



ORDINANCE NO. 2009- 19

AN ORDINANCE AMENDING ORDINANCE NO. 2003-37, AS AMENDED; PROVIDING FOR REVISIONS TO THE PURPOSE SECTION; PROVIDING FOR REVISIONS TO THE "CONSTRUCTION STANDARDS HANDBOOK FOR WORK WITHIN THE PUBLIC RIGHT-OF-WAY," AS WELL AS SEPARATING THE LANDSCAPE AND IRRIGATION PORTION OF THE "CONSTRUCTION STANDARDS HANDBOOK FOR WORK WITHIN THE PUBLIC RIGHT-OF-WAY" BY CREATING A NEW SECOND HANDBOOK TITLED "COLLIER COUNTY LANDSCAPE AND IRRIGATION SPECIFICATIONS FOR BEAUTIFICATION IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY," AND AUTHORIZING BOTH HANDBOOKS TO BE REVISED SEPARATELY WHEN NECESSARY BY RESOLUTION; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1977, Collier County first established a set of standards to regulate and require consistency and quality of workmanship and materials for construction activities within the County right-of-way, which standards were updated in 1982, 1989, 1993 and 2003; and

WHEREAS, the "Construction Standards Handbook for Work within the Public Right-of-Way" is revised by resolution adopted by the Board of County Commissioners; and

WHEREAS, the most recent revision to the Construction Standards Handbook for Work within the Public Right-of-Way Handbook has revealed a need to have a separate handbook dedicated to landscaping and irrigation specifications; and

WHEREAS, the separate handbook shall be titled "Collier County Landscape and Irrigation Specifications for Beautification and Improvements within the Public Right-of-Way" (the "Landscape Handbook"); and

WHEREAS, the Handbooks shall each be separately revised when necessary by resolution adopted by the Board of County Commissioners; and

FILED
2009 MAY -6 PM 5:54
CLERK OF COUNTY
COLLIER COUNTY, FLORIDA

WHEREAS, it is necessary to clarify the “purpose” section of Ordinance No. 2003-37, as amended, to clarify the appropriate application of the Collier County Land Development Code to Collier County Transportation projects and related amenities located within the road right of way when required as components of public roadways.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: AMENDMENT TO PURPOSE SECTION

The Purpose section of Ordinance Number 2003-37, as amended is hereby amended to read as follows:

PURPOSE.

This article is to protect the public against hazards resulting from private construction in the public right-of-way, and to protect the structural and physical integrity of Collier County-owned or Collier County-controlled public road right-of-way facilities and materials including and not limited to roads, soils, bridges, and/or drainage facilities.

The Collier County Land Development Code generally does not apply to County Transportation road projects within the road right of way, including related amenities, required as components of public roadways, with the exception of the following three (3) situations requiring distinct treatment:

Collier Area Transit Bus Shelters

The Transportation Division shall obtain all necessary permits related to the construction and installation of Collier Area Transit Bus Shelters located within the road right of way. In this regard, the Transportation Division will coordinate and work with Community Development and Environmental Services (CDES) staff as required for all permits related to the location and construction of such bus shelters.

Road Noise Walls

The installation of Road Noise Walls is not referenced or otherwise defined in the Land Development Code. The county policy to be followed by the Transportation Division as to the construction of Noise Walls is as follows: (1) if required as part of a Transportation road project, a Noise Wall located within the county road right of way is not subject to the Land Development Code, (2) if a Noise Wall is not located in the county right of way and is not a required component of a county road project but rather is desired by private citizens for placement outside of the road right of way, then the persons seeking the construction of such a wall shall be directed to go through CDES and obtain the permits required for the installation of a decorative wall as defined in the Land Development Code.

Signs

All signs installed by the Transportation Division within the county road right of way required by the United States Department of Transportation's Federal Highway Administration as set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD) are not subject to the requirements of the Land Development Code. All non-MUTCD signs such as commercial signs, signs identifying neighborhoods, and similar non-roadway signs if permissible by the Transportation Division are subject to the Land Development Code and shall meet all such requirements.

SECTION TWO: AMENDMENT TO ADOPTION OF HANDBOOK SECTION

The Adoption of Handbook section of Ordinance Number 2003-37, as amended is hereby amended to read as follows:

ADOPTION OF HANDBOOK

~~The 2003 version of the "Construction Standards Handbook for Work within the Public right of way, Collier County, Florida" (the "Handbook") is incorporated herein by reference and is made a part hereof, and supercedes any prior Handbook in all respects for all right of way~~

~~permits applied for on or after the effective date of this Ordinance. Changes may be made to the handbook by resolutions adopted by the Board of County Commissioners.~~

HANDBOOKS

The 2009 version of the "Construction Standards Handbook for Work within the Right-of-Way, Collier County, Florida" (the "Handbook") has been revised to provide for more updated methods and materials. As the landscaping and irrigation section of this manual requires more revisions on a regular basis than the Construction Handbook as a whole, a separate 2009 version of a handbook titled "Collier County Landscape and Irrigation Specifications for Beautification Improvements within the Public Right-of-Way" (the "Landscape Handbook") is created. Both of these 2009 Handbooks are incorporated herein by reference and made a part hereof, and supersede any prior Handbooks in all respects for all right-of-way permits applied for on or after the effective date of this Ordinance. All necessary future revisions of each of these two Handbooks shall be accomplished separately and by resolution adopted by the Board of County Commissioners.

SECTION THREE: PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance should ever conflict with any other ordinance of Collier County, or applicable ordinance of any municipality, or other applicable law, rule or regulation, the more restrictive shall apply. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of April, 2009.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Ann Ferguson*
Deputy Clerk

By: *Donna Fiala*
DONNA FIALA, Chairman

**Attest as to Chairman's
Signature on:**

Approved as to form and legal sufficiency:

Scott R. Teach
Scott R. Teach
Deputy County Attorney

This ordinance filed with the
Secretary of State's Office the
6th day of May, 2009
and acknowledgement of that
filing received this 18th day
of May, 2009
By: *Donna Fiala*
Deputy Clerk

08-ECM-00939/2

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-19

Which was adopted by the Board of County Commissioners on the 28th day of April, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 4th day of May, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Ann Jennejohn

By: Ann Jennejohn,
Deputy Clerk

