

Group 4, ITEM I

PUBLIC PROJECTS COORDINATOR

AMENDMENT SUMMARY

Issue: Existing language regarding development order approval of capital improvement projects (Chapter 2, Article X) is dated and does not reflect the current permitting process for capital improvement projects.

Solution: Establish an alternative process (not requirements) for development order review and approval of publicly funded capital projects from the Lee County BoCC, Municipal Services Taxing Benefits Districts, Lee County Sheriff's Department, and other projects that have a Board-approved Development Agreement within unincorporated Lee County. The proposed amendments delete Chapter 2, Article X in its entirety, and amend section 10-1 to define the role and responsibilities of the Public Projects Coordinator while maintaining compliance with the Land Development Code and applicable ordinances.

Outcome: Provides for a streamlined and efficient permitting process of public projects that will provide greater flexibility in the timing and manner of information submittals, maintain consistency with County regulations, and ensure compliance with the requirements of the Land Development Code while reducing permitting delays for public projects.

Chapter 2 – ADMINISTRATION

ARTICLE X. – Reserved. ~~DEVELOPMENT ORDER APPROVAL PROCESS FOR CAPITAL IMPROVEMENTS PROJECTS~~

~~Secs. 2-460 – 2-480. Reserved. Applicability.~~

Staff note: Article in its entirety. The development order review process for capital improvement projects is governed by the applicable standards in chapter 10.

~~This article applies only to Board-approved Capital Improvement Projects (CIP) falling under the jurisdiction of the County Department of Public Works and located in unincorporated areas of the County.~~

~~Sec. 2-461. Purpose and intent.~~

~~(a) The purpose of this article is to provide an alternative development order approval process for permitting County approved CIP projects. It is the Board's intent to establish a procedure that will:~~

~~(1) Provide greater flexibility in the timing and manner of information submittals.~~

~~(2) Ensure compliance with the requirements of this Code.~~

~~(3) Maintain consistency in the application of County regulations.~~

~~(4) Give the Director of Public Works sole authority and responsibility for issuing development order approval to County CIPs.~~

- ~~(5) Establish an inspection review system that will ensure County CIPs fully comply with all County regulations.~~
- ~~(6) Substitute the Director of Public Works as the reviewing authority for County CIPs falling under the purview of Chapter 10.~~
- ~~(b) Notwithstanding any other provision of this article, it is the Board's purpose and intent to grant the Director of Public Works the same level of authority with respect to County CIPs as the Director of Development Services exercises with respect to development submittals for all other projects. In both instances, the Directors are charged with the responsibility to ensure compliance with Chapter 10.~~

~~Sec. 2-462. Fee waiver.~~

~~The development order application fees customarily charged in accordance with the County Administrative Code are waived for County approved CIPs constructed on County owned land or within public rights-of-way. The County remains responsible for impact fees that may be applicable in accordance with this Code.~~

~~Sec. 2-463. Procedures.~~

~~The Director of Public Works is responsible for establishing procedures and policies within the Department of Public Works:-~~

- ~~(a) To adopt CIP Development Order forms, covering submittal through development order issuance, that are substantially similar to those used by the Development Services Division;~~
- ~~(b) To ensure that all documents necessary for project design and Chapter 10 compliance are prepared and submitted prior to development order issuance. This includes documents necessary to substantiate an appropriate grant of an administrative variance or pursuit of a deviation or variance requiring Hearing Examiner approval;~~
- ~~(c) To address all issues, in accordance with applicable regulations, relating to the project and pertaining to traffic impacts, environmental impacts, zoning, fire safety, surface water management, utility connection and building code compliance in order to obtain the necessary permits from the appropriate authorizing entity;~~
- ~~(d) To conduct appropriate inspections to ensure compliance with the development order, as issued, and other applicable permits; and~~
- ~~(e) To amend approved CIP Development Orders in a manner that is substantially similar to the procedure set forth in Sections 10-118 and 10-120.~~

~~Sec. 2-464. CIP Development Order approval.~~

- ~~(a) The Director of Public Works has sole authority to grant development order approval for County approved CIP projects submitted in accordance with this article.~~
- ~~(b) The Director of Public Works will issue a CIP Development Order approval after he reviews all submittals and determines the project complies with all applicable codes and regulations.~~
- ~~(c) Upon CIP Development Order approval, the Director of Public Works will issue a development order approval letter and stamp the approved development order drawings with an appropriate development order stamp.~~
- ~~(d) Copies of the development order approval letter, stamped drawings and backup submittals must then be sent to the Director of Development Services for safekeeping.~~
- ~~(e) The Director of Public Works will record the notice of development order required in accordance with Section 10-114.~~

~~(f) The duration of the CIP Development Order is controlled by the provisions set forth in Sections 10-115 and 10-123.~~

~~(g) Building permits may not be issued until after the CIP Development Order is issued by the Director of Public Works.~~

~~Sec. 2-465. Certificate of Concurrency.~~

~~County CIP projects must meet the concurrency standards set forth in Article II of this chapter. The Development Services Director will review the project for compliance with concurrency standards and issue a Certificate of Concurrency to CIP projects meeting County standards.~~

~~Sec. 2-466. Administrative deviations.~~

~~The Director of Public Works has sole authority and responsibility to grant or deny administrative deviations for County approved CIP projects. Approval must be in accordance with the criteria set forth in Section 10-104. Documents supporting approval must be filed and archived in accordance with Section 2-468.~~

~~Sec. 2-467. CIP Certificate of Compliance.~~

~~The Director of Public Works, or his designee, will perform a final inspection. If the inspection reveals the development is in substantial compliance with the approved development order, the Director of Public Works will issue a Certificate of Compliance. If the inspection reveals the development is not in substantial compliance with the approved development order, the Director of Public Works will require appropriate approvals, corrections, or amendments before issuing the Certificate of Compliance.~~

~~Sec. 2-468. Filing and archiving.~~

~~A copy (or originals, when available) of all documents substantiating the issuance of a Development Order must be retained in accordance with State and Federal guidelines. The Development Services Division is the entity responsible for archiving these documents in the County.~~

~~Once a CIP Development Order is approved, a copy (or originals, if available) of all documents substantiating the development order issuance, including all documents submitted for review, must be forwarded to the Development Services Division for filing and archiving. Any subsequent documents prepared or submitted relating to the CIP must also be sent to Development Services Division for filing.~~

~~The division of public works may keep a duplicate file on the project. However, the official Lee County file will be the one retained by Development Services Division.~~

~~Sec. 2-469. Compliance with this Code.~~

~~All projects approved under this article must comply with the requirements set forth in this Code, except as otherwise specifically provided by this article. The Clerk of the Circuit Court will audit the CIP approval process and procedure annually to ensure CIPs comply with applicable County regulations.~~

~~Sec. 2-470. Liability insurance requirement.~~

~~As a condition applicable to the issuance of a development order or the County DOT right-of-way permit allowing construction of improvements within County owned or controlled right-of-way property, the contractor performing the construction services must obtain liability insurance coverage for the benefit of the County. The amount and type of coverage must be in accordance with the County Risk Management standards in effect at the time the insurance is obtained. The insurance coverage must remain in effect until the approved project obtains a development order Certificate of Compliance or the County formally accepts the right-of-way improvements for~~

maintenance. Compliance with this provision may be waived by the Department of Transportation Director only if the insurance coverage is provided as a condition of a bid contract award.

~~Secs. 2-471—2-480. Reserved.~~

Chapter 10 – DEVELOPMENT STANDARDS

ARTICLE I. – IN GENERAL

Sec. 10-1. Definitions and rules of construction.

Subsection (a) remains unchanged.

- (b) *Definitions.* Except where specific definitions are used within a specific section of this chapter for the purpose of such sections, the following terms, phrases, words and their derivations will have the meaning given in this subsection when not inconsistent with the context:

AC through Dead-end street remain unchanged.

Decision of the Development Review Services Manager/Director/Public Projects Coordinator means any act of the ~~Director/Manager/Coordinator~~ in interpreting or applying this chapter to a particular request for a requirement waiver, limited review processing, or a development order, or any other request or matter relating thereto. In cases where making a decision involves the practice of engineering, as defined in F.S. § 471.005(7), where such decision must be made only by a professional engineer or someone supervised by a professional engineer pursuant to F.A.C. 61g15-26.001, the ~~Director/Manager/Coordinator~~ must be a professional engineer, registered in the State, or, if the ~~Director/Manager/Coordinator~~ is not a registered professional engineer, the ~~Director/Manager/Coordinator~~ must adopt the decision of the County's professional engineer, or the person who is designated to act on behalf of the County's professional engineer and who is supervised by the professional engineer, as the basis for whatever final formal decision is made by the ~~Director/Manager/Coordinator~~. In those cases where the ~~Director/Manager/Coordinator~~ is not a state-licensed, professional engineer, the term "decision of the Development Review ~~Director/Services Manager/Public Projects Coordinator~~" means the decision made by the County's professional engineer, or a person supervised by the County's professional engineer, and adopted by the ~~Director/Manager/Coordinator~~.

Density through Private water System remain unchanged.

Public Projects Coordinator means the County staff person designated to oversee the development review process for Capital Improvement, Municipal Services Taxing/Benefits, Lee County Sheriff's Department, and other projects that have a Board-approved Development Agreement located in unincorporated Lee County. Oversight includes, but is not limited to, the intake of applications, review of plans for compliance with this chapter, and issuance of notifications to applicants. The Public Projects Coordinator will have the same level of authority with respect to applicable public projects that the Development Services Manager exercises with respect to development submittals for all other projects.

Remainder of section unchanged.