

CITY OF SANIBEL
ORDINANCE 24-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA AMENDING THE CODE OF ORDINANCES TO UPDATE FILING PROCEDURE FOR DEVELOPMENT PERMIT APPLICATIONS; SUBPART B OF THE LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SECTION 82-382, FILING PROCEDURE, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission approved a priority list for Land Development Code review in 2024 on December 12, 2023, which included as an item to consider what constitutes a “complete application” for a development permit; and

WHEREAS, the Land Development Code Review Subcommittee of the Planning Commission held a legally and properly advertised meeting on August 13, 2024, to discuss the draft amendment, and agreed with all recommendations and directed staff to prepare a draft resolution for Planning Commission consideration; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on August 27, 2024, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission found the proposed amendment to be consistent with the Sanibel Plan, as it relates to Objective B9 of Section 3.6.2. Future Land Use Element, for continued implementation of innovative land development regulations to achieve objectives of the Plan; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code (LDC), in accordance with the standards set forth in LDC Section 82-241; and

WHEREAS, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 6 to 0 that the City Council adopt said amendments in the form of an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter , is hereby amended with ~~strickethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 82. - ADMINISTRATION

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ARTICLE IV. – DEVELOPMENT PERMITS

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DIVISION 2. - PROCEDURE

Subdivision I. - Generally

...

Sec. 82-382. – Filing procedure.

The developer shall file with the city manager, or his/her designated representative, a complete application for development permit, made upon forms supplied by the city and containing or accompanied by the following:

- (a4) A copy of the owner's deed to the property included within the application as recorded in public records and, if the applicant is not the owner of record, a certified authorization from all owners of record to the applicant to apply for permits on behalf of the owner, which authorized that person to represent the owner and to bind the owner.
- (b2) 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.
- ~~(3) 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.~~
- (c4) A certified statement identifying any contiguous lands which were under common ownership with the subject parcel on December 1, 1975; or, if the parcel is in a modern platted subdivision as set forth in the Sanibel Plan, identifying any contiguous lands which were in common ownership with the subject parcel on July 8, 1976; or identifying a development permit issued after July 19, 1976, by which was approved a subdivision establishing the subject parcel as a lot.
- (d5) Actual calculations determining the number of dwelling units permitted on the parcel, carried to the hundredths place. (Required for residential development only.)
- ~~(6) The names and addresses of all property owners within 300 feet of the extreme limit of the parcel proposed for development. (Required for long form development permits only.)~~
- (e7) An up-to-date (meaning accurately reflecting present conditions) certified survey of the subject parcel bearing the signature and raised seal of a state 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. The survey must indicate or comply with the following:
 - (1)a. Scale must be standard and verifiable ~~set to one inch equals 20 feet.~~
 - (2)b. Property lines, bearings, and dimensions.
 - (3)e. Gross Area of parcel in square feet.
 - (4) Lot area, as defined by Section 78-1.

- (5) Total square footage of impermeable coverage proposed (excluding up to a four-foot-wide roof overhang).
- (6) Total square footage of developed area/clearance of vegetation proposed.
- (7)d. State department of environmental protection coastal construction control line (if applicable).
- (8)e. Legal description of the property.
- (9)f. North arrow, which shall be the same orientation on all pages.
- (10)g. Abutting streets, indicating width of right-of-way, edge and width of pavement or traveled way, and whether public or private.
- (11)h. Existing structures.
- (12)i. Location of the percolation test and soil log (if applicable).
- (13)j. Ground elevations (sufficient in number to accurately depict the site contours), referenced to ~~National Geodetic Vertical Datum (NGVD) or 1929 or~~ North American Vertical Datum (NAVD) of 1988. Flood elevations on the flood insurance rate map are referenced in North American Vertical Datum. These flood elevations must be compared to structure and ground elevations referenced in the same vertical datum. ~~Although a survey may list ground elevations in either or both datum, o~~ Only North American Vertical Datum can be used to reference ground and structure elevations in relation to base flood elevations.
- (14)k. Easements, with use and dimensions noted, and whether public or private.
- (15)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.
- (16)m. If the parcel contains open bodies of water, roads or road rights-of-way, and 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.
- (17)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 state registered land surveyor or professional engineer that such document was prepared in compliance with F.S. ch. 177, pt. II.
- ~~e. Information on or accompanying the survey identifying the existing uses of all land and buildings shown thereon and indicating any structures to be removed.~~
- (18)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.
- (19)q. A note or statement that the property is located in a special flood hazard area on the National Flood Insurance Program's Flood Insurance Rate Maps.
- (f8) Documentation establishing the availability of water for the proposed development from the Island Water Association, Inc.
- (g9) Availability of sewage treatment. If connection to an existing package plant or to the city 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, a fully-executed copy of the county health department's official form for soil analysis, showing findings, signature, and raised seal of state registered professional engineer.~~

- ~~(h10)~~ A drainage plan, including detailed specifications and location of proposed drainage swales or retention areas (including cross-sections and method of soil stabilization on all slopes). and map, ~~demonstrating compliance with this Land Development Code.~~
- ~~(11)~~ A location plan ~~indicating the relation of the development site to streets and well-known landmarks, existing zoning district of the development site, and zoning districts within 200 feet of the development site.~~
- (i12) A vegetation plan, demonstrating compliance with this Land Development Code, including verification that the site has been prepared for vegetation inspection in accordance with the city's adopted vegetation standards in chapter 122. The vegetation plan shall generally describe all vegetation within the area to be disturbed by the proposed development, and shall:
- (1)a. Include an inventory of all native plants, as defined in this Land Development Code, (number and species) within the area to be disturbed. Native vegetation or native plants above a certain size, as defined in this Land Development Code, outside areas to be disturbed must be preserved in place;
 - (2)b. Locate and identify on a site plan all native vegetation or native plants, as defined in this Land Development Code, within the area to be disturbed that are either two inches or greater in diameter at any point more than two feet above ground level or six 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 feet in height, and locate and identify any threatened or endangered species as defined in chapter 122, regardless of size;
 - (3)c. Describe the proposed treatment of the native vegetation or native plants, as defined in this Land Development Code, within the area to be disturbed, i.e., transplant on- or off-site or destroy; and
 - (4)d. State whether there exists upon the parcel any Brazilian pepper (*Schinus terebinthifolius*) or any Melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), lead tree (*Leucaena leucocephala*), Java plum (*Syzygium cumini*), air potato (*Dioscorea bulbifera*), exotic inkberry (*Scaevola frutescens*, *Scaevola sericea*) and mother-in-law's tongue/bowstring hemp (*Sansevieria hyacinthoides*) or any other invasive exotic vegetation proscribed by the city. If so, the vegetation plan shall include a plan for removal of the listed exotics, except for proposed development that is a minor improvement as defined in chapter 122, Vegetation, and for keeping the parcel permanently free of the listed 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.
- (i) A wildlife protection plan, including:
- (1) 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.
 - (2) 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.

- (3) 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.
- (~~k13~~) A site development plan (~~three copies required~~), indicating or complying with the following:
- (1)~~a~~. Scale must be standard and verifiable one inch equals 20 feet.
 - (2)~~b~~. North arrow, ~~which shall have the same orientation on all pages.~~
 - (3)~~c~~. Property lines, with dimensions.
 - (4)~~d~~. State department of environmental protection coastal construction control line (if applicable).
 - (5)~~e~~. Abutting road rights-of-way and easements, with dimensions.
 - (6)~~f~~. Proposed structures and existing structures which are to remain on the site, showing elevations of lowest floors.
 - (7)~~g~~. Proposed driveway, parking, loading, and turnaround areas, with dimensions, including any loading docks or platforms, and all other developed areas.
 - (8)~~h~~. Existing and proposed ground elevations, referenced to North American Vertical Datum (NAVD) of 1988 NGVD of 1929.
 - i. ~~Detailed specifications and location of proposed drainage swales or retention areas (including cross-sections and method of soil stabilization on 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).~~
 - (9)~~k~~. Total square footage of lot.
 - (10)~~l~~. Total square footage of impermeable coverage proposed (excluding up to a four-foot-wide roof overhang).
 - (11)~~m~~. Total square footage of developed area/clearance of vegetation proposed.
 - n. ~~Total square footage of areas to be cleared of vegetation.~~
 - (12)~~e~~. 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 locations and dimensions.
 - (13)~~p~~. All proposed easements.
 - (14)~~q~~. All means of vehicular access to adjoining streets.
 - (15)~~r~~. ~~Any necessary improvements to adjoining streets, including acceleration and deceleration lanes, paving, traffic control markings, and land dedication for street purposes.~~
- (l14) Completed building permit application, if applicable.
- (15) ~~Floodproofing certification, by a state registered professional engineer or architect, of compliance with section 94-53, if applicable.~~
- (~~m16~~) Floor plans at a standard scale of ~~one-quarter inch equals one foot~~, showing interior walls, identifying the use of all rooms, and showing all window and door openings, and points of ingress and egress.
- (~~n17~~) An identification of all proposed uses of all land and structures on the development site.

- ~~(o18)~~ A plan for outdoor lighting, including the location, size, height, specifications for the luminaire, including cut-off angle, area and direction of illumination, wattage and lumen-output to be used. A plan for parking lot lighting for nonresidential land uses shall also include a photometric diagram of light intensity measured in footcandles at two feet above ground level.
- ~~(p19)~~ A plan for refuse and garbage disposal, including location and size of receptacles and provisions for visual screening, pollution control, and protection from weather.
- ~~(q20)~~ A plan for erosion and sediment control, ~~which shall use good development techniques to prevent soil erosion and water pollution.~~
- ~~(21)~~ Application for any wastewater disposal permit, variance, temporary use permit, or conditional use approval necessary for the proposed development, unless already obtained and still valid.
- ~~(22)~~ A typical wall section, at a scale of one-quarter inch equals one foot, showing compliance with chapter 94.
- ~~(r23)~~ Elevations of all buildings, front, back, and side, showing compliance with height restrictions and applicable setbacks.
- ~~(24)~~ The property appraiser's tax parcel identification number for all property included within the application.
- ~~(s25)~~ Identification of any amendment to the Sanibel Plan, any settlement agreement, or any judicial decision affecting the proposed development.
- (t) Identification of any variance, waiver, or conditional use permit affecting the proposed development.
- ~~(26)~~ 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.
- ~~(27)~~ 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.
- ~~(28)~~ 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.
- (u29) In conjunction with an application which is heard as on a long-form permit, a claim is made that the applicant is entitled to the relief sought due to a vested right, estoppel, to avoid a taking or inordinate burden, or invalid application of a standard; or a claim is made that any portion of this Land Development Code is invalid, the claim shall be included in the application and shall be brought to the attention of the planning commission prior to or at the hearing.
- (v30) The city manager or manager's designee ~~the planning commission~~ may waive any of the foregoing requirements which are not essential to the processing of the application, except those contained in subsections ~~(a3)~~ and ~~(6)~~ of this section.

FIRST READING THE 1ST DAY OF OCTOBER 2024.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION

OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 12TH DAY OF NOVEMBER 2024.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson	_____
Miller	_____
DeBruce	_____
Henshaw	_____
Smith	_____

First Reading: October 1, 2024
 Publication Date: November 1, 2024
 Second Reading: November 12, 2024