

DEVELOPMENT PROCEDURES MANUAL

Section 2-2. Development Order Process

2-201. Development Order Scope

All developments including improvements to land and subdivisions, are required to obtain a development order prior to commencing any land development activities or receiving any development permit, including a building permit. All improvements specified on the development order drawings, and in the conditions and documents contained in the development order must be installed by the developer, at the developer's expense, unless otherwise approved within the development order documents.

2-202. Employment of Engineers and Design Consultants.

An engineer shall be employed by the developer to design all required improvements such as streets, drainage structures, drainage systems, bridges, bulkheads, water and sewage facilities, etc. All plans, drawings, reports and calculations shall be prepared, signed and sealed by the appropriate licensed professional, such as engineers, architects, landscape architects, land surveyors and attorneys, registered in the state. Other specialized consultants, such as environmental consultants, archaeologists, etc., may be required to assist in the preparation of the plans, drawings, reports and other documents required as development order submittals. Successor engineers must follow the procedures outlined in FAC 61G15-27.001 to continue use of sealed contract documents by any prior professional engineer.

2-203. Preapplication Meeting.

All development order applicants are required to submit an application for an informal meeting with the Village staff for the purpose of advancing a conceptual plan for development prior to making formal application for approval of a development order. The meeting will be scheduled and conducted by Village staff and the results of the meeting shall not be binding upon the developer or the Village staff.

2-204. Revocation of existing development orders on granting of new development order.

In cases where an applicant wishes to apply for a development order on property upon which a development order has been granted and is still valid, the applicant must, as a condition of making application for a new development order, agree to the revocation and cancellation of the entire existing development order upon granting of the new development order. This agreement shall be in writing and shall be irrevocable.

2-205. Payment of taxes.

No development orders or plats will be approved if ad valorem taxes or assessments against the property are due and owing or if there are outstanding tax certificates issued for the property.

2-206. Review procedure; action by Development Review Manager and Staff.

(a) The submittal for development order approval shall be made to the Development Review Manager. The Development Review Manager will log in the submittal transaction and will schedule a time and due

date for completion of the submittal review. No review shall take place unless all appropriate filing fees and charges have been paid. After the initial review of the submittal, the Development Review Manager will notify the applicant, in writing, of the results of the review, and the rationale upon which any unfavorable decision was based.

(b) The review of development orders is a multidiscipline review process involving zoning, transportation, stormwater management, utilities, environmental issues, etc. The Development Review Manager may obtain assistance and advice, as appropriate, from other agencies or consultants to ensure compliance with the LDC.

(c) The Development Review Manager will take one of the following actions as a response to a submittal:

(1) Find the development order application technically complete and ready for the preparation of a staff report and scheduling of a public hearing before the PZDB; or

(2) Deny approval of the development order as technically complete;

(d) When the Development Review Manager denies an application for technical completeness, a list of deficiencies requiring correction will be sent to the applicant with a letter stating that the application has been denied.

(e) Applicants for development orders aggrieved by a decision of the Development Review Staff may appeal the decision pursuant to the provisions of LDC Section 4-409 A.2. Appeal of Director Decision.

2-207. Applicant procedure following denial of Development Order technical completeness by Development Review Manager and Staff.

(a) Where the Development Review Manager denies approval of technical completeness of the application for a development order and the submittals pursuant thereto, then the applicant may do either of the following:

(1) Redraft and resubmit the submittals required for approval to the development review manager in accordance with the review procedure described above; or

(2) Appeal the denial of the development order submittal in accordance with the provisions of Appeal of Director Decision outlined in LDC Section 2-409 A.2.

(b) Subsequent to notification that the plans have not been approved due to deficiencies, the applicant has 30 days to submit a supplement or corrected drawings or plans setting forth those corrections and changes necessary to remedy the deficiency. If the supplement is not submitted within 30 days, the application will be deemed withdrawn unless the applicant requests an extension and waives in writing the statutory development order review deadlines in F.S. § 125.022, as it may be amended. The maximum response timeframe may not exceed 180 days.

(c) Where the applicant is required to redraft and resubmit to pursue approval of an application, the applicant will submit such revised drawings, plans, reports, calculations, etc., as may be deemed necessary by the development review manager to substantiate compliance with the LDC.

2-208. Review procedure; action by PZDB.

(a). The PZDB, acting in a quasi-judicial capacity at a public hearing, will hear testimony on the development order application and, upon making appropriate findings pursuant to LDC Section 2-502.A.4., will take one of the following actions:

- (1) Approve the development order; or
- (2) Deny the development order; or
- (3) Grant conditional approval subject to the applicant fulfilling certain specified terms as outlined in an approval letter. The granting of conditional approval shall not be granted as a matter of right, but may be granted as a matter of. Should the applicant not meet the conditions set forth in the conditional approval, the conditional approval shall be automatically rescinded, and all funds expended in reliance on the conditional approval shall be expended at the applicant's own risk. The granting of conditional approval shall be subject to the conditions and time constraints imposed in the conditional approval letter; or
- (4) Continue the public hearing with the consent of the applicant.

(b) All approval and denial letters shall be prepared and issued by the Development Review Manager.

(c) When the PZDB grants approval of a development order submittal, the development order shall be issued. The Development Review Manager shall issue a development order approval letter and will stamp the approved development order drawings with an appropriate development order approval stamp.

(d) Applicants for development orders aggrieved by a decision of the PZDB may appeal the decision pursuant to the provisions of LDC Section 2-409 A.1., Appeal of Planning Zoning and Design Board Decision.

2-209. Contents of development order.

A development order shall contain the following:

- (1) Incorporation by reference of all submittal documents required for a development order application; the plat, if a subdivision; and all other documents prepared for approval of the development order;
- (2) A list of all permits which must be obtained;
- (3) Any other conditions which the Development Review Manager deems appropriate in accordance with the LDC; and
- (4) A signature clause or affidavit, to be signed by the duly authorized representative, which will bind all owners and run with the land.

2-210. Effect of approval of development order.

(a). If all applicable state and federal permits and approvals have been obtained, the issuance of a development order shall be authorization for the applicant to begin those site development activities specifically approved in the development order. Site development activities shall not occur before all

applicable state and federal permits have been obtained, a vegetation removal permit has been issued and all required erosion control measures have been installed and inspected by the Village. All documents approving the issuance of development orders must contain language in large print stating that the development order's concurrency certificate is only effective for three years from the approval. No vested right to a concurrency certificate will exist solely due to the existence of an otherwise effective development order.

(b). A development order shall automatically expire if the development authorized by the development order is not constructed or substantially commenced within five years after the date of the approval, or for the life of the surety or performance bond if the bond is for a period of less than five years, or unless an extension of this time period is authorized by the PZDB. Two two-year extensions may be granted provided the extension is requested prior to the expiration of the development order and complies with other application requirements in the Administrative Manual.

2-211. Phased Development Order projects.

(a) Development projects may be split into phases to accommodate the development plans and schedules of the developer.

(b) In general, there are two types of phased projects:

(1) Projects that are the subject of a development order application which shows all required facilities, infrastructure and buildings, if applicable, on the entire parcel of land that is covered by the development order; and

(2) Major projects that are the subject of a development order application which shows specific facilities, infrastructure and buildings, if applicable, on portions of the parcel of land that is covered by the development order. The large proposed development order may also show tracts of land that are proposed for future development. For such phased large developments, each future phase shall be issued a separate development order, but each phase shall be considered in relation to the rest of the overall project.

(c) The development order drawings or plans for each phase shall be sufficiently clear to show compliance with this chapter. Adequate infrastructure facilities must be provided to support each phase of the project as the project is developed.

(d) Major phased developments that show undeveloped tracts within the limits of the overall development area shall provide the following data relating to the overall development:

(1) A master phasing plan with the phases numbered. The sequence of construction does not need to conform with the numbering sequence.

(2) A traffic impact statement for the overall development at build-out based on the estimated impacts that will be generated by the development at build-out.

(3) A traffic impact mitigation plan for the overall development at build-out based on the estimated impacts that will be generated by the project at build-out.

- (4) An evaluation of the capacity of proposed drainage, and water and sewer services to be provided for the development at build-out.

2-212. Transfer of Ownership.

A development order runs with the land and is transferable to the subsequent owner of the property covered by the development order. In order for a subsequent owner of property that is covered by a development order to ensure that the development order file is current, the new owner of the property must submit the following documents:

- (1) A recorded deed or current title opinion to prove ownership of the property.
- (2) A list of all owners of the property.
- (3) A notarized statement, signed by the applicant, under oath, that he or she is the authorized representative of the owner of the property and has full authority to secure the approval requested and to impose covenants and restrictions on the referenced property as a result of the issuance of a development order in accordance with this code. The signed statement also constitutes an acknowledgment that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed as part of the development order.

2-213. Violation of development order.

- (a) Where construction is commenced for improvements not authorized by a development order, the applicant will be issued a stop work order until an application to amend or correct the development order has been submitted and approved.
- (b) An application to amend or correct a development order after construction has commenced in violation of the original development order will be charged an application fee equal to four times the original development order application base fee.
- (c) Submittal of the application and payment of the application fee does not protect the applicant from the remedies provided under code enforcement procedures. Any of these forms of relief can be sought or maintained by the Village until the problem is abated.
- (d) Failure to maintain a development in compliance with a development order issued and approved under a certificate of compliance or certificate of occupancy constitutes a violation of LDC.

2-214. Notice Requirements for Applicant.

- (a). Public Information Meeting. The applicant shall post notice of the public information meeting on the land subject to the proposal at least 14 days before the date of the meeting, in a form established by the Community Development Director. The notice shall state the time and Date of the meeting and the purpose of the meeting; include a basic map identifying the land associated with the proposed development; and summarize the general nature of the development proposal; and the type of development permit sought (see LDC Section 2-401.C.).

(b). PZDB Workshop. The notice requirements listed for Public Information meetings apply to Workshops as well.

(c). Public Hearing. The following notice requirements apply to public hearings for development order applications:

1. Mailed Notice. The applicant shall mail a notice of public hearing by first class mail return receipt requested at least 14 calendar days before the PZDB public hearing. The notice shall be mailed to owners of the land subject to the application (if other than the applicant; and to owners of real property located within 500 feet of the property boundary of the property subject to the application; and to organizations and persons who have registered to receive notification of development applications subject to public hearings in accordance with LDC Section 2-405.C.8. The owner names and addresses used to mail required notice to owners of neighboring property shall be those shown in the current ad valorem tax rolls of Lee County. (see also LDC Section 2-405.C.)

2. Posted Notice. The applicant shall place a posted notice in a manner established by the Community Development Director on the land subject to the application at a location adjacent to each abutting street that is clearly visible to traffic along the street. If no part of the subject land abuts a street, then the notice shall be posted in the right of way of the nearest street, and in a manner consistent with the intent of the LDC. (see also LDC Section 2-405.C.)

3. Notice Content. The content of the required notices shall be as prescribed in LDC Section 2-405.C.4.

4. Affidavit of Notice. The applicant shall sign an affidavit affirming that any required published, mailed, or posted notices of a public hearing for which they are responsible for providing were provided in accordance with the requirements of the LDC and state law.

(d). Responsibility for Cost of Notices. The applicant shall be responsible for all costs associated with providing of required notices.

2-215. Development Order Submittals-Generally.

(a) Except as may be specifically waived by the Director, the documents and graphics required to apply for a development order will be as specified in this Administrative Manual and the Land Development Code.

(b) All drawings must be drawn on 24-inch by 36-inch sheets at an appropriate scale no greater than 1:50. If more than one sheet is required, appropriate match lines must be indicated. Drawings intended to provide context for the overall development may be provided at a scale greater than 1:50.

(c) All drawings must be oriented so that north is towards the top or left of the drawing. A title block must appear in the lower right hand corner or along the right side of the sheet. Each sheet must be signed and, where appropriate, sealed by the professional consultant preparing the drawing.

(d) The following information must be provided on all submitted drawings other than plats:

- (1) The name of the proposed development and the date the drawing was completed. If a revision, the revision dates must be included.
- (2) The name, address and telephone number of the person preparing the drawings.
- (3) The name and address of the developer.
- (4) North arrow and scale.

2-216. Development Order Submittal Requirements-waiver.

The Director may waive the requirement for any submittal item deemed unnecessary for an adequate review of the proposed development. Such a waiver of the required number or nature of submittals must be approved prior to submission of the Development order application and does not constitute a change in the substantive standards or requirements of the LDC or Development Procedures Manual (DPM).

2-217. Development Order Review Fee

The review and processing of Development Order applications is performed on a cost-recovery basis. The applicant is required to provide with the Development Order application a fee deposit. The Village will maintain a record of all costs associated with the application review. If, in the course of the review cycle, the accumulated cost reaches a point where it amounts to 80% of the initial fee deposit, the applicant will be required to supplement the deposit in an amount determined by the Village or the application review will be suspended until the deposit amount is replenished to the satisfaction of the Village. When the review is completed and final action on the review is issued, any surplus amount will be refunded to the applicant and any deficiency must be provided to the Village. See Chapter 3 of this Development Procedures Manual (DPM) for fees associated with applications.

2-218. Development Order Application form and contents.

The application form for development order approval is available in the Chapter 3 in the Development Procedures Manual. The following information must be included in any application for a development order:

- (a) A notarized statement signed by the applicant, under oath, that he or she is the authorized representative of the owner of the property and has full authority to secure the approval requested and to impose covenants and restrictions on the referenced property as a result of the issuance of a development order in accordance with this Code. The signed statement also constitutes an acknowledgment that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed as part of the development order. (See DPM Chapter 3)
- (b) Owner, applicant and developer information.
 1. The name of the proposed development. The name should be limited to 25 characters and spaces and not duplicate any prior approved development approval.
 2. The name, address, email and telephone number of the applicant.

3. The name, address, email and telephone number of the developer.
4. The name, address, email and telephone number of the agent responsible for the application. This entity will be the primary contact and will receive all correspondence relative to the application.
5. The name of the property owner.
6. A listing of the professional consultants employed in preparing the application or submitted documents. The names, addresses, email and telephone numbers shall be provided for consultants such as but not limited to architects, engineers, attorneys, landscape architects, planners, surveyors.

(c) Property information.

1. Property STRAP number. Where there are multiple STRAP numbers, all must be provided.
2. The street address of the property.
3. The date the property was acquired.
4. The property dimensions and area.

(d) General development information.

1. The Village of Estero Comprehensive Plan Future Land Use Category
2. The present zoning classification of the property.
3. All relevant rezoning, variance, special exception and administrative deviation case or resolution numbers associated with the property.
4. A copy of any Pattern Book approved as part of any zoning action on the subject property must be provided.
5. All relevant case numbers of development order approvals or limited development order approvals on the property.
6. All federal, state and local permits and stipulations affecting the development order applications.

(e) Proposed development.

1. Type of proposed development (e.g. residential single family subdivision, residential multi-family, commercial office, commercial retail, commercial subdivision, etc.).
2. Acreage and percentage of total land area for each proposed use to be developed.
3. Acreage and percentage of total area of ground cover of structures and other impervious surfaces, and open space.
4. Proposed number of stories and height of all structures.
5. Number of dwelling units and lots if a subdivision.

6. Finished floor elevation of all structures.
7. Types and uses of proposed structures.
8. Parking and loading area information.
9. Proposed recreational facilities information.
10. Project phasing information.

(f) Completed permit applications required for development.

1. County, state and federal permit information (e.g. Lee County ROW, FDOT ROW, SFWMD, Corp. of Engineers, FDEP, NPDES, etc.).
2. Local permit information (e.g. Village ROW, building permits, etc.).

2-219. Development Order Application-Additional required submittals.

The following must be submitted with an application for development order approval:

(a) *Legal description and sketch to accompany legal description.* A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. ch. 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the development order application with accurate bearings and distances for every line. If the subject property consists of undivided, platted lots, then a complete legal description (i.e. lot, block, subdivision name, public records recording information) of the platted subject property is required. A sketch of the undivided, platted lots is not required. The Director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on County maps.

(b) *Title certification.* Certification of title for property subject to development order approval must meet the following criteria:

1. *Form.* The certification of title must be in one of the following forms:
 - i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company.
 - ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial development order submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date. If submission of a complete affidavit of no change is not possible, a title certificate, or title opinion must be submitted in the alternative.
2. *Content.* The certification of title must include, at a minimum, the following:
 - i. The name of the owner or owners of the fee title;

- ii. All mortgages secured by the property;
- iii. All easements encumbering the property;
- iv. The legal description of the property; and
- v. The certification of title documentation must be unequivocal.

(c) *Boundary survey.* A boundary survey of the property, including a metes and bounds legal description, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. Ch. 177. If the property consists of one or more undivided lots within a subdivision, then a copy of the subdivision plat may be submitted in lieu of the boundary survey unless the dimensions of the subject property differ from those in the original plat.

1. The survey must be based upon the certification of title submitted in accord with the required title description.
2. The boundary survey must identify and depict all easements affecting the property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.
3. Boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 5J-17, Florida Administrative Code.
4. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.
5. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.
6. The Federal Emergency Management Agency flood zone and required finished floor elevations must be shown.
7. The survey must locate and depict all existing structures and improvements on the parcel.

(d) *Plat.* If the development is a subdivision, a plat meeting the requirements of F.S. ch. 177 and the Village Administrative Procedure for Plats must be submitted prior to approval of the development order for the subdivision. The preliminary plat submittal is not required until after the first round of development order completeness comments, though it may be submitted earlier.

(e) *Existing Conditions and Improvements Drawing.* An existing conditions and improvements drawing showing at a minimum the following:

1. An area location map showing the location of the property to be developed in relation to arterial and collector streets.
2. Coastal construction control lines, if applicable.

3. The location and name of abutting streets together with the number of lanes, the widths of rights-of-way and easements, and the location and purpose of abutting utility easements. The established centerline of streets on or abutting the property must be shown.

4. Existing elevations based on the North American Vertical Datum (NAVD) 1988.

i. Sufficient spot elevations based on NAVD 1988 must be shown to indicate the slope of the land and any rises, depressions, ditches, etc., that occur.

ii. In no case may spot elevations be shown at a spacing greater than 200 feet.

iii. Spot elevations must be shown beyond the development boundary extending a minimum of 25 feet.

iv. The Development Services manager may direct a grid pattern closer than 200 feet or elevations more than 25 feet beyond the development boundary to provide sufficient satisfactory information.

v. For developments of 40 acres or more, contours at one-foot intervals must be shown.

5. Identification of state jurisdictional wetlands.

6. Vegetation associations (not land use category) on the site as listed in the Florida Land Use, Cover and Forms Classification System, mapped at the same scale as the site plan. The map shall include significant areas of rare and unique upland habitats' if any. (Required only if it is a large project where development site is more than 10 acres or contains more than 2 acres of impervious area.)

7. The location of all existing buildings and structures on the property. If buildings or structures are to be moved or razed, this should be noted. The current and proposed use of existing structures that will remain (temporarily or permanently) must be identified.

8. The location and size of all public water and sewage systems, private wells, irrigation and flowing wells, bikeways, pedestrian ways, curbs, gutters, storm drains and manholes on or abutting the property.

9. The zoning classifications for the subject property, as well as the zoning and actual use of all abutting properties.

10. The fire district in which the proposed development is located.

11. The location of existing and proposed public transit service areas, and bus routes and stops, including passenger amenities, e.g., shelters, lighting, benches, bikeways, pedestrian ways, passenger parking, bicycle racks, etc within ¼ mile of the proposed project.

12. A diagram depicting the existing surface hydrology of the property. Existing flow-ways must be delineated.

(f) *Proposed Development Plan Drawings.* Proposed development plan drawings must be provided showing at a minimum the following:

1. If the development is a subdivision, all lot lines and lot numbers.
2. Phasing plan. Where a major development is proposed, the applicant must submit a master phasing plan with the stages numbered in sequence. It is understood that, for long-term projects, the details of a given phase may change as the economic, environmental, social and legal elements of the proposed development change. For such phased developments, each phase will be issued a separate development order, but each phase will be considered in relation to the rest of the overall project. The phasing plan must show how each phase fits into the master plan for the continuance of streets, bikeways, pedestrian ways, drainage, stormwater management, potable water, fire protection, sewage collection, landscaping and buffers. Specific requirements for phased projects are specified elsewhere in this Administrative manual.
3. Proposed buildings or proposed structures. The building envelope, that is, the perimeter of the area within which the building will be built, cross sections showing the finished floor elevation and the height in stories and feet of all buildings and structures, details of all solid waste disposal facilities, the maximum number of dwelling units or gross floor area, and no less than the minimum number of required parking spaces, including the number of spaces for the disabled, must be shown.
4. Open space, parks and recreation. All proposed open space, parks and recreation areas and facilities shall be shown and identified as either public or private. If common facilities, including but not limited to recreation areas or facilities and common open space, are proposed a statement shall be included explaining how the area or facilities shall be permanently operated and maintained, and identifying who will be responsible for such maintenance. A list of the facilities to be constructed within each park or recreational area shall be provided or shown on the drawings.
5. Open space of public interest. Open space of public interest proposed to be provided must be shown on the plans with details of all amenities to be provided (see LDC Section 5-408.G.).
6. Proposed vehicular ingress and egress for the development. Connection separation distances to the nearest intersection or access point in each direction must be shown.
7. Proposed streets within the development must be shown and detailed including proposed cross sections.
8. Proposed location and details of on-site and off-site bikeways and pedestrian ways, with ingress to and egress from the development, as well as to or from common open space areas and between parking areas and garages and buildings must be shown on the plans (see LDC Section 5-305 and 5-306).
9. Where applicable, the proposed location and type of public transit amenities to be provided (see LDC Section 5-307).
10. Parking and service areas. All off-street parking areas, bicycle parking spaces and facilities, and all landscaped areas to be reserved for future parking spaces, and all service areas for delivery of goods or services, shall be shown for all developments that are not subdivisions.

Electric vehicle charging stations must be shown for all commercial use parking lots (see LDC Section 5-204.B.5.). Where vehicular stacking is required the plans should demonstrate compliance with the stacking requirements (see LDC Section 5-304.C.).

11. Utilities. A statement indicating the proposed method intended to provide water, sewer, electricity, telephone, refuse collection and street lighting, including but not limited to:

- i. The names and address of all utilities, governmental or private, intended to supply the service.
- ii. The names and addresses of the owners of all existing public water and sewage systems within one-quarter mile of the proposed development.
- iii. A plan showing the location and size of all water mains and services, fire hydrants, sewer mains and services, treatment plants and pumping stations, together with plan and profile drawings showing the depth of utility mains and points where utility mains cross one another or cross storm drain or water management facilities. The location of services shall be shown.

12. Drainage and Stormwater Management Plan. A drawing showing the location of all curbs and gutters, inlets, culverts, swales, ditches, water control structures, water retention or detention areas, and other drainage or water management structures or facilities shall be submitted. Sufficient elevations shall be shown to adequately show the direction of flow of stormwater runoff from all portions of the site. A copy of all drawings and calculations submitted to the South Florida Water Management District shall also be submitted. Detailed calculations must be provided to ascertain the sizing and capacity of all drainage facilities and compliance with policies included in Comprehensive Plan policies included in INF-1.1 and the Village Stormwater Master Plan. The plans shall also identify the U.S. Department of Agriculture Soil Conservation Service soils classifications of the site to determine the feasibility of the proposed pollution control and drainage plans.

13. Finished Floor Elevations. All proposed finished floor elevations must be shown on the plans. New residential and commercial structures shall be designed so that the elevation of the first floor (habitable for residential structures) is at the applicable Base Flood Elevation (BFE), as defined on the effective FEMA Flood Insurance Rate Map, plus one foot or the 100 year, three day design stage elevation plus one foot, whichever is greater (see LDC Section 7-206).

14. Road and parking lot travel way elevations in new development. Elevations of roads and parking lots must be shown on the plans. In new public and private developments, roads and parking lot travel ways shall be constructed at a minimum of the 25 year, 3 day storm event flood plain level (see Comprehensive Plan Policy INF-1.1.1B.).

15. Landscaping and buffering. A landscaping plan must be submitted showing not less than the required open space and buffer areas, and including:

- i. A tree location map or aerial photographic overlay which depicts the preservation of existing trees and the planting of any new trees required by Village regulations.
- ii. All proposed landscaping, fencing, screening and buffering.

- iii. The size, variety, species and number of all trees and shrubs, with site-specific location, used in landscaping, open space and buffer areas.
- iv. All proposed signs. Proposed monument signs must be shown in detail and must comply with the LDC standards and definition for monument signs.
- v. The calculations to determine the minimum open space and other landscaping and buffer calculations.

16. Historical and archaeological resources. The plan shall show the outline of historic buildings and approximate extent of archaeological sites. Where this information is not available from published sources, a professionally conducted archaeological survey may be required.

17. Excavations. Where applicable, the location of all excavations must be shown, including the outline or boundaries of the excavation, both the outline of the top of the bank and the outline when the lake is at its maintained elevations, the depth of all excavations, the controlled water depth, and the slopes of all excavations. All proposed water management lake shorelines must be designed to appear natural by having a meandering shoreline (see LDC Section 5-408 I.).

18. A description of potential impacts to groundwater and surface water must be provided.

19. A description of impacts on wetlands and mitigation measures must be provided.

20. A description of impacts on floodplains or riverine areas and mitigation measures must be provided.

21. Benchmarks. There shall be a minimum of one benchmark per 40 acres or portion thereof. Each benchmark shall be shown and described on the plans.

22. Transit access and circulation requirements must be shown on the plans (see LDC Section 5-307).

23. Bicycle access and circulation requirements must be shown on the plans (see LDC Section 5-306).

24. Mixed Use Development Design Standards compliance must be demonstrated on the plans for all mixed use developments (see LDC Section 5-705.C.).

(g) Stormwater Narrative. A written description of how the stormwater runoff is managed must be provided including how the stormwater is to be collected on the site, the storage provisions and flood control measures, where and how the stormwater is to be discharged from the site, and the ultimate discharge location.

(h) *Exterior lighting plan, photometrics and calculations.* An exterior lighting plan and photometric information must be submitted for all street lighting and parking lot lighting. The plan and photometric information must be provided in full compliance with Section 5-601 through 5-608 of the Land Development Code and must demonstrate compliance with all standards and criteria specified therein. Details must include the type and color of all light poles and fixtures as well as CCT and BUG rating for all LED luminaire fixtures. (see LDC Section 5-604).

(i) *Traffic impact study.* A traffic impact statement (TIS) must be submitted that surveys current and anticipated traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development. Adverse traffic impacts created by the development, both on-site and off-site, must be mitigated by the applicant as specified in the traffic impact mitigation plan and development order. Criteria for traffic impact statements are specified in the Traffic Impact Study Guidelines for Development Orders provided in Chapter 4 of this Development Procedures Manual. The Turn Lane Policy is provided in Chapter 4 of this Development Procedures Manual.

(j) *Traffic impact study mitigation plan.* A traffic impact study mitigation plan must be submitted. The plan must be based on the approved traffic impact study and identify in detail those on- and off-site road and intersection improvements necessary to mitigate the proposed development's adverse impacts by maintaining or restoring adopted levels of service on the public roads providing immediate access to the site, including any collector or arterial to which the adjacent street is tributary. Criteria for traffic impact study mitigation plans are specified in LDC Section 5-309.

(k) *Protected species survey.* A protected species survey must accompany all development order applications which are greater than 10 acres in size or contain 2 or more acres of impervious area and where the Florida Land Use, Cover and Forms Classification System codes for the property indicate a possible presence of species listed in LDC Appendix G, Protected Species list (See LDC Section 7-201.C.2.). The survey must be prepared by using survey methods which are set forth in administrative code in Chapter 4 of the Administrative Manual, except that an alternative method may be approved by the Director. Such survey must include Village of Estero listed species presence (sightings, signs, tracks, trails, nests, evidence of feeding, etc.), population estimates and occupied habitat boundaries. A map and narrative must describe the methodology as applied and the findings. The mapped information must be at the same scale as the development order or zoning application plans and an aerial map at a scale of one inch is less than or equal to 400 feet.

(l) *Protected species habitat management plan.* A management plan for protected species habitat shall be submitted, if applicable, as required LDC Section 7-201.C.2. A protected species habitat management plan meeting the requirements of LDC Section 7-201 C.3. will be required for all development order applications if listed species are found on the property.

m) *Exotic vegetation removal plan.* When Prohibited Invasive Exotic Plants listed in LDC Table 5-403 A. are present on the development property, an exotic vegetation removal plan, as specified in LDC Section 5-403.A. shall be submitted with the development order application.

(n) *Calculations and other pertinent materials.* The Director of Development Review may also require submission of calculations in support of all proposed drawings, plans and specifications. Calculations, data and reports to substantiate engineering designs, soil condition, flood hazards, compensation of floodplain storage, wet season water table, etc., may be required.

(o) *Emergency preparedness plan.* An emergency preparedness plan is required prior to final approval of a development order for:

1. A hospital, nursing home, assisted living facility (ALF) or developmentally disabled housing project to be approved by the Emergency Management Director. An emergency preparedness

plan for these types of development must comply with the applicable criteria in Florida Administrative Code Chapters 58A-5, 59A-3, 59A-4, and 59A-5, as they may be amended.

2. A marina, multi-slip dock facility, or any residential development of 50 or more units to be approved by the Emergency Management Director. An emergency preparedness plan for these types of development must comply with the applicable criteria in the Lee County Administrative Code for Emergency Preparedness Plans.

(p) *State permits.* Prior to final approval of a development order, copies of completed applications for permits issued by the South Florida Water Management District or the Florida Department of Environmental Protection must be submitted. Copies of all necessary state land development permits must be submitted prior to the commencement of construction work on the site.

(q) *Operation and maintenance covenants.* Where applicable (for example applications for subdivisions), a copy of the covenants used for the maintenance and operation of the infrastructure improvements required by this chapter including but not limited to private streets and adjacent drainage, drainage and storm water management systems, utilities, public water and sewage systems, on-site bikeways, on-site pedestrian ways, open space, parks, recreation areas and buffers. These documents must meet the criteria set forth in Administrative Procedures for Plats (See DPM Chapter 4).

(r) *Articles of incorporation or other legal documents for assignment of maintenance.* The developer must submit a copy of the legal documents creating the legal mechanism to ensure that the drainage system, on-site bikeways, on-site pedestrian ways, roadways and rights-of-way are continuously maintained. These documents must meet the requirements set forth in Administrative Procedures for Plats (See DPM Chapter 4).

(s) *Opinion of probable construction costs.* The developer's consultant must prepare and submit the estimated cost and estimated date of completion for the work of installing all streets, drainage systems, water management systems, potable water treatment and distribution systems, sewage collection and treatment systems, bikeways, pedestrian ways, park and recreation improvements, landscaping and buffers as follows:

1. Subdivisions: on-site and off-site improvements.
2. All other developments: off-site improvements.

(t) *Assurance of completion of improvements.* Assurance of completion of the development improvements in a form approved by the Village Attorney will be required for all off-site improvements prior to commencing any off-site or on-site development. Assurance of completion of the development improvements for on-site subdivision improvements will be required prior to the acceptance of the subdivision plat. Those on-site subdivision improvements that have been constructed, inspected and approved by the Development Review Manager through the issuance of a certificate of compliance may be excluded from the requirements of this section.

1. *Surety or cash performance bond.* Security in the form of a surety or cash performance bond must be posted with the Village Council and made payable to the Village in an amount equal to 110 percent of the full cost of installing the required improvements approved by the Village. If the proposed improvement will not be constructed within one year of issuance of the final

development order, the amount of the surety or cash performance bond must be increased by ten percent compounded for each year of the life of the surety or bond. Alternatively, the surety or cash performance bond may be renewed annually at 110 percent of the cost of completing the remaining required improvements if approved by the Director. Prior to acceptance, bonds must be reviewed and approved by the Village Attorney's Office. Surety instruments will be reviewed and approved in accord with the provisions set forth in Administrative Procedures for Plats (See DPM Chapter 4).

2. *Other types of security.* The Village Council may accept letters of credit or escrow account agreements or other forms of security provided that the reasons for not obtaining the bond are stated and the Village Attorney approves the document. Review and approval of surety instruments will be in accord with the guidelines set forth in Administrative Procedures for Plats (See DPM Chapter 4).

(u) *Comprehensive Plan Consistency Statement.* A statement regarding consistency of the project with applicable Comprehensive Plan policies and provisions must be submitted with the application for review and approval.

(v) *Architectural Elevations and Plans.* Architectural elevations of all sides of any buildings, dumpster enclosures, monument signs and other structures proposed for construction as part of the development order must be provided with the application. A statement describing the proposed architectural style and the characteristics of the architecture must also be provided (see LDC Section 5-703). These elevations should also show all colors keyed to a color chart as well as how the landscaping interacts and complements the theme of the buildings. An architectural plan of the proposed floor layout of the buildings must also be provided.

(w) *Color Chips and Materials Board.* Paint and materials color sample chips must be provided with the application along with a material board which contains a sample of all materials proposed for use on the buildings and structures with their colors (see LDC Section 5-706.D. for exterior building color requirements).

(x). *Green Building Standards.* The development Order Application must contain a table demonstrating that the required number of points are achieved for residential or nonresidential development, as appropriate, from the menu of options shown in Table 5-803.B. (see LDC Section 5-803).

(y). *Residential Impact standards.* All development orders that relate to the establishment, expansion, or intensification of a commercial use on land that contains residential uses, or is located within 300 feet of land containing residential uses, or is located within 300 feet of land within the RSF, RM-2, MH, or RV zoning districts, or land zoned to a planned development district that includes or permits residential uses must demonstrate compliance with the residential Impact standards contained in LDC Section 5-1301 through Section 5-1303.

(z). *Hurricane Shelter Impacts.* All residential projects (including dwelling units, housing units, mobile homes, recreational vehicle developments [including recreational vehicles qualifying as permanent residences under the LDC], nursing homes, hospitals and social services homes) and hotel or motel developments must provide for hurricane shelter impacts. The method of providing for those impacts must be detailed in the development order application. If a hurricane shelter impact fee is the mitigation

method selected the proposed calculation of that fee must be provided with the application and the proper fee must be paid to the Village prior to the issuance of the development order (see LDC Section 7-504).

(aa). Written Summary of Public Information Meeting. After the conclusion of the public information meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments and issues raised at the meeting related to the development proposal, and any other information the applicant deems appropriate. The summary shall describe how the applicant will respond to any issues raised at the meeting. The meeting summary shall be included with the application materials and be made available to the public for inspection. (see LDC Section 2-401.)

(bb) Stormwater Pollution Protection Plan (SWP3). A Stormwater Pollution Protection Plan (SWP3) which complies with the criteria stated in LDC Section 7-205.F. shall be submitted with the development order application.

(cc) Port Authority (Tall Structures) Permit. A Tall Structures Permit must be secured from the Lee County Port Authority verifying compliance with Lee County regulations for all temporary and permanent structures that are more than 125 feet in height. A copy of that permit shall be submitted with the development order application.

2-220. Development Order Minor Changes-Scope.

The Director shall review and decide on minor (administrative) changes to previously approved Development Orders. The minor changes are limited as follows:

(a)) Address technical considerations that could not reasonably be anticipated during the development order approval process; or

(b) Would not:

1. materially alter the drainage, streets, or other engineering design;
 2. Adversely impact the management of storm water quality or storm water quantity;
 3. substantially affect the terms of the original approval;
 4. Result in significant adverse impacts on the surrounding lands or the Village of Estero at large;
- and

(c) Are not the result of a violation revealed during the final inspection.

All other modifications of development order approval may be made only in accordance with the procedures and standards for its original approval as an Amendment to the approved Development Order or as a new development order application. The determination of the Director on the applicability of an application as a Minor Change or Amendment or as a new Development order application is final and may not be appealed.

2-221 Minor Change Submittals-Generally.

Submittal requirements for minor changes shall be generally as required for development Order applications as described in Section 2-215 of this Development Procedures Manual.

2-222. Minor Change Review Procedure.

The review procedure for Minor Changes shall be generally as described for Development Order applications (see AM Section 2-206) except that the final decision will be made by the Director as an administrative decision. The procedure following denial based upon technical completeness shall be as generally described for Development Order applications (see DPM Section 2-207).

The Director, upon review of the minor change application, will take one of the following administrative actions:

- (1) Approve the minor change to the development order; or
- (2) Deny the minor change to the development order; or
- (3) Grant conditional approval subject to the applicant fulfilling certain specified terms as outlined in an approval letter. The granting of conditional approval shall not be granted as a matter of right, but may be granted as a matter of. Should the applicant not meet the conditions set forth in the conditional approval, the conditional approval shall be automatically rescinded, and all funds expended in reliance on the conditional approval shall be expended at the applicant's own risk. The granting of conditional approval shall be subject to the conditions and time constraints imposed in the conditional approval letter

2-222. Minor Change Review Fee.

An application review fee is required for the review and processing of minor changes. If the application is not deemed to be complete and is returned to the applicant for resubmission with more information, a resubmission fee is required. Such resubmission fees shall apply to any subsequent resubmissions required during the review. See Chapter 3 of this Development Procedures Manual for fees associated with applications.

2-223. Minor Change Application Form and Contents.

The application form for Minor Change approval is available in Chapter 3 in this Development Procedures Manual. The following information must be included in any Minor Change application:

- (a) A notarized statement signed by the owner or the authorized agent, under oath, that he or she is the authorized representative of the owner of the property and has full authority to secure the approval requested and that the information and documentation provided as part of the Minor change application are honest and true to the best of his/her knowledge.
- (b) All proposed changes must be itemized and adequately described with supporting documentation. Statements such as "see plan" are not acceptable. Any changes in previously approved parameter(s) must clearly indicate the new parameter(s). If it is a resubmission of a previously non-approved Minor change application, it must be noted as a resubmission (and the number of the resubmission if not the first).

(c) All plans affected by the proposed minor change must be submitted with all of the changes highlighted on the revised or changed plans.

(d) All review fees must be paid prior to review of the application by the Village.

2-224 – 2-230. Reserved.

2-231. Development Order Amendments – Scope.

An application for a Development Order Amendment is one that does not qualify as a minor (administrative) change and does not substantially modify the schedule of development as originally approved under an approved development order or, in the case of a planned development, is in compliance with the approved Master Concept Plan. Some phased development order projects may also qualify as Amendments. The application review process is generally the same as for a Development Order application. Relevant similarities are referenced below and differences are referenced as well. The PZDB, at a quasi-judicial public hearing, shall approve, deny, or approve with conditions any application which meets the criteria for a development order amendment.

2-232. Employment of Engineers and Design Consultants.

See DPM Section 2-202.

2-233. Preapplication Meeting.

See DPM Section 2-203.

2-234. Review Procedure; Action by Development Review Manager and Staff.

See DPM Section 2-206.

2-235. Applicant procedure following denial of Development Order technical completeness by Development Review Manager and Staff.

See DPMSction 2-207.

2-236. Review procedure; action by PZDB.

See DPM Section 2-208.

2-237. Contents of Amendment to Development Order.

See DPM Section 2-209.

2-238. Effect of Approval of Amendment to Development Order.

See DPM Section 2-210.

2-239. Phased Development Order Projects.

See DPM 2-211.

2-240. Violation of Development Order.

See DPM Section 2-213.

2-241. Notice Requirements for Applicant.

See DPM Section 2-214.

2-242. Amendment to Development Order Submittals-Generally.

See DPM Section 2-215.

2-243. Amendment to Development Order Submittal Requirements Waiver.

See DPM Section 2-216.

2-244. Amendment to Development Order Fee.

The review and processing of Development Order Amendment applications is performed on a cost-recovery basis. The cost-recovery fee deposit for Amendment to Development Order is provided in the Chapter 3 of this Development Procedures Manual. All other provisions of DPM Section 2-217 apply to Development Order Amendment applications.

2-245. Development Order Amendment Application Form and Contents.

The application form for Development Order Amendment approval is available in Chapter 3 in this Development Procedures Manual. The informational requirements detailed in AM Section 2-218 apply to Amendment applications.

2-246. Development Order Amendment Application-Additional Review Requirements.

See DPM Section 2-219.