

CITY OF SANIBEL
ORDINANCE 25-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 114, SUBDIVISIONS, FOR THE PURPOSE OF UPDATING SUBDIVISION PROVISIONS RELATED TO PLATS AND REPLATS FOR CONSISTENCY WITH RECENT AMENDMENTS TO STATE STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on October 14, 2025, 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, specifically Section 3.6.2, Future Land Use Element, Policy B6.1., which requires the Land Development Code to maintain standards which regulate the subdivision of land; and

WHEREAS, the Planning Commission found the proposed amendment to be consistent with the Sanibel Plan, specifically the Plan for Development Intensity, implementing the Development Intensity Map by regulating the creation of new subdivisions to ensure consistency with the Sanibel 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 7 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 114, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 114 - SUBDIVISIONS

ARTICLE I. – GENERALLY

Sec. 114-1. Purpose.

The purpose of this chapter is to provide rules, regulations, and standards to guide the subdivision of land and structures thereon within the city in order to promote the public health, safety, convenience, and general welfare. This chapter shall be administered to:

- (a1) Ensure orderly growth and development;
- (b2) Foster the conservation, protection, and proper use of land;

- (c3) Require adequate provision of necessary facilities for traffic circulation, utility service, and other public services; and
- (d4) Protect purchasers against acquiring lots, parcels, or units which are unusable or undevelopable.

Sec. 114-2. Scope

This chapter 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:

- (a1) The subdivision of designated lots of a previously approved and recorded subdivision which are under common ownership, provided that:
 - (1)a. No lot lines are relocated or adjusted;
 - (2)b. No individual lot designated on the recorded plat is subdivided; and
 - (3)c. Each of the subdivided lots or parcels of land meets the minimum requirements of section 86-91 or section 86-92 for the development of at least one 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.
- (b2) A division of property by testamentary or intestate provisions.
- (c3) A division of property by court order.

Sec. 114-3. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Improvements means street pavements, curbs and gutters, sidewalks, utilities (sewers, storm drains, water, gas, and electricity), street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), monuments, or any other improvements required by the city.

Major subdivision means any subdivision, other than the creation of cooperative or condominium units, not classified as a minor subdivision.

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

- (a1) The 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 this Land Development Code; provided that the remaining parcel does not, because of such division, become a nonconforming lot (except for subdivisions approved pursuant to article V of this chapter).
- (b2) The division of land qualifying for no more than five dwelling units according to the development intensity map, into no more than five 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

(except for subdivisions approved pursuant to article ~~V~~ ~~III~~ of this chapter); provided that no new public or private 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 this Land Development Code.

Plat means a map of a subdivision.

- (a~~1~~) *Final plat* means the final map of a subdivision which has been approved ~~by the city council~~ pursuant to section 114-89 and submitted to the clerk of court for recording.
- (b~~2~~) *Preliminary plat* means ~~the preliminary plat indicating the proposed layout of any a~~ map or delineated representation of the layout of the subdivision which is submitted to and approved by the planning commission pursuant to section 114-87.
- (c) *Replat* means a revision to a previously recorded plat that changes or reconfigures existing lots, streets, or easements.

Site work means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

ARTICLE II. – ADMINISTRATION

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DIVISION 2. – COOPERATIVES, CONDOMINIUMS

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Sec. 114-47. Creation of cooperative or condominium units.

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:

- (a~~1~~) *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 this Land Development Code regarding any required minimum unit size or any other regulation specifically relating to such a subdivision.
- (b~~2~~) *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.

DIVISION 3. – MINOR SUBDIVISIONS

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Sec. 114-67. Application.

Application for approval of a minor subdivision shall be made as for a short-form development permit pursuant to the terms of chapter 82-401, et seq. Included with such application shall be ~~an~~ the original ~~and two paper copies of~~ a survey by a licensed professional land surveyor registered in the state, ~~certified as to meeting minimum technical standards set forth in F.S. § 472.027.~~ The original of the survey shall be drawn on a 24-inch by 36-inch linen or stable base film, with a three-inch margin on the left for binding and a one-half-inch margin on the other three sides.

Additional information to be shown on the survey shall include:

- (a~~1~~) The lot lines, dimensions, and acreage for each lot being created; or
- (b) The proposed replatted lot lines, new dimensions, and acreage for each lot being replatted;
- (c~~2~~) The acreage of the total parcel being subdivided;
- (d~~3~~) The location of public or private streets abutting the parcel being subdivided, and all rights-of-way within the parcel being subdivided;
- (e~~4~~) A legal description for each lot being created, which may accompany the survey if not possible or practicable to designate thereon;
- (f~~5~~) Any structures located on the parcel being subdivided;
- (g~~6~~) A notation in large or bold-face type or printing that "THIS IS NOT A RECORD PLAT";
- (h~~7~~) 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; and
- (i~~8~~) A statement to be signed by the clerk of the circuit court, stating "Received and filed as an unrecorded map in accordance with F.S. § 177.132".

Sec. 114-68. – Review and approval of application.

- (a) Upon submittal of an application for a minor subdivision, the city manager or manager's designee shall, within seven (7) business days, provide written notice to the applicant:
 - (1) acknowledging receipt; and
 - (2) identifying any missing documents or information necessary to process the application and review for compliance with all provisions of this Land Development Code.
- (b) Unless the applicant requests an extension of time, the city manager, or manager's

designee, shall approve, approve with conditions, or deny the application within 28 days of receipt of the application. Any denial shall be in writing and include specific citations to each requirement the application fails to meet.

- (c) If, at the outset, the city manager or city manager's designee determines that the proposed subdivision does *not* qualify as a minor subdivision under the definitions in this chapter, the city manager or city manager's designee shall return the application to the applicant within seven (7) business days with a notice that the application must be submitted instead as a major subdivision.
- (d) When a minor subdivision is approved, the city manager or manager's designee shall sign the original survey confirming approval and return the original approved survey to the applicant for recordation, provided the survey meets all requirements for recordation under F.S. ch. 177.
- (e) The development permit shall not be issued by the city 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 recorded instrument number indicated thereon, may be made and retained for the city's record.

~~The city manager shall review the application for a minor subdivision to determine if the proposed subdivision qualifies as a minor subdivision. If it does not, the application shall be returned to the applicant with a notation thereon that the application must be resubmitted as an applicant 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 this Land Development Code and may be developed pursuant to the requirements of this Land Development Code (except for subdivisions approved pursuant to article III of this chapter). When a minor subdivision is approved, the city manager shall sign the approval statement on the original survey and return the original survey to the applicant for recording.~~

~~Sec. 114-69. Recording.~~

~~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 recorded book and page number indicated thereon, may be made and retained for the city's records.~~

Secs. 114-~~69~~70 – 114-85. – Reserved.

DIVISION 4. – MAJOR SUBDIVISION

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Sec. 114-87. Procedure.

Application for approval of a major subdivision shall be as for a long-form development permit pursuant to the terms of chapter 82-421 et seq. except it shall also include a title opinion or property information report pursuant to F.S. §177.041, which requires that the recording of a subdivision plat shall be accompanied by either a title opinion of an attorney-at-law licensed in Florida or a property

information report showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or property information report must also show all mortgages not satisfied or released of record nor otherwise terminated by law.

Planning commission approval shall be of the preliminary plat, which may not be approved unless each lot or parcel of the proposed subdivision and the entire parcel being subdivided are in compliance with all requirements of this Land Development Code and the Sanibel Plan. The procedure for preliminary plat approval shall be as follows:

- (a1) The development permit application shall be accompanied by a preliminary plat prepared in conformance with the requirements of section 114-106.
- (b2) If the proposed subdivision includes, or if the planning commission requires as a condition of approval, that the subdivider dedicate land or contribute funds toward public facilities, preliminary plat approval shall not be complete unless and until such required dedication or contribution is reviewed and approved by the city council.
- ~~(3) No development permit shall be issued for the land subdivision unless and until the remaining requirements of this chapter relating to required improvements, construction plans and submission, approval and recording of final plat, are completed in accordance herewith.~~
- (c4) Preliminary plat approval shall be effective and valid for a period of two years. The planning commission may, however, extend this effective period for an additional two years, provided that, at the time such extension is granted, the preliminary plat continues in compliance with all requirements of this Land Development Code and the Sanibel Plan. If all requirements for approval of a final subdivision plat, and the recording of such plat, are not completed within the time period for which preliminary approval is valid and effective, such preliminary approval and all rights conferred thereby shall be terminated and expire.
- (d5) Preliminary plat approval may be extended by city council for an additional period of time beyond the two-year effective time period and the two-year extension that may be approved by the planning commission due to the necessity of achieving compliance with federal, state or local regulations pertaining to endangered or protected species and respective habitat or due to other unforeseen environmental conditions. An application for such an extension may be filed with the city manager, or city manager's designee, for consideration by city council. Such application will be filed in a form prescribed by the city manager, or city manager's designee, and will demonstrate that such an extension is warranted for a period of time necessary to comply with federal, state, or local regulations. City council's consideration of such an application will include a report and recommendations from the planning commission determining that the subject preliminary plat continues to be in compliance with all requirements of the Land Development Code and the Sanibel Plan. Any such extension may be subject to conditions and/or restrictions deemed necessary or appropriate by city council based upon the application, recommendations of the planning commission, or any other factors considered relevant by city council.

Sec. 114-88. Rights conferred by preliminary approval.

Preliminary approval shall, except as set forth in this section, confer upon the applicant the following rights during the period in which such approval is valid and effective:

- (a~~1~~) The general terms and conditions upon which the preliminary approval was granted shall not be changed, as applied to such subdivision, including permitted use and residential density limitations; layout and design standards for lots, streets, and other improvements; minimum lot sizes; yard dimensions; and required improvements; except that nothing in this subsection shall be construed as preventing the city from modifying, by ordinance, such terms and conditions as relate to public health and safety.
- (b~~2~~) The developer may commence such site work as is approved by the planning commission in preparation for installation of improvements, as required by section 114-~~151-176~~, but shall not commence the actual installation of such improvements until construction plans are approved and a bond or other security provided in accordance with section 114-~~152-177~~.
- (c~~3~~) The applicant may submit, for final approval, a final subdivision plat in accordance with the requirements of section 114-89 and section 114-107.

Sec. 114-89. Final plat review and approval.

The final plat and two copies thereof shall be submitted to the city manager for final approval in accordance with the following procedure:

- (a) Upon submittal of an application for a final plat, the city manager or manager's designee shall, within seven (7) business days, provide written notice to the applicant:
 - (1) acknowledging receipt; and
 - (2) identifying any missing documents or information necessary to process the application and review for compliance with all provisions of this Land Development Code.
- (b) Unless the applicant requests an extension of time, the city manager or manager's designee shall approve, approve with conditions, or deny the application within 28 days of receipt of the application. Any denial shall be in writing and include specific citations to each requirement the application fails to meet.
- (c~~1~~) The final plat shall be prepared in accordance with the requirements of section 114-~~178-203~~ and shall be accompanied by:
 - (1)~~a~~ A letter from the applicant identifying all required improvements constructed pursuant to section 114-~~151-176~~, the cost of each such improvement, and the total cost of all improvements.
 - (2)~~b~~ An as-built survey identifying the location of all road and drainage improvements and underground utility facilities located in proposed public rights-of-way.
 - (3)~~c~~ A letter from a state registered engineer certifying that the final plat conforms to the approved preliminary plat and that the required improvements conform

to the approved construction plans.

- ~~(4)d-~~ A surety bond, irrevocable letter of credit, or equivalent security, in the amount of 50 percent for the first year and 25 percent for the second year of the total cost of all required improvements constructed pursuant to section 114-151176, in a form approved by the city attorney, conditioned upon the satisfactory repair, replacement, and maintenance of all required improvements for a period of two years following the completion and approval thereof by the city manager.
- ~~(5)~~ Pursuant to F.S. §177.041, a title opinion of an attorney-at-law licensed in Florida or a property information report showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or property information report must also show all mortgages not satisfied or released of record nor otherwise terminated by law.
- (d) Final approval shall not be issued until the final plat has been recorded and returned to the city so that a copy of the recorded plat, with the signature of the clerk of court and the recorded book and page number indicated thereon, may be made and retained for the city's records.
- ~~(2) Upon receipt of a sufficient final plat and all required documents to accompany such final plat, the city manager shall place the final plat on the agenda of a city council meeting for acceptance and approval by the city council.~~
- ~~(3) The development permit shall not be issued by the city until the applicant provides certification to the city that the plat has been recorded on the public records of the county and the plat book and page number where such plat has been recorded.~~

DIVISION 5. PLATS.

Sec. 114-106. Preliminary plat.

The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 100 feet. The preliminary plat shall be designed and drawn by a licensed and registered land surveyor or professional engineer and shall show or be accompanied by the following information:

- ~~(a1)~~ A key map showing the entire subdivision and its relation to surrounding areas.
- ~~(b2)~~ The tract name, tax strap number, date, reference meridian, graphic scale, and the following names and addresses:
 - ~~(1)a-~~ Name and address of record owner;=
 - ~~(2)b-~~ Name and address of developer and authorization from owner; and=
 - ~~(3)c-~~ Names and addresses of persons who prepared the map.
- ~~(c3)~~ Acreage of the tract to be subdivided to the nearest tenth of an acre.
- ~~(d4)~~ Existing and proposed contours at one-foot vertical intervals for lands of lesser slope. Datum of all elevations shall be that of the United States Geodetic Survey.
- ~~(e5)~~ Location of existing and proposed property lines, street rights-of-way within the subdivision and within 200 feet of its boundaries, street names, location and width of right-of-way and pavement, and type of pavement, structures, watercourses, bridges and culverts, drain facilities, and any prominent natural feature, such as vegetated

areas and wetlands.

- (f~~6~~) Plans for proposed utility layouts (sewers, storm drains, 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 construction plans.
- (g~~7~~) 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.
- (h~~8~~) A copy of any restrictive covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.
- (i~~9~~) The preliminary plat shall be accompanied by a written summary of the proposal giving information as to the overall development plan with preliminary data on the planned number of dwelling units or other permitted uses contemplated, so that the effects of the development can be determined to ensure that the development is in accordance with the Sanibel Plan and this Land Development Code.
- (j~~10~~) Any and all other information that the developer may wish to integrate on his/her preliminary plans as otherwise required for development permit approval.
- (k~~11~~) A preliminary plat may be approved by the planning commission for development to occur in separate, designated phases where an application includes a request for a phased plat approval and the planning commission finds that the number of lots to be approved or the facilities or improvements to be located within the platted area warrant construction, completion, and recording in separate phases, or alternatively finds that a phased preliminary plat is in the best interests of the City of Sanibel. For a phased preliminary plat approval, the time periods for the completion and recording of a final plat as set forth in this section shall be applicable to each phase individually and the commencement of the initial two-year time period for each subsequent phase shall commence:
 - (1) Upon approval and recording of the final plat for the prior phase; or
 - (2) Upon the issuance of any development permit for improvements or development authorized by such subsequent preliminary plat phase.

A condition of a phased preliminary plat approval shall be that any and all dedications or contributions of land or other rights or resources for the entire plat shall be made, dedicated or provided, as applicable, as a condition of the first approved phase.

Sec. 114-107. – Final plat.

The final plat shall be drawn at a scale of not less than one inch equals 100 feet and shall be prepared in strict compliance with all requirements of F.S. ch. 177 and shall conform to the approved preliminary plat. ~~The final plat shall also contain 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.~~

Sec. 114-108. – Replat.

Changes to a recorded final plat or portion thereof shall be accomplished by a replat and

approved in the same manner as for approval of the plat, unless the changes are due to an error or omission that meets the requirements F.S. § 177.141.

Secs. ~~114-109~~108 - 114-125. - Reserved.

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ARTICLE III. – IMPROVEMENTS

Sec. 114-151. – Requirements generally.

Preliminary plat approval shall be conditioned upon the applicant installing all improvements as required by F.S. ch. 177 and any other improvements as are necessary to bring the proposed subdivision into full compliance with all requirements of this Land Development Code and the Sanibel Plan, in accordance with the following requirements and the provisions of this article:

- (a) All streets and other improvements in proposed subdivisions shall be constructed in accordance with all specifications as provided in this chapter and as may be adopted by the city council by resolution as "Subdivision Improvement Construction Requirements."
- (b) All necessary street signs shall be installed by the applicant in accordance with the prevailing scheme of identifying public and private streets in the city.
- (c) All necessary drainage and sewage treatment facilities shall be constructed as required and approved by the city manager, or the city manager's designee, so as to meet the minimum requirements of this Land Development Code, and as to accomplish the intent and purpose of this Land Development Code.

Sec. 114-152. – Construction plans.

Following the approval of a preliminary plat, the developer shall submit construction plans and specifications for review and approval by the city manager, or city manager's designee, in accordance with the following:

- (a) The developer shall submit complete construction plans and specifications for all required roads, drainage improvements, bike paths, and any other improvements required to be installed or completed by the developer, designed to meet the standards listed in article IV. These plans shall be prepared by a professional engineer registered to practice in the state and shall indicate the exact manner and location in which such improvements are to be installed. The developer may submit and secure approval of construction plans in phases so as to facilitate staged construction, subject to subsection (b), below. The construction plans shall be clearly and legibly drawn, or reproduced at the same scale as the preliminary plat, and shall include at a minimum the following:
 - (1) A topographical map of the subdivision.
 - (2) A complete drainage plan identifying the details of all construction of all drainage facilities, including pipes, culverts, drains, manner of construction,

- pipe sizes, and calculations establishing the adequacy of the proposed plan.
- (3) Plans and profiles of all proposed streets. Where the proposed street intersects an existing street, elevation and other pertinent details shall be shown on the construction plans for the existing street for a minimum distance of 300 feet from the point of intersection. A centerline profile of all proposed streets shall be provided and shall include the existing grade, proposed drainage structures, percent of proposed grade, and vertical curve data including elevation of the p.v.i., the p.v.c., and the p.v.t., and length of curve. The profile shall be drawn to a scale of not less than one inch equals five feet on the vertical plane and one inch equals 50 feet on the horizontal plane. The return calculations and grades at intersections shall be provided. Profiles of ditches and swales shall be submitted along with cross sections of ditches and swales every 50 feet.
- (4) Typical road cross sections for all new streets. The cross section shall clearly indicate the type and width of paving, the location of any bike paths or medians, maximum slope of embankments, swales and berms, and all drainage structures and cross-drains. Cross sections of the proposed streets and existing grade shall be provided at a minimum of 50-foot intervals along the entire length of the street. Cross sections shall be drawn to a scale of not less than one inch equals five feet for the horizontal and vertical planes. Each cross section shall specify the quantity of cuts and rills in square feet, stripping in cut and fill in linear feet, and topsoil in linear feet.
- (5) Inspections and approval. No facility installed underground may be covered over until the facility has been inspected by the city manager or the city manager's designee. Other periodic inspections may be required by the city manager or the city manager's designee. Construction of required improvements shall not be complete unless and until all the improvements have been finally inspected and approved by the city manager or the city manager's designee.
- (b) The developer may not begin construction of required improvements until construction plans are approved by the city manager, or city manager's designee, and a construction bond with good and sufficient surety, an irrevocable letter of credit, or equivalent security is provided to the city in an amount equal to the cost of all required improvements, and in a form approved by the city attorney, conditioned upon the satisfactory completion of required improvements in accordance with the approved construction plans during the effective period of the preliminary plat approval.

Sec. 114-153. – 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 such 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.

Secs. 114-154 – 114-175. – Reserved.**ARTICLE III APPROVAL PROCEDURE****Sec. 114-151. Special rules for certain properties.**

~~(a) — There exist throughout the city several residential parcels of land which were divided before the adoption of this Land Development Code but after the adoption of the Sanibel Plan, without benefit of a city development permit. Special rules have been provided in (see section 86-92) concerning residential lands subdivided prior to the adoption of the Sanibel Plan. In some cases, however, lands divided after the adoption of the plan without a development permit have created some inequities and disadvantages for relatively innocent purchasers. A person who has bought a home on such a subdivided parcel may not, for example, be able to get a development permit for an otherwise lawful minor addition to the home because the "lot," as recognized by the city, includes land now owned by others who will not join in the development permit application. In some of these instances, the subdivision could be approved as actually accomplished if all owners would join in the application for subdivision approval; in others, the actual subdivision could not be approved, even on the application of all owners, because one or more of the separately owned parcels is not large enough to meet the residential density requirements of this Land Development Code.~~

~~(b) — There also exist throughout the city several parcels of land located in commercial districts which were divided before the adoption of this Land Development Code, but after the adoption of the Sanibel Plan, without the benefit of a city development permit, which have created some inequities and disadvantages for relatively innocent purchasers. Since, at the time of purchase, the present owner acquired less than all of the property then owned by the seller, the "lot," as recognized by the city, includes lands no longer in common ownership. The current owner of one of the smaller parcels may not be able to obtain a development permit for development because the "lot," as recognized by the city, includes land now owned by others who will not join in the development permit application, which is a prerequisite for the filing of such a permit application. In some cases, subdivision approval could be accomplished if all owners would join in the application. In others, subdivision approval is not available, even on application of all owners, because one or more of the separately owned parcels fails to meet the requirements of this Land Development Code for the zone in which it is located.~~

~~(c) — It is the purpose and intent of this article to provide an avenue of relief for some persons, as specified in this article, who have been innocent purchasers of land for which no development permit may now be issued because the land is part of a parcel which was subdivided without city approval between December 1, 1975, and November 27, 1985.~~

Sec. 114-152. Authorization to approve; conditions.

~~(a) — The city manager, planning commission, and city council may approve residential subdivisions, not otherwise approvable under this Land Development Code, where all of the following circumstances are met:~~

~~(1) — The lands for which subdivision approval is requested must have been actually divided, into no more than two parcels, between December 1, 1975, and November 27, 1985, inclusive.~~

~~(2) — The application must describe all contiguous lands under common ownership on or after December 1, 1975.~~

~~(3) — The subdivision must be one which is otherwise not approvable under this Land Development Code only for either or both of the following reasons:~~

~~a. — One or more of the owners of land required to be included in the application refuses to join~~

~~in the application; or~~

~~b. One of the proposed lots included in the application is undeveloped, the other proposed lot does contain a dwelling unit, and the parcel as a whole does not meet the minimum residential density requirements of this Land Development Code for an additional dwelling unit.~~

~~(4) The parcel being subdivided must not, as a whole, be developed in excess of the residential density requirements of this Land Development Code.~~

~~(5) The parcel being subdivided must, as a whole, be large enough to meet the minimum residential density requirements of this Land Development Code for at least one dwelling unit.~~

~~(6) The applicant or applicants must be the sole owner or owners of a parcel within the proposed subdivision which is developed with an existing dwelling unit.~~

~~(7) The applicant must have innocently acquired his/her parcel within the proposed subdivision, unaware that the land had been divided without a required development permit, and must not have divided his/her own land from any contiguously owned parcel at any time after having acquired it. For purposes of this subsection, "unaware" means devoid of both actual knowledge and constructive notice of the unpermitted subdivision.~~

~~(b) The city manager, planning commission, and city council may approve commercial subdivisions, not otherwise approvable under this Land Development Code, where all of the following conditions are met:~~

~~(1) The lands for which subdivision approval is requested must have been actually divided between December 1, 1975, and November 27, 1985, inclusive.~~

~~(2) The application must describe all contiguous lands under common ownership on or after December 1, 1975.~~

~~(3) The subdivision must be one which is otherwise not approvable under this Land Development Code only for any of the following reasons:~~

~~a. One or more of the owners of land required to be included in an application refuses to join in the application; or~~

~~b. One or more of the proposed lots included in the application does not meet the requirements for the commercial zone in which it is located;~~

~~c. The original parcel under common ownership on or after December 1, 1985, does not meet the requirements for the commercial zone in which it is located;~~

~~d. One or more of the proposed lots included in the application is outside the applicable commercial district; or~~

~~e. One or more of the proposed lots does not have frontage on a public street.~~

~~(4) The parcel sought to be subdivided must not, as a whole, be developed in excess of the floor area ratio, developed area, or impermeable coverage permitted by the commercial zone in which the parcel is located; unless the applicant can demonstrate, by credible evidence, that where existing conditions exceed that permitted by the zone requirements, such conditions existed at the time of the actual subdivision between December 1, 1975 and November 27, 1985, and further demonstrate that there is no other land available to bring the parcel or proposed lots into compliance with the requirements of this Land Development Code.~~

~~(5) The applicant or applicants must be the sole owner or owners of a proposed lot within the proposed subdivision.~~

~~(6) The applicant must have innocently acquired his/her parcel within the proposed subdivision, unaware that the land had been divided without a required development permit, and must not have divided his/her land from any of the contiguously owned parcels, at any time after having acquired it. For purposes of this paragraph, "unaware" means devoid of both actual knowledge and~~

~~constructive notice of the unpermitted subdivision.~~

~~(c) Applications submitted under this chapter as minor subdivisions may be approved by the city manager if he/she is satisfied that the proposed subdivision meets all of the requirements specified for a minor subdivision and in this section, provided no objection to the proposed subdivision is received within 30 days after mailing of the notices required under section 114-153. If any such objection is received, or if the city manager is uncertain as to the eligibility of the proposed subdivision for approval under this chapter, or as a minor subdivision, the application shall be referred to the planning commission for determination.~~

~~Sec. 114-153. Application requirements.~~

~~For applications submitted for subdivision approval pursuant to this part, the application shall include or be accompanied by the following additional information:~~

~~(1) An affidavit, executed under oath, of the applicant sufficiently setting forth, to the satisfaction of the city manager, all information sufficient to determine the eligibility of the application for approval under this part, as specified in the foregoing section 114-152, including all information related to the applicant's acquisition of his/her property within the proposed subdivision and any contiguous property.~~

~~(2) The names and current addresses, as determined from the most recent published tax roll, of the owners of all lands included within the proposed subdivision who have not joined in the application.~~

~~(3) A sufficient amount of money to cover the cost of mailing notice of the application to the owners of all lands included within the proposed subdivision who have not joined in the application.~~

~~(4) An up-to-date survey in accordance with the requirements of section 114-67, unless such proposed subdivision is determined to be a major subdivision, then the requirements of article II, divisions 5 and 6, of this chapter, sections 114-176 and 114-177 and article V of this chapter, shall be met.~~

~~Sec. 114-154. Processing of application.~~

~~Applications for subdivision approval pursuant to this chapter shall be processed in the following manner:~~

~~(1) When a completed application is filed, the city manager shall mail notice of the application to all owners of property within the proposed subdivision who have not joined in the application, at the address provided by the applicant. Such notice shall advise the owners that the application is for after the fact approval of a subdivision that was accomplished between December 1, 1975, and November 27, 1985, without benefit of a required city development permit approving such subdivision. The notice shall inform the owner of any proposed lot within the proposed subdivision of the following:~~

~~a. For residential subdivisions, any proposed lot which is not large enough to meet the minimum residential density requirements of the Land Development Code, and which is not developable pursuant to this part, that such parcel is not developable for a dwelling unit because of the city's residential density requirements, and that such parcel shall be identified as undevelopable on a survey recorded for a minor subdivision or the final plat recorded for a major subdivision.~~

~~b. For commercial subdivisions, any proposed lot which is not large enough to permit further development in accordance with the requirements of the commercial zone within which the property is located, and that such parcel shall be identified as not capable of further development on the survey recorded for a minor subdivision or the final plat recorded for a major subdivision.~~

~~(2) Each mailed notice shall be accompanied by a copy of the applicant's affidavit and a copy of this part; and each person to whom notice is mailed shall be advised that he/she has 30 days from~~

~~the date of the mailed notice in which to submit to the city manager, in writing, any objection to the proposed subdivision.~~

~~(3) Following such 30-day period, the application shall be processed as either a major or a minor subdivision, as the case may be.~~

~~(4) Any parcel of land within a subdivision approved pursuant to this part which is not of sufficient size to meet the minimum residential density requirements of this Land Development Code, and which is not developable pursuant to this part, shall be clearly and legibly identified on the recorded survey for a minor subdivision or the recorded final plat for a major subdivision with a notation substantially as follows:~~

~~"THIS PARCEL IS NOT DEVELOPABLE FOR A DWELLING UNIT UNDER THE RESIDENTIAL DENSITY LIMITATIONS OF THE CITY OF SANIBEL."~~

~~(5) Any parcel of land within a subdivision approved pursuant to this chapter which is not capable of further development because of the inability of such parcel to meet the requirements of floor area ratio, developed area, or impermeable coverage permitted by the commercial zone in which the parcel is located, shall be clearly and legibly identified on the recorded survey for minor subdivision or the recorded final plat for a major subdivision with a notation substantially as follows:~~

~~"THIS PARCEL IS NOT CAPABLE OF FURTHER COMMERCIAL DEVELOPMENT UNDER THE COMMERCIAL ZONE REQUIREMENTS FOR THE ZONE IN WHICH THE PARCEL IS LOCATED PURSUANT TO THE LAND DEVELOPMENT CODE OF THE CITY OF SANIBEL."~~

~~Sec. 114-155. Undevelopable parcels.~~

~~(a) If all permitted residential dwelling units have been developed on the parcel to be divided, and if either of the two lots proposed to be created is undeveloped, such lot shall thereafter be considered to be an undevelopable lot pursuant to this chapter.~~

~~(b) If all of the permitted commercial development has taken place on the parcel to be divided, such parcel shall, thereafter, be considered as not capable of further development, and the lots proposed to be created shall be considered as not capable of further development.~~

~~Secs. 114-156 – 114-175. Reserved.~~

ARTICLE IV. – DESIGN STANDARDS

Sec. 114-176. – Generally.

The developer shall observe the requirements and principles of land subdivision in this article in the design of each subdivision or portion thereof.

Sec. 114-177. – Conformance with other regulations.

The subdivision plat shall conform to design standards that will encourage good development patterns within the city. The subdivider shall conform to all requirements and conditions set forth in this Land Development Code and in the Sanibel Plan (except to the limited extent provided for subdivisions approved pursuant to article V of this chapter).

Sec. 114-178. – Arrangement of streets.

The arrangement of streets shall be such as to provide for appropriate extension of existing streets and shall be designed to provide adequate circulation and in accordance with the following:

- (a) For public streets, the right-of-way width shall be measured from lot line to lot line and shall be the following widths:
 - (1) Minor arterial streets: 100 feet.
 - (2) Collector streets: 80 feet.
 - (3) Local streets: 50 feet.
- (b) Local streets shall be designed to discourage through traffic.
- (c) Streets shall be designed so as to facilitate their extension as to accommodate the development of lands adjoining the subdivision that do not have adequate access otherwise. When such adjoining lands are not in common ownership with the lands being subdivided, streets necessary to provide access to such adjoining lands must be dedicated as public streets. All minor arterial and collector roads must also be dedicated as public streets.
- (d) For public streets, road intersections shall be as nearly to right angles as is possible and in no case shall be less than 60 degrees; the block corners at intersections shall be rounded with a curve having a radius of not less than 20 feet.
- (e) For public streets, a tangent at least 50 feet long shall be introduced between reverse curves on minor arterial and collector roads.
- (f) For public streets, when connecting road lines deflect from each other at any point, they shall be connected by a horizontal curve with a centerline radius of not less than 150 feet for local and collector roads and 500 feet for minor arterial roads.
- (g) For public streets, any horizontal curve or change in direction other than any intersection shall have a minimum radius of 150 feet.
- (h) All changes in grade shall be connected by various curves of sufficient radii to provide smooth transition and proper site distance.
- (i) For public streets, all culs-de-sac shall have a turnaround circle having a right-of-way radius of not less than 50 feet; if a dead-end street is of a temporary nature, a similar cul-de-sac shall be provided.

Sec. 114-179. – Public use and service areas; natural features.

- (a) Easements along rear property lines, or elsewhere for utility installations, may be required. Such easements shall be up to 15 feet wide and be located in consultation with the utility companies and the city manager or city manager's designee.
- (b) Where a subdivision is traversed by a watercourse or drainageway, there shall be provided an easement for such watercourse or drainageway channel conforming substantially with the lines of such watercourse or drainageway and such further width as may be required so that the watercourse or drainageway is adequate for the purpose and must be maintained.
- (c) Natural features, such as trees and open bodies of water, shall be preserved where possible in designing any subdivision containing these features.

Secs. 114-180 – 114-200. – Reserved.

ARTICLE IV. – IMPROVEMENTS

Sec. 114-176. Requirements generally.

~~Preliminary plat approval shall be conditioned upon the applicant installing all monuments as required by F.S. ch. 177 and constructing or installing all streets, street signs, drainage facilities, sewage treatment facilities, and other improvements as are necessary to bring the proposed subdivision in full compliance with all requirements of this Land Development Code and the Sanibel Plan, in accordance with the following requirements and the provisions of this article:~~

~~(1) All streets and other improvements in proposed subdivisions shall be constructed in accordance with all specifications as provided in this chapter and as may be adopted by the city council by resolution as "Subdivision Improvement Construction Requirements."~~

~~(2) All necessary street signs shall be installed by the applicant in accordance with the prevailing scheme of identifying public and private streets in the city.~~

~~(3) All necessary drainage and sewage treatment facilities shall be constructed as required and approved by the city manager so as to meet the minimum requirements of this Land Development Code and as to accomplish the intent and purpose of this Land Development Code.~~

~~Sec. 114-177. Construction plans.~~

~~Following the approval of a preliminary plat, the developer shall submit construction plans and specifications for review and approval by the city manager in accordance with the following:~~

~~(1) The developer shall submit an original and three copies of complete construction plans and specifications for all required roads, drainage improvements, bike paths, and any other improvements required to be installed or completed by the developer. These plans shall be prepared by a professional engineer registered to practice in the state and shall indicate the exact manner and location that such improvements are to be installed. The developer may submit and secure approval of construction plans in phases so as to facilitate staged construction. However, the developer shall not begin construction of any such improvements prior to the approval of the construction plans therefor and the issuance of all applicable permits for such construction. The construction plans shall be clearly and legibly drawn or reproduced at the same scale as the preliminary plat and shall include at least the following:~~

~~a. A topographical map of the subdivision.~~

~~b. A complete drainage plan identifying the details of all construction of all drainage facilities, including pipes, culverts, drains, manner of construction, pipe sizes, and calculations establishing the adequacy of the proposed plan.~~

~~c. Plans and profiles of all proposed streets. Where the proposed street intersects an existing street, elevation and other pertinent details shall be shown on the construction plans for the existing street for a minimum distance of 300 feet from the point of intersection. A centerline profile of all proposed streets shall be provided and shall include the existing grade, proposed drainage structures, percent of proposed grade, and vertical curve data including elevation of the p.v.i., the p.v.c., and the p.v.t. and length of curve. The profile shall be drawn to a scale of not less than one inch equals five feet on the vertical plane and one inch equals 50 feet on the horizontal plane. The return calculations and grades at intersections shall be provided. Profiles of ditches and swales shall be submitted along with cross sections of ditches and swales every 50 feet.~~

~~d. Typical road cross sections for all new streets. The cross section shall clearly indicate the type and width of paving, the location of any bike paths or medians, maximum slope of embankments, swales and berms, and all drainage structures and cross drains. Cross sections of the proposed streets and existing grade shall be provided at a minimum of 50-foot intervals along the entire length of the street. Cross sections shall be drawn to a scale of not less than one inch equals five feet for the horizontal and vertical planes. Each cross section shall specify the quantity of cuts and fills in square feet, stripping in cut and fill in linear feet, and topsoil in linear feet.~~

~~e. Inspections and approval. No facility installed underground may be covered over until the facility has been inspected by the city manager. Other periodic inspections may be required by the city manager. Construction of required improvements shall not be complete unless and until all the improvements have been finally inspected and approved by the city manager.~~

~~(2) The developer may not begin construction of required improvements until construction plans are approved by the city manager and a construction bond with good and sufficient surety, an irrevocable letter of credit, or equivalent security is provided to the city in an amount equal to the cost of all required improvements, and in a form approved by the city attorney, conditioned upon the satisfactory completion of required improvements in accordance with the approved construction plans during the effective period of the preliminary plat approval.~~

~~Sec. 114-178. 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 such 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.~~

~~Secs. 114-179 – 114-200. Reserved.~~

ARTICLE V. – SUBDIVISION PROCEDURES FOR SPECIAL CIRCUMSTANCES

Sec. 114-201. – Special rules for certain properties.

- (a) There exist throughout the city several residential parcels of land which were divided before the adoption of this Land Development Code but after the adoption of the Sanibel Plan, without benefit of a city development permit. Special rules have been provided concerning residential lands subdivided prior to the adoption of the Sanibel Plan (see section 86-92). In some cases, however, lands divided after the adoption of the plan without a development permit have created inequities and disadvantages for relatively innocent purchasers. A person who has bought a home on such a subdivided parcel may not, for example, be able to get a development permit for an otherwise lawful minor addition to the home because the "lot," as recognized by the city, includes land now owned by others who will not join in the development permit application. In some of these instances, the subdivision could be approved as actually accomplished if all owners would join in the application for subdivision approval. In others the actual subdivision could not be approved, even on the application of all owners, because one or more of the separately owned parcels is not large enough to meet the residential density requirements of this Land Development Code.
- (b) There also exist throughout the city several parcels of land located in commercial districts, which were divided before the adoption of this Land Development Code but after the adoption of the Sanibel Plan, without the benefit of a city development permit, creating some inequities and disadvantages for relatively innocent purchasers. Since, at the time of purchase, the present owner acquired less than all of the property then owned by the seller, the "lot," as recognized by the city, includes lands no longer in common ownership. The current owner of one of the smaller parcels may not be able to obtain a development permit for development because the "lot," as recognized by the city, includes land now owned by others who will not

join in the development permit application, which is a prerequisite for the filing of such a permit application. In some cases, subdivision approval could be accomplished if all owners would join in the application. In others subdivision approval is not available, even on application of all owners, because one or more of the separately owned parcels fail to meet the requirements of this Land Development Code for the zone in which it is located.

- (c) It is the purpose and intent of this article to provide an avenue of relief for some property owners, as specified in this article, who have been innocent purchasers of land for which no development permit may now be issued because the land is part of a parcel which was subdivided without city approval between December 1, 1975, and November 27, 1985.

Sec. 114-202. – Authorization to approve; conditions.

- (a) The city manager or city manager's designee, planning commission, and city council may approve residential subdivisions not otherwise approvable under this Land Development Code where all of the following circumstances are met:
- (1) The lands for which subdivision approval is requested must have been actually divided into no more than two parcels between December 1, 1975, and November 27, 1985, inclusive.
 - (2) The application must describe all contiguous lands under common ownership on or after December 1, 1975.
 - (3) The subdivision must be one that is otherwise not approvable under this Land Development Code only for either or both of the following reasons:
 - a. One or more of the owners of land required to be included in the application refuse to join in the application; and/or
 - b. One of the proposed lots included in the application is undeveloped, the other proposed lot contains a dwelling unit, and the parcel as a whole does not meet the minimum residential density requirements of this Land Development Code for an additional dwelling unit.
 - (4) The parcel being subdivided must not, as a whole, be developed in excess of the residential density requirements of this Land Development Code.
 - (5) The parcel being subdivided must, as a whole, be large enough to meet the minimum residential density requirements of this Land Development Code for at least one dwelling unit.
 - (6) The applicant or applicants must be the sole owner or owners of a parcel within the proposed subdivision that is developed with an existing dwelling unit.
 - (7) The applicant must have innocently acquired his/her parcel within the proposed subdivision, unaware that the land had been divided without a required development permit and must not have divided his/her own land from any contiguously owned parcel at any time after having acquired it. For purposes of this subsection, "unaware" means devoid of both actual knowledge and constructive notice of the unpermitted subdivision.
- (b) The city manager or city manager's designee, planning commission, and city council may approve commercial subdivisions not otherwise approvable under this Land

Development Code, where all of the following conditions are met:

- (1) The lands for which subdivision approval is requested must have been actually divided between December 1, 1975, and November 27, 1985, inclusive.
 - (2) The application must describe all contiguous lands under common ownership on or after December 1, 1975.
 - (3) The subdivision must be one which is otherwise not approvable under this Land Development Code only for any of the following reasons:
 - a. One or more of the owners of land required to be included in an application refuse to join in the application;
 - b. One or more of the proposed lots included in the application does not meet the requirements for the commercial zone in which it is located;
 - c. The original parcel under common ownership on or after December 1, 1985, does not meet the requirements for the commercial zone in which it is located;
 - d. One or more of the proposed lots included in the application is outside the applicable commercial district; or
 - e. One or more of the proposed lots does not have frontage on a public street.
 - (4) The parcel sought to be subdivided must not, as a whole, be developed in excess of the floor area ratio, developed area, or impermeable coverage permitted by the commercial zone in which the parcel is located; unless the applicant can demonstrate, by credible evidence, that where existing conditions exceed that permitted by the zone requirements, such conditions existed at the time of the actual subdivision between December 1, 1975 and November 27, 1985, and further demonstrate that there is no other land available to bring the parcel or proposed lots into compliance with the requirements of this Land Development Code.
 - (5) The applicant or applicants must be the sole owner or owners of a proposed lot within the proposed subdivision.
 - (6) The applicant must have innocently acquired his/her parcel within the proposed subdivision, unaware that the land had been divided without a required development permit and must not have divided his/her land from any of the contiguously owned parcels at any time after having acquired it. For purposes of this paragraph, "unaware" means devoid of both actual knowledge and constructive notice of the unpermitted subdivision.
- (c) Applications submitted under this chapter as minor subdivisions may be approved by the city manager, or manager's designee, if he/she is satisfied that the proposed subdivision meets all of the requirements specified for a minor subdivision and in this section, provided no objection to the proposed subdivision is received within 30 days after mailing of the notices required under section 114-203. If any such objection is received, or if the city manager or city manager's designee is uncertain as to the eligibility of the proposed subdivision for approval under this chapter or as a minor subdivision, the application shall be referred to the planning commission for determination.

Sec. 114-203. – Application requirements.

For applications submitted for subdivision approval pursuant to this article, the application shall include or be accompanied by the following additional information:

- (a) An affidavit, executed under oath, of the applicant sufficiently setting forth, to the satisfaction of the city manager or city manager's designee, all information sufficient to determine the eligibility of the application for approval under this article as specified in the foregoing section 114-202, including all information related to the applicant's acquisition of his/her property within the proposed subdivision and any contiguous property.
- (b) The names and current addresses, as determined from the most recently published tax roll, of the owners of all lands included within the proposed subdivision who have not joined in the application.
- (c) A sufficient amount of money to cover the cost of mailing notice of the application to the owners of all lands included within the proposed subdivision who have not joined in the application.
- (d) An up-to-date survey in accordance with the requirements of section 114-67, unless such proposed subdivision is determined to be a major subdivision, then the requirements of article II, divisions 5 and 6, of this chapter, sections 114-151 and 114-152, and article IV of this chapter, shall be met.

Sec. 114-204. – Processing of application.

Applications for subdivision approval pursuant to this chapter shall be processed in the following manner:

- (a) When a completed application is filed, the city manager, or city manager's designee, shall mail notice of the application to all owners of property within the proposed subdivision who have not joined in the application at the address provided by the applicant. Such notice shall advise the owners that the application is for after-the-fact approval of a subdivision that was accomplished between December 1, 1975, and November 27, 1985, without benefit of a required city development permit approving such subdivision. The notice shall inform the owner of any proposed lot within the proposed subdivision of the following:
 - (1) For residential subdivisions, any proposed lot which is not large enough to meet the minimum residential density requirements of the Land Development Code, and which is not developable pursuant to this article, that such parcel is not developable for a dwelling unit because of the city's residential density requirements, and that such parcel shall be identified as undevelopable on a survey recorded for a minor subdivision or the final plat recorded for a major subdivision.
 - (2) For commercial subdivisions, any proposed lot that is not large enough to permit further development in accordance with the requirements of the commercial zone within which the property is located, and that such parcel shall be identified as not capable of further development on the survey recorded for a minor subdivision or the final plat recorded for a major

subdivision.

- (b) Each mailed notice shall be accompanied by a copy of the applicant's affidavit and a copy of this article; and each person to whom notice is mailed shall be advised that he/she has 30 days from the date of the mailed notice in which to submit to the city manager or city manager's designee, in writing, any objection to the proposed subdivision.
- (c) Following such 30-day period, the application shall be processed as either a major or a minor subdivision, whichever is applicable.
- (d) Any parcel of land within a subdivision approved pursuant to this article which is not of sufficient size to meet the minimum residential density requirements of this Land Development Code, and which is not developable pursuant to this article, shall be clearly and legibly identified on the recorded survey for a minor subdivision or the recorded final plat for a major subdivision with a notation substantially as follows: "THIS PARCEL IS NOT DEVELOPABLE FOR A DWELLING UNIT UNDER THE RESIDENTIAL DENSITY LIMITATIONS OF THE CITY OF SANIBEL."
- (e) Any parcel of land within a subdivision approved pursuant to this chapter which is not capable of further development because of the inability of such parcel to meet the requirements of floor area ratio, developed area, or impermeable coverage permitted by the commercial zone in which the parcel is located, shall be clearly and legibly identified on the recorded survey for minor subdivision or the recorded final plat for a major subdivision with a notation substantially as follows: "THIS PARCEL IS NOT CAPABLE OF FURTHER COMMERCIAL DEVELOPMENT UNDER THE COMMERCIAL ZONE REQUIREMENTS FOR THE ZONE IN WHICH THE PARCEL IS LOCATED PURSUANT TO THE LAND DEVELOPMENT CODE OF THE CITY OF SANIBEL."

Sec 114-205. – Undevelopable parcels.

- (a) If all permitted residential dwelling units have been developed on the parcel to be divided, and if either of the two lots proposed to be created is undeveloped, such lot shall thereafter be considered to be an undevelopable lot pursuant to this chapter.
- (b) If all of the permitted commercial development has taken place on the parcel to be divided, such parcel shall, thereafter, be considered as not capable of further development, and the lots proposed to be created shall be considered as not capable of further development.

~~ARTICLE V. – DESIGN STANDARDS~~

~~Sec. 114-201. Generally.~~

~~The developer shall observe the requirements and principles of land subdivision in this article in the design of each subdivision or portion thereof.~~

~~Sec. 114-202. Conformance with other regulations.~~

~~The subdivision plat shall conform to design standards that will encourage good development patterns within the city. The subdivider shall conform to all requirements and conditions set forth in this Land Development Code and in the Sanibel Plan (except to the limited extent provided for subdivisions approved pursuant to article III of this chapter).~~

~~Sec. 114-203. Arrangement of streets.~~

~~The arrangement of streets shall be such as to provide for appropriate extension of existing streets and shall be designed to provide adequate circulation and in accordance with the following:~~

~~(1) For public streets, the right of way width shall be measured from lot line to lot line and shall be the following widths:~~

~~a. Minor arterial streets: 100 feet.~~

~~b. Collector streets: 80 feet.~~

~~c. Local streets: 50 feet.~~

~~(2) Local streets shall be designed to discourage through traffic.~~

~~(3) Streets shall be designed so as to facilitate their extension as to accommodate the development of lands adjoining the subdivision which do not have adequate access otherwise. When such adjoining lands are not in common ownership with the lands being subdivided, streets necessary to provide access to such adjoining lands must be dedicated as public streets. All minor arterial and collector roads must also be dedicated as public streets.~~

~~(4) For public streets, road intersection shall be as nearly to right angles as is possible and in no case shall be less than 60 degrees; the block corners at intersections shall be rounded with a curve having a radius of not less than 20 feet.~~

~~(5) For public streets, a tangent at least 50 feet long shall be introduced between reverse curves on minor arterial and collector roads.~~

~~(6) For public streets, when connecting road lines deflect from each other at any point, they shall be connected by a horizontal curve with a centerline radius of not less than 150 feet for local and collector roads and 500 feet for minor arterial roads.~~

~~(7) For public streets, any horizontal curve or change in direction other than any intersection shall have a minimum radius of 150 feet.~~

~~(8) All changes in grade shall be connected by various curves of sufficient radii to provide smooth transition and proper site distance.~~

~~(9) For public streets, all cul-de-sac shall have a turnaround circle having a right of way radius of not less than 50 feet; if a dead end street is of a temporary nature, a similar cul-de-sac shall be provided.~~

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller _____
Smith _____
DeBruce _____
Henshaw _____
Johnson _____

First Reading: November 4, 2025

Publication Date: _____

Second Reading: _____