stabilization of all slopes)
- j) A plan view of all wastewater facilities (the development permit application must be accompanied by the completed application for a WASTEWATER DISPOSAL PERMIT, where applicable)
- k) Total square footage of lot
- l) Total square footage of impermeable coverage proposed (excluding up to 4 foot-wide roof overhang)
- m) Total square footage of developed area proposed
- n) Total square footage of areas to be cleared of vegetation
- o) All existing and proposed utility structures and lines, such as but not limited to, telephone lines, electric lines, water lines, sewer lines, gas lines, cable television lines, and fire hydrants, with location and dimensions
- p) All proposed easements
- q) All means of vehicular access to adjoining streets
- r) Any necessary improvements to adjoining streets, including acceleration and deceleration lanes, paving, traffic control markings, and land dedication for street purposes

_____ **DIMENSIONED DRAWING OF FENCE** A clearly dimensioned drawing or picture of the fence which shows both sides of the fence and depicts construction and installation methods

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_____ **VEGETATION PLAN (2 COPIES)** A vegetation plan demonstrating compliance with the Land Development Code, including verification that 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 distributed 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, 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 distributed 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 distributed, i.e. transplant on- or off-site
- 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 of any portions of a parcel which are donated to either a bona fide organization dedicated to conservation and which has a management plan for exotic removal or to the city.

_____ **WILDLIFE PLAN** Identification and location of wildlife habitats or 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 a 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.

_____ **CONSENT STATEMENT** For fences to be used as common property lines, submit a sworn, notarized statement from the adjoining property owner(s) authorizing and consenting to the construction of the fence.

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PART II. FENCE INSTALLATION STANDARDS

Fences are permitted throughout the City of Sanibel, in accordance with the following conditions, limitations, and restrictions:

- a) **GENERAL STANDARDS** All fences (except for those required to be constructed in accordance with federal, state, or county laws or regulations) shall meet the following requirements:
- 1) No fence shall be constructed seaward of the coastal construction control line or in the Gulf Beach or Bay Beach zones.
 - 2) Fences which are electrified, contain barbed wire, or are constructed of sharp or garish materials are prohibited, unless specifically permitted herein. No fences may be constructed of corrugated metal or metal plates.
 - 3) The finished, good, or attractive side of the fence shall face adjoining property(s), street, or open body of water, if the appearance of the structure is not the same on both sides.
 - 4) If a fence is to be constructed on a side or rear lot line, as a common fence, a notarized statement from the abutting owner, authorizing and consenting to the fence to be constructed on said common property line, shall be submitted.
- b) **MINIMUM SETBACKS** Fences need not comply with side or rear setback requirements otherwise established in the Land Development Code, provided the following requirements are met:
- 1) Except as provided in sub-section (3), below, no fence shall be located closer than 20 feet to any open body of water.
 - 2) In order to provide a contiguous wildlife corridor for access to open bodies of water from adjoining uplands, the following requirements shall be met on parcels abutting an open body of water:
 - a. If the parcel abuts an open body of water on the rear lot line, a fence may not be constructed along both side property lines. A clear corridor of at least 3 feet must be provided between the side property line and any fence on at least 1 side of the property.
 - b. On parcels abutting an open body of water along a side lot line, no fence may be constructed within 3 feet of the rear lot line.
 - 3) Fences designed and intended to deter alligators may be constructed closer than 20 feet to an open body of water, provided the following requirements are met:
 - a. The height of the fence may not exceed 3 feet, measured from the average grade of the surrounding land.
 - b. The fence must be located a minimum distance of 6 feet from the open body of water, so as to maintain a sufficient area for wildlife to gain access to said open body of water.
 - c. The fence must be no longer or higher than the minimum necessary to accomplish its intended purpose, as determined by an alligator handler licensed by the State Game and Fresh Water Fish Commission.

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- c) **MAXIMUM HEIGHT** Fences shall comply with the following height limitations:
- 1) The maximum height for fences located in the actual front yard area (between principal structure and front yard setback line) shall be 42 inches, measured from the average grade from the surrounding land.
 - 2) The maximum height for all other fences shall be 6 feet, measured from the average grade of the surrounding land, except as otherwise provided herein and except for fences around tennis courts. Fences around tennis courts which are located within 21 feet of the playing court boundaries may be up to 10 feet in height, measured from the surface of the playing court, provided such fences comply with all required setbacks for structures.
- d) **FENCES FOR COMMERCIAL USES** Fences needed to enclose and protect commercial uses may contain barbed wire upon a finding, by the Planning Commission, that the use of barbed wire is reasonably necessary to effectuate the purpose of the fence, but only in accordance with the following standards:
- 1) The barbed wire shall be installed along the top of the proposed fence
 - 2) No more than 4 strands of barbed wire shall be permitted
 - 3) The barbed wire shall be installed at an angle of no less than 120 degrees, but shall not be perpendicular and shall slant inward, into the enclosed area
 - 4) The lowest strand of barbed wire shall be at least 6 feet above the actual grade level at the base of the fence.