

RESOLUTION NO. 2003- 411

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, COLLIER COUNTY, FLORIDA, TO AMEND THE CONSTRUCTION STANDARDS HANDBOOK FOR WORK WITHIN THE PUBLIC RIGHTS-OF-WAY BY (1) PERMITTING ONLY ONE DRIVEWAY ACCESS FOR LOTS HAVING FRONTAGE OF LESS THAN 100 FEET, SUBJECT TO CASE-BY-CASE REVIEW OF REQUESTS FOR DEVIATION FROM THIS POLICY, AND (2) ELIMINATING THE REQUIREMENT FOR SECURING A PERMIT TO PERFORM TURF MAINTENANCE IN PUBLIC RIGHTS-OF-WAY.

WHEREAS, Collier County Ordinance No. 2003-37 adopted the 2003 version of the "Construction Standards Handbook for Work with the Public Right-of-Way, Collier County, Florida" (the "Handbook") and provided that "Changes may be made to the Handbook by resolutions adopted by the Board of County Commissioners;" and

WHEREAS, by Ordinance No. 2003 - 58, the Board of County Commissioners prohibited the enclosure of swales along County Rights-of-Way, subject to a case-by-case review of requests for deviation from such a prohibition; and

WHEREAS, the construction of more than one driveway on lots having frontage under 100 feet, which frontage abuts swales along County Rights-of-Way, effectively results in the enclosure of a substantial portion of such swales; and

WHEREAS, the Handbook as currently written is unclear as to whether a permit is required for turf maintenance in County Rights-of-Way; and

WHEREAS, it was never the intent of the Board of County Commissioners in adopting the Handbook to require a permit for turf maintenance in County Rights-of-Way; and

WHEREAS, the Transportation Division believes these revisions to be in the best interest and provide for the health, safety, and welfare of the citizens of Collier County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that Section III-B-1 and Section IV-B-4-e-5 are hereby amended as shown in Exhibit "A" to this Resolution.

This Resolution adopted after motion, second, and majority vote favoring same, this
18 day of November, 2003.

ATTEST:
DWIGHT E. BROCK, Clerk

By: Linda A. Brutzler, D.C.
Deputy Clerk

Attest as to Chairman's
signature only.

Approved as to form and legal
sufficiency.

Jeffrey A. Klatzkow
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA.

By: Tom Henning
Tom Henning, Chairman

EXHIBIT "A"

III. TURN LANES, DRIVEWAYS, ACCESS ROADS DESIGN REQUIREMENTS

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- B. The following geometric restrictions for the classification of the type of property being served are hereby established as the standard. Practicality and space limitations preclude the inclusion of data to cover all design criteria. The Transportation Services Administrator may mitigate the geometric and design standards when conditions warrant.

1. Single Family and Duplex Residences:

- a. Lots having frontage of -50' less than 100' shall be permitted only one driveway access. Any requested deviation to this policy shall be subject to review, on a case-by-case basis, by the Transportation Services Division Administrator or his designee.

IV STREETSCAPE IMPROVEMENTS IN RIGHTS-OF-WAY

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Sod placement in ditches and swales:

1. A "Permit to Perform Work ~~and/or Maintenance~~ in Public Rights-of-way" must be applied for by the responsible property owner or his authorized agent. A Permit shall not be required for turf maintenance in Public Rights-of-Way.