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## **CITY OF BONITA SPRINGS**

Community Development Department

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# **LIMITED REVIEW DEVELOPMENT ORDER APPLICATION INSTRUCTIONS**

## **EXPLANATIONS FOR PART I**

- A. Legal Description: If the property is not within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate said property on county maps or aerial photographs. Also include the Section, Township, Range, and parcel number(s). **[Sec. 3-136(3)]** Label the legal description as **Exhibit II-A-1**.

If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different development requests are made on individual parcels.

A boundary sketch, drawn to scale must also be submitted unless the subject property is vacant and consists of one or more undivided platted lots. The boundary sketch must include the location of any existing structures on the property. Label the Boundary Sketch as **Exhibit II-A-2**.

STRAP Number(s); if the STRAP Number is unknown, it may be obtained from the Lee County Property Appraiser at 339-6150.

NOTE: The City or its designee has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary sketch to be submitted.

## **EXPLANATIONS FOR PART II**

- A. Name of Applicant's Representative. All legal and equitable owners of the property must jointly authorize the filing of an application for a development order and any subsequent amendments thereto. The applicants shall designate a representative who shall have full power and authority to represent and bind all legal and equitable owners of the property. Legal and equitable owners of the property include but are not limited to the heirs, successors and assigns of the legal and equitable owners, all mortgagees, purchasers of all or any portion of the property under a sales contract or an agreement for deed, and all trustees. The authority of the duly authorized representative for the applicant shall continue should an amendment to the development plan be sought if all new legal or equitable owners have joined in the application and that authority has not been expressly revoked by any of the legal or equitable owners. See **PART VII** for form of required **Development Order Covenant of Unified Control** (and authorization of Owner's Representative). **[Sec. 3-84 & 3-135(1)b.]**

Designation of Owner's Representative; Covenant of Unified Control. A notarized statement of ownership or unified control document must be provided. All legal and equitable owners of the property must jointly authorize the filing of an application for a development order and any subsequent amendments thereto. The applicants shall designate a representative who shall have full power and authority to represent and bind all legal and equitable owners of the property. Legal and equitable owners of the property include but are not limited to the heirs, successors and assigns of the legal and equitable owners, all mortgagees, purchasers of all or any portion of the property under a sales contract or an agreement for deed, and all trustees. The authority of the duly authorized representative for the applicant shall continue should an amendment to the development plan be sought if all new legal or equitable owners have joined in the application and that authority has not been expressly revoked by any of the legal or equitable owners. See **PART VII** for form of required **Development Order Covenant of Unified Control** (and authorization of Owner's Representative). **[Sec. 3-84, 3-135(1), 3-136(1), 3-136(2)]**

- B. Relationship of Applicant to the Property. **[Sec. 3-135(1)]**

- C. Name of owner(s). The name of all persons or entities having an ownership interest in the property, including the names of all stockholders and beneficiaries of trusts must be provided. Disclosure with respect to a beneficial ownership interest in any entity registered with the federal securities exchange commission or registered pursuant to Chapter 517, whose interest is for sale to the general public, is exempt from the provision of this subsection. See **Exhibit II-C** (attached) for form to be completed and attached to the application. **[Sec. 3-135(1)e]**

- D. *Name of developer.* **[Sec. 3-135(1)c]**

- E. *Professional Consultants (Authorized Agents)*. A listing of the professional consultants\* employed in preparing the application or submitted documents must be submitted. The names, addresses, and telephone numbers shall be provided for consultants such as, but not limited to, architects, engineers, attorneys, landscape architects, planners, and surveyors. See **Exhibit II-D** for required form for **Professional Consultants Information** (attach extra page if more space is needed). **[Sec. 3-135(1)f]**

An engineer must 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 must 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. **[Sec. 3-79]**

### EXPLANATIONS FOR PART III

- A. Describe briefly how to get to the property from the nearest arterial road.
- B. The date the property was acquired must be provided. **[Sec. 3-135(2)b]**  
Title Assurance. Title assurance in the form of either a current title certification by an attorney or a current title insurance policy is required. Label as "Exhibit III-A" **[Sec. 3-135(4)]**
- C. The property dimensions and area must be provided. **[Sec. 3-135(2)c]**
- D. Current use of property. Provide a brief description of the current uses located on the site. If the site is undeveloped or vacant, state "vacant".

### EXPLANATIONS FOR PART IV

- A. Current Zoning. A copy of the most recent zoning ordinance for the subject property, and any other pertinent zoning ordinances, prior Lee County zoning resolution(s) shall be submitted. Label as "Exhibit IV-A". Also provide a list of the Zoning Ordinances and Zoning Resolution Numbers in the application form. **[Sec. 3-136(7).]**
- B. For developments that require rezoning, the applicant may make application for a development order and the rezoning simultaneously. The development order will be reviewed for compliance with the requirements of this BSLDR chapter 3 and the requirements of BSLDR chapter 34 for the proposed zoning of the property. No approval of the development order will be granted until the proposed rezoning is approved, and a zoning ordinance signed by the Mayor of the City of Bonita Springs is adopted. If application for rezoning has been made, submit a copy of the application/case number(s) as requested in the application form. **[Sec. 3-80(b)]**
- C. Administrative Deviations. If any administrative deviations from the technical standards of the Bonita Springs Land Development Regulations have been requested, please provide the application/case number as requested in the application form. **[Sec. 3-135(3)d]**
- D. If any pre-application conference meetings have been conducted with the staff on this property prior to the submission of this application for a Development Order, please indicate the date of the meeting(s) and the pre-application (PRE) case number as requested in the application form.
- E. If any Development Orders have been filed on any part of this property prior to this application, please provide the information on the prior applications as requested in the application form.
- F. Provide copies of any Local permits which affect the property. This includes a "Tall Structures Permit" when development is located within an airport flight zone or exceeds the height restrictions specified (see BSLDR Section 34-1001 et. seq.). Label as "Exhibit IV-G". See PART VI below for other Federal and State permits to be provided. **[Sec. 3-135(3)e]**

### EXPLANATIONS FOR PART V

#### WIRELESS COMMUNICATION FACILITIES

All wireless communication facilities must apply for a development order as follows:

- a. If the facility and all accessory buildings, pads, and other impervious areas will not increase the total impervious area by more than 1,000 square feet, or increase the rate of runoff from the project site, a Limited Review TYPE A may be used.
- b. If the facility and all accessory buildings, pads, and other impervious areas will increase the total impervious area by more than 1,000 square feet, but do not result in any significant impacts, a Limited Review TYPE I may be used.
- c. If the facility and all accessory buildings, pads, and other impervious areas will increase the total impervious area by more than 1,000 square feet and result in significant impacts, a regular Development Order application must be used.

### TYPES 1, & 2 LIMITATIONS:

If any new commercial/industrial/multi-family/non-residential buildings, building additions, or certain renovations to buildings or site are proposed as described in BSLDR **Section 3-487**, a Limited Review may not be utilized; a Development Order Application is required.

### TYPE 3 LIMITATIONS:

- a. Each lot must meet or exceed all width, depth and area requirements of the zoning district in which located;
- b. Each lot abuts and has access to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by BSLDR Section 3. This provision requires that each lot abut and have access to a road complying with the requirements of BSLDR Section 3-302. The maximum allowable density for a proposed lot that will abut and have access to any unpaved rock/shell road (a category D road) is 0.4 units per acre per sections 3-302(c). Compliance with maximum density requirements of the City of Bonita Springs Comprehensive Plan is also required. Compliance with the roadway right-of-way width and wearing surface requirements of BSLDR Section 3-302 is required;
- c. No alteration of existing utility installations is involved;
- d. No change in drainage will occur which affects the surrounding properties; and
- e. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in Chapter 3 of the Bonita Springs Land Development Regulations is required. This provision requires that a Development Order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road. **[Sec. 3-159(3)e]**

### TYPE 4 LIMITATIONS:

- a. Each lot must meet or exceed all width, depth and area requirements of the zoning district in which located or the subdivision is approved by the Director of Community Development pursuant to the City of Bonita Springs applicable regulations and the overall development complies with all other requirements of Chapter 3 of the Bonita Springs Land Development Regulations;
- b. No development may occur on any of the lots without first obtaining a Development Order for the proposed improvement(s);
- c. If the parent parcel is ten acres or greater, a protected species survey may be required as specified in **Section 3-455** of the Bonita Springs Land Development Regulations;
- d. Each lot shall abut and have access to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by BSLDR Section 3. This provision requires that each lot abut and have access to a road complying with the requirements of BSLDR **Section 3-302**;
- e. No alteration of existing utility installations is involved;
- f. No change in drainage will occur which negatively impacts the surrounding properties;
- g. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in Chapter 3 of the Bonita Springs Land Development Regulations is required. This provision requires that a Development Order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road; and
- h. Reasonable conditions may be attached to the approval so that any development on all of the lots will comply with all City of Bonita Springs Land Development Regulations. **[Sec. 3-159(4)]**

### TYPE 9 LIMITATIONS:

If any new commercial/industrial/multi-family/non-residential buildings, building additions, or certain renovations to buildings or site are proposed as described in BSLDR Section 3-487, a Limited Review may not be utilized; a Development Order Application is required.

## **EXPLANATIONS FOR PART VI**

- A. The applicant is responsible for the accuracy and completeness of this application. Delays or additional expenses necessitated by the submittal of inaccurate or incomplete information are the responsibility of the applicant.
- B. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
- C. All applications must be submitted in person. Applications received through the mail will not be processed.
- D. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.

E. The Department staff will review this application for compliance with requirements of the Bonita Springs Land Development Regulations. If any deficiencies are noted, the applicant will be notified.

NOTE A: Aerial photographs may be obtained at the Property Appraisers office at 2480 Thompson Street, Constitutional Complex, Fort Myers.

NOTE B: If the site plan is insufficient for the type of review requested, an engineered drawing may be required.

NOTE C: If the changes the applicant is proposing are over existing impervious ground (i.e. asphalt or concrete), and do not propose a new building or building addition, then a Limited Review Development Order may not be required.

### **EXPLANATIONS FOR PART VII**

*Authorization of Owner's Representative; Covenant of Ownership and Unified Control.* A notarized statement signed by the owner of the property authorizing the applicant to submit and be responsible for the application and a notarized statement of ownership or unified control document must be submitted. All legal and equitable owners of the property must jointly authorize the filing of an application for a development order and any subsequent amendments thereto. The owner(s) shall designate a representative who shall have full power and authority to represent and bind all legal and equitable owners of the property. Legal and equitable owners of the property include but are not limited to the heirs, successors and assigns of the legal and equitable owners, all mortgagees, purchasers of all or any portion of the property under a sales contract or an agreement for deed, and all trustees (All Owners must be identified in Exhibit II-C). The authority of the duly authorized representative for the applicant shall continue should an amendment to the development plan be sought if all new legal or equitable owners have joined in the application and that authority has not been expressly revoked by any of the legal or equitable owners. {See Part VII for suggested forms for the Covenant/Authorization where the Covenant is signed by either an individual owner or applicant (Covenant A), or the Covenant is signed by a corporation, limited liability company (L.L.C.), limited company (L.C.), partnership, limited partnership, or trustee (Covenant B). Please complete the appropriate Covenant form based upon the type of ownership of the subject property and be sure that the proper individual signs the Covenant.} **[Sec. 3-84, 3-135(1), 3-136(2)]**

### **EXPLANATIONS FOR PART VIII**

The application form must be signed by the Applicant/Owner's Representative who is the authorized individual listed in the Covenant of Unified Control (See PART V).