

Chapter 10 DEVELOPMENT STANDARDS*

***Cross reference(s)**--Development agreements, § 2-91 et seq.; transfer of development rights, § 2-141 et seq.

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ARTICLE I. IN GENERAL

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

(a) *Rules of construction and analogous words and terms.* For the purpose of this chapter, the following analogous words and terms shall be interpreted to have similar meanings when not inconsistent with the context:

- (1) The word "constructed" includes the words "erected," "built," "installed," "rebuilt" and "repaired."
- (2) The word "lot" includes the word "plot," "parcel" or "tract."
- (3) The word "structure" includes the word "building."
- (4) The word "subdivider" includes the word "developer," and the word "developer" includes the word "subdivider."
- (5) Where this chapter refers to a specific federal, state or county agency, department or division, it shall be interpreted to mean "or any succeeding agency authorized to perform similar functions or duties."

(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:

Abutting means any property that is immediately adjacent to, or contiguous with, or that is located immediately across from any street, canal, easement or water body, not to exceed 25 feet from the other property.

Access point means an accessway or driveway which provides vehicle access to a single parcel of land.

Access street and *access road* mean a street or road that runs generally parallel to an arterial or collector street and is the primary access to properties that abut the arterial or

collector street. An access street is intended only to provide access to parcels existing when it is constructed and does not provide frontage for newly created parcels as would a local street. See also *Frontage street*.

Accessway means land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure.

Agriculture means the growing and harvesting, primarily for sale, of vegetation, crops or plants, or the feeding and raising, primarily for sale, of livestock, and timber production. The definition shall include any normal accessory structures thereto, provided, however, the following shall not be included in this definition: commercially owned or operated citrus plants, livestock sales facilities, packing plants and other similar commercial or industrial type facilities.

Applicant means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity, or their duly authorized representative, conducting activities under this chapter.

Application for a development order means the submission of the documents as required in this chapter to the director of the county department of community development or his designated representative for review.

Architect means a professional architect duly registered and licensed by the state.

Bicycle path and *bike path* mean a bikeway physically separated from motorized vehicular traffic by an open recovery area or barrier and either lying within the highway right-of-way or within an independent right-of-way.

Bikeway means any road, path or way which is specifically designated or intended to be open to bicycle travel, whether such facilities are intended for the exclusive use of bicycles or not.

Block means a group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.

Board means the Board of County Commissioners.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof."

Comprehensive plan means the document, and its amendments, adopted by the board pursuant to F.S. ch. 163, for the orderly and balanced future economic, social, physical, environmental and fiscal development of the county.

Connection means a driveway, street, access road or other means of providing access to or from the county highway system. Two one-way driveways separated by no more than 50 feet will

be considered one connection.

County highway system means all existing roads maintained by the county department of transportation.

Consultant means an architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer to prepare documents required for a development order.

Contiguous. See *Abutting*.

County means Lee County, Florida.

Cul-de-sac means a dead-end local street closed at one end.

Current pertains to the regulations in effect at the time an application for a development order is presented for acceptance or approval.

Dead-end street means a street having only one end open for vehicular access and closed at the other end.

Decision of the development review director means any act of the development review director in interpreting or applying this chapter to a particular request for an exemption 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(6), where such decision shall be made only by a professional engineer or someone supervised by a professional engineer pursuant to rule 21H-26.001, Florida Administrative Code, the director of development review must be a professional engineer, registered in the state. If the director of development review is not a registered professional engineer, the development review director shall 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 development review director. In those cases, the phrase ``decision of the development review director" means the decision made by the county's professional engineer, or a person supervised by the county's professional engineer, and adopted by the development review director.

Density means an existing or projected relationship between numbers of dwelling units and land area.

DER means the Florida Department of Environmental Regulation.

Developer means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing development.

Development means:

- (1) A subdivision (df); or
- (2) Any improvement to land (df).

Development area means the total horizontal area of the development property less any area within any existing public street right-of-way or easement.

Development order means a document issued by the county development review director granting approval of the development based upon the submittal of the application for a development order, plans for development, plats and all other documentation as applicable and required by this chapter.

Development permit has the same meaning as given for that term in F.S. § 163.3164(7).

Development review director means the county staff person or his designee assigned to oversee the development review process. He shall oversee the intake of applications for completeness, oversee the review of plans for compliance with this chapter, and issue notifications to applicants. This term is synonymous with the terms "development review coordinator" and "county engineer" as they are used in this chapter.

DHRS means the Florida Department of Health and Rehabilitative Services.

Division and dividing of land mean:

- (1) The act of describing, by metes and bounds, platting or otherwise, one or more parcels of land which are lesser parcels of the original parcel or a recombination of lesser parcels or original parcels with another parcel for the purpose of conveying any interest in a parcel of land;
- (2) The act of describing, by metes and bounds, platting or otherwise, an easement or fee for accessway or right-of-way purposes;
- (3) The act of conveying any of the interests in land described in subsection (1) or (2) of this definition; or
- (4) The commencement of construction of a street, or a portion thereof, which is not platted.

Drainage system includes the roadside swales, curb and gutter, valley gutter, inlet piping, lateral swales and related structures used to collect and transmit stormwater runoff from streets and lots to the detention or retention areas and percolation areas.

Driveway means a type of access point which provides vehicle access from a street to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the street in a forward or backward motion.

Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly or longer basis, which is physically separated from any other rooms or dwelling units which may be in the same structure, and which contains sleeping and sanitary facilities and one kitchen. The term "dwelling unit" shall not include rooms in hotels, motels or institutional facilities. Types of dwelling units are further defined in chapter 34 of the land development code.

Easement means a grant of a right to use land for specified purposes. It is a nonpossessory interest in land granted for limited use purposes. Where the term "easement" is preceded by the term "street" or any other adjective, the preceding term describes the easement's purpose.

Engineer means a professional engineer duly registered and licensed by the state.

Expressway means an arterial highway, usually divided, designed for the safe and relatively unimpeded movement of large volumes of through traffic, with full or partial control of access and grade separations at most intersections.

FDOT means the Florida Department of Transportation.

FGFWFC means the Florida Game and Fresh Water Fish Commission.

Freeway means a divided arterial highway designed for the safe unimpeded movement of large volumes of traffic, with full control of access and grade separation at all intersections.

Frontage street means a type of access street which runs parallel to the adjacent arterial or collector street right-of-way and which separates the abutting properties from the right-of-way.

Habitable floor means any floor area usable for living purposes, including working, sleeping, eating, cooking or recreation, or any combination thereof. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Herbaceous plant means a plant with little or no woody tissue, primarily consisting of grasses, rushes and sedges. Trees and shrubs are not herbaceous plants.

Historic district means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be composed of individual elements separated geographically but linked by association or history. A district may or may not be designated as a historic resource pursuant to chapter 22.

Historic resource means any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural or archaeological value. These properties or resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to history, government or culture. These resources may or may not be designated as an historic resource pursuant to chapter 22.

IDD means Iona Drainage District.

Impervious surface means those surfaces which do not absorb water, and includes all water bodies, structures, driveways, streets, sidewalks, other areas of concrete, asphalt, compacted layers of limerock or shell, and certain parking areas. In the case of storage yards, areas of stored materials constitute impervious surfaces.

Improvement to land means any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by chapter 22; clearing of indigenous vegetation; and the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

Indigenous native vegetation means those plant species which are characteristic of the major plant communities of the county, listed in section 10-701.

Individual sewage disposal system or facility means those sewage systems which include a septic tank, a system of piping, and a soil absorption bed or drainfield, as further defined and regulated by F.S. ch. 381 and chapter 10D-6 of the Florida Administrative Code.

Intensity of use means the extent to which nonresidential land is used as measured in terms of square footage of buildings, impervious surfaces, traffic generation, water consumption and sewage created.

Intersection means the general area where two or more roads, streets, accessways or access points join or cross.

Landscape architect means a professional landscape architect duly registered and licensed by the state.

Large development means a project of ten acres or more in land area or two acres or more in impervious area.

LBR means limerock bearing ratio.

Lot means a parcel of land considered as a unit.

Lot area means the total horizontal area within the lot lines.

Lot, corner means:

- (1) A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is 135 degrees or less.
- (2) A lot abutting a curved street if straight lines drawn between the intersections of the side lot lines and the street right-of-way or easement to the foremost point of the lot form an interior angle of less than 135 degrees. (See section 10-702.)

Lot coverage means that portion of a lot area, expressed as a percentage, occupied by all impervious surfaces.

Lot depth means the distance between the midpoints of the front lot line and the rear lot line. The midpoint of a curved front or rear lot line shall be considered to be the midpoint of a straight line connecting the points of its intersection with the side lot lines. (See section 10-703.)

Lot, double-frontage means any lot, not a corner lot or through lot, having two or more property lines abutting a street right-of-way or easement. (See section 10-704.)

Lot, flag means a lot not fronting on or abutting a street, and where access to the street is by a narrow private easement; or an L-shaped lot or other irregularly shaped lot which abuts and has access to a street but does not comply with the minimum frontage requirements of chapter 34. (See section 10-704.)

Lot frontage means the distance measured along a straight line between the points of intersection of the side lot lines with the street right-of-way or easement. (See section 10-704.)

Lot, interior means any lot not defined as a corner, double-frontage or through lot. (See section 10-704.)

Lot line means a line which delineates the boundary of a lot.

Lot line, front means the lot line which divides the lot from a street right-of-way or easement. (See section 10-704.)

Lot line, rear means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of a through lot, there shall be no rear lot line. In the case of a through frontage lot, the line directly opposite from the front line shall be designated as either a rear line or a side line depending upon the designation of the adjacent property. In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front line most prevalent along the block. (See section 10-704.)

Lot line, side means any lot line other than a front or rear lot line. (See section 10-704.)

Lot, L-shape means an irregular lot shape, such as one in the shape of an "L" or "T," which meets the minimum frontage requirements of chapter 34. (See section 10-704.)

Lot of record means a lot which is part of a plat which has been lawfully recorded in the plat books in the office of the clerk of the circuit court and is in compliance with F.S. ch. 177, or a parcel of land, the deed of which was lawfully recorded in the office of the clerk of the circuit court on or before January 28, 1983.

Lot, through means any lot having two opposite lot lines abutting a street right-of-way or easement. (See section 10-704.)

Lot width means the distance between the side lot lines, or a front and side lot line for corner lots, as measured along the minimum required street setback line. (See section 10-705.)

On-road bikeway or *bike lane* means a portion of a roadway which has been specifically designated for the use of bicyclists.

Owner means any person having a legal or equitable interest in property.

Parcel. See Lot.

Parking lot access means an accessway which provides vehicle access from a street to a parking lot containing five or more parking spaces, but from which vehicles are restricted to entering or leaving the street in a forward motion only.

Parking lot aisle means the portions (lanes) of a parking lot which provide direct access to individual parking spaces.

PCP (permanent control point) means a marker as defined in F.S. ch. 177.

Pedestrian way means a paved, surfaced path or way which is specifically designated or intended to be open to pedestrian travel, whether such facilities are intended for the exclusive use of pedestrians or not.

Permit means any official document or certificate required or issued by the county authorizing performance of a specified activity.

Person means any individual, partnership, association, corporation, trust or other legal entity.

Plat means a plat as defined by F.S. ch. 177, as amended.

Private street means a street that:

- (1) Is not dedicated to the public; or
- (2) Has been dedicated to the public but the offer has not been accepted by the board through express action at a public hearing.

Private water system means a water system that is supplied by a well, spring or other similar source of water, that is used for human consumption by four dwelling units or less and is regulated by F.S. ch. 381 and chapter 10D-4 of the Florida Administrative Code, as amended.

PRM (permanent reference monument) means a monument as defined in F.S. ch. 177.

Public sewage system means a sewage system that contains a wastewater treatment plant, is not an individual sewage disposal system, and is not regulated by chapter 10D-6 of the Florida Administrative Code.

Public street means a street that has been dedicated to the public and where the public, through use of the street, or the board, through express action at a public hearing, has accepted the offer of dedication. Regardless of the board's acceptance of the offer of public dedication, the board may or may not have accepted the street for maintenance purposes.

Public water system means a water system that is not a private water system, and includes those water systems regulated under F.S. ch. 381 and defined as public water systems, community water systems and noncommunity water systems in chapter 17-22 of the Florida Administrative Code; and those water systems defined as public water systems not covered or

included in the Florida Safe Drinking Water Act in chapter 10D-4 of the Florida Administrative Code, as amended.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions of features of the property which are significant to its historical architectural and cultural values.

Reverse frontage street means a local street or accessway that functions as an access street but which is not located adjacent to the arterial or collector street right-of-way.

Road capital improvement includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project, including but not limited to:

- (1) Construction of new through lanes;
- (2) Construction of new turn lanes;
- (3) Construction of new bridges;
- (4) Construction of new drainage facilities in conjunction with new roadway construction;
- (5) Purchase and installation of traffic signalization, including new signalization and upgrading signalization;
- (6) Construction of curbs, medians and shoulders;
- (7) Construction of on-road bikeways and bikepaths; and
- (8) Relocating utilities to accommodate new roadway construction.

Road expansion means all road and intersection capacity enhancements, and includes but is not limited to extension, widening, intersection improvements, upgrading signalization and improving pavement conditions.

Roadway is a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes, including the travelway, shoulders and swales, but which has not been accepted by the board.

Service area means the geographical region consisting of the lots being served or being proposed to be served by a public facility, including but not limited to public water or sewage systems.

Setback line, front or street means a line drawn parallel to or concentric with the front lot line at a distance from the lot line equal to the setback required by chapter 34 for the classification of street upon which the lot abuts. If the front line is curved, the setback line shall

be a curved line drawn an equal distance back from the intersections of the side lot lines with the street right-of-way line, and with the required setback measured at the point or points where the setback line is closest to the front lot line. (See section 10-705.)

Sewage system means a system of pipes, pumps, tanks or wastewater treatment plants and all other appurtenances or equipment needed to treat, transport and dispose of sewage.

Sewerage system. See *Sewage system*.

Sidewalk means a pedestrian way, paralleling and usually separated from the street.

Sidewalk, off-site means a pedestrian way which is exterior to a parcel being improved and located in the right-of-way of the arterial or collector road adjacent to that parcel or within an easement dedicated to the public.

Sidewalk, on-site means a pedestrian way which is located within the boundaries of the parcel being improved.

Site-related road improvements means road capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- (1) Site access points and roads;
- (2) Median cuts made necessary by those access points or roads;
- (3) Right and left turn and deceleration or acceleration lanes leading to or from those access points or roads;
- (4) Traffic control measures for those access points or roads;
- (5) Access or frontage roads that are not shown as having been considered in impact fee calculation and so identified on figure 2 in the March 1989 report entitled ``Lee County Impact Fee Transportation Data Final Report," which document has been placed on file with the clerk of courts and which is incorporated in this section by reference; and
- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

Small development means a project of less than ten acres in land area and less than two acres in impervious area.

Soil classification means those categories and types of soils identified by the United States Department of Agriculture soil survey of the county.

Stormwater management system includes the detention or retention areas, percolation trenches, discharge structures and outfall channels provided to control the rate of stormwater runoff within and from a development.

Street.

- (1) The term "street" means:
 - a. An accessway which affords the principal means of ingress or egress for two or more parcels of land; or
 - b. A right-of-way or roadway which affords the principal means of ingress or egress for a parcel of land.
- (2) The term "street" is synonymous with the term "avenue," "boulevard," "drive," "lane," "place," "road" or "way," or similar terms.
- (3) The following definitions distinguish and rank streets according to their different functional classifications:
 - a. *Street, arterial* means streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.
 - b. *Street, local* means streets with the primary function being to serve adjacent properties. As such, a local street provides the linkage from adjacent land uses to the collector street system. Through volume service is not a function of local streets.
 - c. *Street, major collector* means streets having the primary purpose of collecting traffic from intersecting local and minor collector streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function.
 - d. *Street, minor collector* means streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest major collector or arterial. As such, a minor collector street provides the linkage from neighborhoods (i.e., local streets) to the arterial system, and provides intra-neighborhood access. Access to abutting land uses is a secondary function.

Street right-of-way is a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes, which has been dedicated to the public and accepted by the board.

Street stub means a street having one end open for vehicular traffic and the other terminated without a turnaround for vehicles.

Street, substandard means a street lacking either a geometric or structural capacity for the designation assigned.

Structure means that which is built or constructed. The term "structure" shall be

construed as if followed by the words `` or part thereof."

Subdivider means a person who creates a subdivision.

Subdivision.

- (1) A subdivision is a type of development. The term ``subdivision" means the following:
 - a. The division of a lot wherein the new lot, or any remaining portion of the original lot, is less than ten acres in size; or
 - b. The division of a lot, the result of which is the extension of an existing street or the establishment of a new street.
- (2) The following divisions are exempt:
 - a. A division of land pursuant to a development platted or approved by the county prior to January 28, 1983, provided that all required improvements have been made or that a security for the performance of the improvements has been posted and is current;
 - b. The division of land for the conveyance of land to a federal, state, county or municipal government entity, or a public utility;
 - c. The division of land by judicial decree; and
 - d. The division of land for the purpose of creating a single condominium as defined in F.S. chs. 718 and 721.
- (3) The combination or recombination of up to three lots of record is not a subdivision provided that all resulting lots comply with chapter 34, the Lee Plan and all other applicable provisions of this chapter. Specific provisions relating to the recombination of up to three lots are contained in section 10-217.
- (4) Subdivision includes resubdivision or redivision and, when appropriate to the context, shall also mean the process of subdivision or the land subdivided.

Surveyor means a professional land surveyor duly registered and licensed by the state.

Trafficway means an existing or planned public right-of-way, the primary, though not necessarily the sole, purpose or use of which is to facilitate through movement of direct access to abutting properties. A trafficway may represent a freeway, expressway, arterial or collector street.

Turn lane means a width of pavement required to protect the health, safety and welfare of the public and reduce adverse traffic impacts from turning movements generated by a development on to and off of a street. Turn lanes shall include and enhance turning, acceleration, deceleration or storage movements of vehicles as required by this chapter.

Two family as used in this chapter, shall include the term duplex as defined in chapter 34 of the land development code.

Unified control means a notarized agreement or covenant running with a parcel of land stipulating that the subject parcel shall be held under single ownership or control and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety, provided, however, that:

- (1) Individual condominium units or residential subdivision lots, if any, may be conveyed.
- (2) A subunit of the project may be transferred, conveyed or sold if the purchaser agrees to abide by all applicable stipulations and conditions specified in the approved development order.

Water system means a system of pipes, pumps, water treatment plants or water sources, and all other appurtenances or equipment needed to treat, transport and distribute water.

Zoning ordinance means that document as adopted, and as may be amended by the Board of County Commissioners for the purpose of dividing the unincorporated area of the county into zoning districts and providing for the regulation of uses, land and structures within such districts, as set out in chapter 34.

(Ord. No. 92-44, § 1(F), 10-14-92; Ord. No. 94-07, § 3, 2-16-94; Ord. No. 94-28, § 9, 10-19-94; Ord. No. 95-07, § 2, 5-17-95; Ord. No. 95-12, § 2, 7-12-95)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-2. Purpose of chapter.

The Board of County Commissioners finds that the present and probable future growth of population, commerce and industry in the county is of such magnitude and complexity that the prudent regulation of land development is required in order to protect the public health, safety and welfare and to implement the county comprehensive plan.

(Ord. No. 92-44, § 1(B), 10-14-92)

Sec. 10-3. Interpretation of chapter.

(a) This chapter shall be construed to be the minimum regulations necessary for the purpose of meeting the general and specific requirements named in this chapter.

(b) Where any provision of this chapter imposes a restriction different from that imposed by any other provision of this chapter or any other ordinance, regulation or law, other than definitions, the provision which is more restrictive shall apply. The definitions contained in this chapter shall be controlling for all provisions of this chapter, and definitions of terms contained in other duly adopted ordinances and regulations of the county shall not be construed to be applicable in this chapter. In the absence of a definition, the definitions of terms in other ordinances and regulations shall be persuasive only unless specifically referenced as being also

applicable in this chapter.

(c) Section 34-1122 et seq., establishes a redevelopment overlay district which provides for the preparation and adoption of master plans for community redevelopment areas or portions thereof. The master plan may contain development regulations which supersede some or all of chapter 34, this chapter and other land development regulations.

(d) In areas for which a master plan has been adopted, as defined in section 34-1122 et seq., a property owner may elect to develop/redevelop in compliance with the master plan or in compliance with existing zoning and development regulations.

(e) If the property owner elects to comply with the adopted master plan, then to the extent that such plan addresses a regulation set forth in chapter 34, this chapter or in any other land development regulation, the master plan will take precedence. To the extent that the master plan does not address a regulation, the standard ordinances shall prevail.

(Ord. No. 92-44, § 1(E), 10-14-92; Ord. No. 93-30, § 2, 10-20-93)

Sec. 10-4. Conflicting provisions.

Whenever the requirements or provisions of this chapter are in conflict with the requirements or provisions of any other lawfully adopted ordinance, other than definitions, the most restrictive shall apply.

(Ord. No. 92-44, § 17(E), 10-14-92)

Sec. 10-5. Effective date; repealer; applications in process and existing development orders.

(a) *Effective date.* This chapter shall become effective immediately upon receipt of the official acknowledgment of the secretary of state that a copy of the ordinance from which this chapter is derived has been filed with such office.

(b) *Applications in process prior to effective date.*

(1) Any applicant who has received approval of a master concept plan pursuant to chapter 34 prior to the effective date of the ordinance from which this chapter is derived shall have the option of applying for a development order pursuant to the development standards regulations as they existed prior to the ordinance effective date; provided, however, that, if the applicant chooses to proceed under the regulations as they existed prior to the ordinance effective date, the applicant must notify the development review director, in writing, of such intention within 90 days of the ordinance effective date. Failure to provide such notification within this time period shall cause the preliminary development order relating to the master concept plan to be reviewed under this chapter. Such written election, once made, shall be irrevocable.

(2) Any applicant who has submitted an application for a preliminary development order prior to the ordinance effective date shall be permitted to withdraw the

entire application and resubmit it for review pursuant to this chapter or request the development review director to review the application pursuant to the regulations as they existed prior to the ordinance effective date; provided, however, that such request must be made in writing within 90 days from the ordinance effective date and, once made, shall be irrevocable.

(c) *Repealer; existing development orders.* Ordinance No. 82-42, as amended, Ordinance No. 89-34, as amended, and Ordinance No. 83-5, as amended, are hereby repealed by the adoption of the ordinance from which this chapter is derived, except as follows:

- (1) All preliminary development orders, final development orders, exemptions and other development approvals issued in accordance with the provisions of Ordinance No. 82-42, as amended, shall remain effective for the period prescribed in Ordinance No. 82-42, as amended, and shall be governed by the terms of that ordinance.
- (2) Any person with a valid preliminary development order may apply for a final development order in accordance with section B.5.b of Ordinance No. 82-42, as amended. The application for a final development order shall be processed and reviewed in accordance with the terms of Ordinance No. 82-42, as amended. Any final development order received pursuant to this subsection shall be effective for the period prescribed in section B.5.b of Ordinance No. 82-42, as amended.
- (3) Any applicant who has submitted an application for a preliminary development order prior to the effective date of the ordinance from which this chapter is derived shall be entitled to have his application reviewed pursuant to Ordinance No. 82-42, as amended.
- (4) Applications for minor changes to preliminary development orders and final development orders approved pursuant to Ordinance No. 82-42, as amended, shall be processed and reviewed in accordance with the terms of Ordinance No. 82-42, as amended. Applications for amendments to preliminary development orders and final development orders approved pursuant to Ordinance No. 82-42, as amended, shall be processed and reviewed in accordance with the terms of Ordinance No. 82-42, as amended, unless, in the opinion of the director, the proposed amendment significantly increases the density, intensity or other external impacts of the development, in which case the applicant will be required to apply for a development order pursuant to this chapter.
- (5) All development approvals issued in accordance with the provisions of Ordinance No. 89-34 and Ordinance No. 83-5 shall remain effective for the period prescribed in that ordinance and shall be governed by that ordinance.

(Ord. No. 92-44, § 17(G)--(I), 10-14-92)

Sec. 10-6. Enforcement of chapter; penalty.

(a) The board or any person with standing may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter,

including injunctive relief to enjoin and restrain any person from violating this chapter.

(b) Any person who violates this chapter may, at the option of the county, be prosecuted before the county hearing examiner in accordance with F.S. ch. 162 and chapter 2, article VII.

(c) Any person who violates this chapter or fails to comply with any of the requirements in this chapter shall, upon conviction thereof, be punishable as provided in section 1-5, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Prosecution pursuant to this section may be in addition to or in lieu of enforcement under subsection (a) of this section.

(Ord. No. 92-44, § 17(A)--(C), 10-14-92)

Sec. 10-7. General requirements.

(a) Development shall occur in the county in compliance with this chapter, as well as local, state and federal air, water and noise pollution standards.

(b) Development shall occur in the county in compliance with the comprehensive plan and all applicable county ordinances. No development order or permit shall be issued if the development order or permit results in a further reduction in the levels of service for the affected roads below the levels of service provided for in the comprehensive plan, unless appropriate mitigation is provided or the applicant otherwise complies with chapter 2, article II, relating to concurrency management. However, notwithstanding this limitation, in no event shall a developer be required by the operation of this chapter to mitigate impacts caused by earlier development. For purposes of applying this subsection, in the case of developments expected to add less than 300 vehicle trips during the peak hour to the adjacent road system, the developer shall be presumed conclusively to have mitigated the off-site impact on roads caused by the development if the developer pays whatever roads impact fees are required by applicable county roads impact fee ordinances. In all cases, the developer shall be responsible for the full cost of site-related improvements.

(c) Except as otherwise provided for in this chapter, permits for development, including building permits, shall only be issued after the issuance of, and in compliance with, a development order. No development permit, building permit, tree removal permit or notice of clearing shall be issued on a parcel of land, or any portion thereof, that is the subject of existing code violations, development standards ordinance violations or other land development ordinance violations, regardless of whether the applicant or his principal owned the property at the time the violation occurred. However, this subsection shall not prevent issuance of a permit for the specific purpose of resolving or abating the violation.

(Ord. No. 92-44, § 1(C), 10-14-92)

Sec. 10-8. Specific requirements.

Development will be approved and a development order will be issued when the development is designed so as to reasonably achieve the following:

- (1) *Preservation of ecological integrity.* The development shall protect the county's

natural, historic and scenic resources, including air, surface and subsurface waters, and shall preserve their ecological integrity. No new causeways which require filling of wetlands or submerged lands shall be constructed to any island.

- (2) *Traffic pattern.* There shall be adequate ingress and egress to the development. Except for single-family and two-family developments, the proposed structures shall be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions. Additionally, the development shall also achieve the following:
- a. Ingress and egress areas shall be of sufficient width to provide for servicing of utilities, refuse collection and access for emergency vehicles.
 - b. Development shall not cause traffic hazards or congestion which results from narrow or poorly aligned streets or from excessive exit and entrance points along arterial and collector streets.
 - c. The development shall be designed so as to minimize traffic impacts on surrounding areas, particularly to prevent traffic related to industrial land uses (see chapter 34) from traveling through predominantly residential areas. Main access points to a development will not be established where traffic is required to travel over local streets through areas with significantly lower densities or intensities, e.g., multifamily access through single-family residential areas, except where adequate mitigation can be provided.
 - d. The development shall be designed so as to allow for access by emergency vehicles.
- (3) *Traffic impact mitigation.*
- a. *Traffic impact studies.* In order to evaluate traffic patterns, traffic circulation and traffic impacts of a development, a traffic impact statement shall be prepared in accordance with the requirements of this chapter. A traffic impact statement is necessary to:
 1. Provide vital information to public decision makers who must evaluate development proposals and traffic impacts generated by a development;
 2. Ensure that safe and efficient access is provided to the development;
 3. Minimize the proposed development's adverse traffic impacts and minimize traffic congestion on the road system;
 4. Monitor growth and development for the preparation of subarea and corridor transportation studies;

5. Establish the appropriate timing for needed road and intersection improvements to ensure that public roadway capacity is available when demand is anticipated to occur; and
 6. Provide the technical background and assumptions needed to plan road improvements.
- b. *Traffic impact mitigation plan.* In order to mitigate the traffic impacts of a development, a traffic impact mitigation plan shall be prepared in accordance with the requirements of this chapter.

The technical requirements regarding traffic impact statements and traffic impact mitigation plans are specified in article III, division 2, of this chapter.

(4) *Official trafficways map.* Pursuant to the county comprehensive plan, there is hereby adopted as part of this chapter the official trafficways map for the county, which map is dated October 3, 1991, as it may be modified by the Board of County Commissioners. The map is a planning tool that identifies a network of trafficways and right-of-way widths necessary to meet present and anticipated roadway needs of the county. The official trafficways map will be signed by the chairman of the Board of County Commissioners and placed on file with the county department of transportation. Reproductions of the map will be made available to the public. The purpose of the official trafficways map is to:

- a. Identify the rights-of-way needed for the trafficways network necessary to ensure countywide continuity of the transportation system throughout the county;
- b. Encourage municipalities within the county to adopt similar right-of-way maps that are basically in agreement with the county's official trafficways map;
- c. Utilize as many existing rights-of-way as possible, and to anticipate future needs in areas where rights-of-way do not exist;
- d. Establish right-of-way widths for future trafficways, including those for roads shown on the county traffic circulation plan map;
- e. Have the official trafficways map constitute the official trafficways map described in the county comprehensive plan;
- f. Establish harmonious, orderly and progressive development in the county, that would ensure safer and more efficient traffic circulation; and
- g. Adequately plan for the future transportation needs of the county and its citizens.

(5) *Bicycle path and pedestrian ways plan.* There is hereby adopted as part of this chapter the official bikeways/walkways facilities plan map for the county dated

July 12, 1995. The map identifies a network of arterial and collector roads which, if improved with bikeways and pedestrian ways, will meet present and anticipated bikeway and pedestrian way needs of the county. The official bikeways/walkways facilities plan map will be signed by the chairman of the Board of County Commissioners and placed on file with the county departments of transportation and community development. Reproductions of the map will be available to the public. The purpose of the official bikeways/walkways facilities plan map is to target certain arterial and collector roadways for the improvements necessary to ensure county-wide continuity of the bicycle and pedestrian transportation system. Bikeways and pedestrian ways are necessary along the roadways depicted on the map for the benefit and protection of the health, safety, and welfare of the residents of Lee County because those facilities serve to: (a) lessen traffic congestion, (b) reduce conflicts between vehicular and pedestrian/cyclist movement, (c) provide safe pedestrian/cyclist circulation to community facilities, and (d) provide safe access to active and passive recreational activity.

- (6) *Required access streets.* Pursuant to the county comprehensive plan, there is hereby adopted as part of this chapter the required access road map for the county, which map is dated February 1, 1991, as it may be amended, which identifies the arterials and collectors where access streets are needed to protect the health, safety and welfare of county residents. The required access road map will be signed by the chairman of the Board of County Commissioners and placed on file with the county department of transportation. Reproductions of the map will be made available to the public. Access streets are necessary along major urban streets for the protection of the health, safety and welfare of county residents because:
- a. Access streets reduce the need for individual driveways and thereby decrease conflicting traffic movements, which in turn reduces the potential for accidents; and
 - b. The use of access streets decreases traffic on the county's arterial and collector streets, thereby improving their levels of service.
- (7) *Water and sewage systems.* The development must be proposed in such a way as to prevent any potential hazards to the health, safety and welfare of the public, especially with regard to the provision of potable water or sanitary sewage services. Unless otherwise excepted in this chapter, all new residential, commercial or industrial development proposed within the certificated or franchised service areas of regulated private (investor- or subscriber-owned) water or sewer utilities, or within the designated future water or sanitary sewer service areas of county utilities, as shown and specified in the Lee Plan, must connect to that water or sewer system. Where a development is permitted to stand free of established potable water or sanitary sewage systems, the water and sewage systems proposed to serve that development must be of sufficient capacity for the intended initial uses, and provisions must be made for expansion, increased capacity and extensions for any future uses through appropriate and binding legal commitments, including the commitment to connect to a central system at such time as it is created or extended to the development.

- (8) *Drainage and stormwater management.* The development must be designed in accordance with applicable county and water management districts' runoff, retention and attenuation requirements and any other state and local drainage laws. The development must also be designed to avoid flooding or erosion damage to adjacent property and the county drainage system and to avoid the creation of stagnant pools that would encourage mosquito breeding. The development must provide a method of continual maintenance and operation through legal documentation and must ensure proper stormwater management so as to reduce the potential impacts of flooding.
- (9) *Open space, parks and recreation.* Sufficient open space must be provided for the use of the occupants of the development. Recreation facilities and parks must be located so as to avoid nuisance conditions affecting adjacent and nearby properties, and must be of a sufficient size and variety for all occupants of the development. Every effort must be made to locate required open space so as to protect archaeological sites.
- (10) *Landscaping and buffering.* Adequate landscaping, including screens and buffers, to preserve compatibility with uses outside the proposed development must be provided, and, as a furtherance of the ecological preservation goal, vegetation, trees and signs must be in accordance with this chapter and must be aesthetically pleasing.
- (11) *Fire protection.* The development must include an adequate fire protection system.
- (12) *Density.* The development must have a density no higher than that which can be adequately supported by the facilities existing or agreed upon by the developer at the time the development order is issued, and in no case may the density exceed the allowable density as set forth in the comprehensive plan or chapter 34.
- (13) *Intensity of use.* Nonresidential development must have an intensity of use no higher than that which can be adequately supported by the facilities existing, or agreed upon by the developer, at the time the development order is issued.
- (14) *Historic resources.* The development must provide for the identification, recognition, protection or mitigation of the historical and archaeological resources of the county, as provided by the historic preservation element of the Lee Plan.

(Ord. No. 92-44, § 1(D), 10-14-92; Ord. No. 94-07, § 2, 2-16-94; Ord. No. 94-28, § 10, 10-19-94; Ord. No. 95-12, § 2, 7-12-95)

Secs. 10-9--10-50. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Secs. 10-51--10-80. Reserved.

DIVISION 2. DEVELOPMENT ORDERS*

***Cross reference(s)**--Administration generally, ch. 2.

Subdivision I. In General

Secs. 10-81--10-100. Reserved.

Subdivision II. Procedures

Sec. 10-101. Applicability of requirements.

(a) *Development orders.* All developments, as defined in this chapter, including subdivisions, are required to obtain a development order prior to commencing any land development activities or receiving any development permit, including a building permit, with the exception of the following, which are not subject to review pursuant to this chapter except as noted herein:

- (1) Construction of a single building consisting of one or two dwelling units (and accessory structures as defined in the zoning regulations) on a single buildable lot (may be subject to review pursuant to article III, division 9 of this chapter);
- (2) Agriculture, as defined herein (may be subject to review pursuant to article III, division 9 of this chapter);
- (3) For the installation of propane or LNG tanks incidental to the permitted use on a parcel up to a maximum capacity of 2001 gallons, provided the county fire official has approved such installation;
- (4) Signs that are regulated by the county sign ordinance;
- (5) Any development which has already received a building permit that is still in effect;
- (6) Any development which received final site plan approval by the current planning department and the division of transportation and public works between November 10, 1981, and November 10, 1982, and began physical construction between November 10, 1981 and November 10, 1983;
- (7) Temporary construction trailers;
- (8) Beach renourishment projects;

(9) The replacement of existing utility lines.

(b) *Subdivision plats.* All subdivisions requiring a development order must also have a subdivision plat meeting the standards of F.S. ch. 177, approved by the Board of County Commissioners, prior to the issuance of building permits, except for building permits for model buildings and sales centers. Standards and procedures for the approval of plats are contained in division 5 of this article.

(c) *Installation of improvements.* 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.

(Ord. No. 92-44, § 2(A), 10-14-92; Ord. No. 94-07, § 4, 2-16-94; Ord. No. 94-10, § 2, 4-20-94)

Sec. 10-102. 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.

(Ord. No. 92-44, § 2(B), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-103. Prerequisite zoning approvals for development order submittals.

(a) In accordance with administrative code policy 13-4, as it may be amended, any applicant who intends to submit an application for development order approval on a project which was zoned RPD, MHPD, RVPD, CPD, CFPD, IPD or AOPD prior to December 2, 1991, shall submit four complete sets of plans and documents to the zoning review staff, who will review the submittals for full compliance with the adopted master concept plan and any conditions of approval. Plans may be reviewed concurrently for compliance with this chapter and with the terms of the zoning approval. No development orders shall be issued for the project in question until the plans have been determined to be in compliance with the terms of the zoning approval. Specific reference to the districts listed in this section and the required review does not obviate the need to have plans reviewed for zoning compliance for conditions placed on other types of zonings, PUD's, special exceptions, variances and special permits.

(b) All applications for development orders on property zoned RPD, MHPD, RVPD, CPD, CFPD, IPD, AOPD or MPD after December 2, 1991, shall be reviewed for compliance with the approved master concept plan and all other conditions of approval as part of the development order review process.

(c) 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 chapter and the requirements of 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 resolution signed by the chairman of the Board of County Commissioners is issued.

(Ord. No. 92-44, § 2(C), 10-14-92; Ord. No. 94-07, § 4, 2-16-94; Ord. No. 95-07, § 3, 5-17-95)

Sec. 10-104. Deviation and variances.

(a) *Provisions where deviations are authorized.* The development review director is hereby authorized to grant deviations from the technical standards in the following sections in this chapter:

- (1) Section 10-283 (access streets);
- (2) Section 10-285 (intersection separations);
- (3) Section 10-296, Table 2 (right-of-way widths for county-maintained streets);
- (4) Section 10-296, Table 3 (right-of-ways widths for privately maintained streets);
- (5) Section 10-296, Table 4, items (2)--(7) and (13) (road specifications);
- (6) Section 10-296(g) (horizontal curves);
- (7) Section 10-296(j) (intersection designs);
- (8) Section 10-296(k) (cul-de-sacs);
- (9) Section 10-322 (swale sections);
- (10) Section 10-352 (public water);
- (11) Section 10-353 (public sewer);
- (12) Section 10-385(c) (water mains);
- (13) Section 10-441 (mass transit facilities).

(b) *Criteria for administrative deviations.* Administrative deviations shall be granted only where the development review director, with the assistance of directors of other affected county departments and/or divisions, and/or affected jurisdictions, finds that the following criteria have been met:

- (1) That the alternative proposed to the standards contained herein is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7 of article III of this chapter;
- (2) That the alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the

deviation is being requested;

- (3) For division 7 of article III of this chapter, the required facility would unnecessarily duplicate existing facilities;
- (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and
- (5) For sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

(c) *Submittal requirements.* The submittal requirements for a deviation shall include the following:

- (1) A completed application form provided by the division of development review;
- (2) Plans, sealed by a registered professional engineer, that accurately reflect the applicant's alternative proposal;
- (3) A written statement showing how the proposed alternative meets the criteria in subsection (b) above; and
- (4) Any other materials and/or calculations requested by the director to aid in the decision.

(d) *When submittals may be made.* Requests for deviations may be submitted contemporaneously with the applicant's original development order application, or at any time thereafter, so long as the application has not been withdrawn.

(e) *Refusals.* Deviations may not be reasonably refused.

(f) *Appeal of director's decision.* The director's final decision may be appealed in accordance with the procedures in section 34-145(a). The hearing examiner shall grant the appeal only upon a finding that the criteria in subsection (b) above have been met.

(g) *Variations.* Requests to deviate from the terms of those sections of this chapter that are not listed in subsection (a) above must be filed in accordance with the procedures set out for variations in chapter 34, the Lee County Zoning Ordinance. Applicants for administrative deviations that have been denied by the director or the hearing examiner may also apply for variations in accordance with this section. The hearing examiner shall grant variations from the DSO only upon a finding that the following criteria have been satisfied:

- (1) The granting of the variance would not threaten the health, safety or welfare of abutting property owners or the general public;
- (2) The requested variance is consistent with the Lee Plan;

- (3) The requested variance will not create an undue burden on essential public facilities; and
- (4) The standard from which the variance is being requested is unreasonably burdensome, as applied to the applicant's property and development plans.

(h) *Pursuant of variances or deviation concurrently with development order.* The applicant may pursue approval of variances and deviations concurrently with an application for a development order. The development order will be reviewed but cannot be approved until all of the necessary variances and deviations have also been approved. After a variance or deviation request has been heard and has been approved or denied, the applicant shall proceed with the preparation of all the documents necessary for the approval of the development order.

(i) *Variances or deviations in planned developments.* For developments that have received zoning as a planned development, specific variances or deviations from the terms of these regulations shall not be required if such variances or deviations were approved as part of the schedule of deviations attendant to the master concept plan. Any requests for variances or deviations that were not included on the approved master concept plan shall be processed in accordance with this section.

(Ord. No. 92-44, § 2(D), 10-14-92; Ord No. 94-07, § 4, 2-16-94)

Sec. 10-105. Preapplication meeting.

All applicants are encouraged to submit an application for an informal meeting before the development review director for the purpose of advancing a conceptual plan for development prior to making formal application for approval of a development order. The results of the meeting shall not be binding upon the developer or the county staff.

(Ord. No. 92-44, § 2(E), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-106. Revocation of existing development orders on granting of new development order.

In those cases where an applicant wishes to apply for a development order on property upon which a preliminary development order or final 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 preliminary or final development order upon granting of the new development order. This agreement shall be in writing and shall be irrevocable.

(Ord. No. 92-44, § 2(F), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-107. Initiation of application; designation of 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.

(Ord. No. 92-44, § 2(G), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-108. Application procedure.

(a) The general procedure to obtain a development order requires that the applicant employ a registered professional engineer and other development consultants, as may be required, to prepare engineered drawings, plans, reports, calculations and legal documents that are specified in this chapter. The applicant shall submit a completed application, pay all required application fees and submit all required submittals to the director of development review. The director of development review will review the data submitted by the applicant and will approve or deny the development order request. Review of submittals shall be performed as noted in section 10-109.

(b) The development order must be approved prior to approval of plats and prior to the issuance of a building permit. No estoppel argument or grievance of any sort shall be made by any applicant who submits simultaneously for development orders and building permits and has to incur further expense to revise any documents or drawings submitted.

(c) Developments required to plat, including small developments, shall submit the application for plat review pursuant to the procedures and application requirements for a development order. Application may be made simultaneously for plat review and development order review.

(Ord. No. 92-44, § 2(H), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-108.1. Payment of taxes.

No development orders or plats shall be approved for the subject property if ad valorem taxes or assessments against the property are delinquent or if there are outstanding tax certificates issued for the property.

(Ord No. 94-07, § 4, 2-16-94)

Sec. 10-109. Review procedure; action by director of development review.

(a) The submittal for development order approval shall be made to the director of development review. The director of development review 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 director of development review will notify the applicant, in writing, of the results of the review, and the rationale upon which any unfavorable decision was based.

(b) The director of development review will take one of the following actions as a response to a submittal:

- (1) Grant approval of the development order;
- (2) Deny approval of the development order; or
- (3) Grant conditional approval subject to the applicant fulfilling certain specified terms as outlined in the approval letter. The granting of conditional approval shall not be granted as a matter of right, but may be granted as a matter of discretion by the director of development review. 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 by the director of development review in the conditional approval letter.

(c) When the director of development review denies an application, a list of deficiencies requiring correction will be sent to the applicant with a letter stating that the application has been denied.

(Ord. No. 92-44, § 2(I), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-110. Resubmittal of application following denial.

(a) Where the director of development review denies approval 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 director in accordance with sections 10-108 and 10-109; or
- (2) Appeal the denial of the development order submittal in accordance with the provisions of section 10-112.

(b) Subsequent to notification that the plans have not been approved due to deficiencies, the applicant shall have 180 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 in 180 days, the application shall be deemed withdrawn.

(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 director of development review to substantiate compliance with this chapter.

(Ord. No. 92-44, § 2(J), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-111. Issuance of order; approval letter and stamping of drawings.

When the director of development review grants approval of all development order submittals, the development order shall be issued. The director of development review shall issue a development order approval letter and will stamp the approved development order drawings with an appropriate development order approval stamp.

(Ord. No. 92-44, § 2(K), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-112. Appeals.

(a) *Right of appeal.*

- (1) The applicant may file an appeal of any decision of the development review director. Except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party shall not have standing to appeal any administrative decision granting or denying any development order.
- (2) An appeal is not a legal substitute for a variance, and any appeal that requests a departure from or waiver of the terms and conditions of this chapter is a variance which shall not be heard through the appeal process.

(b) *Procedure.* The appellant must file a written appeal of the director of development review's decision in accordance with those procedures set forth in chapter 34 for appeals of administrative decisions.

(c) *Decisions.*

- (1) If the decision of the development review director is upheld, then the applicant may redraft and resubmit all documents which are necessary for the appropriate approval in accordance with sections 10-109 and 10-110.
- (2) If the decision of the development review director is reversed without modifications, then the applicant may proceed to the preparation of the submittals required for final approval or be issued a development order by the development review director, as appropriate.
- (3) If the decision of the development review director is modified on appeal, then the applicant may take such remedial steps as are necessary to correct the rejected submittals and resubmit them in accordance with sections 10-109 and 10-110.

(Ord. No. 92-44, § 2(L), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-113. Recording of notice of development order.

Where a development order is issued, then a notice of the development order, in accordance with the forms to be provided by the development review director, shall be executed, and the development review director shall record the notice in the official record books of the county.

(Ord. No. 92-44, § 2(M), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-114. 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 county permits which must be obtained;
- (3) Any other conditions which the director of development review deems appropriate in accordance with this chapter; and
- (4) A signature clause, to be signed by the duly authorized representative, which will bind all owners and run with the land.

(Ord. No. 92-44, § 2(N), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-115. Duration of development order.

(a) A development order will be valid for a period of six years from the date of issuance for those items specifically approved in the development order, or for the life of the surety or performance bond if the bond is for a period of less than six years. A development which is the subject of a duly executed development agreement will be authorized for the period prescribed in the development agreement.

(b) The development order is valid for those items specifically approved, and the development order file will become inactive when the certificate of compliance is issued for the project or when the last certificate of compliance is issued for the last phase of a phased project. For large phased projects where tracts of land are designated as future development areas, the development order for subsequent phases must be approved within six years of the development order approval of the last phase approved. If the development order for a subsequent phase is not approved within six years of the last phase approved, the applicant must obtain a new development order for the undeveloped portion of the project and pay all applicable fees.

(c) In order for a development order to remain valid and active, significant construction activity must commence within the duration of the development order and the construction of the project to build-out must be actively pursued. Active pursuit of construction of a project to build-out is defined as continuous construction of the improvements shown and specified in the development order or buildings on the project. If a project, including a phased project, is under construction when the development order duration period has elapsed, the developer must either obtain a development order extension or continue the construction to build-out without any periods of construction inactivity which exceed 18 months. For development order projects where there has been a foreclosure action, a deed given in lieu of foreclosure, or title has been transferred pursuant to court ordered sale, and where there is a question of active pursuit of the construction under the development order, the new owner must resume construction of the project within 24 months from the date when the title to the property changes pursuant to the foreclosure, deed in lieu of foreclosure or court sale. Once restarted, construction must continue to build-out without any periods of construction inactivity which exceed 18 months.

(d) 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.

(Ord. No. 92-44, § 2(O), 10-14-92; Ord. No. 94-07, § 4, 2-16-94; Ord. No. 94-28, § 11, 10-19-94)

Sec. 10-116. Effect of approval of development order.

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.

(Ord. No. 92-44, § 2(P), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-117. Phased projects.

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

(b) *Types.* 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) Large 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) *General requirements.* 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) *Large phased projects.* Large 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.

(Ord. No. 92-44, § 2(Q), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-118. Amendments generally.

(a) If an applicant wishes to amend any part of a development for which a development order has been issued, he shall submit, on the forms to be prescribed by the director of development review, an application for an amendment to the development order. The development order amendment application shall be accompanied by revised plans, reports and other appropriate submittals to allow the director of development review to ensure that the proposed amendment complies with the requirements of this chapter.

(b) Development order amendment applications and submittals will be prepared, reviewed and processed in accordance with the procedures specified in sections 10-108, 10-109 and 10-110, as well as other procedural and technical sections of this chapter.

(c) A development order amendment fee, in accordance with the adopted fee schedule, shall be paid by the applicant prior to review of the amendment submittal.

(Ord. No. 92-44, § 2(R), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-119. Amendment to correct error or omission.

When, after issuance of a development order and prior to commencement of construction (land clearing), it is determined that the development order should have contained a specific county permit, and the permit was omitted, or that by an error or omission of the applicant's consultant a technical requirement of this chapter is not satisfied, the applicant shall submit an application for a development order amendment as specified in section 10-118 to correct the development order, except that no fees will be paid.

(Ord. No. 92-44, § 2(S), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-120. Minor changes.

(a) Minor changes to an approved development order may be requested. Minor changes are those changes which do not substantially affect the technical requirements of this chapter or do not require a review by three or more of the following review disciplines: zoning, transportation, drainage, fire, utilities and landscaping. Changes that exceed the criteria for the scope of a minor change as specified in this subsection shall be processed as a development order amendment in accordance with section 10-118.

(b) If an applicant wishes to make a minor change to a development order, he shall submit an application for a minor change on the forms provided by the director of development review. The minor change application shall be accompanied by revised plans, reports and other

appropriate submittals to allow the director of development review to ensure that the proposed minor change complies with the requirements of this chapter.

(c) A minor change application fee, in accordance with the adopted fee schedule, shall be paid by the applicant prior to review of the minor change submittal.

(d) Any change which is requested as a result of a violation revealed during final inspection will not be processed as a minor change, but instead will be considered and reviewed as an amendment and shall be subject to the provisions of section 10-118.

(e) Applications for minor changes will be prepared, reviewed and processed in accordance with the procedures specified in sections 10-108, 10-109 and 10-110, as well as other procedural and technical sections of this chapter.

(f) Any number of minor changes will be allowed; however, only two separate submittals or applications will be allowed for either single or multiple minor changes on small projects and only four separate submittals will be allowed for either single or multiple minor changes on large projects. Minor changes required due to conflicts in the requirements of other governmental agencies or utility companies will not be counted towards the maximum of two separate minor change submittals.

(Ord. No. 92-44, § 2(T), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-121. Transfer.

Development orders run with the land and are transferable to subsequent owners of property that is covered by a 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 and the development order 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 of ownership or unified control for the entire development.
- (4) A notarized letter signed by the property owner which designates the individual or firm that is authorized to act in behalf of the owner on all matters pertaining to the development order.

(Ord. No. 92-44, § 2(U), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-122. Violation of development order.

(a) Where construction is commenced for improvements not authorized by a development order, the applicant shall 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 shall 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 described in section 10-6. Any of these forms of relief can be sought or maintained by the county until the problem is abated.

(Ord. No. 92-44, § 2(V), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Sec. 10-123. Extensions.

(a) The director of development services may grant two-year extensions of time for a development order provided:

- (1) The applicant requests the extension, in writing, prior to the expiration date of the development order;
- (2) The applicant's request identifies the reasons for the extension;
- (3) All surety or performance bonds are extended by the developer; and
- (4) The development order is in compliance with the county comprehensive plan and all other county land development regulations.

(b) Where the director recommends a denial of the extension request, or where the developer contests the proposed conditions placed on a development order extension by the director, the developer may request the Board of County Commissioners to grant the extension provided items (1) through (4) can be satisfied.

(c) The granting of an extension is a matter of discretion and not of right.

(Ord. No. 92-44, § 2(W), 10-14-92; Ord. No. 94-07, § 4, 2-16-94; Ord. No. 94-28, § 12, 10-19-94)

Sec. 10-124. Coordination between county departments.

The review of development orders is a multidiscipline review process involving zoning, transportation, stormwater management, utilities, environmental issues, etc. The director of development review may obtain assistance and advice, as appropriate, from other county departments and divisions to ensure compliance with this chapter. The development review director will share information with other county departments and divisions for planning and programming capital improvement projects.

(Ord. No. 92-44, § 2(X), 10-14-92; Ord. No. 94-07, § 4, 2-16-94)

Secs. 10-125--10-150. Reserved.

Subdivision III. Submittals

Sec. 10-151. Generally.

(a) Except as may be specifically exempted by the director of development review in accordance with section 10-152, the documents and graphics required to apply for a development order shall be as specified in this subdivision.

(b) All drawings shall be drawn on 24-inch by 36-inch sheets at an appropriate scale. If more than one sheet is required, appropriate match lines shall be indicated.

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

(d) The following information shall 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 shall 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.

(Ord. No. 92-44, § 3(A), 10-14-92)

Sec. 10-152. Exemptions.

The director of development review may waive the requirement for any submittal item which he deems unnecessary for an adequate review of the proposed development under this division. Such a waiver of the required number or nature of submittals shall not constitute a change in the substantive standards or requirements of this chapter. Submittal exemptions shall be granted at the discretion of the director of development review.

(Ord. No. 92-44, § 3(B), 10-14-92)

Sec. 10-153. Application form and contents.

The application form for development order approval shall be obtained from the department of community development. The following information, at a minimum, shall be included in any application form for a development order:

- (1) *Owner, applicant and developer information.*
 - a. The name of the proposed development.
 - b. The name, address and telephone number of the applicant.

- c. The name, address and telephone number of the developer.
- d. The name of the property owner.
- e. The name of all parties having interest in the subject property, including names of stockholders owning ten percent or more of outstanding stock, and names of beneficiaries of trusts.
- f. A listing of the professional consultants employed in preparing the application or submitted documents. The names, addresses and telephone numbers shall be provided for consultants such as but not limited to architects, engineers, attorneys, landscape architects, planners, surveyors.

(2) *Property information.*

- a. A legal description for the property, and STRAP number.
- b. The date the property was acquired.
- c. The property dimensions and area.

(3) *General development information.*

- a. The present zoning classification of the property.
- b. Required rezoning, variance and special exception information.
- c. Existing development order applications and approvals on the property.
- d. Existing development standards exemption applications and approvals on the property.
- e. Federal, state and local permits and stipulations affecting the development order applications.

(4) *Proposed development.*

- a. Type of proposed development.
- b. Approximate acreage and percentage of total land area for each proposed use to be developed.
- c. Acreage and percentage of total area of ground cover of structures and other impervious surfaces, and open space.
- d. Proposed number and height of all structures.
- e. Number of dwelling units and lots if a subdivision.

- f. Types and uses of proposed structures.
 - g. Parking and loading area information.
 - h. Proposed recreational facilities information.
 - i. Project phasing information.
- (5) *Permits required for development.*
- a. State and federal permit information.
 - b. Local permit information.

(Ord. No. 92-44, § 3(C), app. 3-1, 10-14-92)

Sec. 10-154. Additional required submittals.

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

- (1) *Letter of authorization.* In the event the applicant is not the owner, a notarized letter signed by the owner of the property authorizing the applicant to submit and be responsible for the application is required.
- (2) *Ownership and unified control.* A notarized statement of ownership or unified control of the entire development is required.
- (3) *Legal description.* A legal description for the property shall be submitted.
- (4) *Title assurance.* Title assurance in the form of either a title certification by an attorney or a title insurance policy shall be required.
- (5) *Boundary survey.* A boundary survey prepared by a surveyor, meeting the minimum technical standards for land surveying in the state, as set out in chapter 61 G 17-6, Florida Administrative Code, shall be submitted. Boundaries must be clearly marked with a heavy line. The boundary line shall include the entire area to be developed. The Federal Emergency Management Agency flood zone and required finished floor elevations shall be shown.
- (6) *Plat.* If the development is a subdivision, a plat meeting the requirements of F.S. ch. 177 shall be submitted.
- (7) *Zoning resolution.* A copy of the most recent zoning resolution for the subject property, and any other pertinent zoning resolutions, special exceptions or variance documents, shall be submitted.
- (8) *Existing conditions and improvements drawing.* An existing conditions and improvements drawing showing at a minimum the following:

- a. An area location map showing the location of the property to be developed in relation to arterial and collector streets.
- b. Coastal construction control lines, if applicable.
- c. 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 shall be shown.
- d. Existing elevations based on the National Geodetic Vertical Datum of 1929. Sufficient spot elevations based on the National Geodetic Vertical Datum of 1929 shall be shown to indicate the slope of the land and any rises, depressions, ditches, etc., that occur, but in no case shall spot elevations be shown at a spacing greater than 200 feet. Spot elevations shall be shown beyond the development boundary extending a minimum of 25 feet. The director of development review may direct a closer grid pattern or elevations more than 25 feet beyond the development boundary to provide sufficient satisfactory information. For developments of 40 acres or more, contours at one-foot intervals shall be shown.
- e. Identification of resource protection areas and transition zones as defined in the Lee Plan. The applicant may be required to flag these areas for site inspection by the staff of the department of community development.
- f. 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 as defined in the Lee Plan.
- g. 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.
- h. 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.
- i. The zoning classifications for the subject property, as well as the zoning and actual use of all abutting properties.
- j. The fire district in which the proposed development is located.
- k. The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File, and the location of any part of the property which is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. A description of proposed improvements that may impact archaeological resources shall also be provided.

- l. 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.
 - m. A diagram depicting the existing surface hydrology of the property.
- (9) *Proposed development plan drawings.* Proposed development plan drawings showing at a minimum the following:
- a. If the development is a subdivision, all lot lines and lot numbers.
 - b. Phasing plan. Where a large 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 in section 10-117.
 - c. Proposed buildings or proposed structures. The building envelope, that is, the perimeter of the area within which the building will be built, the height of all buildings and structures, 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 handicapped, shall be shown.
 - d. 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.
 - e. Proposed vehicular ingress and egress for the development.
 - f. Proposed streets within the development.
 - g. Proposed location 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.
 - h. Where applicable, the proposed location and type of public transit

amenities to be provided.

- i. Parking and service areas. All off-street parking areas and all landscaped areas to be reserved for future parking spaces pursuant to section 34-2017(d), and all service areas for delivery of goods or services, shall be shown for all developments that are not subdivisions.
- j. Utilities. A statement indicating the proposed method intended to provide water, sewer, electricity, telephone, refuse collection and street lighting, including but not limited to:
 1. The names and address of all utilities, governmental or private, intended to supply the service.
 2. The names and addresses of the owners of all existing public water and sewage systems within one-quarter mile of the proposed development.
 3. 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 lines and points where utility lines cross one another or cross storm drain or water management facilities. The location of services shall be shown.
- k. 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. The plan 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.
- l. Landscaping and buffering. A landscaping plan shall be submitted showing not less than the required open space and buffer areas, and including:
 1. A tree location map or aerial photographic overlay which depicts the preservation of existing trees and the planting of any new trees required by county regulations.
 2. All proposed landscaping, fencing, screening and buffering.
 3. The size, variety, species and number of all trees and shrubs, with site-specific location, used in landscaping, open space and buffer areas.

4. All proposed signs and exterior lighting.
 5. The calculations to determine the minimum open space and other landscaping calculations.
- m. 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.
 - n. Excavations. Where applicable, the location of all excavations shall 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, and the slopes of all excavations.
 - o. A description of potential impacts to groundwater and surface water.
 - p. A description of impacts on wetlands and mitigation measures.
 - q. A description of impacts on floodplains or riverine areas and mitigation measures.
 - r. 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.
- (10) *Aerial photograph.* A recent aerial photograph of the property and all properties within 660 feet of the perimeter of the property, with a scale of one inch equals 300 feet, shall be submitted.
 - (11) *Traffic impact statement.* A traffic impact statement (TIS) shall be submitted, which shall survey 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, shall be mitigated by the applicant as specified in the traffic impact mitigation plan and development order. Criteria for traffic impact statements are specified in article III, division 2, of this chapter.
 - (12) *Traffic impact mitigation plan.* A traffic impact mitigation plan shall be submitted, which shall be based on the approved traffic impact statement and shall 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 mitigation plans are specified in article III, division 2, of this chapter.
 - (13) *Hazardous materials emergency plan.* Any applicant for a private port facility which

did not receive approval of a hazardous materials emergency plan at the time of rezoning shall be required to submit a hazardous materials emergency plan, which shall be subject to the approval of the county divisions of emergency management, water resources and planning, and of the appropriate fire district. The plan shall also provide for annual monitoring for capacity and effectiveness of implementation. At the minimum, the plan shall comply with the spill prevention control and countermeasure plan (SPCC) as called for in the federal oil pollution prevention regulations, 40 CFR 112, as amended.

- (14) *Port facility permits.* New or improved port developments shall submit copies of all required leases and permits from other jurisdictions and agencies.
- (15) *Protected species survey.* A species survey shall be submitted, if applicable, as required by article III, division 8, of this chapter.
- (16) *Protected species habitat management plan.* A management plan for protected species habitat shall be submitted, if applicable, as required by article III, division 8, of this chapter.
- (17) *Certificate to dig; historic preservation forms and reports.* When applicable, an archaeological/historic resources certificate to dig shall be obtained from the department of community development and submitted to the director of development review. Florida Master Site File forms for historical or archaeological resources, facade or other historic or scenic easements related to the subject property or reports prepared by a professional archaeologist as may be required by chapter 22 shall be submitted to the director of development review.
- (18) *Historical/archaeological impact assessment.* An impact assessment for historical or archaeological resources describing the following treatments: demolition, relocation, reconstruction, rehabilitation, adaptive use, excavation, filling, digging, or no impact, shall be submitted to the director of development review.
- (19) *Exotic vegetation removal plan.* An exotic vegetation removal plan, as specified in article III, division 6, of this chapter, shall be submitted to the director of development review.
- (20) *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 (see section 10-253), wet season water table, etc., may be required. Prior to the release of the drawings approved by the director of development review, construction of the development shall be limited to clearing and grubbing for construction of accessways to and within the site and to pollution control facilities required during the construction phase. If such work is done prior to approval of construction plans, a tree removal permit will be required.
- (21) *Fire protection plan.* Where the development falls outside of a fire district, the applicant shall submit proof, in writing, that he has provided for fire protection as

approved by the county fire official.

- (22) *Emergency preparedness plan.* Prior to final approval of a development order for a hospital, nursing home, adult congregate living facility (ACLF) or developmentally disabled housing project, an emergency preparedness plan approved by the director of the division of emergency management shall be submitted.
- (23) *State permits.* Prior to final approval of a development order, copies of permits issued by the South Florida Water Management District shall be submitted. Copies of all other necessary state permits (FDOT, DER, HRS, etc.) shall be submitted prior to the commencement of any construction work on the site.
- (24) *Operation and maintenance covenants.* Where applicable, a copy of the covenants used for the maintenance and operation of the 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.
- (25) *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.
- (26) *Opinion of probable construction costs.* The developer's consultant must prepare and submit the estimated cost 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:
 - a. Subdivisions: on-site and off-site improvements.
 - b. All other developments: off-site improvements.

The opinion of probable cost must include an estimated date of completion for the work.

- (27) *Assurance of completion of improvements.* Assurance of completion of the development improvements as specified in subsections (27)a. and b. is 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 which have been constructed, inspected and approved by the director of zoning and development services may be excluded from the requirements of subsections (27)a. and b. In addition to the assurance of completion for off-site improvements, and with the exception of sidewalks on individual buildable lots, all subdivisions for single- and two-family residential structures must provide the assurance of completion of on-site improvements, or the construction of on-site improvements, within one year

of the date of issuance of the final development order for that subdivision.

- a. *Surety or cash performance bond.* Security in the form of a surety or cash performance bond must be posted with the board and made payable to the county in an amount equal to 110 percent of the full cost of installing the required improvements approved by the county. 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 of zoning and development services. Prior to acceptance, bonds must be reviewed and approved by the county attorney's office.
- b. *Other types of security.* The board 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 county attorney approves the document.

(Ord. No. 92-44, § 3(F)--(EE), 10-14-92; Ord. No. 94-07, § 5, 2-16-94; Ord. No. 95-07, § 4, 5-17-95; Ord. No. 95-12, § 3, 7-12-95)

Secs. 10-155--10-170. Reserved.

DIVISION 3. LIMITED REVIEW PROCESS

Sec. 10-171. Generally.

Developments meeting the criteria in section 10-173 and 10-174 shall be entitled to receive a development order in accordance with the procedures in this section. For developments meeting the criteria in this section, no site improvement, tree clearing or issuance of building permits shall occur prior to approval of the development order by the division of development review.

(Ord. No. 92-44, § 4(A), 10-14-92; Ord No. 94-07, § 4, 2-16-94)

Sec. 10-172. Legal effect of approval.

Approval of a development order for a development described in subsections 10-174(4) and (5) may require additional permits before development may commence. All applications shall be reviewed by the division of development review for compliance with the Comprehensive Plan, the Zoning Ordinance (chapter 34) and other applicable regulations.

(Ord. No. 92-44, § 4(B), 10-14-92; Ord No. 94-07, § 4, 2-16-94)

Sec. 10-173. General requirements for limited review process.

Development orders being processed in accordance with the procedures in this division shall be reviewed for compliance with the following general requirements:

- (1) The development shall comply with the general and specific requirements of sections 10-7 and 10-8;
- (2) The development shall have no significant adverse effect upon surrounding land uses;
- (3) The development shall have no significant adverse effect upon public facilities in the area;
- (4) The development shall not adversely effect the environmental quality of the area; and
- (5) The development proposal shall be consistent with the county comprehensive plan.

The director of development review is authorized to impose conditions consistent with the provisions of this chapter in order to mitigate adverse impacts generated by the proposed development.

(Ord. No. 92-44, § 4(C), 10-14-92; Ord. No. 94-07, § 6, 2-16-94)

Sec. 10-174. Types of development entitled to limited review.

The following types of development may be exempted pursuant to this section:

- (1) A cumulative addition or enlargement of an existing impervious area, provided that the addition or enlargement does not increase the total impervious cover area by more than 2,500 square feet and there is no increase in the rate of runoff from the project site.
- (2) Any out-of-door type recreational facilities, such as swimming pools, tennis courts, tot lots and other similar facilities, provided the total cumulative additional impervious area does not exceed 8,000 square feet.
- (3) Any development which received final site plan approval by the current planning department and the division of transportation and public works prior to November 10, 1982, where the development has been actively constructed continuously, or in phases, in accordance with such approval.
- (4) Any one-time subdivision of land into four or less lots for single-family detached dwelling units or two-family attached dwelling units, where zoning district regulations permit such subdivision; provided, however, that:
 - 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 a road which is maintained pursuant to Ordinance No. 87-19, as amended or replaced, or to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter. This provision requires that each lot abut and have access to a road complying with the requirements of section 10-296. 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 one unit per 2.5 acres per sections 10-296(d) and (e). Compliance with maximum density requirements of the Lee Plan is also required. Compliance with the roadway right-of-way width and wearing surface requirements of section 10-296 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 this chapter 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.
- (5) Any subdivision of land for a use other than single-family detached dwelling units, two-family attached dwelling units or agricultural; provided, however, that:
- a. Each lot must meet or exceed all requirements of the zoning district in which it is located, or the subdivision is approved by the director of community development under the provisions of section 34-2221(1), and the overall development complies with all other requirements of this chapter;
 - b. No development may occur on any of the lots without first obtaining a development order;
 - c. If the parent parcel is ten acres or greater, a protected species survey may be required as specified in article III, division 8, of this chapter;
 - d. Each lot shall abut and have access to a road which is maintained pursuant to Ordinance No. 87-19, as amended or replaced, or to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter;
 - 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 this chapter are 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 county land development regulations.
- (6) Any single building of two dwelling units or less and any accessory improvements thereto on a single lot which is not a lot of record or a platted lot, provided the applicant submits sufficient evidence that the lot was purchased, or contracted for purchase, prior to January 28, 1983.
 - (7) Any development containing individual lots for single buildings of two dwelling units or less which, prior to January 28, 1983:
 - a. Has been approved by the county and registered with the state division of land sales and condominiums, provided that all improvements required or approved by the county have been completed or a surety has been posted and is current; or
 - b. Has been approved for drainage, streets and utilities by the county and for which at least 51 percent of all lots along both sides of a street segment have been sold to individuals.
 - (8) An excavation or mining operation which is subject to chapter 34, article VII, division 15, subdivision II, and which received a general excavation permit, or a renewal permit, from the Board of County Commissioners after August 1, 1984.
 - (9) Any county-initiated improvements for public water access purposes in county-owned or county-maintained rights-of-way.
 - (10) Any development for a fenced or screened enclosed storage yard as defined in chapter 34, provided that the yard consists solely of a stabilized grassed surface, a surface water management system, buffers and fencing; and provided further that site access complies with the provisions of this chapter and chapter 34.
 - (11) The installation of new utility lines in existing right-of-ways or easements.
 - (12) Any other improvement to land determined by the director to have insignificant impacts on public facilities in accordance with applicable standards of measurement in this chapter (vehicular trips, amount of impervious surface, gallons per day, etc.).

(Ord. No. 92-44, § 4(D), 10-14-92; Ord. No. 93-38, § 2, 11-17-93; Ord. No. 94-07, § 6, 2-16-94; Ord. No. 94-10, § 3, 4-20-94; Ord. No. 95-07, § 5, 5-17-95)

Sec. 10-175. Required submittals.

The following submittals are required to apply for a development order in accordance with this section:

- (1) A completed application, which shall be made on the application forms provided by the division of development review.
- (2) A plan, which shall depict the site and location of all buildings or structures on it.
- (3) An area location map.
- (4) An aerial photograph (most current available from the county) at a scale of one inch equals 300 feet.
- (5) A written description of the proposal and the reasons why it should be approved.
- (6) A copy of any building permit and approved site plan, if applicable.
- (7) Any additional necessary or appropriate items which the director of development review may require. Additional data may include copies of deeds, sealed surveys, calculations, South Florida Water Management District permits, and other state, federal or local permits.

(Ord. No. 92-44, § 4(E), 10-14-92; Ord. No. 94-07, § 6, 2-16-94)

Sec. 10-176. Appeals.

If the director of development review denies application for a development order processed pursuant to this section, the applicant may file an appeal of the director of development review's written decision in accordance with the procedures set forth in chapter 34 for appeals of administrative decisions. Except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party shall not have standing to appeal an administrative decision denying an application for a development order issued in accordance with this section.

(Ord. No. 92-44, § 4(F), 10-14-92; Ord. No. 94-07, § 6, 2-16-94)

Secs. 10-177--10-180. Reserved.

DIVISION 4. INSPECTIONS AND CERTIFICATE OF COMPLIANCE

Sec. 10-181. Inspection of improvements generally.

A professional engineer registered in the state shall inspect and certify the construction of all required improvements such as streets, drainage structures, drainage systems, bridges, bulkheads, water and sewer facilities, landscaping and buffers, and all other improvements, for substantial compliance with the development order drawings and plans.

(Ord. No. 92-44, § 6(A), 10-14-92)

Sec. 10-182. Inspection of work during construction.

(a) *Periodic inspection required; correction of deficiencies.* The director of development review or his designated agent shall periodically inspect all construction of streets and drainage improvements, including those improvements which are not to be dedicated to the public but are subject to this chapter. The director of development review will immediately call to the attention of the developer, or the developer's engineer, any nonconforming work or deficiencies in the work. Correction of deficiencies in the work is the responsibility of the developer. It is the responsibility of the developer to notify the director of development review 24 hours before a phase of the work is ready for inspection to schedule the inspection. Inspection reports that document the results of the inspection shall be prepared by the division of development review inspector.

(b) *Specific inspections.*

- (1) Inspections of the following phases of work are required:
 - a. Drainage pipe after pipe joints are cemented or sealed.
 - b. Headwall footings.
 - c. Roadway subgrade.
 - d. Roadway base.
 - e. Asphalt prime coat and all surface courses.
 - f. Final site inspection.
- (2) The thickness of the roadway base shall be measured under the direction of the county inspector at intervals of not more than 200 lineal feet in holes through the base of not less than three inches in diameter. Where compacted base is deficient by more than one-half inch, the contractor shall correct such areas by scarifying and adding material for a distance of 100 feet in each direction from the edge of the deficient area, and the affected area shall then be brought to the required state of compaction and to the required thickness and cross section.
- (3) Seeding and mulching or sodding over all unpaved areas within rights-of-way or roadways will be required at the time of final inspection.
- (4) Inspection requirements for water and sewer utility systems are specified in section 10-357.

(c) *Testing of roadway subgrade, base and shoulders.* The developer shall have the roadway subgrade, base, and shoulders tested for limerock bearing ratio and compaction by a certified testing laboratory. The location and quantity of tests shall be determined by the director of development review. There shall be a minimum of one test per 1,000 feet, or two per project. Prior to acceptance by the county, a copy of the test results shall be furnished to the director of development review.

(Ord. No. 92-44, § 6(B), 10-14-92)

Sec. 10-183. Final inspection and certificate of compliance.

(a) Upon completion of all development required under the approved development order, or phase thereof, an inspection shall be performed by the developer's engineer or his designated representative. Upon finding the development to be completed and in substantial compliance with the approved development order documents, the engineer shall submit a signed and sealed letter of substantial compliance to the development review director along with a final inspection request. No final inspection will be performed by the county until the letter of substantial compliance has been accepted. The letter of substantial compliance may include a submittal for a minor change with highlighted plans showing minor changes which do not substantially affect the technical requirements of this chapter as described in section 10-120. Letters of substantial compliance shall be in a form approved by the director or county attorney.

(b) Substantial compliance means that the development, as determined by an on-site inspection by a professional engineer or his designated representative, is completed to all the specifications of the approved development order plans and that any deviation between the approved development order plans and actual as-built construction is so inconsequential that, on the basis of accepted engineering practices, it is not significant enough to be shown on the development site plans.

(c) Upon acceptance of the letter of substantial compliance and a request for final inspection, the development review director or his designated representative shall perform the final inspection. If the final inspection reveals that the development or phase thereof is in substantial compliance with the approved development order, a certificate of compliance will be issued. A certificate of compliance is required prior to the issuance of a certificate of occupancy from the division of codes and building services. If the final inspection reveals that the development or phase thereof is not in substantial compliance with the approved development order, a list of all deviations shall be forwarded to the engineer. All deviations must be corrected per the amendment and minor change procedure and a new letter of substantial compliance submitted and accepted prior to a reinspection by the development review director. Applications for amendments, minor changes, inspections and reinspections shall be charged a fee in accordance with the adopted fee schedule.

(d) If more than one building is covered by the development order, a certificate of compliance for streets, utilities, parking areas, and drainage serving each building shall be required prior to receiving a certificate of occupancy from the division of codes and building services. If a final inspection is requested for only a portion of a development, that portion must be an approved phase of the development in accordance with the development order plans.

(Ord. No. 92-44, § 6(C), app. 6-1, 10-14-92; Ord. No. 95-07, § 6, 5-17-95)

Secs. 10-184--10-210. Reserved.

DIVISION 5. PLATS

Sec. 10-211. Required.

All subdivisions as defined in this chapter are required to have a plat of the parcel of land containing the subdivision, showing all of the information required by F.S. ch. 177, pt. I, by this chapter and by any adopted administrative code, approved by the Board of County Commissioners and recorded in the official records of the county, prior to the approval of any building permits. Building permits may be issued for model buildings and sales centers prior to recording of the plat, subject to evidence of a unified control agreement and provided that any certificate of occupancy issued is for model or sales use only, until the plat has been recorded.

(Ord. No. 92-44, § 5(A), 10-14-92; Ord. No. 94-10, § 4, 4-20-94)

Sec. 10-212. Preparation and submission.

Plats must be prepared in compliance with F.S. ch. 177, and must contain all of the elements specified in F.S. § 177.091. Review copies of the plat must be submitted with the application for development order approval.

(Ord. No. 92-44, § 5(B), 10-14-92; Ord. No. 94-10, § 4, 4-20-94)

Sec. 10-213. Technical requirements.

Technical requirements for plats are specified in the county administrative code entitled ``Technical Requirements for Plats Submitted for Acceptance by the Board of County Commissioners."''

(Ord. No. 92-44, § 5(C), 10-14-92; Ord. No. 94-10, § 4, 4-20-94)

Sec. 10-214. Contents.

Plats must depict the entire parcel of land that is being subdivided.

(Ord. No. 92-44, § 5(D), 10-14-92; Ord. No. 94-10, § 4, 4-20-94)

Sec 10-215. Exemptions.

Subdivisions approved in accordance with sections 10-171 through 10-176 are not subject to the requirements of this division.

(Ord. No. 92-44, § 5(E), 10-14-92; Ord No. 94-10, § 4, 4-20-94)

Sec. 10-216. Monuments.

(a) *Permanent reference monuments.*

- (1) Permanent reference monuments (PRM's) must be placed as required by F.S. ch. 177, as amended, and approved by a licensed, registered state professional land surveyor, on the boundary of all developments.
- (2) Monuments must be set in the ground so that the top is flush or no more than one-half foot below the existing ground. Subsurface PRM's must be exposed for

inspection when a plat is submitted for review. If development of the subdivision occurs after a plat is reviewed, the PRM's must be raised or lowered to be flush or no more than one-half foot below the finished ground. Subsurface PRM's must be exposed for inspection at the time of final inspection of the development.

(b) *Permanent control points.* Permanent control points (PCP's) must be installed in accordance with F.S. ch. 177. When a plat is recorded prior to construction of the subdivision improvements, the PCP's must be set following completion of construction. The surveyor must certify that the PCP's have been set and must record the certification in the official record books of the county.

(Ord. No. 92-44, § 5(F), 10-14-92; Ord. No. 94-10, § 4, 4-20-94)

Sec. 10-217. Lot recombinations.

The director of development review may permit the combination or recombination of up to three lots of record provided that the resulting lots comply with chapter 34, the Lee Plan, and all other applicable provisions of this chapter.

- (1) *Application.* The application for a lot recombination must be made in writing on the form provided by the division of development review and must include:
 - a. A copy of the plat book and page, if applicable;
 - b. Copies of the most recent deeds for all of the affected lots;
 - c. Copies of the deeds which establish that the lots are lots of record, if the lots are unplatted;
 - d. A notarized statement of unified control or a notarized statement of agreement for the lot recombination if coapplicants are applying for the recombination;
 - e. An area location map;
 - f. A survey sketch showing the existing and proposed lot lines and the existing and proposed legal descriptions of the affected lots; and
 - g. A written explanation of the reasons for the request.
- (2) *Relocation of easements.* All easements that are affected by a proposed lot recombination must be vacated and relocated, if applicable, in accordance with the Florida Statutes.
- (3) *Appeals.* A denial of a lot recombination request is an administrative decision which may be appealed in accordance with the procedures set forth in chapter 34.
- (4) The combination of two or more lots of records into one lot is not a "division" and is not subject to the approval process described in this section; provided,

however, that any easements that are affected by such combinations shall be vacated and relocated, if applicable in accordance with the Florida Statutes.

(Ord. No. 92-44, § 5(G), 10-14-92; Ord. No. 94-07, § 7, 2-16-94; Ord. No. 94-10, § 4, 4-20-94)

Sec. 10-218. Noncompliance of individual lots.

(a) The projects set forth in this subsection may be approved notwithstanding the noncompliance of the individual lots with property development regulations in chapter 34, and/or this chapter, provided that:

- (1) The overall development is in compliance with all applicable zoning and development regulations;
- (2) All common areas such as streets and accessways, off-street parking, water management facilities, buffering, and open space are subject to unified control; and
- (3) Said subdivision is approved by the director of community development in accordance with the provisions of section 34-2221(1).

(b) The projects which may be approved in this matter are as follows:

- (1) The subdivision of existing commercial and industrial developments;
- (2) Commercial or industrial developments which have received a development order;
- (3) A final development order which is still effective; or
- (4) A new final development order application.

(Ord. No. 93-38, § 3, 11-17-93; Ord. No. 94-10, § 4, 4-20-94)

Secs. 10-219--10-230. Reserved.

DIVISION 6. PRELIMINARY PLAN APPROVAL

Sec. 10-231. Purpose and scope.

The purpose of this division is to provide a legal mechanism similar to a planned development rezoning, whereby a landowner with property that is in a conventional zoning district can obtain vesting for a development of a specified kind and intensity without the necessity to submit all of the information or provide the level of specificity required for a development order.

(Ord. No. 94-28, § 57(a), 10-19-94)

Sec. 10-232. General requirements.

Applications for preliminary plan approvals will be reviewed for compliance with the Lee Plan and the Lee County Land Development Code.

(Ord. No. 94-28, § 57(b), 10-19-94)

Sec. 10-233. Submittal requirements.

The following submittals are required to apply for preliminary plan approval:

- (1) A completed application form obtained from the department of community development.
- (2) A notarized letter signed by the owner of the property authorizing the applicant to submit and be responsible for the application, if the applicant is not the owner.
- (3) A notarized statement of ownership or unified control of the entire development.
- (4) A legal description for the property.
- (5) A boundary survey of the property.
- (6) A copy of the most recent zoning resolution for the subject property, as well as any other pertinent resolutions granting re-zonings, special exceptions, or variances.
- (7) A recent aerial photograph (scale one inch equals 300 feet) of the property and all other parcels located within 660 feet of its perimeter.
- (8) An existing conditions and improvement drawing meeting the requirements of section 10-154(8) of this chapter.
- (9) A proposed preliminary development plan at a minimum of 24 inches by 36 inches and at an appropriate scale, showing at a minimum:
 - a. The general location of all proposed buildings and land uses (to be construed in a manner consistent with section 34-373(a)(2)a.);
 - b. The maximum height of all buildings and structures;
 - c. The kinds of uses and the number of units proposed for each use (dwelling units by type, hotel or motel units, gross square feet of commercial or industrial use, or other appropriate measures of intensity);
 - d. The number of required parking spaces, including handicapped spaces;
 - e. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between uses within the development, if applicable (see section 10-414 for minimum buffer requirements);

- f. The location of any environmentally sensitive land and water, based upon standard environmental data and verified by a field inspection by the county staff;
 - g. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development;
 - h. The percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet;
 - i. The general location of excavations for on-site fill and/or wet retention;
 - j. The general location and pattern of vehicular and pedestrian circulation and movement within the site; and
 - k. A statement meeting the requirements in section 10-154(9)j. of this chapter.
- (10) The applicant has the option of submitting a protected species survey which complies with the requirements of article III, division 9 of this chapter (protection of habitat). If the applicant provides a survey and the preliminary plan is approved, the applicant will not be required to submit a new or updated survey as part of the development order application so long as the preliminary plan approval remains effective. If the survey is not provided, the preliminary plan approval will not vest the property owner with regard to the requirements in article III, division 9 of this chapter.

(Ord. No. 94-28, § 57(c), 10-19-94)

Sec. 10-234. Review process.

Applications for preliminary plan approval will be reviewed in accordance with sections 10-109 through 10-111 of this chapter.

(Ord. No. 94-28, § 57(d), 10-19-94)

Sec. 10-235. Recording of notice of preliminary plan approval.

The development services director will record all notices of approved preliminary plans in the public records of Lee County.

(Ord. No. 94-28, § 57(e), 10-19-94)

Sec. 10-236. Duration and effect of preliminary plan approval.

The approval of a preliminary plan vests the development, as to those features specifically shown on the plan, for a period of five years from the date of the approval. The approval of the plan does not vest the development as to concurrency requirements or the application of the Lee

Plan 2010 overlay. Any application for a development order submitted during the vesting approval period that is consistent with the approved preliminary plan and with all applicable local, state, and federal regulations will be approved regardless of any inconsistencies between the approval plan and any county regulation that may arise as the result of an amendment to that regulation during the vesting period. If the property owner does not apply for a development order on a substantial portion of the property (involving no less than 20 percent of the lots, dwelling units, square feet or other measurements of intensity applicable to the project) during the vesting period, the preliminary approval will lapse and become null and void.

(Ord. No. 94-28, § 57(f), 10-19-94)

Sec. 10-237. Activity authorized by preliminary plan approval.

The approval of the preliminary plan does not authorize any development on the subject property.

(Ord. No. 94-28, § 57(g), 10-19-94)

Sec. 10-238. Traffic impacts.

Preliminary plan approvals do not indicate that the project's traffic impacts have been mitigated. Additional improvements may be required at the time of issuance of a development order.

(Ord. No. 94-28, § 57(h), 10-19-94)

Sec. 10-239. Amendments to approved preliminary plans.

Approved preliminary plans may be amended at any time during the effective period of the approval. Applications for amendments must be filed on forms provided by the department of community development and must be accompanied by such revised plans, reports, and other submittals as are necessary to show that the plan, as amended, complies with the requirements of this chapter. Applications will be reviewed in accordance with the procedures in section 10-118 of this chapter.

(Ord. No. 94-28, § 57(i), 10-19-94)

Sec. 10-240. Variances and deviations.

Variances and deviations may be requested in accordance with the standards and procedures in section 10-104 of this chapter.

(Ord. No. 94-28, § 57(j), 10-19-94)

Sec. 10-241. Preliminary plan extensions.

Preliminary plan approvals may be extended in accordance with section 10-123 of this chapter.

(Ord. No. 94-28, § 57(k), 10-19-94)

Secs. 10-242--10-250. Reserved.

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS*

***Cross reference(s)**--Buildings and building regulations, ch. 6; supplementary zoning regulations, § 34-1141 et seq.

DIVISION 1. GENERALLY

Sec. 10-251. Applicability.

All lands proposed for development shall be suitable for the various purposes proposed in the request for approval. In addition to the standards contained in this chapter, the developer shall demonstrate to the satisfaction of the development review director that the proposed development is specifically adapted and designed for the uses anticipated, including lot configuration, access and internal circulation, and that the development will be consistent with the criteria prescribed in the standards set forth in goals 12, 13 and 14 of the comprehensive plan. The developer shall also demonstrate that the proposed development complies with all other provisions of the comprehensive plan, chapter 34, this chapter, and other laws, ordinances and regulations, as applicable.

(Ord. No. 92-44, § 7(A), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Sec. 10-252. General design standards.

The size, shape and orientation of a lot and the siting of buildings shall be designed to provide development logically related to trees, topography, solar orientation, natural features, streets and adjacent land uses. All development shall be designed to maximize the preservation of natural features, trees, tree masses, unusual rock formations, watercourses and sites which have historical significance, scenic views or similar assets. The U.S. Secretary of the Interior's Standards for Rehabilitation are the recommended guidelines for all development involving historic resources.

(Ord. No. 92-44, § 7(B), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Sec. 10-253. Consideration of soil conditions and flood hazards.

No development plan shall be approved unless the developer submits substantial and competent evidence that all lands intended for use as development sites can be used safely and for building purposes without undue danger from flood or adverse soil or foundation conditions. The following standards shall also be adhered to, as applicable:

- (1) In order to utilize property located within the 100-year floodplain, or property

which is subject to inundation from overland flow on an average of once every five years or more frequently, the developer shall submit a plan for adequate flood protection. Such lands shall be developed or subdivided only after proper provisions are made for protection against flooding of sewage systems and building areas intended for human occupancy. The first habitable floor elevation shall be a minimum of 18 inches above the street centerline elevation but in no case less than seven feet above mean sea level.

- (2) An engineer shall provide a plan to compensate for any loss of flood storage due to the filling of an area within the floodplain or flow-way in accordance with South Florida Water Management District criteria.
- (3) Approval of plans for flood protection does not constitute a representation, guarantee or warranty of any kind by the county or any officer or employee as to the practicality or safety of any flood protection measure. Likewise, approval of such plans shall create no liability upon or cause of action against such public body, officers or employees for any damage that may result pursuant thereto. The applicant shall execute a waiver and release of any and all liability of the county regarding the applicant's flood protection plan.
- (4) Properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding shall be subject to chapter 14, article IV, pertaining to wetlands protection.
- (5) Land affected by chapter 6, article III, pertaining to coastal zone protection, shall have the control line depicted on the site plan and the plat. When lots are created using land seaward of the control line to comply with lot area requirements, the lots shall possess adequate buildable area landward of the line.

(Ord. No. 92-44, § 7(C), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Cross reference(s)--Floods, § 6-401 et seq.

Sec 10-254. Lots.

(a) *Lot size.* All lot dimensions and areas shall comply with the minimum requirements in chapter 34.

(b) *Double frontage lots.* Double frontage lots shall be permitted only where necessary to separate a development from an arterial or collector street or to overcome a disadvantage of topography and orientation.

(c) *Lot lines.* Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curve street lines. Side lot lines and rear lot lines shall, where practical, consist of a straight line segment (this provision shall not apply to new platted lots). The director may waive or modify this standard upon a showing of good cause, including, but not limited to, the following factors:

- (1) Unusual size or shape;

- (2) The size of lots;
- (3) Existing ownership and development patterns;
- (4) The location of existing structures on the lot(s); and
- (5) Natural or man-made site features.

(Ord. No. 92-44, § 7(D), 10-14-92; Ord No. 94-07, § 8, 2-16-94)

Sec. 10-255. Street names.

Street names shall not be used which will duplicate or be confused with the names of existing streets. New streets that are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets. All courts and circles should have one name only. All proposed street names shall be approved in writing by the department of community development and be indicated on the plat, if any, and on the site plan.

(Ord. No. 92-44, § 7(E), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Sec. 10-256. Bikeways and pedestrian ways.

(a) *Official bikeways/walkways facilities plan.* The official bikeways/walkways facilities plan (hereinafter "the plan") shows locations of existing and proposed bikeways and pedestrian ways in the unincorporated areas of Lee County. All development proposed along the arterial and collector roadways depicted on the plan must provide for bikeways and pedestrian ways in accordance with this section.

(b) *Provision of off-site bikeways and pedestrian ways.*

(1) *General.* Off-site bikeways and pedestrian ways are required for all new developments and for expansion of any existing development that results in a 50 percent or greater increase in either:

- a. Building size or floor area; or
- b. Residential dwelling units.

(2) *Off-site facilities.*

- a. Off-site facilities shown on the bikeways/walkways facilities plan. The developer must construct a bikeway or pedestrian way in the public road right-of-way if the subject property abuts a street shown on the plan.

Note: The developer may choose to construct the facility outside the public road right-of-way on his own property. If the developer opts to construct the facility across the property in this manner, the easement must be at least two feet wider in width than the bikeway or pedestrian way and perpetually open to the public.

- b. Off-site facilities; other.
 - 1. When any portion of the property to be developed is located within one-quarter mile (as measured along the principal perimeter street) of a collector or arterial road shown on the plan as requiring either a bikeway or pedestrian way, or within a quarter mile (as measured along the principal perimeter street) of an existing facility, the developer must construct a similar facility within the existing road right-of-way from the subject property to the existing or proposed facility. This section will not require the purchase of right-of-way or easements where none exist and will only apply where the required new facility can be constructed along a collector or arterial road.
 - 2. When any portion of a proposed residential subdivision is located within one-quarter mile (as measured along the principal perimeter street) of an existing or proposed pedestrian generator such as schools, parks, playgrounds, shopping centers or employment centers, or transit facilities, the developer must construct a bikeway or pedestrian way not less than 8 feet in width within the existing road right-of-way connecting the subdivision to the pedestrian generator. This section will not require the purchase of right-of-way or easements where none exist and will only apply where the required new facility can be constructed along a collector or arterial road.
 - 3. In instances where a proposed development is within one-quarter mile of a collector or arterial road shown on the plan as requiring a bikeway or pedestrian way and is also within one-quarter mile of an existing facility in the opposite direction on the same principal perimeter street, only one connecting link will be required. The director of zoning and development services will determine which link would be most beneficial to the intent and purpose of this ordinance.
- c. Impact fee credit. Upon county acceptance of the required off-site facility or a bond or other security assuring construction of the facility, the applicant will be entitled to road and/or park impact fee credits.

(3) *Location.*

- a. County roads. Off-site bikeways or pedestrian ways may be located within the county road right-of-way or within any easement if approved by the affected utility companies and the director of zoning and development services.
- b. State roads. Off-site bikeways or pedestrian ways may be located within state road rights-of-way subject to approval and issuance of a general use permit by FDOT.

(4) *Time of construction.* All off-site bikeways and pedestrian ways must be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the county as assurance of completion of the improvements. The county will not require construction of the bikeways or pedestrian way where the right-of-way is scheduled for improvement within two years pursuant to the current CIP and the right-of-way improvement would result in the destruction of the facility.

(c) *Provision of on-site bikeways and pedestrian ways.*

(1) *General.*

- a. Developments with private, noncounty maintained streets. Interior bikeways and pedestrian ways are encouraged but are not required in any residential subdivision for lots abutting private, noncounty maintained roads.
- b. Residential subdivisions with county-maintained streets. Residential subdivisions with county-maintained streets, must construct pedestrian ways as follows:
 1. Along one side of all county-maintained streets internal to a residential development where the proposed density exceeds one dwelling unit per acre. The pedestrian way must extend from intersection to intersection; and
 2. Along one side of all county-maintained cul-de-sac streets which serve ten dwelling units or more. The pedestrian way must extend from the intersection to the end of the cul-de-sac. Exceptions to these requirements are:
 - i. Where such construction would encroach upon the required setback from a conservation or preservation area; and
 - ii. Where the proposed street forms an exterior boundary to the subdivision.
 3. Perimeter streets. Where streets are located at the perimeter of a development site, bikeways and pedestrian ways are required on the side of the street adjacent to the development. The facility may be constructed within the road right-of-way or within an easement permitted or dedicated for that purpose. The facility must be continuous from boundary to boundary of the development, except where:
 - i. The site configuration is such that county drainage ditches would have to be relocated or piped;
 - ii. The location of such bikeway or pedestrian way would

constitute a potential hazard to the user;

- iii. Construction of the bikeway or pedestrian way would be within wetland or other resource protection area; or
- iv. The director of zoning and development services concludes that a right-of-way is too small for construction of a safe bikeway or pedestrian way. However, the director may first require the developer to seek the necessary approvals to construct the facility within an adjacent easement, or alternatively, to dedicate an easement for that purpose.

Upon acceptance of the required facility by the county, the applicant may be entitled to road and park impact fee credits in accordance with chapter 2, article VI. Eligibility for impact fee credits will be evaluated on a case by case basis.

- 4. Waiver of requirement. The director of zoning and development services may exempt from this section developments that provide an alternate plan for an internal bikeway/pedestrian way circulation system if the alternate system is functionally equivalent to the standards set forth herein, connects with existing facilities and meets all off-site requirements. The alternate plan must be submitted simultaneously with the request for a development order for a subdivision plat. The master plan must be drawn to scale sufficient to indicate all lots and include the following:
 - i. The location of all lots and the number and type of dwelling units on each lot.
 - ii. The location, width, and type of each bikeway and pedestrian way including those to be connected to the bikeways/pedestrian ways off-site.
- (2) *Location.* The bikeway or pedestrian way may be located within the road right-of-way or within any easement if approved by the affected utility companies and the director of zoning and development services.
- (3) *Time of construction.* All on-site facilities must be coordinated with the bikeway/pedestrian way system of the surrounding area. Bikeways and pedestrian ways in a proposed development must connect to existing facilities on adjacent property where easements or stub-outs exist. Pedestrian ways along non-buildable lots, common areas, storm water ponds and other similar areas must be constructed by the developer prior to issuance of a certificate of compliance for the infrastructure unless the developer posts a bond or other surety acceptable to the county as assurance of completion of the improvements. Pedestrian ways along buildable lots will be the responsibility of the lot owner and must be constructed prior to issuance of a certificate of occupancy for any building on the lot. To ensure compliance, the covenants for the development must reflect that

the lot owner must construct the required pedestrian way prior to requesting a certificate of occupancy.

(d) *Construction standards.*

(1) *General.*

- a. Curb cut ramps (wheelchair ramps) are required at all intersections where pedestrian ways intersect roadway curb and gutter. Curb ramps may not exceed 12 foot horizontal to one foot vertical and must have a slip-resistant surface texture.
- b. Permanent obstacles such as utility pole signs, mailboxes, drainage structures, etc. may not be located within a bikeway or pedestrian way on an arterial or collector street unless a minimum of two feet clearance can be obtained within the bikeway or pedestrian way.
- c. Bikeways and pedestrian ways must be located in the right-of-way or within adjacent easements of interior or perimeter streets. However, the facility may not be closer than one foot to an abutting property line. Sufficient distance from obstacles such as fire hydrants, drainage inlets, manholes, utility structures and streets must be maintained for the safety of the bikeway or pedestrian way user. Where preventable, pedestrian ways should not be located within the recovery area of the traveled way of the street.
- d. There may be no unsafe curves or sudden elevation changes in the bikeway or pedestrian way that would present a hazard to the user. When possible, developments must be designed to promote bicycle and pedestrian street crossings at traffic-control signals, crosswalks or intersections.

(2) *Off-site facilities.*

- a. On-road. Where the bikeways/walkways facilities plan shows the use of bike lanes adjacent to the roadway, those lanes must be constructed to county specifications as set forth in Administrative Code AC-11-9.
- b. Off-road. All bikeways and pedestrian ways constructed off-site or along a street perimeter to the development must be eight feet in width and constructed of either (1) four-inch thick Portland cement concrete or (2) a minimum 1 1/2-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade. For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternate design, subject to the approval of the director, provided it is structurally equal to or better than, the options set forth above.

(3) *On-site facilities.* All sidewalks constructed within the development must be a

minimum of four feet in width and constructed of either (1) four-inch thick Portland cement concrete, or (2) a minimum of 1 1/2-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade. For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternative design, subject to the approval of the director, provided it is structurally equal to or better than, the options set forth above.

(e) *Maintenance.* On-site bikeways and pedestrian ways must be maintained by the property owner's association through the operation and maintenance covenants. The county department of transportation will maintain bikeway and pedestrian way facilities located within county right-of-way.

(f) *Exemptions.* Notwithstanding the provisions of paragraphs (1)--(5), bikeways and pedestrian ways will not be required where the director of zoning and development services determines that:

- (1) Their establishment would be contrary to public safety;
- (2) The cost would be excessively disproportionate to the need or probable use;
- (3) Other available means or factors suggest an absence of need.

(Ord. No. 95-12, § 4, 7-12-95)

Sec. 10-257. Marina design.

The marina design criteria set forth in objective 98.6 and policies 98.6.1 through 98.6.17 of the Lee Plan shall be utilized in evaluating the design of new marinas or the expansion of wet slip facilities or boat ramps.

(Ord. No. 92-44, § 7(G), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Cross reference(s)--Marine facilities and structures, ch. 26; zoning regulations pertaining to marine facilities, § 34-1861 et seq.

Sec. 10-258. Emergency shelters for mobile home or recreational vehicle developments.

For all mobile home or recreational vehicle developments there shall be required an emergency shelter, which shall be a building of wood frame, metal or CBS construction. The size of each emergency shelter shall be determined by using the total number of units and spaces multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirement of 20 square feet of usable floorspace per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (45 percent), which would equal the total required size of the emergency shelter. In no case, however, shall this section be interpreted to require construction of a shelter with less than 1,000 square feet of floor area. The shelter shall be elevated to a minimum height equal to or above the worst case Category 3 flooding level utilizing the National Weather Service Storm Surge Model,

``SLOSH."

(Ord. No. 92-44, § 7(H), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Sec. 10-259. Placement of structures in easements.

No buildings or structures shall be placed in easements where placing a building or structure in the easement is contrary to the terms of the easement or interferes with the use of the easement.

(Ord. No. 92-44, § 7(I), 10-14-92; Ord. No. 94-07, § 8, 2-16-94)

Sec. 10-260. Off-street parking and loading requirements.

(a) Off-street parking requirements for developments that are subject to this chapter are specified in chapter 34, article VII, division 26. The development order drawings shall show all parking areas to be provided on the project. Off-street parking for all projects that are subject to this chapter shall comply with the off-street parking requirements specified in chapter 34.

(b) Off-street loading requirements for developments that are subject to this chapter are specified in chapter 34, article VII, division 25. The development order drawings shall show all off-street loading areas to be provided on the project. Off-street loading areas for all projects that are subject to this chapter shall comply with the off-street loading requirements specified in chapter 34.

(Ord. No. 92-44, § 8, 10-14-92)

Secs. 10-261--10-280. Reserved.

DIVISION 2. TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Sec. 10-281. Official trafficways map.

The official trafficways map is a planning tool that shows the anticipated right-of-way widths and the approximate locations for existing and future arterial and collector streets. Development is encouraged to be set back from the rights-of-way shown on the trafficways map to accommodate future road construction plans. Developers are encouraged to voluntarily dedicate rights-of-way shown on the trafficways map. Credits for such dedications may be authorized by chapter 2, article VI, division 2.

(Ord. No. 92-44, § 9(A), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-282. Reserved.

Editor's note--Ord. No. 94-07, § 9, adopted Feb. 16, 1994, deleted provisions formerly codified as § 10-282, which pertained to voluntary dedication of rights-of-way and derived from Ord. No. 92-44, § 9(B), adopted Oct. 14, 1992.

Sec. 10-283. Provision of access streets.

(a) The developer shall dedicate and construct an access street if the subject property is traversed by or abuts a street shown on the required access road map, described in section 10-8(5), as requiring an access road. Upon acceptance of the access road by the county, the applicant shall be entitled to road impact fee credits in accordance with chapter 2, article VI, division 2.

- (1) No access streets shall be required except for new developments. For purposes of applying this subsection, new developments shall include any expansion of an existing development which results in either:
 - a. A 25 percent or greater increase in building size;
 - b. A 25 percent or greater increase in residential density; or
 - c. A 25 percent or greater increase in traffic generated.
- (2) The land required for the construction of the access street shall be conveyed to the county by warranty deed or by way of dedicated easement, as the developer may choose.
- (3) This chapter shall be applied by the county so as to preserve lawfully existing points of access from private property to a public road unless the property owner is allowed an alternative means of access of equal value or is compensated for any diminution in value between the original access and the alternative means of access, as the county may elect and in such amount as the county and the property owner may agree on, or, if they cannot agree, then as shall be determined by a court of competent jurisdiction, pursuant to state condemnation law.

(b) Where parcels required to utilize an access street are ready to build or develop before the county desires to provide the access street or the parcels have insufficient width to allow minimum spacing between intersections, the county engineer shall allow a temporary access to the arterial or collector, provided that:

- (1) There is not an adjacent access or local street to the property;
- (2) The applicant constructs a local street or access street across the full width of his property;
- (3) The applicant installs the temporary access and agrees in writing and in recordable form to have it removed when so directed by the county engineer;
- (4) The applicant further agrees in writing to utilize the access street system when such system is provided by the county; and
- (5) The applicant records such agreement in the official records of the county.

(Ord. No. 92-44, § 9(C), 10-14-92; Ord. No. 94-07, § 9, 2-16- 94)

Sec. 10-284. Functional classification of county roads.

(a) County maintained roads will be classified by the director of transportation based upon the existing functions of the roads and the guidelines provided in the Lee Plan, and in accordance with the administrative code regulating county functional classification. These classifications will be used to determine compliance with all county regulations which are dependent on functional classification except those regulations that will rely on the future roadway classifications as noted below. For the purpose of determining compliance with the connection spacing and right-of-way width/design speed requirements of this chapter, the future classification of the official trafficways map will be used to classify arterial and collector streets. All development standards for new roadways will also be based on the future classifications in the official trafficways map. The director of transportation will update the existing functional classifications from time to time as needed, and will present the map and list to the board for adoption in accordance with the related administrative code.

(b) All privately maintained roads, both existing and proposed, will be classified by the director of zoning and development services based upon the existing functions of the roads and the guidelines provided in the Lee Plan, and in accordance with the administrative code regulating county functional classification. These classifications will be used to determine compliance with all county regulations pertaining to privately maintained roads. These regulations will include determining compliance with connection spacing and street design and construction standards. The director of zoning and development services will update these functional classifications from time to time as needed, and will provide these classifications to the director of transportation for incorporation into the related administrative code referenced in (a) above.

(Ord. No. 92-44, § 9(D), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 94-28, § 13, 10-19-94; Ord. No. 95-07, § 7, 5-17-95)

Sec. 10-285. Connection separation.

(a) *Generally.* Connections of streets, access roads or accessways must be in accordance with table 1 and the additional provisions of this section.

TABLE 1. CONNECTION SEPARATION

Functional Classification	Centerline Distance (feet)
Arterial	660
Collector	330
Local	125

Driveways to a single residential building of two dwelling units or less on local streets may be spaced closer than the connection spacing requirements specified for local streets in table 1. Where residential lots are proposed for subdivision on arterial or collector streets as allowed under section 10-174(4), the director may authorize lesser separation distance if joint access agreements are provided to preserve or maximize driveway connection separation distances. On local streets, where frontage dimensions of existing platted commercial or industrial lots do not accommodate required connection separation distances, the director will assign the access point(s) to accommodate spacing and safety concerns.

(b) An access road which intersects another road which also intersects the parallel arterial or collector must have an outer separation of at least 100 feet from the arterial or collector.

(c) *Arterial streets.* Existing corner commercial parcels on an arterial will be permitted a right-in/right-out connection at no less than 330 feet from the intersecting public street if the parcel is not large enough to provide standard spacing and if the owner agrees to shared access with the adjoining property. If shared access on the arterial is not practical, the connection may be right-out only if downstream of the nearby intersection and right-in only if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the arterial or one temporary single direction connection on each of the streets as described above, to be used until an access road has been provided.

(d) Existing corner commercial parcels on a collector will be permitted a right-in/right-out connection at a minimum of 245 feet from the intersecting public street if the parcel is not large enough to provide standard spacing and if the owner agrees to shared access with the adjoining property. If shared access on the collector is not practical, the connection may be right-out only if downstream of the nearby intersection and right-in only if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the collector or one temporary single direction connection on each of the streets as described above, to be used until an access road has been provided.

(e) The measurement of distance between connection points along multi-lane median-divided arterials or collectors with restrictive medians will be between connections on the same side as the proposed connection, provided that existing or approved median openings will be treated as connections on both sides. Any road that is designed by private parties for multi-lane construction or widening that will be a county maintained arterial or collector or which is contained in the current Lee County CIP and is verified by the director of transportation to be a road which will have a median divider will be evaluated as such under this provision.

(f) Approval of connection locations along multi-lane divided roadways, or along roadways which the director of transportation has verified will be multi-lane divided roadways, does not imply that such connection is permitted a crossover through the median divider. Such access will be determined on a case-by-case basis.

(g) The requirements of this section will not apply on roads which have been declared by the board of commissioners to be controlled access roads with designated access points. Those roads will be treated as otherwise provided.

(h) *Controlled access streets.*

- (1) Certain streets in the county are or may be designated by the board as controlled access, to which permanent access points are restricted to locations established and set by an access plan adopted by the board by resolution. The designation of a street as controlled access is done when restriction of access is necessary to preserve safety and traffic capacity of the street. Only those access points in the access plan for the street will be approved by the development services director. The director of the department of transportation is authorized to modify the exact location of approved access points in accordance with the administrative code regulating controlled access roadways provided that no spacing standards are violated thereby and provided no property owner who is otherwise entitled to the use of the access point is deprived of its use absent his written consent to the change of location.
- (2) Applicants for additional permanent access points, turning movements, or median openings beyond those already designated by resolution, must submit a study conducted under the requirements of the administrative code regulating controlled access roadways to the department of transportation for review and comment. The department will make a recommendation to the board on the appropriate disposition of the request. The board will make final determination of the disposition of the request.

(i) *Access points for future expressways.* If a public need is shown, access points for future expressways may be addressed at the time of expressway design. For facilities which may be designated controlled or limited access, the access points will be determined, and the access rights along with the corridor will be purchased at the time of right-of-way purchase.

(Ord. No. 92-44, § 9(E), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 94-28, § 14, 10-19-94)

Sec. 10-286. Traffic impact statements.

Traffic impact statements shall survey current and anticipated traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development. Adverse site-related traffic impacts shall be mitigated by the applicant as specified in the traffic impact mitigation plan and final development order. If traffic generated by the proposed development will add 300 or more vehicle trips during the peak hour to the adjacent road system, the developer shall submit a traffic impact statement providing a comprehensive assessment of the development's impact on the surrounding road system in accordance with the traffic impact statement guidelines which are available from the director of development review. If traffic generated by the proposed development is not expected to meet this threshold, the developer shall submit a traffic impact statement providing information regarding the development's traffic generation and impacts at the development's access points onto the adjacent street system.

- (1) The traffic impact statement shall provide information regarding the development's traffic generation and impacts at the development's access points onto the adjacent street system.
- (2) The traffic impact statement must be prepared in accordance with the current edition of the forms, procedures and guidelines provided by the division of development review. The developer or his representative shall assume full occupancy and a reasonable build-out of the development in the preparation of the traffic impact statement.
- (3) The traffic impact statement must be prepared by qualified professionals in the fields of civil or traffic engineering or transportation planning.
- (4) The traffic impact statement shall be submitted to the director of development review or his designee for review of sources, methodology, technical accuracy, assumptions, findings and approval. Approval of the traffic impact statement by the director of development review or his designee may be revoked after one year has expired since the date of approval if the assumptions upon which the traffic impact statement was approved are no longer valid. A significant change in the development proposal may result in the previous approval of the traffic impact statement being revoked at any time.

(Ord. No. 92-44, § 9(F), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-287. Traffic impact mitigation plan.

A traffic impact mitigation shall be submitted. The traffic impact mitigation plan shall be based on the approved traffic impact statement and shall identify in detail those on-site 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 road segments providing immediate access to the site, including any collector or arterial to which the adjacent street is tributary.

- (1) The function of the traffic impact mitigation plan is to:
 - a. Identify the responsibility for various road improvements falling to the several participants in the development process;
 - b. Relate the various needed improvements to the occupancy and use of developed land, particularly regarding the relative timing of occupancy and availability of the road improvements; and
 - c. Clearly identify the parties who will be responsible for the costs of the improvements.
- (2) It shall be a fundamental policy assumption that road improvements specified by the traffic impact mitigation plan shall be over and above the required improvements to the Lee Plan's road network which are to be funded by the roads impact fee.

- (3) Approval or approval with conditions of the development order shall be contingent on a finding by the director of development review or his designee that the traffic impact mitigation plan:
- a. Is reasonably based on the assumptions and findings embodied in the approved traffic impact statement;
 - b. Meets or exceeds the minimum actions required to alleviate the adverse impacts on the surrounding or adjacent road network; and
 - c. Is consistent with all other local policy, particularly the Lee Plan and chapter 2, article VI, division 2, pertaining to roads impact fees, and any applicable development agreements.
- (4) Timely implementation of the traffic impact mitigation plan shall be a condition of the final development order, and no certificate of occupancy or other permit to occupy or use developed land shall be issued until the traffic impact mitigation plan is implemented and improvements are in place in proportion to the demand the development generates.

(Ord. No. 92-44, § 9(G), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-288. Turn lanes.

Access to any street, road, or accessway will not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety and welfare of the public or to reduce adverse traffic impacts on the adjacent street system. Turn lanes are required and must be designed in accordance with standards set forth in the county administrative code relating to turn lane policy. An existing development may request a one-time exception wherein only the expansion to an existing development will be used to calculate the traffic generated by the development for the purpose of determining whether turn lanes are required. After utilization of the one-time exception, any expansion of an existing facility will be added to the existing facility for the purpose of calculating traffic generation and the entire development (existing and expansion) will be deemed a new development.

Wherever turn lanes are installed, the surface materials of the added lane must match the surface materials of the existing lanes. If addition of the turn lane(s) requires a lateral shift of the centerline or other lanes, the entire shifted area must be re-surfaced to create matching surfaces throughout. New and replacement pavement markings must be provided.

(Ord. No. 92-44, § 9(H), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 94-28, § 15, 10-19-94)

Sec. 10-289. Perimeter streets.

Street systems in all developments shall be designed so as to eliminate existing partial width streets wherever possible and to avoid the creation of new ones. Where an existing partial width street is adjacent to a new development, the unimproved portion of the street shall be

improved by the developer.

(Ord. No. 92-44, § 9(I), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-290. Local streets.

Local streets shall be designed to discourage excessive speed and through traffic.

(Ord. No. 92-44, § 9(J), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-291. Access to street required.

General requirements for access are as follows:

- (1) The development must be designed so as not to create remnants and landlocked areas, unless those areas are established as common areas.
- (2) All subdivision lots and condominium units and habitable structures must abut and have access to a public or private street designed and constructed in accordance with this chapter. Direct access for all types of development to arterial and collector streets must be in accordance with the intersection separation requirements specified in this chapter.
- (3) Where practical, any residential development of more than five acres or any commercial or industrial development of more than ten acres must provide two or more means of ingress or egress for the development. Additional access points may be needed for continuation of an existing street pattern, to provide access to adjoining properties, or where additional access is needed to provide alternate access for emergency services. Where feasible, these alternate access points should not be onto the same roadway.

(Ord. No. 92-44, § 9(K), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 94-28, § 16, 10-19-94)

Sec. 10-292. Public streets to connect to existing public street.

All streets that are dedicated to the use of the public shall connect to or be an extension of an existing public street.

(Ord. No. 92-44, § 9(L), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-293. Private streets.

Private streets may be permitted and approved provided:

- (1) They comply with the street design standards and the street construction specifications in this chapter;
- (2) The appropriate notation is made on the site plan and the plat to identify it as a private street; and

- (3) All private streets shall be maintained through a covenant which runs with the land in the form of, but not limited to, a homeowners' or condominium association or such other legal mechanisms as will assure the owners of the contiguous property that the street shall be continually maintained. The owners of the contiguous property shall be provided with a legal right to enforce the assurance that the road be continually maintained. Legal documents which provide for the continual maintenance shall only be accepted after they are reviewed by the county attorney's office for compliance with this section.

(Ord. No. 92-44, § 9(M), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-294. Continuation of existing street pattern.

The proposed street layout shall be coordinated with the street system of the surrounding area. Streets in a proposed development shall be connected to streets in the adjacent area where required by the director of development review to provide for proper traffic circulation.

(Ord. No. 92-44, § 9(N), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-295. Street stubs to adjoining property.

Street stubs to adjoining areas shall be provided where deemed necessary by the director of development review to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround within the minimum required platted right-of-way. When adjoining lands are subsequently developed, the developer of the adjoining land shall pay the cost of extending the street and restoring it to its original design cross section. Where a developer proposes private local streets with controlled admittance, he may propose an alternate means of interconnection provided that such means does not require all local traffic to use the arterial network. All interconnections shall be designed to discourage use by through traffic.

(Ord. No. 92-44, § 9(O), 10-14-92; Ord. No. 94-07, § 9, 2-16-94)

Sec. 10-296. Street design and construction standards.

(a) *Generally.* All streets to be established in a development shall be designed, constructed and improved in accordance with the specifications set out in this section, as well as the other requirements of this division. In addition, the following standards shall be applicable: AASHTO Green Book, as modified by FDOT MUMS and FDOT Standard Specifications, current editions, with supplements, and such other editions and amendments as may be adopted by the state department of transportation from time to time, and sound engineering judgment.

(b) *Right-of-way width.* All roads and streets to be established and constructed in accordance with this chapter shall have minimum right-of-way widths or roadway easements complying with the requirements of table 2 for streets that are proposed for county maintenance or table 3 for proposed private streets.

TABLE 2. SPECIFICATIONS FOR COUNTY-MAINTAINED STREETS

			Arterial	Collector Street	Local Street	Access Street
Minimum right-of-way widths: ²						
	Closed drainage		150'	100'	50'	40' ³
	Open drainage		150'	100'	60'	50' ³
Design speed (mph):						
Rural section:						
		With speed restrictions	60	40--50	N/A	N/A
		Without speed restrictions	70	40--45	N/A	N/A
Urban section:						
		With speed restrictions	35--40	30--35	N/A	N/A
		Without speed restrictions	35--50	40--45	N/A	N/A

The minimum radius for horizontal curves is to be determined by the ultimate number of lanes, design speed and superelevation rate.¹

The minimum distance between reverse curves is to be determined by the ultimate number of lanes, design speed and horizontal curvature.

¹Refer to AASHTO Green Book and FDOT MUMS for specific design criteria.

²Minimum right-of-way widths for new roads in developing areas and desirable right-of-way widths for improvements in developed area. Wherever the official trafficways map specifies right-of-way width, those widths shall apply.

³This standard applies to frontage streets. The local street standard shall apply to all other

access streets, including reverse frontage streets.

TABLE 3. SPECIFICATIONS FOR PRIVATELY MAINTAINED STREETS

			Local Street	Access Street
Minimum right-of-way/easement widths:				
	One-way:			
		Closed drainage, rear lot drainage or inverted crown	30'	30'
		Open drainage	40'	35' ^{1a}
	Two-way:			
		Closed drainage or inverted crown	35'	35'
		Open drainage	45'	40' ^{1a}
Minimum distance between reverse curves			N/A	N/A
Minimum centerline radius for horizontal curves			50' ^{1b}	50' ^{1b}
Minimum grade of streets with:				
	Closed drainage		0.2%	0.2%
	Inverted crown		0.4%	0.4%
	Open drainage		0.0%	0.0%

^{1a}This standard applies to frontage streets. The local street standard shall apply to all other access streets, including reverse frontage roads.

^{1b}If the centerline radius is less than 100 feet, the inside lane width shall be increased by two feet at the center of the curve.

(c) *Street and bridge design and construction standards.* All street and bridge improvements shall comply with the standards and specifications listed in table 4, pertaining to minimum specifications for street improvements, and section 10-706, pertaining to minimum specifications for bridge improvements, for the applicable development category.

(d) *Street and bridge development categories.* For purposes of interpreting the specifications contained in table 4 and section 10-706, development categories are defined as follows:

- (1) Category A shall include commercial and industrial developments and all developments not described in categories B, C and D.
- (2) Category B shall include residential developments of five or more dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- (3) Category C shall include residential developments of more than 0.40 but less than five dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- (4) Category D shall include residential development of 0.4 or less dwelling units per acre, and all residential developments, regardless of size, located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable.

TABLE 4. MINIMUM SPECIFICATIONS FOR STREET IMPROVEMENTS

Category				Minimum Specifications	
A	B	C	D	(1)	<i>Grading and centerline gradients.</i> Per plans and profiles approved by the director of development services.
A	B	C	D	(2)	<i>Pavement widths.</i>
A				(a)	<i>Arterial streets.</i> Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway width. Typical median width and representative cross sections are shown as in section 10-707.

A	B	C	D		(b)	<p><i>Collector streets.</i> Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See sections 10-707 and 10-708.</p>	
A	B	C	D		(c)	<p><i>Local streets.</i></p>	
						1.	<p><i>Publicly maintained streets.</i> Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See section 10-709.</p>
						2.	<p><i>Privately maintained streets.</i></p>
A	B	C	D			a.	<p>14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage.</p>

A							b.	24-foot pavements for two-way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs).
B	C	D					c.	20-foot pavements for two-way traffic with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs). See section 10-710.
							d.	Access streets.
A	B						i.	22-foot pavements. See section 10-711.

C	D							ii.	20-foot pavement. See section 10-711.
					Note: Typical street cross sections are shown in sections 10-707 through 10-711.				

Category				Minimum Specifications	
A	B	C	D	(3)	<i>Curb and gutter type B, F, and drop or shoulder (valley).</i> See FDOT Roadway and Traffic Design Standards, current edition.
A	B	C	D	(4)	<i>Roadside swales.</i> Roadside swales may be used in excessively drained and somewhat excessively drained to moderately well-drained soils, except where closed drainage is required by the director of development services. *(Refer to section 10-720.)
					Roadside swales within street rights-of-way must have side slopes no steeper than three horizontal to one vertical. Normal swale sections must be a minimum of 12 inches deep.
					Where run-off is accumulated or carried in roadway swales and flow velocities in excess of two feet per second are anticipated, closed drainage or other erosion control measures must be provided.
					The director of development services may grant deviations from these requirements under the provisions of section 10-104. However, no violations of SFWMD requirements or any other regulatory requirements may occur through the granting of any such deviations.
				(5)	<i>Subgrade.</i>

A	B	C	D		(a)	<i>Arterial and collector streets.</i> Twelve-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.	
					(b)	<i>Local and access streets.</i>	
A						1.	12-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
B	C	D				2.	Six-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
				(6)	<i>Pavement base.</i>		
A	B	C	D		(a)	<i>Arterial and collector streets.</i> Eight-inch minimum compacted limerock.	
					(b)	<i>Local and access streets.</i>	
A						1.	Eight-inch compacted limerock.
B	C					2.	Six-inch compacted limerock.
D						3.	Six-inch compacted limerock, shell, or soil cement.

					Any deviation from these standards must meet the specifications established by FDOT standards.
				(7)	<i>Wearing surface.</i>
				(a)	<p><i>Arterial streets.</i> Two-and-one-half-inch asphaltic concrete of FDOT type S-1. A skid-resistant surface typically one inch of S-III in conformance with the provisions of section 331, FDOT specifications, is required for the surface course.</p> <p>Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.</p>

Category				Minimum Specifications		
					(b)	<i>Collector streets.</i>
A						1. One-and-one-quarter-inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
B	C	D				2. One-and-one-half-inch asphaltic concrete of FDOT type S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
					(c)	<i>Local and access streets.</i>

A						1.	One-and-one-half-inch asphaltic concrete of FDOT type S-III.*
B	C					2.	For roads to be publicly maintained, one-and-one-half-inch asphaltic concrete of FDOT type S-III*. The applicant may install two three-quarter-inch-thick courses of asphalt concrete with the second course to be placed after substantial build-out of the development. An assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the director of development services in consultation with the director of the department of transportation.
						For roads to be privately maintained, one-inch asphaltic concrete of FDOT type S-III is acceptable.	
D						3.	Not required.
						*However, the applicant may submit an alternative design, including but not limited to Portland cement concrete, for driveways and public or private streets. Further, if the design is for a street, it will be subject to structural analysis for comparison with asphaltic concrete.	

A	B	C	D	(8)	<i>Grassing and mulching.</i> Prior to the acceptance of the streets or the release of the security, the developer will be responsible for ensuring that all swales, parkways, medians, percolation areas and planting strips are sodded, seeded or planted and mulched in accordance with section 570 of the FDOT standard specifications.
A	B	C	D	(9)	<i>Street name and regulatory signs.</i> Street name and regulatory signs will be installed by the developer at all intersections and on the streets in the development prior to the acceptance of the streets or the release of the security.
A				(10)	<i>Street lighting.</i> Street lighting may be installed at the developer's option and expense. Where street lighting is to be provided, the streetlight improvements must be maintained and operated through a covenant which runs with the land in the form of deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the street lighting will be continually operated and maintained. Regardless of the method chosen to provide for the continual maintenance and operation of the streetlights, the beneficiaries of the service must be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents which provide for the continual maintenance and operation of the lighting may only be accepted after they are reviewed and approved by the county attorney's office for compliance with this section. In the alternative, the board may satisfy this requirement by establishing a street lighting municipal service taxing or benefit unit which includes operation and maintenance of the streetlights.
				(11)	<i>Street and intersection improvements; traffic control devices.</i>

A	B	C	D		(a)	All streets and intersections within a development must operate at service level C or higher. The developer must design and construct such traffic control devices and acceleration, deceleration, turning or additional lanes, referred to in this subsection as traffic improvements, as may be needed to bring the level of service up to service level C.
A	B	C	D		(b)	Traffic control devices and acceleration, deceleration, turning and additional lanes must be indicated on the development plan. These traffic control devices must be designed and shown on the development plans as per MUTCD standards. Additional lane and turn lanes must be as indicated by the Manual of Uniform Traffic Standards for Design, Construction, and Maintenance of Streets and Highways adopted by F.S. § 335.075, and sound engineering practice, for state facilities. For streets in the county, turn lanes must be as indicated in the county administrative code, the turn lane policy and sound engineering practice.

Category	Minimum Specifications
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				(c)	<p>Traffic control devices installed in accord with Table 9-4-11b may be mounted on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication), provided that mounting height, location standards and all other standards as described in sections 2A-24 through 2A-27 of the MUTCD may not be compromised, and all such supports must be of break away design. The sign support system may not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign. An enforceable agreement providing for maintenance and upkeep of such signs by the installer must be provided to the county department of transportation. This agreement must include the name, address and phone number of a contact person who will represent the installing party.</p>
A	B	C	D	(12)	<p><i>Underdrains.</i> Underdrains may be required on both sides of streets if, in the opinion of the director of development review, soils data indicate that such drains would be necessary. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains or fill or some other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need will be made by reference to the applicable portions of the most recent edition of the Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, or according to information generated by the developer's engineer. See section 10-712 for suggested underdrain details.</p>

					(a)	Wherever road construction or lot development is planned in areas having soil types with unacceptable water table characteristics, underdrains or fill must be provided and shown on the engineering plans. Underdrains must be designed with outlets at carefully selected discharge points. Erosion control measures must be provided as needed at all discharge points.
					(b)	Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface to water table relationship that adversely exceeds the degree of limitation stated above, underdrains or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required.
A	B	C	D	(13)		<i>Road shoulders.</i> Stabilized roadway shoulders or paved roadway shoulders must be provided as shown on the typical roadway cross section diagrams in article IV of this chapter.

(e) *Conformance with state standards.* All construction materials, methods and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.

(f) *Dedication of right-of-way and completion of improvements.* Prior to acceptance of the streets or the release of security, the developer shall dedicate such rights-of-way and complete such improvements, or provide funds for the completion or installation of such improvements in conformance with the standards and specifications of this chapter.

(g) *Horizontal curve for changes in direction.* Horizontal curves shall be used for all changes in direction greater than ten degrees.

(h) *Existing nonconforming access routes.* Existing nonconforming access routes to new proposed subdivisions shall be permitted upon approval of a variance or a planned development

deviation.

(i) *State roads.* Streets which are designated as state roads shall be required to meet all additional state department of transportation requirements.

(j) *Intersection design.* Streets shall be designed to intersect as nearly as possible at right angles. Multiple intersections involving the juncture of more than two streets shall be prohibited. A minimum sight distance of 200 feet from every intersection shall be maintained on all intersecting streets. This requirement shall not be construed to increase the minimum allowable intersection separation of 125 feet.

- (1) The angle of intersection of intersecting streets shall be in accordance with the requirements of table 5.

TABLE 5. ANGLE OF INTERSECTION

Street Type	Intersecting Street Type	Angle	
		Minimum	Maximum
Local or access	Local or access	75	105
	Collector	80	100
	Arterial	85	95
Collector	Collector	85	95
	Arterial	85	95
Arterial	Arterial	85	95

- (2) The inside edge of the pavement at street intersections shall be rounded with a minimum radius as shown in table 6.

TABLE 6. MINIMUM EDGE OF PAVEMENT RADIUS AT INTERSECTING STREETS

Street Type	Intersecting Street Type	Minimum Radius(feet)	
		Residential	Commercial/Industrial

Local	Local	25	30
	Collector	30	35
	Arterial	40	45
Collector	Collector	40	50
	Arterial	50	60
Arterial	Arterial	50	60

These values apply to a street type having two lanes without a median. Whenever the street type is divided by a median, the minimum pavement width shall be 14 feet on each side of the median and the edge of pavement radius shall be determined by a special study using a B-40 vehicle that negotiates the turn without encroaching on the median. Greater radii may be required where school buses will be routed or if an engineering study determines that traffic conditions warrant a larger radius.

- (3) The property line radius shall follow the curvature of the inside edge of pavement and be offset a minimum distance equivalent to the pavement/property line offset used on the roadway design section.

(k) *Culs-de-sac.*

- (1) Dead-end streets, designed to be so permanently, shall be closed at one end by a circular turnaround for vehicles and shall be constructed according to the following minimums:
- a. Diameter of pavement to inside face of curb or edge of pavement: 90 feet outside diameter, 45 feet inside diameter.
 - b. Diameter of right-of-way for curb and gutter section: 110 feet.
 - c. The diameter of right-of-way for ditch and swale drainage shall be a minimum of 130 feet.
- (2) The island in the center of the circular turnaround may be paved solid, kept unpaved to preserve existing vegetation, or enhanced with additional vegetation, provided that vegetation does not cause a visual obstruction between 2 1/2 feet and seven feet in height above grade, and provided further that proper maintenance agreements have been filed with the board.
- (3) The transition from the cul-de-sac pavement to the regular approaching pavement width shall be as shown in section 10-714.
- (4) On all roads to be maintained by and dedicated to the county, the length of a cul-

de-sac shall be 500 feet or less. This length may be extended to a maximum length of 1,000 feet for single-family residential development only. The length of the dead-end street with cul-de-sac shall be measured along the centerline of the pavement from the centerline of the nearest lane of the intersecting street to the center point of the cul-de-sac. This subsection does not apply to privately maintained roads.

- (5) All streets ending in culs-de-sac that are over 250 feet long shall have a standard "No Outlet" traffic sign installed at the street entrance and paid for by the developer.

(l) *On-road and off-road bikeways.* All county-maintained arterial, collector and local streets shall be designed and constructed in accordance with the county administrative code policy relating to on-road and off-road bikeways and associated roadway width.

(m) *Privately maintained accessways.* The following privately maintained accessways shall not be required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:

- (1) Parking lot aisles (as defined in chapter 34);
- (2) Parking lot accesses (as defined in chapter 34);
- (3) Driveways (as defined in this chapter); and
- (4) Accessways which meet the following three requirements:
 - a. Provide vehicle access to 50 or fewer residential units and to 100 or fewer parking spaces (in determining the number of parking spaces served by an accessway any landscaped areas reserved for future parking spaces shall be included);
 - b. Meet the dimensional requirements for parking lot accesses and aisles; and
 - c. Provide for utility easements per section 10-355(a)(1) if utilities are to be located in or adjacent to the accessway.

(n) *Streets and driveways in resource protection areas and transition zones.* Notwithstanding other provisions of this chapter, if a new road or driveway is permitted in a resource protection area or transition zone in accordance with policy 25.1.7 of the Lee Plan, it shall be culverted or bridged so that the predevelopment volume, direction, distribution and surface water hydroperiod will be maintained.

(o) *Work in county right-of-way.*

- (1) No individual, firm or corporation may do any work within county-maintained rights-of-way or easements without first having obtained a permit from the county department of transportation.

- (2) The county department of transportation will not issue a permit for any private road to connect to any county-maintained road other than a residential driveway without approval of drainage plans prepared by a registered engineer. (See section 10-716 for approved utility piping materials for use in county right-of-way.)
- (3) For single residential buildings of two dwelling units or less on county-maintained streets, the county department of transportation will do all necessary field survey work to establish the proper grade, pipe diameter and length for driveway culverts.

(Ord. No. 92-44, § 9(P), 10-14-92; Ord. No. 94-07, § 9, 2-16-94; Ord. No. 94-28, §§ 17, 18, 10-19-94)

Sec. 10-297. Access standards for county roads lying within incorporated areas.

(a) Access points from private property to county roads lying within the incorporated areas of the county shall be established, based upon the functional classification of such roads as determined by the county and based upon such other factors as this chapter makes relevant to the determination of the location of and number of such access points, it being the intention of the Board of County Commissioners to treat county roads lying within the incorporated areas of the county as though they were located in the unincorporated areas of the county; provided, however, that these general regulations may be superseded by any interlocal agreement which may be made in the future between the county and any of the municipalities within the county and which interlocal agreement provides for different access regulations with respect to one or more specific county roads lying within the municipality in question. Should such an interlocal agreement not be in effect, and as a result thereof should it develop that reasonable access from adjacent private property to the county road in question be unobtainable, then a variance granting minimum reasonable access may be obtained using the variance procedures which are set forth in this chapter.

(b) The county shall have the right to enjoin and restrain any person or any agent or representative thereof from violating the provisions of this section, or may pursue any other relief available pursuant to law in the enforcement of this section.

(Ord. No. 87-30, §§ 1, 2, 11-24-87)

Secs. 10-298--10-320. Reserved.

DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-321. Generally.

(a) *Stormwater system required; design to be in accordance with SFWMD requirements.* A stormwater management system shall be provided for the adequate control of stormwater runoff that originates within a development or that flows onto or across the development from adjacent lands. All stormwater management systems shall be designed in accordance with South Florida Water Management District (SFWMD) requirements and shall provide for the

attenuation/retention of stormwater from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with this chapter and review of these projects shall be limited to external impacts and wet season water table elevation. Projects granted SFWMD exemptions shall be subject to review by the county and will follow the criteria and requirements of the SFWMD. For purposes of stormwater management calculations, the assumed water table must be established by the design engineer in accordance with sound engineering practice. The director of development review will review the stormwater management system on all development order projects for compliance with this chapter and may require substantiation of all calculations and assumptions involved in the design of stormwater management system.

(b) *Development outside future urban areas to comply with policies of Lee Plan; surface water management plans within urban areas.* All development outside of future urban areas shall be designed to comply with the Lee Plan policies 39.2.1, 39.2.2 and 39.2.3. Surface water management plans for developments within urban areas shall mimic natural systems where feasible in accordance with Lee Plan policy 39.2.4. Techniques to mimic the function of natural systems are specified in section 10-418.

(c) *Crown elevation of local subdivision streets.* Except as provided in subsection (d) of this section, minimum elevation of the crown of local subdivision streets shall be 5.5 feet above mean sea level (USC&GS) datum. This standard shall apply only to streets interior to a project. In order to accommodate differences in elevation between interior streets and exterior streets, when such exterior streets exist below the minimum elevation, elevation variations along the interior streets necessary to provide a sloped lowering of the interior streets to meet the existing exterior street elevations shall be permitted in accordance with applicable generally accepted engineering standards if approved by the director of development review.

(d) *Street crown elevation for subdivisions abutting Caloosahatchee River.* In subdivisions which are to abut the Caloosahatchee River upstream of the W.P. Franklin Dam, the minimum local street crown elevation shall be 6.0 feet above mean sea level at the dam and increased at a uniform gradient to an elevation of 7.0 feet at the east county line.

(e) *Caution to plan adequate elevation and drainage facilities.* Many areas of the county will require street crown elevations far exceeding the minimums stated in this section, and subdivision designers are cautioned to plan both adequate elevation and drainage facilities to prevent any flooding which could endanger health or property.

(Ord. No. 92-44, § 10(A), 10-14-92; Ord No. 94-07, § 10, 2-16-94)

Sec. 10-322. Roadside swales.

Roadside swales within street rights-of-way shall have side and back slopes no steeper than 3 to 1. Normal swale sections shall be a minimum of 12 inches deep and a maximum of 36 inches below the outside edge of the street pavement. Runoff may be accumulated and carried in the swales in the right-of-way. Where flow velocities in excess of two feet per second are anticipated, curb and gutter or other erosion control measures shall be provided.

(Ord. No. 92-44, § 10(B), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec. 10-323. Rear lot line swales and ditches.

Rear lot line swales and ditches should be used only where adequate provisions for maintenance are provided.

(Ord. No. 92-44, § 10(C), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec. 10-324. Open channels and outfall ditches.

With the exception of roadside swales and major drainageways, open drainageways within 100 feet of school sites shall not be permitted unless specifically approved by the board. Drainage plans shall provide that stormwater be collected in properly designed systems of underground pipes, inlets and other appurtenances, and be conveyed to an ultimate positive outfall. Where permitted, open drainageways shall retain natural characteristics and be designed and protected so that they do not present a hazard to life and safety. Protection against scour and erosion shall be provided as required by the director of development review.

(Ord. No. 92-44, § 10(D), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec 10-325. Reserved.

Ord. No. 94-07, § 10, adopted Feb. 16, 1994, deleted provisions formerly codified as § 10-325, which pertained to disposition of stormwater and derived from Ord. No. 92-44, § 10(E), adopted Oct. 14, 1992.

Sec. 10-326. Inlet spacing.

Drainage inlets for roadways with closed drainage systems shall be designed in accordance with state department of transportation guidelines. Inlets shall have the capacity to handle the design flow.

(Ord. No. 92-44, § 10(F), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec. 10-327. Dedication of drainage system; maintenance covenant.

(a) All necessary drainage easements and structures shall be dedicated to the appropriate entity or association at no expense to the county. Dedication for drainage ditches shall include a suitable berm (shoulder) width for maintenance operations. The berm shall be cleared of trees, shrubs and other obstructions and shall have adequate vehicular access. Suitable maintenance areas for the other drainage structures shall be located in drainage easements or rights-of-way. Dedications shall appear in the recorded plat or by deed.

(b) The stormwater management system shall not be dedicated or accepted by the county. This system shall be maintained through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the stormwater management system that the drainage will be continually maintained. Regardless of the method chosen to provide for the continual maintenance of the stormwater management system, the beneficiaries shall be provided with a legal right to enforce the assurance that the drainage will be continually maintained. The legal documents which provide for the continual maintenance of the stormwater management system shall be accepted only after they are received and approved by the county

attorney's office for compliance with this section.

(Ord. No. 92-44, § 10(G), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec. 10-328. Drainage easements.

(a) *Open drainage easements.* Where a proposed development is traversed by or abuts a watercourse, drainageway, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right-of-way shall be provided which shall conform substantially with the limits of such watercourse, drainageway, canal, IDD easement, lake, pond or stream. Additionally, the right-of-way shall include on one side a 20-foot width for maintenance purposes, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. For canals or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer shall include a 20-foot-wide easement or right-of-way on both sides of the canal or flow-way for maintenance purposes, unless a lesser dimension is approved by the director of development review. This easement or right-of-way shall be kept clear by the property owners and shall have satisfactory vehicle access.

(b) *Closed drainage easements.* The width of closed drainage easements shall be based upon sound engineering principles including, but not limited to, depth of cut, size of drainage pipe, proximity of structures, etc. Closed drainage easements shall be a minimum of 15 feet in width for pipes that are 48 inches or less in diameter. The easement width for multiple pipes or for pipes greater than 48 inches in diameter shall be 20 feet or more.

(Ord. No. 92-44, § 10(H), 10-14-92; Ord. No. 94-07, § 10, 2-16-94)

Sec. 10-329. Excavations.

(a) *Applicability.* This section provides the permitting and development order requirements for the construction of previously unzoned and unpermitted excavations for water retention and detention. The specific requirements for excavations for commercial mining excavations are specified in chapter 34, article VII, division 15, subdivision II, and are not included in this section.

(b) *Excavation defined.* Excavation, for the purposes of this section, means the excavation, stripping, grading or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt or other extractive materials, from their natural state and location, for use off the site or on the site from which extracted. The following activities and operations are not considered to be excavation operations and are not subject to the provisions of this section:

- (1) Excavation, removal or storage of rock, sand, dirt, gravel, clay or other material for the purpose of constructing the foundation of a structure.
- (2) The removal or moving of materials for construction of roads, sewer lines, storm sewers, water mains or other utilities.
- (3) The removal or moving of materials for purposes of surface water drainage, i.e., swales, ditches, dry retention, etc.

(4) The temporary removal of topsoil from a lot for landscaping purposes.

(c) *Permit required; exceptions.* It is unlawful for any person, partnership or other legal entity to engage in excavation within the unincorporated area of the county, or for an owner to permit such excavation on his property, without first having obtained the approvals and permits specified in this section.

Excavations for bona fide agricultural uses that will not result in the use of the excavated materials off-site must comply with subsections (e)(1), (3) and (4) (bank slope ratio only) below, but are not subject to any county approval process. Other excavations for bona fide agricultural uses and excavations that are accessory to one single-family residence are permitted under the following conditions:

- (1) The property owner submits notice of intent to commence excavation to the director of development review. The notice must contain the following information:
 - a. The location of the property;
 - b. The name of the owner;
 - c. A site plan showing the slopes of the proposed excavation, the maximum depth of the excavation and the location of the excavation relative to all property lines, easements, rights-of-way, section lines and quarter section lines;
 - d. The proposed date of commencement, which may not be less than ten days from the date of the submittal; and
 - e. The signature of the property owner.
- (2) The excavation complies with subsections (e)(1), (3) and (4) (bank slope ratio only) of this section.

(d) *Excavation types and required approvals.* Excavations are generally constructed either for mining operations, for stormwater retention or as a development site amenity. Table 2 summarizes the various types of excavations and the permits and approvals required for each excavation type.

TABLE 2

ExcavationType	Excavation Size	ExcavatedMaterialDe stination	Permits/Approvals Required ¹
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General mining excavation	All	Off-site	Planned development zoning or special exception, development order, SFWMD permit
Development project stormwater retention, i.e., lakes and ponds, etc.	All	Off-site	Planned development zoning or special exception, development order, SFWMD permit
Development project stormwater retention, i.e., lakes and ponds, etc.	All	On-site	Development order, SFWMD permit

¹The requirements for planned development zoning approvals and for special exceptions for excavations are specified in chapter 34, article VII, division 15, subdivision II.

(e) *Standards.* All new excavations regulated by this section will be subject to the following standards:

(1) *Setbacks for excavations.*

- a. No excavations will be allowed within:
 1. Twenty-five feet of an existing street right-of-way line or easement for a local street;
 2. Fifty feet of any right-of-way line or easement for a collector or arterial street. The 50-foot setback may be reduced if the developer provides elements for the protection of wayward vehicles. The elements for the protection of wayward vehicles may include guardrails, berms, swales, vegetation or others as determined by the director. In no event may the setback for an excavation from a collector or arterial street be less than 25 feet;
 3. Fifty feet of any private property line under separate ownership. This setback does not apply to lots developed concurrently with the excavation for water retention when part of a development order; or
- b. In all cases, the most restrictive setback will apply.
- c. All excavation setbacks must be measured from the mean high water (MHW) or the wet season water table (WSWT) line.

- (2) *Setbacks for buildings, accessory buildings, equipment and other structures.* All setbacks for accessory buildings or structures must be shown on the site plan required as part of the application for a development order. No crusher, mixing plant, bin, tank or structure directly involved in the production process may be located less than 600 feet from any residentially zoned area or district, or 250 feet from all other nonresidential areas or zoning districts. In order to allow flexibility, the general area of any accessory buildings, structures and processing facilities may be shown on the site plan. The final placement of these buildings, structures and facilities must comply with the setbacks noted above.
- (3) *Maximum excavation depth.* Excavations permitted under this section may not exceed 12 feet in depth and may not penetrate through any impervious soil or rock layer which presently prohibits intermingling of various watery strata. A greater depth may be permitted under this section provided that the proposed depth has been approved as a planned development rezoning deviation or as a condition of a zoning special exception approval.
- (4) *Excavation bank slopes.* The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight, as described in division 6 of this article. The banks of all excavations (after reclamation, if applicable) permitted under this section must be sloped at a ratio not greater than 4 horizontal to 1 vertical to a water depth of four feet below the dry season water table. The slopes must be not greater than 2 horizontal to 1 vertical thereafter, except where the county engineer determines that geologic conditions would permit a stable slope at steeper than a 2 to 1 ratio. Excavation bank slopes must comply with the shoreline configuration, slope requirements and planting requirements for mimicking natural systems as specified in section 10-418.
- (5) *Fencing.* A four-foot fence may be required, at the discretion of the director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership.
- (6) *Test borings.* Test borings, when required by the division of natural resources management, must be conducted in conformance with section 34-1677(b)(4).

(Ord. No. 92-53, § 2, 12-9-92; Ord. No. 94-07, § 10, 2-16-94; Ord. No. 94-10, § 5, 4-20-94; Ord. No. 94-28, § 19, 10-19-94)

Cross reference(s)--Excavations generally, § 34-1651 et seq.

Secs. 10-330--10-350. Reserved.

DIVISION 4. UTILITIES*

 ***Cross reference(s)**--Buildings and building regulations, ch. 6; zoning regulations pertaining to essential services, § 34-1611 et seq.

Sec. 10-351. Generally.

(a) Public water systems and public sewage systems shall be designed and constructed in accordance with county, state and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the uniform county fire code, as they may be amended from time to time.

(b) Public sewage systems shall be designed by an engineer in accordance with this chapter, and shall be designed, constructed and maintained in such a manner as not to adversely affect the water quality of any existing stream, lake or underground aquifer.

(c) No development order shall be issued for any development for which adequate provisions for sanitary sewage disposal and potable water service have not been made. For purposes of this section, the term "adequate" shall be defined as satisfying the regulations of the state department of health and rehabilitative services and the state department of environmental regulation, as they may apply, and this chapter.

(d) General location and installation standards are as follows:

- (1) All treatment facilities shall be located and constructed to minimize noise, odor and other effects and impacts on the public health, welfare and safety.
- (2) All aboveground or partially aboveground facilities (active or passive) shall be set back at least 100 feet from any perimeter property line.
- (3) Belowground disposal facilities (drainfields, mound drainfields, injection wells, etc.) shall be no closer than 50 feet from the nearest residential lot.
- (4) Location of all facilities shall be in accordance with the applicable local, state and federal regulations.

(Ord. No. 92-44, § 11(A), 10-14-92)

Sec. 10-352. Potable water systems.

(a) *Connection to central system required for certain developments.* The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned water utility, or within the county utilities' future water service areas as defined in the Lee Plan, must connect to that respective water system:

- (1) Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development which contains less than ten dwelling units in any phase or combination of phases and also is located more than one-quarter mile from a point of connection;
- (2) Any commercial or industrial development that exceeds 30,000 square feet of gross floor area and any smaller such development that will use more than 5,000 gallons per day of water; and

- (3) Any residential, commercial or industrial development of any size where central water lines are or will be in place within 90 days of the issuance of the development order. For purposes of this subsection, the term "in place" shall mean located in a public right-of-way or easement adjacent to any portion of the property.

The provisions of this subsection will become effective for each investor-owned utility upon the execution of an agreement with the county which demonstrates the availability of an equitable program of rebatable agreements.

(b) *Administrative exceptions.*

- (1) If the proposed development receives an administrative exception pursuant to subsection (a) of this section, a development order may be issued upon satisfactory documentation that the development will itself provide water service in accordance with the regulations of the state department of health and rehabilitative services, the state department of environmental regulation and the South Florida Water Management District. If the proposed development receives an administrative exception as described in subsection (a) of this section, the development order shall clearly stipulate that the water system so established shall be abated and connection to that utility shall be made not more than 90 days from the date that the utility certifies that potable water service is available at the boundary of the development. An appropriate bond or equivalent security shall be tendered to the affected utility to ensure compliance.
- (2) *Private systems.* Developments that do not exceed the thresholds specified in subsection (a) of this section may install a private water system provided that the private water system complies with chapter 10-D-4 of the Florida Administrative Code, as such provisions now exist or may be amended.

(Ord. No. 92-44, § 11(B), 10-14-92; Ord. No. 94-07, § 11, 2-16-94)

Sec. 10-353. Sanitary sewer systems generally.

(a) *Connection to central system required for certain developments.* The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned utility, or within the county utilities' future sewer service areas as defined in the Lee Plan, must connect to that respective sewer system:

- (1) Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development which contains less than ten dwelling units in any phase or combination of phases and also is located more than one-quarter mile from a point of connection;
- (2) Any commercial or industrial development that exceeds 30,000 square feet of gross floor area and any smaller such development that will generate more than 5,000 gallons per day of sewage; and
- (3) Any residential, commercial or industrial development of any size where central

sewer lines are or will be in place within 90 days of the issuance of the development order. For purposes of this subsection, the term "in place" shall mean located in a public right-of-way or easement adjacent to any portion of the property.

The provisions of this subsection will become effective for each investor-owned utility upon the execution of an agreement with the county which demonstrates the availability of an equitable program of rebatable agreements.

(b) *Administrative exceptions.*

- (1) If the proposed development receives an administrative exception pursuant to subsection (a) of this section, a development order may be issued upon satisfactory documentation that the development will itself provide sanitary sewer service in accordance with the regulations of the state department of environmental regulation, or on-site sewage disposal in accordance with the regulations of the state department of health and rehabilitative services.
- (2) If the proposed development receives an administrative exception as described in subsection (a) of this section, the development order shall clearly stipulate that the system so established shall be abated and connection to that utility shall be made not more than 90 days from the date that the utility certifies that sanitary sewer service is available at the boundary of the development. An appropriate bond or equivalent security shall be tendered to the affected utility to ensure compliance.

(c) *Individual sewage disposal systems.* Developments that do not exceed the thresholds specified in subsection (a) of this section may install individual sewage disposal systems provided that the systems comply with chapter 10D-6 of the Florida Administrative Code as the same now exists or as it may be amended from time to time.

(Ord. No. 92-44, § 11(C), 10-14-92; Ord. No. 94-07, § 11, 2-16-94)

Sec. 10-354. Reuse water system.

(a) Wherever technically feasible, the irrigation of grassed or landscaped areas shall be provided for through the use of a second water distribution system supplying treated wastewater effluent or reuse water. This reuse water system shall be separate and distinct from the potable water distribution system and shall be constructed and operated in accordance with the rules of the state department of environmental regulation, specifically chapter 17-610, Florida Administrative Code.

(b) Any proposed development which is:

- (1) Located in the franchised or certificated service area of a sanitary sewer utility, or the county utilities' future sanitary service area, which is prepared to supply reuse water at a quality and quantity commensurate with the irrigation needs of the proposed development, when the nearest property line of the development is located within one-quarter mile of the reuse distribution system; or

- (2) Planned to rely on an on-site wastewater treatment facility whose design average daily flow is 100,000 gallons per day or more;

shall be designed to maximize the use of reuse water from the utility in the case of subsection (1) of this subsection, or on-site wastewater plant in the case of subsection (2) of this subsection.

(c) Additional permissible uses of reuse water include fountains and other landscape water features, fire suppression and toilet flushing (only) in structures containing no dwelling units.

(Ord. No. 92-44, § 11(D), 10-14-92)

Sec. 10-355. Easements; location of water and sewer lines.

(a) *Generally.*

- (1) Water distribution and sewage collection lines shall not be installed under the paved traveled way of any arterial or collector street except as necessary to cross under the street. Unless otherwise permitted by the department of transportation and engineering, water distribution and sewage collection lines that cross under arterial and collector streets shall be installed perpendicular to the street and shall comply with the requirements of the administrative code for utility construction activities in county-owned or county-maintained roadway and drainage rights-of-way and easements. Water distribution lines and sewage collection lines shall not be installed in street rights-of-way or roadway easements unless the installation does not interfere with the ultimate cross section of the roadway and drainage within the right-of-way. Water distribution lines shall be located to accommodate future expansion of arterial and collector streets. For all new local roads or accessways in proposed developments, a minimum ten-foot-wide utility easement shall be provided on both sides of those roads or accessways; actual width shall be determined on a case-by-case basis so as to be accommodated within the utility easements. Water distribution lines shall be installed at the edge of the street right-of-way or street easement or outside of the right-of-way if the water distribution line will conflict with the ultimate cross section of the street. Sewage collection lines may be installed under the traveled way of local streets. Sewage collection lines shall be installed at the edge of street rights-of-way for arterial or collector streets or outside of the right-of-way if the sewage collection lines will conflict with the ultimate cross section of arterial or collector streets.
- (2) Utility easements shall be shown on the site plan, and electric, telephone and cablevision lines shall be installed within the easements. Water distribution lines and sewage collection lines shall be installed within the right-of-way or within the easements as noted in subsection (a)(1) of this section (see section 10-715).

(b) *Extension of existing utilities.*

- (1) The extension of existing utilities shall be in accordance with the prevailing conditions as they exist, provided no conflict is thereby generated after consideration is given to the ultimate cross section of the roadway and drainage

within the right-of-way as determined by the director of the department of transportation and engineering. For new developments, where no physical or design conflict would be created, and where not prohibited by the regulations of the state department of transportation, the county department of transportation and engineering, the state department of environmental regulation or the state department of health and rehabilitative services, potable water mains shall be located on the north and west sides of the right-of-way or roadway, and sanitary sewer gravity or pressure lines, force mains and reuse water distribution mains shall be on the side opposite that in which potable water is installed (see section 10-715).

- (2) If it is determined after consultation with the director of the department of transportation and engineering that a conflict with the ultimate cross section is created by the utility, then the proposed utility extensions shall be offset to an easement that is not within the right-of-way when the proposed extension is to be constructed.

(c) *Easements along rear lot line.* When a utility company requests a utility easement along rear lot lines, the easement shall be 16 feet in width and shall be centered on the rear lot line through any block where lots are back to back, or eight feet in width where the adjacent land is vacant or subdivided, or ten feet in width and adjacent to the rear lot line when the adjacent property is a street right-of-way or roadway.

(d) *Easements along side lot line.* When a utility company requests a utility easement along a side lot line, the easement shall be a minimum of 12 feet in width and shall be centered on the lot line.

(e) *Easements along drainage easement.* When a utility company requests a utility easement along a side or rear lot line and there is to be a drainage easement along that lot line, the utility easement shall be provided adjacent to, and in addition to, the drainage easement.

(f) *Reduction or waiver of requirements.* The width of the utility easements specified in subsections (a) through (e) of this section may be reduced, or the requirement for the utility easements may be eliminated, if all of the applicable utility companies state, in writing, that the easement may be eliminated or reduced in width.

(Ord. No. 92-44, § 11(E), 10-14-92)

Sec. 10-356. Maintenance and operation of water and sewer systems.

(a) Where the developer provides a public water or sewage system, the treatment plants, lines and all other appurtenances shall be maintained and operated through a covenant which runs with the land, in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the plant will be continually operated and maintained. Such operation and maintenance shall be in accordance with the rules and regulations of the state department of environmental regulation.

- (b) Regardless of the method chosen to provide for the continual maintenance and

operation of the plant, the beneficiaries of the service shall be provided with a legal right to enforce the assurance that the plant shall be continually operated and maintained.

(Ord. No. 92-44, § 11(F), 10-14-92)

Sec. 10-357. Inspection of water and sewer systems; piping materials.

(a) The department of utilities shall periodically inspect all construction of water and sewage systems, including systems not to be dedicated to the public.

(b) The department of utilities shall immediately call to the attention of the developer and his engineer any failure of work or material.

(c) The development review director, at the recommendation of the department of utilities, may suspend work that is not in conformity with approved plans and specifications, and shall require inspections as necessary.

(d) After required improvements have been installed, the developer's engineer shall be required to submit certification, including as-built drawings, to the county that the improvements have been constructed substantially according to approved plans and specifications.

(e) Approval of completed water and sewage system improvements must be given in writing by the franchiser to the department of utilities.

(f) Approved utility piping materials for use in rights-of-way are listed in section 10-716.

(Ord. No. 92-44, § 11(G), 10-14-92)

Secs. 10-358--10-380. Reserved.

DIVISION 5. FIRE SAFETY*

***Cross reference(s)**--Buildings and building regulations, ch. 6.

Sec. 10-381. Generally.

Fire protection systems shall be designed and constructed in accordance with county, state and federal standards, including the requirements established by the uniform county fire code, as may be amended.

(Ord. No. 92-44, § 12(A), 10-14-92)

Sec. 10-382. Applicability of division.

The provisions of this division apply to all developments that occur within existing public water systems, outside of existing public water systems, and inside or outside of an established

fire district or taxing unit.

(Ord. No. 92-44, § 12(B), 10-14-92)

Sec. 10-383. Interpretation of division; conflicting provisions.

(a) This division shall be construed to be the minimum regulations necessary for the purpose of meeting the general and specific requirements named in this division.

(b) Where any provision of this division imposes a restriction different from that imposed by any other provision of this chapter or any other ordinance, regulation or law, the provision which is more restrictive shall apply.

(c) Formal interpretations on water supplies and fire department access shall be made by the county fire official.

(Ord. No. 92-44, § 12(C), 10-14-92)

Sec. 10-384. Minimum standards for all developments.

(a) *Building classes.* Building classes for purposes of this section are as follows:

- (1) One and two dwelling unit developments.
- (2) Multifamily developments with three to six dwelling units per building and not exceeding two stories in height.
- (3) Multifamily developments with more than six dwelling units per building, or more than two stories in height, and all commercial areas.
- (4) All industrial areas.
- (5) Hazardous storage areas (as defined in the Standard Building Code).

(b) *Fire department access.* Except as noted in this subsection, buildings that fall into the classes set forth in subsections (a)(3) through (5) of this section, and any unusual and potentially hazardous circumstances as determined by the fire official, shall provide a 20-foot-wide fire department access lane in the rear of such building. This shall be an identified stabilized surface adequate to carry the load of fire apparatus. Exceptions to this requirement are as follows:

- (1) Buildings provided with a complete automatic fire sprinkler system.
- (2) Where, in opinion of the county fire official and the district fire official, due to the size, construction, location or occupancy of a building, the access width may be reduced or omitted.

(c) *Fire flows.* Fire flows for all developments shall be determined according to this division before the issuance of a development order. The engineer, contractor or installer of

water supply systems in new developments shall demonstrate, by actual test, that the capacity of the water supply system will meet fire protection design requirements. A fire flow of the existing public water system shall be made before the issuance of a development order for all developments in or within one-quarter mile of an existing public water system. Fire flow tests shall be witnessed by the fire department and other authorities having jurisdiction who desire to do so.

(Ord. No. 92-44, § 12(D), 10-14-92)

Sec. 10-385. Developments provided with public water system.

(a) *General design standards.* Fire protection and public water systems shall be designed by an engineer and constructed in accordance with county, state and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the uniform county fire code, as they may be amended.

(b) *Fire flows.* The water distribution system shall be capable of delivering fire flows as follows:

(1) Requirements for one- and two-family developments are as follows:

Distance Between Buildings	Needed Fire Flow(gpm)
Over 30 feet	500
0 to 30 feet	750

Developments not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with NFPA #13D most current adopted edition or shall provide an additional source of water for fire protection in accordance with section 10-386.

(2) All other building shall calculate required fire flows in accordance with the formula shown in subsection (b)(3) of this section. This formula establishes a base flow from which the degree of hazard and credit for sprinkler protection will result in a final needed fire flow. NFPA #13 most current adopted edition shall be used for the purpose of determining hazard classification.

Classification	Application
Light	Light

Ordinary I and II	Ordinary
Ordinary III and higher	High

(3) Fire flow is based on the following formula:

$$F = 18 \text{ multiplied by } C \text{ multiplied by } A.$$

F	=	Gallons per minute flow at 20 pounds per square inch residual.
C	=	Constant based on type of building construction.
Coefficients based on construction type:		
1.5	=	Wood (type VI).
1.0	=	Ordinary (type V).
0.8	=	Noncombustible (type III and IV).
0.6	=	Fire resistive (type I and II).
A	=	The square root of the gross floor area (as defined in the Standard Building Code, most current adopted edition) of all floors. Area of buildings without walls shall be calculated using building area as defined in the 1988 Standard Building Code.
		Fire resistive construction need only be calculated on the three largest successive floors.

		A four-hour fire resistive wall may be used to reduce total square footage of a building providing the wall intersects each successive floor of the building.
BF	=	Base flow established from the formula $F = 18 C$ multiplied by A.
FF	=	BF multiplied by 0.75 (light hazard occupancy).
FF	=	BF multiplied by 1 (ordinary hazard occupancy).
FF	=	BF multiplied by 1.25 (high hazard occupancy).

If the building is protected by an automatic sprinkler system installed in accordance with all state and local codes, the fire flow requirement will be deemed to have been satisfied.

- (4) A minimum flow in all cases will be 500 gallons per minute with a 20 pounds per square inch residual.
- (5) In areas that cannot meet a flow of 500 gallons per minute, alternate sources of water may be acceptable, subject to county fire official approval.

(c) *Water main installation.*

- (1) Water mains for one and two dwelling unit developments shall be no less than eight inches in diameter, and constructed in an external loop connected to intersecting water mains at a maximum distance of 1,500 feet.
- (2) Water mains for multifamily developments with three to six dwelling units per building and not exceeding two stories in height shall be no less than eight inches in diameter, and constructed in an external loop connected to intersecting water mains at a maximum distance of 1,500 feet.
- (3) Water mains for multifamily developments composed of buildings with more than six units per building or more than two stories in height, and all commercial areas, shall be no less than ten inches in diameter, and constructed in an external loop system with intersecting water mains installed every 2,000 feet.
- (4) Water mains for all industrial areas and all hazardous storage areas shall be no less than 12 inches in diameter and constructed in an external loop system with

intersecting water mains installed every 2,000 feet. Fire hydrants shall be installed on intersecting water mains.

- (5) Fire hydrants shall be installed so that the 4 1/2-inch streamer connection is no less than 18 inches and no more than 24 inches above finished grade.
- (6) The maximum allowed dead-end water line shall be no longer than one-half the distance required between intersecting water mains.
- (7) Any water main along an arterial road or considered by the utility company to be a main transmission line shall be sized to accommodate future growth, but in no case less than specified in this section. A letter of approval from the utility company will be acceptable evidence of conformance with this requirement.
- (8) Fire hydrants shall be located within ten feet of the curblin of fire lanes, streets or private streets when installed along such accessways.
- (9) Alternatives to line sizing, dead-end and intersecting water main criteria may be acceptable if they embody sound engineering practices and are demonstrated by the applicant's professional engineer.

(d) *Hydrant spacing.*

- (1) Fire hydrant spacing shall be determined using the last available hydrant on the public water system as the PCP.
- (2) Hydrant spacing for all developments shall be measured along the centerline of the street. For the purposes of this subsection, the term "street" shall include all road frontage, including roadways, drives, avenues or any other road designation. Also included shall be any private drive designated as required fire department access.
- (3) Fire hydrants shall be spaced as follows:
 - a. Hydrants for one to two dwelling unit developments shall be 800 feet apart as measured along the centerline of the street.
 - b. Hydrants for multifamily developments with three to six dwelling units per building and not exceeding two stories in height shall be 600 feet apart measured along the centerline of the street.
 - c. Hydrants for multifamily developments with more than six dwelling units per building or more than two stories in height, and commercial areas, shall be 400 feet apart as measured along the centerline of the street.
 - d. Hydrants for all industrial and hazardous storage areas, as defined in the Standard Building Code, shall be 300 feet apart as measured along the centerline of the street.

- (4) Where fire flows are provided by a public water system, on-site fire hydrants shall be provided so that in no case shall there be a fire hydrant located more than 400 feet from all portions of the ground floor of any building. This shall be in addition to any other hydrant spacing requirement. This shall not apply to one- and two-family developments.

(Ord. No. 92-44, § 12(E), 10-14-92; Ord. No. 94-07, § 12, 2-16-94)

Sec. 10-386. Developments not provided with public water system.

(a) Developments not provided with a public water system shall have a fire protection system designed by a state-registered engineer in accordance with NFPA pamphlet #1231, Standard on Water Supplies for Suburban and Rural Fire Fighting, as modified by this section.

(b) Water for fire protection shall be made available on the fireground at a rate not less than the required fire flow.

(c) When bodies of surface water are available, drafting points consisting of a dry hydrant assembly with eight-inch pipe and fire department connections shall be provided.

(d) Drafting points shall be spaced at the same intervals of length as required for fire hydrant spacing.

(e) Extreme care shall be taken to ensure that the water supply required by this section will always be available yearround. Means of maintaining the water supply shall be provided prior to issuance of a development order. Means of maintenance shall include the supply of water, the means of storage of the water, and the associated piping arrangements necessary to deliver the water to the fire department.

(Ord. No. 92-44, § 12(F), 10-14-92)

Sec. 10-387. Developments located outside of established fire district or taxing unit.

(a) All new development, excluding individual, single-family, mobile home, duplex, two-family and agricultural structures, located outside of an established fire district or taxing unit shall arrange for the extension of the service area of an existing district, obtain a charter for a new district, petition for a new district (MSTU) or community development district (CDD) as provided for in F.S. ch. 190, or have a fire protection system designed by a state-registered engineer in accordance with NFPA pamphlet #1231, Standards on Water Supplies for Suburban and Rural Fire Fighting, current edition, as modified in section V A--E, and also in accordance with Ordinance No. 85-20 of the county.

(b) Developments may provide a private water system meeting all the requirements of section 10-386.

(Ord. No. 92-44, § 12(G), 10-14-92)

Sec. 10-388. Reserved.

Editor's note--Ord. No. 94-31, § 2, adopted Nov. 16, 1994, repealed former § 10-388, which pertained to developments located outside of established fire districts.

Secs. 10-389--10-410. Reserved.

DIVISION 6. OPEN SPACE, BUFFERING AND LANDSCAPING*

***Cross reference(s)**--Environment and natural resources, ch. 14; tree protection, § 14-371 et seq.; zoning regulations pertaining to environmentally sensitive areas, § 34-1571 et seq.

Sec. 10-411. Purpose and applicability of division.

(a) Open space, buffering and landscaping are intended to create breaks in the urban landscape and provide replacements for the natural vegetation removed during development. The preservation and utilization of indigenous native vegetation is strongly encouraged and is required for developments as set forth in section 10-413(c).

In order to provide administrative flexibility and to better accomplish the purpose of this division, an alternate landscape betterment plan may be approved in accordance with section 10-419.

(b) All developments initiated after January 28, 1983, must provide open space, landscaping and buffering in compliance with this division. No existing structure or parking area will be required to be altered or moved to meet the provisions of this division.

(c) Where archaeological sites have been identified on a property proposed for development, the sites must be incorporated into the proposed design as required open space unless express approval for destruction or mitigation has been approved as a condition in a certificate to dig, or granted by the historic preservation board in a certificate of appropriateness, pursuant to chapter 22.

(Ord. No. 92-44, § 13(A), 10-14-92; Ord. No. 94-28, § 20, 10-19-94)

Sec. 10-412. Definitions.

The following words, terms and phrases, when used in this division, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Open space. Open space land means:

- (1) Areas of preserved indigenous native vegetation and areas replanted with vegetation after construction, such as natural systems, lawns, landscaped areas and greenways, which comply with the minimum dimensional requirements of section 10-413(d).

- (2) The outdoor recreational facilities as listed in section 10-413(e)(2)e.
- (3) Bodies of water, existing or proposed, provided that they are within the proposed development area and subject to the restrictions and limitations in section 10-413(e)(2)d.
- (4) Archaeological sites, including any area that contains evidence of past human activity ranging from large mound and midden complexes to a group of artifacts, the boundary and extent of which is determined by a survey by a professional archaeologist.
- (5) Plazas, atriums, courtyards and other similar public spaces as specified in section 10-413(e)(2)f.

Parking areas means all areas, paved or unpaved, designed, used or intended to be used for the parking or display of vehicles, excluding:

- (1) Areas used for parking or vehicle display which are under or within buildings;
- (2) Parking areas serving a single structure of two dwelling units or less; and
- (3) Areas used for the temporary storage of construction equipment.

(Ord. No. 92-44, § 13(B), 10-14-92; Ord. No. 94-28, § 21, 10-19-94)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-413. Open space.

(a) *Planned development districts.* For any development zoned RPD, MHPD, RVPD, CPD, CFPD, IPD, AOPD or MPD, the open space required must be consistent with the adopted master concept plan for that development and the open space requirements for that zoning district, in addition to the requirements of this division, unless specific deviations from this division have been granted.

(b) All development must contain, at a minimum, the percentage of open space outline in the table below:

Type of Development	Open Space as Percentage of Development Area
Single-family detached or two-family dwelling units erected on individual lots	none
Other residential	35 percent small projects 40 percent large projects

Commercial, public, and quasi-public [see section 10-414(c)]	20 percent small projects 30 percent large projects
Industrial	10 percent small projects 20 percent large projects
Multiple use	Each individual use must comply with requirements in this table

(c) *Indigenous native vegetation.*

- (1) For large developments with existing indigenous native vegetation, at least 50 percent of the required open space area must be designed to preserve the existing indigenous native vegetation. Refer to section 10-701.
- (2) As an incentive to preserve indigenous native upland plant communities in large tracts, an open space credit equal to 125 percent of the preserve area will be granted. The minimum size of any single preserve area eligible for this credit will be one acre with a minimum average dimension of 75 feet.

(d) *Minimum dimensions.*

- (1) The minimum average width of open space areas must be ten feet.
- (2) The minimum area of open space must be 180 square feet.
- (3) Indigenous open space areas ([see section] 10-413(c)) must have a minimum average width of 20 feet and minimum area of 400 square feet.

(e) *Use of open space.*

- (1) Open space area must be landscaped in accordance with section 10-416.
- (2) The following uses may contribute to the open space requirements provided the minimum dimensions are met:
 - a. Buffers.
 - b. Landscaped areas in off-street parking areas, except for landscaped areas reserved for future parking spaces pursuant to section 34-2017(d).
 - c. Dry detention areas.
 - d. Existing or proposed bodies of water, including stormwater management areas and areas subject to saltwater inundation, which may be used to offset up to a maximum of 25 percent of the required open space area.
 - e. Active and passive recreation areas such as playgrounds, golf courses,

beach frontage, native trails, bikeways, pedestrian ways, and other similar open spaces, as long as not more than 25 percent of the total open space area consists of impervious surface.

- f. Outdoor active and passive public use areas such as plazas, atriums, courtyards and other similar public spaces, which may be used to offset up to a maximum of 20 percent of the required open space.
- g. Archaeological sites or zones that are designated as significant historic resources pursuant to chapter 22.

(f) *Maintenance of provided open space.* Invasive exotics must be removed from provided open space areas by using a method approved at the time of the development order. Open space areas must be maintained free from invasive exotics for all developments which received final development order approval after March 5, 1990. For purposes of this subsection, invasive exotics include *Melaleuca* species (punk tree, cajeput tree, paperbark tree), *Casuarina* species (Australian pines), *Schinus terebinthifolius* (Brazilian pepper, Florida holly), *Rhodomyrtus tomentosus* (downy rosemyrtle) and *Acacia auriculiformis* (earleaf acacia).

- (1) An invasive exotic vegetation removal and maintenance plan must be submitted for development order approval. The applicant must include a tree location graphic or map which identifies invasive exotic plants or invasive exotic plant masses as to the particular species, native plants and plant masses, and a plan to remove invasive exotic vegetation so as to preserve native trees and understory. The plan must also include a commitment to maintain these areas free from invasive exotics in perpetuity.
- (2) The letter of substantial compliance must be deemed to be a certification that the invasive exotic vegetation was removed in compliance with the approved exotic vegetation removal plan.
- (3) If prior zoning approval includes a condition which would provide for the removal of exotic vegetation through a phasing out, such provision set forth in the zoning resolution will prevail over the provisions of this subsection to the extent that they are inconsistent.

(Ord. No. 92-44, § 13(C), 10-14-92; Ord. No. 94-28, § 22, 10-19-94; Ord. No. 95-07, § 8, 5-17-95; Ord. No. 95-12, § 5, 7-12-95)

Sec. 10-414. Buffers.

(a) Industrial and commercial developments that adjoin existing residential developments must include a buffer of no less than 15 feet in width adjacent to all residential uses and property lines. The buffer must contain a fence, wall, or berm that is no less than eight feet in height, as measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 34-2172). Visibility through any fence installed pursuant to this section may not exceed 25 percent when viewed at right angles. No less than five trees per 100 linear feet must be planted in the buffer area on the

residential side of the visual screen.

(b) All sewage treatment plants must include a buffer of no less than 30 feet in width along all property lines. The buffer must contain a fence, wall, or berm that is no less than eight feet in height, as measured using subsection (a) above. Visibility through any fence installed pursuant to this section may not exceed 25 percent when viewed at right angles. No less than six trees per 100 linear feet must be planted outside of the visual screen.

(c) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities, and private schools must provide the buffer described in subsection (a) above if, in the absence of such a buffer, the proposed development will have a significantly adverse impact on adjacent existing residential uses.

(d) All fences, walls, berms, plants, or other landscape features must be placed so as to not violate the requirements of section 34-3131 (vehicle visibility) of the land development code. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

(e) When a fence or wall is proposed, but is not required, the fence or wall must be located so that all required trees and shrubs are planted on the outside of the wall and are visible from the abutting property or street.

(f) Development abutting natural waterway. Except where a stricter standard applies for the Greater Pine Island Area (defined in chapter 34 of the land development code), there must be a 25-foot wide buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area adjoining state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet. No deviation or variance from these requirements will be permitted except under circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.

Existing vegetation within the buffer area must be retained except for the removal or control of exotic plants. Removal of such plants may not involve the use of heavy mechanical equipment such as bulldozers, draglines, front end loaders, and tractors. Where the use of heavy equipment may disturb native vegetation, the approval of the director must be obtained.

(g) Use of buffer areas. Required buffer yards may be used for passive recreation facilities such as pedestrian, bike, or equestrian trails, provided that:

- (1) No required trees or shrubs are eliminated;
- (2) Not more than 20 percent of the width of the buffer is impervious surface;
- (3) The total width of the buffer area is maintained; and
- (4) All other requirements of this chapter are met.

(h) Ownership, preservation, and maintenance of buffer areas. Ownership, preservation, and maintenance of required buffer areas must be in accordance with section 10-417.

(Ord. No. 92-44, § 13(D), 10-14-92; Ord. No. 94-28, § 23, 10-19-94; Ord. No. 95-12, § 5, 7-12-95)

Sec. 10-415. Landscaping.

(a) *Generally.* Landscaping for all new developments, except community and regional parks as defined in the Lee Plan, must include, at a minimum, the following number of trees, in addition to the landscaping required for parking area and buffers. General tree requirements may be reduced through the utilization of larger trees and an alternative landscape betterment plan (see section 10-419).

- (1) *Single-family detached and two-family residential developments.* One tree must be provided per 3,000 square feet of development area, which must include a minimum of two trees per single-family lot installed prior to issuance of the certificate of occupancy.
- (2) *Recreational vehicles and mobile homes (RV/MH).* One tree must be provided per 3,000 square feet of development area.
- (3) *Multiple-family developments.* One tree per 3,000 square feet of development area, plus five trees per 100 linear feet for each lot line that abuts existing single-family or two-family residential developments.
- (4) *All other developments.* One tree must be provided per each 3,500 square feet of development area. No more than 50 percent of the required trees may be located in the area between the rear lot line and a line created by extending the rear wall of the principal structure (defined as the wall closest to, and running roughly parallel to, the rear lot line) to the side lot lines for lots fronting on a single street. Where lots front on two streets, no more than 50 percent of the required trees may be located in the area between the rear lot line and the line created by extending the rear wall of the principal structure to the side lot line and the street right-of-way line.

(b) *Landscaping adjoining street.*

- (1) All industrial and commercial developments and developments described in section 10-414(c) above must include landscaped strips that are no less than ten feet in width adjacent to all street rights-of-way. Where bikeways or pedestrian ways are located in a dedicated easement adjacent to the right-of-way, the planting strip may be reduced by the width of the facility provided there remains a minimum of four feet for the planting strip. No less than 12 shrubs per 100 linear feet may be planted in each landscape strip. The clustering of shrubs is encouraged to improve survivability, ease of maintenance, and the aesthetic effect of the landscaped areas.
- (2) All multiple-family residential developments must include landscaped strips that

are no less than 15 feet in width adjacent to all street rights-of-way. Where bikeways or pedestrian ways are located in a dedicated easement adjacent to the right-of-way, the planting strip may be reduced by the width of the facility provided there remains a minimum of seven feet for the planting strip. No less than five trees and 18 shrubs per 100 linear feet may be planted in each landscaped strip. If the planting of trees, in the opinion of the director, could create a potential conflict with existing overhead power lines, the plantings required by this subsection may be replaced by a vegetative hedge that is no less than three feet in height at the time of planting.

- (3) Landscaped strips adjoining street rights-of-way are not required for single-family development.

(c) *Landscaping of parking areas.*

- (1) *Buffers.* All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a landscaped area as described in section 10-415(b)(1) along all streets. A buffer as described in section 10-414 is required along all other property boundaries.

- (2) *Internal landscaping.* All parking areas must be internally landscaped to provide visual relief and cooling effects and to channelize and define logical areas for pedestrian and vehicular circulation, as follows:

- a. Trees must be planted or retained in landscaped areas in parking areas, including landscaped areas reserved for future parking spaces, to provide for canopy coverage when the trees mature. At least one tree must be planted or retained for every 250 square feet of required internal planting area, and no parking space may be more than 100 feet from a tree planted in a permeable island, peninsula or median of ten-foot minimum width. Canopy requirements must be met with existing indigenous native trees whenever such trees are located within the parking area.
- b. Landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten percent of the total paved surface area. Landscaped areas reserved for future parking spaces pursuant to section 34-2017(d) may not be included in this calculation.
- c. The minimum average dimension of any required internal landscaped area must be ten feet.
- d. No more than an average of ten parking spaces must occur in an uninterrupted row unless optional divider medians, as specified in subsection (b)(2)f of this section, are used.
- e. For large developments only, each row of parking spaces must be terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length. Curbing is strongly encouraged. If terminal islands are used for required canopy trees, they must be a

minimum of ten feet in width.

- f. Optional divider medians may be used to meet interior landscape requirements. If divider medians are used, they must form a landscaped strip between abutting rows of parking spaces. The minimum width of a divider median must be ten feet. One tree must be planted for each 40 linear feet of divider or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing of trees must be 60 feet.
- g. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation must be landscaped with grass, ground cover, shrubs or other approved landscaping materials, and this must be so noted on the landscape plans. Sand, gravel, rock, shell or pavement is not appropriate landscape materials.
- h. Optional tree grates may be utilized in parking areas for installation of up to a maximum of 50 percent of the required canopy trees. Tree grates must contain a minimum of 16 square feet of planting area and must provide a minimum of five air vents per grated area. These areas must be designed in such a manner that water will adequately drain and not be injurious to the health of the canopy tree. A cross section must be included with the landscape plans that demonstrates how the criteria of this subsection will be met. Tree grating areas may not count towards required internal open space.

(d) *Function.* Landscaping is to mimic the function of natural systems. Refer to section 10-418.

(Ord. No. 92-44, § 13(E), 10-14-92; Ord. No. 94-28, § 24, 10-19-94; Ord. No. 95-12, § 5, 7-12-95)

Sec. 10-416. Size and type of vegetation; credits.

(a) *Size of plant materials; use of native varieties.* Planting schedules for projects receiving a final development order on or after November 17, 1986, must specify that 75 percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties, and 50 percent of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. All trees and shrubs provided in accordance with any requirement of this division must comply with the following standards:

- (1) *Trees.* Trees planted in compliance with this division must be a minimum of six feet in height at planting with a minimum trunk diameter of one inch measured at three feet above the ground and a minimum canopy diameter of two feet upon installation. In the case of palms, except dwarf species, the required measurement must be six feet from ground level to the base of palm fronds. Trees must be of species having an average mature spread of crown greater than 15 feet, having a normal mature height greater than 25 feet, and having a trunk which can be maintained in a clean condition for seven feet measured from the ground. Trees

having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread. Trees must be planted in a planting area having a minimum of 2 1/2 feet measured from the center of the tree trunk to the near edge of the landscaped area. A maximum of 25 percent palm varieties (75 percent if only native palms are used) will be allowed for buffer and general tree requirements. Palm trees may not be used as parking canopy trees. Larger trees may be substituted and the required number of general trees reduced through utilization of an alternative landscape betterment plan (see section 10-419).

- (2) *Shrubs.* Shrubs required under section 10-415(b)(1) must be a minimum of 36 inches in height at planting. Unless a vegetative hedge is installed, shrubs required under section 10-415(b)(2) must be a minimum of 18 inches in height at the time of planting. In areas where vehicular sight distance is required, shrubs within the line of sight may not restrict vision.

(b) *Quality of plant materials.* Plant materials used in conformance with the provisions of this division must conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee.

(c) *Prohibited species.* The following species of invasive exotic plants may not be used to fulfill any requirements of this division:

Scientific Name	Common Name	Family Name
Casuarina spp.	Australian pine	Casuarinaceae
Melaleuca quinquenervia	Cajeput	Myrtaceae
Schinus terebinthifolius	Brazilian pepper	Anacardiaceae
Rhodomyrtus tomentosus	Downy rose myrtle	Myrtaceae
Acacia auriculiformis	Earleaf acacia	Fabaceae
Albizia lebeck	Woman's tongue	Fabaceae
Bischofia javanica	Bishop wood	Euphorbiaceae
Dalbergia sissoo	Rosewood	Fabaceae
Eucalyptus camaldulensis	Murray red gum	Myrtaceae
Ficus retusa	Cuban laurel	Moraceae
Syzygium cumini	Java plum	Myrtaceae
Syzygium jambos	Rose apple	Myrtaceae

Thespesia populnea	Cork tree	Malvaceae
Ficus benjamina	Benjamin fig	Moraceae
Cupianopsis anacardioides	Carrotwood	Sapindaceae
Sapium sebiferum	Chinese tallow	Euphorbiceae

(d) *Credits.*

- (1) Except for prohibited species as listed in subsection (d) of this section, every consideration will be given to retaining as much of the existing plant material as may already be present on the site.
- (2) Each existing indigenous native tree preserved which has a trunk diameter of four inches or greater measured at 4 1/2 feet above the ground (dbh) will receive a credit of five trees against the general landscape requirements. Palms which are six feet or greater from ground level to base of fronds will receive a credit of three trees. Credits for existing trees may not be used to reduce the required tree count internally in parking areas or buffer yards unless such trees remain in those areas. Existing trees in buffers may be used for credit provided they occur within the required buffer segment. Refer to section 10-414(c). These credits will apply only when the trees are labeled as protected-credit trees. If the protected-credit trees die within three years from C.C., they must be replaced by the number of credit trees taken.
- (3) These credits will apply where the preserved tree is in an undisturbed area at least two-thirds the radius of the crown spread of the tree measured from the trunk center. In no case may this area radius be less than 2 1/2 feet. For indigenous native pine trees, the undisturbed area may be no less than the full crown spread of the tree, unless other measures such as tie-walls or special slope treatment are constructed for additional protection. Prior to the land clearing stage of development, the owner, developer or agent must erect protective barriers which as a minimum are made of one-inch by one-inch lumber or approved alternative barricading material. In the case of individual trees, barricades must be erected no closer than the dripline of the trees, except where construction limits have been approved to a closer distance. For all other protected vegetation, i.e., shrubs and ground cover, barricades must be erected around the perimeter of the vegetation. The owner, developer or agent may not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier. The protected trees and associated understory plant communities must remain alive and healthy at the end of the construction in order for this credit to apply.

(Ord. No. 92-44, § 13(F), 10-14-92; Ord. No. 94-28, § 25, 10-19-94)

Sec. 10-417. Preservation of street trees; installation of plant materials; maintenance of landscaping and open space.

(a) *Preservation of street trees.* Street right-of-way trees with a trunk diameter of greater than 24 inches measured at 4 1/2 feet above the ground (dbh) must be preserved whenever possible, and the street must be designed to protect and encourage healthy growth.

(b) *Installation of plant materials; protection from encroachment.*

- (1) All landscape materials must be installed in a recognized horticultural correct manner.
- (2) The exact placement of required plants and structures will be the decision of each developer, except that the following requirements must be satisfied:
 - a. Clustering of shrubs is encouraged to maximize their chances of survival and visual effect.
 - b. All buffer areas and landscaped strips must be mulched, seeded, sodded, or planted with ground cover unless vegetative cover is already established.
 - c. Trees and shrubs used in buffers or required landscaped strips adjoining streets must be planted in minimum width planting strip areas equal to one-half the required width of the buffer or landscaped strip.
 - d. All landscaped areas must be provided protection from encroachment by any type of parked or moving vehicle, boat, mobile home, travel trailer or heavy construction equipment.
 - e. All required plants used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. If irrigation systems are used, they must be designed to operate only when needed, and only in those areas which require irrigation.
 - f. Utility, power, or drainage easements may overlap required landscaped strips or buffers; however, no required trees or shrubs may be located in any utility, power, or street easement or right-of-way.

(c) *Maintenance of landscaping.* The property owner is responsible for the maintenance of all landscaped areas required by this division in a healthy, vigorous condition at all times. Trees required by this division may not be trimmed or pruned in such a way so as to alter or limit their normal mature height or crown spread. If planted or preserved landscape materials should die, they must be replaced within 60 days.

(d) *Ownership, preservation and maintenance of open space and buffers.*

- (1) *Buffer areas.* Buffer areas may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting

grantee, such as adjoining landowners, a park or forest preserve district, the county, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection and maintenance of the buffer yards for the purposes of this division. Except for buffer areas so conveyed, the maintenance of the areas will be the responsibility of the owner.

- (2) *Other open space.* With the exception of lawns owned solely by a lot owner, all other open space area must be preserved or maintained so that its use and enjoyment as open space will not be diminished or destroyed. To this end, all open space area be commonly owned and maintained by the owners of the development as provided by covenants which run with the land. These covenants must be in recordable form and must include the following:
 - a. A covenant specifying the manner and method by which the open space will be preserved and maintained, which may include a maintenance assessment or a homeowners' association; and
 - b. A covenant that open space area may not be developed except for open space purposes.

All site plans and plats must designate all open area under common ownership. For platted subdivisions, dedication of and restrictions for commonly owned open space must be stated on the plat.

(Ord. No. 92-44, § 13(G), 10-14-92; Ord. No. 94-28, § 26, 10-19-94)

Sec. 10-418. Stormwater ponds.

(a) *Design standards.* Techniques to mimic the function of natural systems in stormwater management ponds are as follows:

- (1) *Shoreline configuration.* Shorelines shall be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding.
- (2) *Plant materials.* The following shall be considered sufficient to mimic the function of natural systems in ponds with slopes steeper than 6 to 1 but not more than 4 to 1:
 - a. Shorelines shall be sloped or bermed to direct stormwater through pretreatment systems or swales prior to discharge into the pond.
 - b. The minimum required number of native wetland herbaceous plants shall be one plant per linear foot of lake shoreline as measured at the control elevation water level. Native wetland trees or shrubs may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree or two shrubs may be substituted for ten herbaceous plants.
 - c. Plants shall be installed in clusters around the lake perimeter. Placement

of clusters at the inlet and outfall areas is strongly encouraged. Clusters shall be a minimum of 25 plants within a 50-square-foot area.

- d. At least four species shall be planted. Minimum required herbaceous plant size shall be two-inch container, referred to as a liner. Trees and shrubs shall meet the minimum standards in section 10-416.
- e. Sodding or mulching of native wetland plant materials is allowed to establish plantings at the minimum required density in lieu of liners.

(b) *Survival of plant materials.* A minimum of 80 percent survivability of plantings is required for herbaceous wetland plants. Wetland trees and shrubs must be maintained per section 10-417(c).

(Ord. No. 92-44, § 13(H), 10-14-92; Ord. No. 94-28, § 27, 10-19-94)

Sec. 10-419. Alternate landscape betterment plan.

Applications pursuant to this division will be entitled to demonstrate that the intent of this division can be more effectively accomplished through an alternate landscape betterment plan. The following conditions must be met:

- (1) The plan may not deviate from the minimum open space requirements of this section.
- (2) The plan must be labeled as an alternate landscape betterment plan, and delineate, identify and locate all changes to the requirements of this division.
- (3) No less than 75 percent of the trees installed must be native species. If larger trees are substituted to reduce the minimum number of general trees required, no substituted tree will be less than three inches in diameter at three feet above the ground or less than ten feet in height at the time of planting. In no case may general trees be reduced in number by more than 50 percent of the requirement. The actual ratio of the number of general trees reduced from the requirement will be dependent on: (a) the proposed size and number of substituted trees, (b) similarity to native vegetation on site or in the immediate vicinity, (c) appropriate plant grouping for water needs, and (d) the amount of immediate increase in site canopy.
- (4) The plan must demonstrate water conservation through implementation of a comprehensive xeriscape planting and irrigation plan.
- (5) The plan must designate the botanical name (genus and species) and location of all plant material to be installed.
- (6) The proposed alternate landscape betterment plan may be denied if staff determines that the intent of the minimum requirements of this division is not being exceeded.

(Ord. No. 92-44, § 13(I), 10-14-92; Ord. No. 94-28, § 28, 10-19-94)

Sec. 10-420. Restoration standards for native vegetation removed without approval.

A restoration plan based on the minimum standards set out in this section will be required if indigenous native vegetation has been removed without permit or approval. Restoration plantings for vegetation other than trees must be nursery grown, containerized, and planted at no less than three feet on center. The number of replacement plantings will be computed by the square footage of the area destroyed. All other restoration criteria as set forth in chapter 14, article V, pertaining to tree protection, will also apply. Restoration plantings for indigenous native trees must be in compliance with the standards set forth in chapter 14, article V.

(Ord. No. 92-44, § 13(J), 10-14-92; Ord. No. 94-28, § 29, 10-19-94)

Secs. 10-421--10-440. Reserved.

DIVISION 7. PUBLIC TRANSIT*

***Cross reference(s)**--Bus depots, stations and terminals, § 34-1381 et seq.

Sec. 10-441. Applicability of division.

Except as provided in section 10-443, all proposed developments which are wholly or partially within one-half mile of a public transit route, as shown in the mass transit element of the Lee Plan, and which meet or exceed one of the thresholds set forth in this division, shall be required to provide public transit facilities as set out in this division.

(Ord. No. 92-44, § 14(A), 10-14-92; Ord. No. 94-07, § 13, 2-16-94)

Sec. 10-442. Required facilities.

(a) Residential developments exceeding 100 living units and commercial establishments with less than 30,000 square feet of total floor area shall be subject to the following:

- (1) A paved walkway to the nearest bus stop shall be provided if the bus stop is within one-fourth mile of the vehicular entrance to the property.
- (2) If there is no bus stop within one-fourth mile of the property and the property abuts the bus route, the developer shall provide signage and a bicycle rack for a new bus stop.

(b) Residential developments exceeding 500 living units and commercial establishments with 30,000 square feet or more of total floor area shall be subject to the following:

- (1) A paved walkway to the nearest bus stop shall be provided if the bus stop is within one-fourth mile of the vehicular entrance to the property, as well as a bicycle storage rack.
- (2) If there is no bus stop within one-fourth mile and the property abuts the bus route, the developer shall provide for a bus stop, including a shelter, signage, walkways, bicycle rack and lighting and a bus pull-off area so passengers can get on or off the bus out of the line of traffic.

(Ord. No. 92-44, § 14(A)1, 2, 10-14-92; Ord. No. 94-07, § 13, 2-16-94)

Sec. 10-443. Exceptions.

(a) This division shall not be interpreted to mean that a developer is required to purchase additional private property for the purpose of constructing the walkway required by this division.

(b) Where the proposed right-of-way is greater than the existing right-of-way to the extent that the construction of the facilities prior to the road widening is not practical, the developer may post a security with the director of Lee Tran for the cost of constructing or erecting the facilities.

(c) The director of zoning and development services may waive the requirements of section 10-442 where a developer has provided bikeways or pedestrian ways and those facilities provide equivalent access to the nearest bus stop.

(Ord. No. 92-44, § 14(A)3, 10-14-92; Ord. No. 94-07, § 13, 2-16-94; Ord. No. 95-12, § 6, 7-12-95)

Secs. 10-444--10-470. Reserved.

DIVISION 8. PROTECTION OF HABITAT*

***Cross reference(s)**--Environment and natural resources, ch. 14; wildlife and habitat protection, § 14-41 et seq.; zoning regulations pertaining to environmentally sensitive areas, § 34-1571 et seq.

Sec. 10-471. Purpose of division.

The purpose of this division is to provide criteria, guidelines and requirements to protect listed animal and plant species which inhabit the county by safeguarding the habitat in which these species are found from the impacts associated with land development.

(Ord. No. 92-44, § 15(A), 10-14-92; Ord. No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94)

Sec. 10-472. Definitions.

The following supplemental definitions are unique to the protected species requirements of this chapter. The general definitions pertaining to this chapter are contained in section 10-1.

Conservation easement means a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses; and which prohibits or limits the activities described in F.S. § 704.06, as such provisions now exist or may be amended.

Degradation means any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological or climatic characteristics supporting the species or of plants and animals co-occurring with and significantly affecting the ecology of the species.

FLUCCS means the Florida Land Use, Cover and Forms Classification System, published by the state department of transportation.

Game commission means the state game and fresh water fish commission, or its successor.

Habitat means the place or type of site where a species naturally or normally nests, feeds, resides or migrates, including, for example, characteristic topography, soils and vegetative covering.

Habitat, critical means habitat which, if lost, would result in elimination of listed species individuals from the area in question. Critical habitat typically provides functions for the listed species during restricted portions of that species' life cycle.

Habitat, occupied means property that provides critical habitat and which is documented to be actively utilized by a listed species.

Habitat, significantly altered: Critical or occupied habitat which has been altered due to natural or man-made events.

Lee County listed species means any plant or animal (vertebrate) species found in the county that are endangered, threatened or of special concern and are manageable in the context of private land development. A list of such species is contained in appendix H. The bald eagle (*Haliaeetus leucocephalus*) is excluded as long as chapter 14, article II, division 3, relating to bald eagle nesting habitat, is in effect in the county.

Management means a series of techniques applied to maintain the viability of species in a location. These techniques include but are not limited to controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

Management plan means a plan prepared to address conservation and management of listed species and their habitat, which is approved by the director, following recommendations from the game commission.

Mitigation park means an area acquired with the express purpose of mitigating impacts of land development on listed species.

Occupied habitat buffer area: Occupied habitat, the dimensions of which coincide with the recommended buffer guidelines established in section 10-719 and section 10-474(b).

Property means the land which is the subject of the specific development application.

(Ord. No. 92-44, § 15(B), 10-14-92; Ord. No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-473. Development application requirements.

(a) A survey must accompany all planned development rezoning applications and all development order applications where the Florida Land Use, Cover and Forms Classification System codes for the property indicate a possible presence of a Lee County listed species, except as set forth in subsection (c) of this section. The survey must be prepared by using survey methods which are set forth in administrative code, except that an alternative method may be approved by the director. Such survey must include Lee County 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.

Approved species surveys are valid for five years from the date of approval. If the subject parcel has significantly altered habitat, the director may, in his discretion, determine a partial or complete resurvey is sufficient.

(b) A management plan may be submitted with any planned development rezoning applications. A management plan meeting the requirements of section 10-474 will be required for all development order applications if listed species are found on the property, except as set forth in subsection (d) of this section. The management plan is subject to final approval by the director.

(c) Surveys and management plans are not required for small developments except for properties rezoned to planned development (PD) or planned unit development (PUD) prior to September 1, 1989; and for preliminary development orders issued prior to September 1, 1989. Any new rezoning activity or master concept plan vacation eliminates prior PUD or planned development zoning exemptions from species survey and management plan requirements. The director may waive survey and management plan requirements if the director deems that prior surveys and management plans are adequate.

(d) Management plans are not required for any final development order application if the preliminary development order was issued prior to September 1, 1989, and the final development order application does not substantially deviate from the preliminary development order.

(e) For development order applications, submittal items that are common to both the species survey and the management plan can be provided in a single integrated report.

(Ord. No. 92-44, § 15(C), 10-14-92; Ord. No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94;

Ord. No. 94-28, § 30, 10-19-94)

Sec. 10-474. Management plan.

(a) *Components of plan.* The management plan required under this division shall include:

- (1) A 1 inch equals 200 feet aerial map and a map at the scale of the development order drawings or zoning site plan drawing to include the following:
 - a. Habitat classification depicted by using the Florida Land Use, Cover and Forms Classification System;
 - b. Location of individuals, nest sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate;
 - c. Areas to be preserved, including habitat and buffers;
- (2) Recommended management activities; and
- (3) An action plan with specific implementation activities, schedules and assignment of responsibilities.

(b) *Occupied habitat buffer areas established.* Occupied habitat buffer areas must be established for occupied habitat and must extend at a distance appropriate for the listed species as set forth in section 10-719 except where off-site mitigation is permitted accordance with section 10-475. In the event the game commission has already established the size and dimensions of an occupied habitat buffer area, those boundaries will supersede the distances shown in section 10-719.

(c) *Development and occupied habitat buffer areas.* The occupied habitat buffer area must remain free of development, except for development which will not degrade species existing on the site as determined by the director. Occupied habitat buffer areas may be impacted by development if off-site mitigation is utilized in accordance with section 10-475. These buffer areas must be identified on all associated applications and plats where applicable. Buffer areas may not be divided by lot lines unless the director determines that the division of these buffer areas by lot lines is consistent with the protected species management plan. A conservation easement or similar property interest must be granted to the county for the preserved property as a condition of the development order approval or final plat approval, unless the director determines it would not be logistically or economically feasible for the county to maintain the easement. Encroachments into occupied habitat and habitat buffer are permissible only after the incentives set forth in subsection (e) of this section have been exhausted or off-site mitigation is permitted in accordance with section 10-475.

(d) *Conservation easements.* If adjacent parcels include conservation easements or other public interest in the land, effort shall be made to connect the easements.

(e) *Incentives.* The county will allow certain incentives in return for the preservation of occupied habitat areas. This incentive system will only apply to those areas to which other incentives have not been utilized and which are not preserved under chapter 14, article IV,

pertaining to wetlands protection. Occupied habitat buffer area incentives are as follows:

- (1) Required occupied habitat buffer areas may be used to fulfill any applicable minimum open space requirements at a ratio of one unit habitat and habitat buffer to 1.5 unit required open space (1:1.5). In no event will this credit be interpreted to reduce any required occupied habitat buffer area.
- (2) Those single-family developments which consist solely of conventional single-family dwelling units on lots of no less than 6,500 square feet and do not have an open space requirement will be exempt from division 6 of this article, pertaining to open space, buffering and landscaping except for the minimum buffer requirements, so long as the applicant preserves occupied habitat buffer areas consisting of no less than 10 percent of the development area.
- (3) To the extent that occupied habitat buffer areas exceed applicable minimum open space requirements after the use of the above-described ratio, or as in subsection (e)(2) above exceed 10 percent of the development area, the county must either allow encroachment into the occupied habitat or permit a credit against regional park impact fees.

The credit against the impact fees may not exceed the appraised value of the preserved land. The appraisal must be based on the value of the property prior to the issuance of the development order that includes the occupied habitat buffer area and on the average of the two appraisals approved by the director. The credit will be approved upon the grant of the conservation easement.

(f) *Purchase of conservation easement for Florida panther or Florida black bear.* The county must either purchase a conservation easement or a fee simple interest in occupied habitat for the Florida panther or the Florida black bear or permit development to encroach in such areas.

(g) *Consideration of game commission guidelines for listed species.* In cases where guidelines have been prepared by the game commission for a listed species, those guidelines must be considered in the preparation of the management plan.

(h) *When determination made without game commission expertise.* If the game commission fails to review any plan in conjunction with county staff's allotted time schedules, determinations will be made without the benefit of game commission expertise.

(i) *Responsibility for implementation of management plan; monitoring report review.* The applicant or his successor in interest is responsible for all aspects of the implementation of the management plan. A monitoring report as to the condition of the habitat and management techniques applied to the habitat must be submitted to the director for review on an annual basis from the date that the development order is issued for five consecutive years.

(j) *Management plan finalization.* The management plan must be finalized prior to issuance of the development order.

(Ord. No. 92-44, § 15(D), 10-14-92; Ord. No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94)

Sec. 10-475. Off-site mitigation.

(a) Off-site mitigation is permitted in lieu of the preservation of occupied habitat buffer areas as required in section 10-474 above to the extent consistent with the requirements of the U.S. Fish and Wildlife Service and the game commission.

(b) Before development order approval, the applicant must obtain and submit appropriate permits for off-site mitigation.

(c) A permanent management commitment for the relocation recipient site which is compatible with long-term protected species viability must be ensured by either filing conservation easements for sites under F.S. § 704.06 or other formal commitments enforceable by the county.

(Ord. No. 92-44, § 15(E), 10-14-92; Ord No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94)

Sec. 10-476. Variance procedures and appeals.

(a) Requests for variance from the terms of this division will be administered and decided in accordance with the requirements for variances set forth in chapter 34.

(b) Any decision made by the director or his designee may be appealed under the procedures set forth in chapter 34 for appeals of administrative decisions.

(Ord. No. 92-44, § 15(F), 10-14-92; Ord. No. 93-17, § 2, 6-30-93; Ord. No. 94-10, § 6, 4-20-94)

Secs. 10-477--10-500. Reserved.

DIVISION 9. SIX MILE CYPRESS WATERSHED*

***Cross reference(s)**--Environment and natural resources, ch. 14.

Sec. 10-501. Purpose of division.

In order to protect, enhance and preserve the public and private resources of the Six Mile Cypress Watershed pursuant to the county comprehensive plan, it is necessary and appropriate to identify this area as an area of critical county concern and create a system of land management and development regulation. With proper control of development within the Six Mile Cypress Watershed, both economic utilization and resource conservation can be accomplished. This division is intended to protect the natural resources of the area and the public health, safety and welfare by requiring that all development within the boundaries of this area of critical county concern meet specified design standards.

(Ord. No. 92-44, § 16(A), 10-14-92; Ord. No. 94-28, § 31, 10-19-94)

Sec. 10-502. Definition.

The following supplemental definition is unique to the Six Mile Cypress Watershed requirements of this chapter. The general definitions pertaining to this chapter are contained in section 10-1.

Six Mile Cypress Watershed plan means the comprehensive watershed study dated February 1990. The plan contains planned environmental/surface water corridors, information concerning the existing hydrologic/hydraulic and water quality data, recommended typical sections, structural facilities and rights-of-way for water conservation and flood control. Specific reference is made to Volume IV: Working Plan, with all amendments and revisions thereto.

(Ord. No. 92-44, § 16(B), 10-14-92; Ord. No. 94-28, § 32, 10-19-94)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-503. Boundaries of watershed basin.

The boundaries of the Six Mile Cypress Watershed are specified as follows:

SIX MILE CYPRESS WATERSHED

A tract of land situated in Township 44 South, Range 25 East; Township 44 South, Range 26 East; Township 45 South, Range 25 East; Township 45 South, Range 26 East; and Township 46 South, Range 26 East, Lee County, Florida. Such tract is more particularly described as follows:

Beginning at the intersection of Alico Road and State Road 45 (U.S. 41) thence northwesterly along the centerline of State Road 45 to point of intersection with west line of Section 6, Township 46 South, Range 25 East; thence north along the west line of Section 6 and north along the west line of Sections 31 and 30, Township 45 South, Range 25 East to point of intersection with the centerline of Six Mile Parkway (also known as Loop Road); thence easterly and northeasterly along the centerline of Six Mile Parkway to point of intersection with the centerline of Colonial Boulevard and the centerline of Ortiz Avenue; thence north along the centerline of Ortiz Avenue to point of intersection with the centerline of State Road 82 (Immokalee Road); thence southeasterly along the centerline of State Road 82 to the point of intersection with the centerline of Gunnery Road; then southerly and southwesterly along the centerline of Gunnery Road Extension and southwesterly along a southwesterly prolongation of the centerline of Gunnery Road Extension to the point of intersection with the west line of Section 21, Township 45 South, Range 26 East; then south along the north-south quarter lines of Section 29 and 32 to the south line of Section 32; then west along the south line of the southwest quarter of Section 32 to the southwest corner of such section; then south along the west line of Sections 5 and 8, Township 46 South, Range 26 East to point of intersection with the centerline of Alico Road; thence westerly along the centerline of Alico Road to point of intersection with the centerline of State Road 45 and the point of beginning.

(Ord. No. 92-44, § 16(C), 10-14-92)

Sec. 10-504. Applicability of section.

All applications for development orders for property within the Six Mile Cypress Watershed Basis will be reviewed for compliance with the design standards in this section. Bonafide agricultural activities on a lot or tract greater than ten acres and developments described in section 10-101(a)(1) of this chapter are also subject to the design standards in this section and are not permitted without a special development permit.

(Ord. No. 92-44, § 16(D), 10-14-92; Ord. No. 94-28, § 33, 10-19-94)

Secs. 10-505--10-508. Reserved.

Editor's note--Ord. No. 94-28, § 34, adopted Oct. 19, 1994, repealed former §§ 10-505--10-508, which pertained to Six Mile Cypress Watershed Development Review Board; special development permit required, procedure for issuance; required submittals for special development permit; and standards for issuance of special development permit.

Sec. 10-509. Special development permit.

(a) Bonafide agricultural activities on lots or tracts that are greater than ten acres in size and developments listed in section 10-101(a)(1) of this chapter may not be commenced without a Six Mile Cypress Watershed Special Development Permit.

(b) *Application for permit.* Application for a special development permit must be made in writing on a form provided by the division of development services, and must include:

- (1) A plan which depicts the site and the location of all buildings or structures on it;
- (2) An area location map;
- (3) An aerial photograph at a scale of one inch equals 300 feet;
- (4) A written description of the proposal;
- (5) A copy of any building permit and approved site plan, if applicable; and
- (6) Any additional necessary or appropriate items which the director of the division of development services may require.

(c) *Basis for granting permit.*

- (1) A special development permit may be granted provided the development is in accordance with section 10-510.

The decision of the director may be appealed in accordance with the procedures for appeal of administrative decisions as set forth in chapter 34 of this Code.

(Ord. No. 92-44, § 16(I), 10-14-92; Ord. No. 94-28, § 35, 10-19-94)

Sec. 10-510. Design standards.

(a) *Drainage and surface water management.*

- (1) The outfall discharge rate for the three-day 25-year storm event for all large projects within the Six Mile Cypress Watershed must be 37 csm or less as specified in the Six Mile Cypress Watershed plan.
- (2) All development in the Six Mile Cypress Watershed Basin must be consistent with the findings and conclusions in the Six Mile Cypress Watershed Plan. However, the county will consider alternate proposals which offer design standard flexibility in the conservation, restoration and enhancement of tributaries and flow-ways within the basin.

(Ord. No. 92-44, § 16(J), 10-14-92; Ord. No. 94-28, § 36, 10-19-94)

Secs. 10-511--10-530. Reserved.

DIVISION 10. LAKES REGIONAL PARK WATERSHED*

***Cross reference(s)**--Environment and natural resources, ch. 14.

Sec. 10-531. Findings of fact.

The Board of County Commissioners finds the following facts to be true:

- (1) That the county has created for the benefit of the peoples of the county and Southwest Florida the Lakes Regional Park as a water-oriented recreational resource;
- (2) That the lakes within the Lakes Regional Park are a series of manmade water bodies which are the result of previous rock mining operations, the only sources of water for these lakes being rainwater and surface runoff;
- (3) That the watershed of the Lakes Regional Park, as described and delineated in exhibits A and B to Ordinance No. 85-46, which are on file in the office of the county department of public resources, is characterized by increased urbanization;
- (4) That the county health department and the division of environmental services have concluded that the urbanization and attendant land uses within the watershed of the Lakes Regional Park affect the quality of water in the Lakes Regional Park via surface water runoff and groundwater movement;
- (5) That the board agrees with the conclusions of the county health department and the division of environmental services; and
- (6) That the potential exists for the degradation of surface water and groundwater quality within the Lakes Regional Park Watershed as a result of pollutants

contained in urban runoff.

(Ord. No. 85-46, § 2, 10-23-85)

Sec. 10-532. Intent of division.

The intent and purpose of this division is to protect the public health, safety and welfare of the residents of the county by requiring all development within the Lakes Regional Park Watershed to meet the development criteria contained in this division, thereby protecting, preserving and enhancing the water quality of the Lakes Regional Park and its watershed.

(Ord. No. 85-46, § 3, 10-23-85)

Sec. 10-533. Definitions.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means either a department or division, as these words may apply at any time to any one or more of the subunits of the government of the county or the state.

Developer means any person who owns or desires to undertake development, as defined in this division, of land within the watershed of the Lakes Regional Park, as defined in this division.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels, and shall include the activities and uses described in F.S. § 380.04(2) and exclude the operations and uses described in F.S. § 380.04(3)(a)--(d) and (f)--(h). The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products, the raising of livestock, and the use of the land for other agricultural purposes is ``development," as the word is used in this division.

Watershed means the Lakes Regional Park Watershed, as delineated in section 10-539.

Wet detention/retention area means a water storage area with a bottom elevation lower than one foot above the control elevation of the area.

(b) Unless specifically defined in this division, the words or phrases used in this division and not defined in subsection (a) of this section shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

(Ord. No. 85-46, § 4, 10-23-85)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-534. Penalty for violation of division.

Any person who violates any provision of this division shall, upon conviction, be punished as provided in section 1-5. Such person also shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(Ord. No. 85-46, § 10, 10-23-85)

Sec. 10-535. Additional remedies.

In addition to any criminal penalties which may be imposed pursuant to section 10-534, the Board of County Commissioners and any of its employees to whom the board may have entrusted responsibility, either in whole or in part, for compliance with this division, or for the operation of the Lakes Regional Park, shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this division, including injunctive relief to enjoin and restrain any person from violating this division.

(Ord. No. 85-46, § 11, 10-23-85)

Sec. 10-536. Conflicting provisions.

Whenever the requirements or provisions of this division are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the most restrictive requirements shall apply.

(Ord. No. 85-46, § 12, 10-23-85)

Sec. 10-537. Compliance with division; notice of violation.

(a) It is a violation of this division to commence any development within the watershed without first obtaining all necessary development permits.

(b) Any violations, either during or after construction, of the requirements of this division, including the minimum standards for surface water runoff quality, shall require that construction of the development be halted or that the discharge of water from the site cease until the violation has been corrected.

(c) Whenever it is determined that there is a violation of this division, a notice of violation shall be issued and sent, by whatever reasonable method seems most likely to ensure that the notice is received, to the person committing the violation. The notice of violation issued shall:

- (1) Be in writing;
- (2) Be dated and signed by the authorized county agent issuing the notice;
- (3) Specify the violation;
- (4) State that the violation shall be corrected within ten days of date of notice of violation; and

- (5) State that, if the violation is not corrected by the specified date, civil and criminal proceedings may be commenced.

(Ord. No. 85-46, § 9, 10-23-85)

Sec. 10-538. Variances.

Requests for variances from the terms of this division shall be administered and decided in conformance with the requirements for variances which are set forth in chapter 34.

(Ord. No. 85-46, § 8, 10-23-85; Ord. No. 88-33, § 4, 7-20-88)

Sec. 10-539. Delineation of watershed.

The lands which comprise the Lakes Regional Park Watershed and which shall be subject to the provisions of this division are described in exhibit A and delineated in exhibit B attached to Ordinance No. 85-46, which are made a part of this division by reference.

(Ord. No. 85-46, § 5, 10-23-85)

Sec. 10-540. Surface water management permit required; development standards.

(a) In order to protect and maintain the quality of water in the Lakes Regional Park as per standards established in Florida Administrative Code, section 10D-5.120 and chapter 17.3, and to ensure that waters discharged in the watershed area do not exceed those levels, all development within the watershed shall obtain a surface water management permit from the South Florida Water Management District pursuant to F.S. ch. 373 and chapters 40E-4 and 40E-40 of the Florida Administrative Code.

(b) In those areas within the watershed where a public sewer system is in operation, all new development within one-quarter mile of the system shall connect to it.

(c) No underground stormwater detention/retention system shall be permitted within the watershed.

(d) On-site aboveground drainage detention/retention areas shall meet the following additional requirements:

- (1) Side slopes are required to be no steeper than four to one (horizontal to vertical) from one foot above the control elevation out to a depth of two feet below the control elevation, or an equivalent substitute. Side slopes shall be topsoiled, nurtured or planted from two feet below to one foot above the control elevations to promote vegetative growth. Bulkheads are limited to 40 percent of the length of the shoreline with compensating littoral zone provided.
- (2) A minimum of 25 percent of the detention/retention pond shall have a bottom elevation no deeper than two feet below the control elevation. This area shall be immediately upstream from the control elevation and shall be planted with

appropriate aquatic vegetation which will aid in the polishing or settling of runoff.

- (3) Special treatment systems such as storage tanks, traps or other devices meeting best management standards shall be installed to prohibit any grease, emulsifiers, lubricants, cleaners, oxidizing agents, solvents, flammable gas and other contaminants from entering the storm drainage system or otherwise leaving the project.

(e) Except for surface water runoff from individual single-family residential lots upon which residential structures are built, surface water runoff from any development must be discharged from a single point. The peak discharge for the 25-year three-day storm event shall be no greater than 102 cf/s/sm. Surface water runoff from developed individual single-family residential lots shall be by sheet flow leading to an approved common drainage system. If such lots are part of a larger development, the development as a whole must have a single discharge point.

(f) Water quality shall be monitored for a period of one year, beginning with the first discharge from the project site, in order to ensure that pollutants will be identified and treated in a timely manner. Such monitoring shall meet the following minimum standards:

- (1) Testing of samples shall be done by the county environmental laboratory or health department.
- (2) The cost of testing shall be charged to the developer of the property whose surface discharge is being tested, and testing shall be required for a period of one year beginning with the first discharge from the project site. Additional phases requiring a development order will require testing for the same time period.
- (3) Monitoring required of developers shall be confined to points within their boundaries. If additional sampling is needed in order to assess off-site impacts of a project, such sampling will be conducted by the county health department or environmental laboratory or by their designee.
- (4) Test samples shall be taken at least monthly, and monitoring results shall be expressed as a monthly average. Monitoring shall consist of preliminary sampling of indicator parameters, which may be revised as necessary based on results of the preliminary sampling.
- (5) The rate of discharge at the time of sample collection and the total monthly discharge each month for the period being monitored shall be estimated.

(Ord. No. 85-46, § 6, 10-23-85)

Sec. 10-541. Compliance with water quality requirements; monitoring of water quality.

(a) All development proposals within the watershed shall include a determination during the site plan review process of whether the proposed development will satisfy the minimum water quality standards established by this division. Approval of such site plans shall be

conditioned upon the development actually meeting water quality minimum requirements, as measured by subsequent monitoring and testing.

(b) Water quality of surface discharge from developments shall be monitored as detailed in section 10-540(f):

- (1) To determine if the pollution abatement practices incorporated into the design for the drainage system are functioning properly; and
- (2) To determine whether water quality degradation is occurring despite proper operation of the approved drainage system.

(c) So as to comply with the monitoring requirements set forth in this division, on-site surveys, conducted under the supervision of the county health department, shall be started as soon as a development order is received for the water management system and the point source is in place.

(d) The surveys required pursuant to subsection (c) of this section shall be in addition to the other surveys required by this division and shall include consideration of present and possible future pollution of the recreational areas from potential sources of contamination, including but not limited to:

- (1) Outfalls;
- (2) Industrial drainage and waste outfall;
- (3) Drainage;
- (4) Sanitary landfills;
- (5) Open dumps;
- (6) Wildlife populations;
- (7) High erosion areas;
- (8) Bottom deposits;
- (9) Turbidity of water;
- (10) Decaying vegetation;
- (11) Surface runoff;
- (12) The anticipated user load of the facility; and
- (13) Any and all other generally recognized forms of pollution not specifically enumerated in this section.

(Ord. No. 85-46, § 7, 10-23-85)

Secs. 10-542--10-700. Reserved.

ARTICLE IV. ILLUSTRATIONS, TABLES AND DIAGRAMS

Sec. 10-701. Major indigenous plant communities of the county.

Major indigenous plant communities of the county are as follows:

		Sources*			
Communities		(1)FLUCGS	(2)LONG	(3)WARD	(4)SCS
<i>Uplands:</i>					
	Coastal strand	X	X	X	X
	Tropical hammock	X	X	X	X
	Coastal hammock	X	X	X	X
	Xeric oak scrub	X	X	X	X
	Scrubby flatwoods	X	X	X	X
	Xeric pine flatwoods	X	X		X
	Mesic pine flatwoods	X	X	X	X
	Hydric pine flatwoods	X	X		X
	Hardwood pine hammock	X	X	X	X
	Hardwood hammock	X	X	X	X
<i>Wetlands:</i>					

	Tidal waters	X	X		
	Mangroves	X	X	X	X
	Tidal marshes	X	X	X	X
	Tidal flats	X			
	Inland ponds/sloughs	X			
	Submergent/emergent	X			
	Aquatic marsh	X	X	X	X
	Cypress swamp	X	X	X	X
	Hardwood swamp	X	X	X	X
	Wet prairie	X	X	X	X
	Intermittent ponds	X			
	Cypress-pine	X			

*Due to the extraordinary number of species of grasses, herbaceous and woody plants, and trees that are indigenous to Southwest Florida, each species cannot be listed in this section. The following sources, which are referenced in the table in this section, contain the names of those indigenous plant species recognized as characteristic of each represented plant community:

- (1) Florida Land Use, Cover and Forms Classification System. Department of Transportation, State Topographic Bureau, Thematic Mapping Section.
- (2) A Flora of Tropical Florida, Robert W. Long and Olga Lakela.
- (3) Rare and Endangered Biota of Florida, Volume Five--Plants, edited by Daniel B. Ward.
- (4) 26 Ecological Communities of Florida, Soil Conservation Service.

(Ord. No. 92-44, app. 1-1, 10-14-92)

Sec. 10-702. Corner lots.

The following illustrations apply to corner lots:

CORNER LOTS

ADD FIGURE

Notes:

Lots 1 and 2	Corner lots formed by two intersecting streets.
Lots 3 and 4	Angle formed by intersection of lines A-B and B-C is less than 135 degrees.
Lot 5	Angle formed by intersection of lines A-B and B-C is more than 135 degrees, therefore, this is not a corner lot.

(Ord. No. 92-44, app. 1-2, 10-14-92)

Sec. 10-703. Lot depth.

The following illustrations apply to lot depth:

LOT DEPTH

ADD FIGURE

Legend:

Points A and B	Intersection of side lot lines with street right-of-way.
Points C and D	Intersection of side lot lines with rear lot line; in example 2, C-D is 20 feet long.
Point E	Midpoint of line C-D.
Point F	Midpoint of line A-B.

Point G	Point of intersection between the curved arc between points A and B and a line drawn perpendicular to the midpoint of the line between points A and B.
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Notes:

- (1) In examples 1 and 2, the depth of the lot is measured from point E to point F.
- (2) In examples 3 and 4, the depth of the lot is measured from point E to point G.

(Ord. No. 92-44, app. 1-3, 10-14-92)

Sec. 10-704. Types of lots and lot lines.

The following diagram illustrates types of lots and lot lines:

TYPES OF LOTS AND LOT LINES

ADD FIGURE

(Ord. No. 92-44, app. 1-4, 10-14-92)

Sec. 10-705. Reserved.

Editor's note--Ord. No. 94-28, § 37, adopted Oct. 19, 1994, repealed former § 10-705, which pertained to lot width and lot frontage.

Sec. 10-706. Minimum specifications for bridge improvements.

Minimum specifications for bridge improvements are as follows:

Category				Minimum Specifications	
				All plans, specifications and submittals for bridge improvements shall be submitted to the director of development review, who will review the submittals in conjunction with the county engineer.	
A	B	C	D	(1)	<i>Structural design criteria.</i> The criteria for the design of waterway crossings shall be as follows:

					(a)	<i>Vehicular bridge and culvert crossings.</i> The structural design of all members of vehicular bridges and culverts shall be in accordance with the requirements of the American Association of State Highway and Transportation Officials, referred to in this section as AASHTO standard specifications for highway bridges and the state department of transportation standard specifications for road and bridge construction.
					(b)	<i>Pedestrian and utility crossings.</i> These crossings shall be designed according to a recognized rational analysis.
				(2)		<i>Design loading.</i> The loading for the design of waterway crossings shall be as follows:
					(a)	<i>Vehicular bridge and culvert crossings.</i> The loading of a vehicular bridge shall be one of the following as designated by the AASHTO specifications:
						Arterial streets: H20-S16-44.
						All other streets: H20-44.
						Wind load: AASHTO adjusted to 120 miles per hour for structures over 30 feet in height.
					(b)	<i>Pedestrian crossings.</i>

						Live load: At the option of the design engineer subject to approval of the county engineer.
						Dead load: As designed.
						Wind load: Southern Standard Building Code, Coastal Region.
					(c)	<i>Utility crossings.</i>
						Live load: At the option of the design engineer subject to approval of the county engineer.
						Dead load: As designed.
						Wind load: Southern Standard Building Code, Coastal Region.
				(3)	<i>Size dimensions of waterway structures.</i> The dimensions of all waterway structures shall be no less than the following:	
					(a)	<i>Width.</i>
					1.	<i>Vehicular bridges.</i> Requirements as described in the AASHTO standard specifications for highway bridges.
					2.	<i>Pedestrian crossing.</i> A minimum clear width between handrails of five feet is required.
					3.	<i>Utility crossing.</i> A utility crossing shall be designed wide enough to suit the facility it is supporting.

						4.	<p><i>Culverts.</i> Box culvert crossings shall be designed to conform to the roadway requirements of vehicular bridges over the entire cross section, including roadway width, curb height, sidewalk, handrail and drainage.</p>	
					(b)	<i>Length.</i>		
						1.	<p><i>Bridges or utility crossings.</i> The length of structure shall be a function of the waterway to be crossed. In no case shall the clear length between abutments be less than the sum of the following measured along the centerline of the roadway or structure:</p>	
							a.	Waterway bottom width.
							b.	Horizontal projection of approved bank slope.

							c.	Berms: width as require d by the prelimi nary approv al.
							d.	Plus additio nal width as may be require d for future wideni ng of channel .
							e.	Or as require d for drainag e.

						2.	<p><i>Culverts.</i> The culvert section should be selected to suit the special conditions of the proposed location, such as canal capacity, pipe cover, design water elevation, drainage area, etc. Culverts under roads shall be long enough to accommodate the roadway, shoulders, rails or barriers, and side slopes.</p>
					(c)	<i>Height elevation.</i>	
						1.	<p><i>Bridges or utility crossings.</i> The county engineer and any other controlling agency, such as the U.S. Coast Guard, will establish the minimum design water elevation of the waterway to be crossed and the minimum clear vertical distance between the design water elevation and the lowest point of the superstructure. A survey of all upstream boat heights may be required.</p>

						2.	<i>Culverts.</i> The county engineer must approve the design water elevation. The cover over a culvert shall be as required by the design loading on the particular type of culvert to be used.
						(d)	<i>Utilities.</i> Provisions shall be made in or on all bridges for all applicable present and future utilities as specified by the county engineer. However, utilities shall be hung from the bridge only as a last resort.
				(4)	<i>Geometrics.</i>		
						(a)	<i>Location and alignment.</i> All bridges shall be designed with abutments and intermediate bents parallel with the waterway flow, and all culverts shall be located parallel with the waterway flow.

					(b)	<p><i>Horizontal curves.</i> When a bridge is located on a horizontal curve, the bridge shall be designed and constructed concentric to the centerline curve. When a box culvert is located on a horizontal curve and the roadway is directly on the culvert and there are no headwalls, the culvert shall be long enough to accommodate the roadway plus shoulders and rail or barrier. If the headwalls are used and act as curbs, they shall be cast concentric to the centerline curve. If the roadway is placed on fill, the culvert shall be long enough to accommodate the roadway, shoulders, rail or barrier, and side slopes.</p>
					(c)	<p><i>Approach grades and vertical curves.</i> If the design elevation of a bridge or culvert structure differs from the connecting roadway elevation, the connection shall be made with approach grades not to exceed four percent with an appropriate vertical summit curve over the bridge and vertical sag curves at each approaching roadway connection. It shall be further required that all AASHTO nonpassing sight distance requirements be met.</p>
				(5)	<i>Materials and tests.</i>	

					(a)	<i>Bridge structures.</i> All permanent bridge structures shall be designed for and constructed of reinforced concrete, prestressed concrete or approved structural metal. This shall include both substructure and superstructure. An exception may be made for footbridge piling, in which case timber may be used, provided it meets the requirements of the county building code.
					(b)	<i>Culverts.</i> All culverts under roadways in which the distance from the finished pavement centerline to the top of the culvert is less than one foot six inches shall be reinforced concrete pipe. Corrugated steel pipe, if bituminous coated, or corrugated aluminum pipe, may be used in other locations. All pipes shall conform to all requirements of the state department of transportation standard specifications.
					(c)	<i>Backfill at bridge approaches.</i> All bridge approach embankments shall be compacted to a density of no less than 96 percent of the maximum dry density as determined by AASHTO T-180 designation for an approved backfill material.

					(d)	<i>Material test.</i> All material used in a bridge or culvert structure may be subjected to tests. Tests, if required by the county engineer, shall be paid for by the developer. Minimum tests shall be for concrete slump and compression strength in accordance with state department of transportation standard specifications.
					(e)	<i>Unusual design.</i> The county engineer may require tests of structural members of an unusual design. Tests, if required by the county engineer, shall be paid for by the developer.
				(6)	<i>Design criteria.</i>	
					(a)	<i>Vehicular and pedestrian bridges.</i> All components and loading requirements of the bridge construction shall conform to the current AASHTO standard specifications for highway bridges.
					(b)	<i>Pedestrian bridge railings.</i> Each rail of the handrail for pedestrian bridges must be so designed that it will withstand a load of 100 pounds per linear foot simultaneously applied horizontally and vertically. Handposts shall be designed to withstand a load of 100 pounds per linear foot applied to the top rail in the directions producing the maximum movement.

					(c)	<p><i>Special protection in addition to handrails.</i> For certain locations the county engineer may require additional protection for the safety of pedestrians.</p>
					(d)	<p><i>Approach slabs.</i> All vehicular bridges having a surface elevation equal to the roadway elevation shall be provided with reinforced concrete approach slabs equal to the bridge roadway width and extending a minimum of 15 feet from the abutment as measured parallel with the centerline of the roadway.</p>
					(e)	<p><i>Drainage.</i></p>
					1.	<p><i>On bridges.</i> The bridge roadway shall slope a minimum of 3/16 inch per foot from crown to curb. All two-lane bridges shall have a drainage structure equivalent to a four-inch pipe located no greater than 20 feet center to center each side. These drains shall be located to prevent the discharge of water against any portion of the structure.</p>

						2.	<p><i>On approaches and embankments.</i> Drainage facilities shall be provided for the bridge approaches that are adequate to prevent erosion of the embankment. This may require curbs, gutters and spillways along roadway edges from the bridge to the bottom of the approach embankment.</p>
						(f)	<p><i>Guardrail.</i> State department of transportation approved guardrails shall be provided in accordance with state department of transportation standards. Greater lengths may be required if deemed necessary by the county engineer.</p>
						(g)	<p><i>Concrete reinforcement cover.</i> All cover requirements of the ACI 318 Code shall be followed. In extreme sea exposure conditions, the county engineer may require special additional cover.</p>
						(h)	<p><i>Penetration and cover for piles.</i></p>
						1.	<p><i>Penetration into soil.</i></p>

							a.	<p><i>Freestanding piles (intermediate bents).</i> All freestanding piles shall have a minimum penetration of one-third of their length but not less than ten feet in firm material; provided, however, that penetration is sufficient to develop the required capacity of the pile.</p>
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							b.	<p><i>Fully supported piles (abutments).</i> Where stable bank slopes are provided, the minimum tip elevation of the piles shall be equal to the elevation of the channel bottom. Where vertical bank slopes may occur, the minimum tip elevation of the piles shall be ten feet below the channel bottom.</p>
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						2.	<i>Penetration into pile cap.</i> The minimum penetration of a pile into a cap shall be 12 inches, provided adequate anchorage is obtained.
						3.	<i>Concrete cover.</i> The minimum cover between the exterior face of piling and the nearest exterior face of pile cap shall be six inches.
					(i)		<i>Bridge abutments.</i> The abutments of vehicular bridges shall be constructed upon pile foundations or any other engineered system that is proved to be adequate and accepted by the county engineer.
					(j)		<i>Concrete retaining slabs.</i> All retaining walls or retaining slabs designed to support the embankment adjacent to a bridge structure shall be provided with a positive means of anchorage to the abutments or pile caps. The retaining walls and slabs shall be designed to resist all loads which are expected to come upon them, including all live loads required by AASHTO standard specifications for highway bridges.
					(k)		<i>Test borings for bridges.</i>

						1.	<p><i>Vehicular bridges.</i> A minimum of two test borings shall be required for each bridge location. These borings shall be made as close as possible to the location of two of the pile bents of the proposed structure. The borings shall be performed under the control of a registered engineer and two copies of the results shall be attached to the plans submitted to development review for approval. In addition to the two test borings, the county engineer may require other test borings in order that complete subsurface conditions can be determined.</p>
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						2.	<i>Pedestrian bridges.</i> The procedure for pedestrian bridges shall be the same as required above for vehicular bridges except that a minimum of one test boring is required for each bridge location. This requirement may be waived in the case of small crossings at the discretion of the county engineer.
				(7)			<i>Utilities on bridges.</i> Provisions shall be made on all bridges for utility crossings such as water mains, sewer mains, telephone, cablevision or power conduits, and gas mains. Any or all of these requirements for utility support may be waived by the county engineer.

(Ord. No. 92-44, app. 9-1, 10-14-92)

Sec. 10-707. Four- and six-lane arterial roadways.

(a) The following illustration applies to four-lane arterial roadways in 200 foot right-of-way depressed median, open drainage and on-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 60 mph as approved by the director.

(b) The following illustration applies to six-lane arterial roadways in 200 feet of right-of-way with open drainage, and on-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 50 mph as approved by the director.

(c) The following illustration applies to four-lane arterial roadways in 150 feet of right-of-way with raised median, open drainage and on-site retention (suburban section):

ADD FIGURE

Notes:

- (1) Suburban = curb and gutter and open ditches.
- (2) Design speed 45 mph as approved by the director.

(d) The following illustration applies to four-lane arterial roadways in 150 feet of right-of-way with depressed median, closed drainage and on-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.

(e) The following illustration applies to four-lane arterial roadways in 150 feet of right-of-way with raised median, open drainage and on-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 50 mph as approved by the director.

(f) The following illustration applies to six-lane arterial roadways in 150 feet of right-of-way with raised median, closed drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.

(Ord. No. 92-44, apps. 9-2A--9-2D, 10-14-92; Ord. No. 94-28, §§ 38--73, 10-19-94)

Sec. 10-708. Collector streets.

(a) The following illustration applies to four-lane major collector roadways in 125 feet of right-of-way with raised median, open drainage and off-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 50 mph as approved by the director.
- (3) This size open drainage ditches are insufficient in size to "retain" stormwater. They may be used for conveyance only and off-site retentional ponds or additional width in drainage easements would be required.

(b) The following illustration applies to four-lane major collector roadways in 125 feet of right-of-way with raised median, open drainage and off-site retention (suburban section):

ADD FIGURE

Notes:

- (1) Suburban = curb and gutter and open ditches.
- (2) Design speed 45 mph as approved by the director.
- (3) This size open drainage ditches are insufficient in size to "retain" stormwater. They may be used for conveyance only and off-site retentional ponds or additional width in drainage easements would be required.

(c) The following illustration applies to four-lane major collector roadways in 125 feet of right-of-way with raised median, closed drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.
- (3) If side access points exceed 20/mile or they are offset too close for separate median openings, a 14-foot two-way left-turn lane (TWLTL) may be substituted for the 22-foot raised median.

(d) The following illustration applies to six-lane major collector roadways in 125 feet of right-of-way with raised median, open drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.
- (3) A 26-foot median that can accommodate double left turns in the median can be provided by reducing the 14.5 foot border areas to 12.5 feet.

(e) The following illustration applies to three-lane collector roadways in 100 feet of right-of-way with a TWLTL (two-way left-turn lane) median with open drainage and off-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 50 mph as approved by the director.
- (3) This size open drainage ditches are insufficient in size to "retain" stormwater. They must be used for conveyance only and off-site retention ponds or additional width in drainage easements would be required.

(f) The following illustration applies to two-lane collector roadways in 100 feet of right-of-way, with no median, open drainage and on-site retention (rural section):

ADD FIGURE

Notes:

- (1) Rural = clear zones and open ditches.
- (2) Design speed 55 mph as approved by the director.

(g) The following illustration applies to three-lane collector roadways in 100 feet of right-of-way with a two-way left turn (TWLTL) median, closed drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.

- (3) If side access points exceed 20/mile or they are offset too close for separate left turn lanes, a 14-foot two-way left turn-lane (TWLTL) may be installed.

(h) The following illustration applies to two-lane collector roads in 100 feet of right-of-way with no median, open drainage and off-site retention (suburban section):

ADD FIGURE

Notes:

- (1) Suburban = curb and gutter and open ditches.
- (2) Design speed 45 mph as approved by the director.
- (3) This size open drainage ditches are insufficient in size to "retain" stormwater. They may be used for conveyance only and off-site retentional ponds or additional width in drainage easements would be required.

(i) The following illustration applies to four-lane collector roadways in 100 feet of right-of-way with two-way left-turn lane (TWLTL) median, closed drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.
- (3) If side access points exceed 20/mile or they are off-set too close for separate median openings, a 14-foot two-way left-turn lane (TWLFL) may be substituted for the 22-foot raised median.

(j) The following illustration applies to four-lane collector roadways in 100 feet of right-of-way with raised median, closed drainage and off-site retention (urban section):

ADD FIGURE

Notes:

- (1) Urban = curb and gutter and closed drainage.
- (2) Design speed 45 mph as approved by the director.

(Ord. No. 92-44, apps. 9-3A--9-3D, 10-14-92; Ord. No. 94-28, §§ 44--53, 10-19-94)

Sec. 10-709. Public local streets.

(a) The following illustration applies to publicly maintained local streets with closed drainage and on-road bikeways, with a volume of less than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH CLOSED DRAINAGE AND
ON-ROAD BIKEWAYS - VOLUME LESS THAN 800 VEHICLES PER DAY

ADD FIGURE

	CATEGORY B & C	CATEGORY A
1.	1" Type III asphalt concrete	1 1/2" Type S-1 asphalt concrete
2.	6" Base	8" Base
3.	6" Stabilized subgrade	12" Stabilized subgrade
4.	Sidewalk - one side only	Sidewalk - one side only

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(b) The following illustration applies to publicly maintained local streets with closed drainage and on-road bikeways, with a volume of more than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH CLOSED DRAINAGE AND
ON-ROAD BIKEWAYS - VOLUME MORE THAN 800 VEHICLES PER DAY

ADD FIGURE

	CATEGORY B & C	CATEGORY A
1.	1" Type III asphalt concrete	1 1/2" Type S-1 asphalt concrete
2.	6" Base	8" Base
3.	6" Stabilized subgrade	12" Stabilized subgrade

4.	Sidewalk - one side only	Sidewalk - one side only
----	--------------------------	--------------------------

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(c) The following illustration applies to local public streets with closed drainage and off-road bikeways:

LOCAL PUBLIC STREET WITH CLOSED DRAINAGE AND OFF-ROAD BIKEWAYS

ADD FIGURE

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(d) The following illustration applies to publicly maintained local streets with open drainage and on-road bikeways, with a volume of less than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE AND ON-ROAD BIKEWAYS - VOLUME LESS THAN 800 VEHICLES PER DAY

ADD FIGURE

	CATEGORY B & C	CATEGORY A
1.	1" Type III asphalt concrete	1 1/2" Type S-1 asphalt concrete
2.	6" Base	8" Base
3.	6" Stabilized subgrade	12" Stabilized subgrade
4.	Sidewalk - one side only	Sidewalk - one side only

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(e) The following illustration applies to publicly maintained local streets with open drainage and on-road bikeways, with a volume of more than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE AND ON-ROAD BIKEWAYS - VOLUME MORE THAN 800 VEHICLES PER DAY

ADD FIGURE

	CATEGORY B & C	CATEGORY A
1.	1" Type III asphalt concrete	1 1/2" Type S-1 asphalt concrete
2.	6" Base	8" Base
3.	6" Stabilized subgrade	12" Stabilized subgrade
4.	Sidewalk - one side only	Sidewalk - one side only

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(f) The following illustration applies to publicly maintained local streets with open drainage and off-road bikeways:

PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE AND OFF-ROAD BIKEWAYS

ADD FIGURE

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(Ord. No. 92-44, apps. 9-4A--9-4F, 10-14-92; Ord. No. 95-12, § 7, 7-12-95)

Sec. 10-710. Private local streets.

(a) The following illustration applies to private local streets with closed drainage:

PRIVATE LOCAL STREET WITH CLOSED DRAINAGE

ADD FIGURE

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.
- (b) The following illustration applies to private local streets with open drainage:

PRIVATE LOCAL STREET WITH OPEN DRAINAGE

ADD FIGURE

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(Ord. No. 92-44, apps. 9-5A, 9-5B, 10-14-92)

Sec. 10-711. Access streets.

The following illustrations apply to access streets:

ACCESS STREET WITH SWALE OR DITCH
(50-FOOT RIGHT-OF-WAY)

ADD FIGURE

ACCESS STREET WITH UNDERGROUND DRAINAGE (40-FOOT RIGHT-OF-WAY)

ADD FIGURE

ACCESS STREETS

Development Category	Minimum Pavement Width	Surface Course	Base	Stabilized Subgrade LBR 40
A	22'	1 1/2" Type S-1	8"	12"

B	22'	1" Type S-1	6"	6"
C and D	20'	1" Type S-1	6"	6"
D*	20'	1" Type S-1	6"	N/A

Note:

*The county shall not accept maintenance of these streets in this type development.

(Ord. No. 92-44, app. 9-6, 10-14-92; Ord. No. 95-12, § 7, 7-12-95)

Sec. 10-712. Recommended underdrain details.

The following diagram illustrates recommended underdrain details:

RECOMMENDED UNDERDRAIN DETAILS

ADD FIGURE

Note: Trench shall be backfilled in such a manner as to avoid damage to pipe or barrier or displacement of the filter material. Trench shall be compacted to a density equal to the adjacent soils.

(Ord. No. 92-44, app. 9-7, 10-14-92)

Sec. 10-713. Street intersections.

The following illustrations apply to street intersections:

STREET INTERSECTIONS

ADD FIGURE

Note: All dimensions shall conform with requirements of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

(Ord. No. 92-44, app. 9-8, 10-14-92)

Sec. 10-714. Culs-de-sac.

(a) The following illustration applies to culs-de-sac with curb and gutter:

CUL-DE-SAC - CURB AND GUTTER

ADD FIGURE

(b) The following illustration applies to culs-de-sac with ditch swale:

CUL-DE-SAC - DITCH SWALE

ADD FIGURE

(Ord. No. 92-44, apps. 9-9A, 9-9B, 10-14-92)

Sec. 10-715. Utility placement in local streets.

The following illustration applies to utility placement in local streets:

TYPICAL LOCAL STREET CROSS SECTION SHOWING UTILITY PLACEMENT

ADD FIGURE

Notes:

- (1) The ten-foot-wide utility easement on each side of the right-of-way shall be used for power lines, telephone lines, cable television lines, etc.

(Ord. No. 92-44, app. 11-1, 10-14-92)

Sec. 10-716. Piping materials for use in right-of-way.

Approved utility piping materials for use in rights-of-way are as follows:

		Concrete	Plastic Type	Clay	CI/DI	Steel	Aluminum	Cement Asbestos
Lines in traveled way:								
	Water	No	Yes (3)(6)	No	Yes	No	No	Yes (6)
	Sewer force main	No	Yes (4)(6)	No	Yes	No	No	No

	Stormwater drain	Yes	No	No	No	No	No	No
	Sewer gravity main	No	Yes (5)	Yes	Yes	No	No	No
	Utility conduit	Yes	Yes (2)(6)	No	Yes	No	No	No
Lines in right-of-way:								
	Water	No	Yes (3)	No	Yes	No	No	Yes
	Sewer force main	No	Yes (4)	No	Yes	No	No	No
	Stormwater drain	Yes	Yes (7)	No	No	Yes (1)	Yes	No
	Sewer gravity main	No	Yes	Yes	Yes	No	No	No
	Utility conduit	Yes	Yes (2)	No	Yes	Yes	Yes	No
Stormwater lines in drainage easement		Yes	No	No	No	Yes (1)	Yes	No

- (1) Asphalt-coated, or aluminum-clad; corrugated pipe with approved connections.
- (2) Encased in concrete, if in banks more than one layer, otherwise SDR 26, ASTM 2241 or AWWA C 900 or thicker.
- (3) SDR 18 Type I, Grade I, or thicker only.
- (4) SDR 26, ASTM 2241 or AWWA C 900 or thicker.
- (5) SDR 35 or thicker only (ASTM 3034).
- (6) In steel casing.
- (7) ASTM D3350, AASHTO M294.

(Ord. No. 92-44, app. 11-2, 10-14-92)

Secs. 10-717, 10-718. Reserved.

Editor's note--Ord. No. 94-28, §§ 54 and 55, adopted Oct. 19, 1994, repealed former §§ 10-717 and 10-718, which pertained to buffer types and buffer requirements.

Sec. 10-719. Designated status of animal and plant species.

The designated status of animal and plant species is indicated in Appendix H.

(Ord. No. 92-44, app. 15-1, 10-14-92)

Sec. 10-720. Driveway permit requirements.

Classification of drainage swales. There are three conditions of roadside drainage not including curb and gutter which govern the construction of any structure in the drainage swale:

Condition A. Drainage swales of 0.7 feet (8 1/4 inches) or less below the edge of road pavement, or swales or ditches designed to provide driveway access without culvert pipe.

Condition B. Drainage swales beginning 0.70 feet (8 1/4 inches) below the edge of the road to:

- (1) *Residential.* Depth equal to 0.70 feet plus pipe diameter and the top wall thickness (i.e., 2.15 feet (25 3/4 inches)) for 15-inch RCP*; or
- (2) *Commercial.* Depth equal to one foot plus the pipe diameter and the top wall thickness (i.e., 2.45 feet (29 3/8 inches)) for 15-inch RCP*.

Condition C. Beginning at:

- (1) *Residential.* Depth equal to 0.70 feet plus the pipe diameter and the top wall thickness*; or
- (2) *Commercial.* Depth equal to one foot plus the pipe diameter and the top wall thickness and to any depth greater than the above*.

No pipe, either driveway or continuous swale pipe, will be permitted under Condition A. For this condition, driveways must be paved following the slope of the designed swale grade.

For Condition B, property owners may install a properly sized pipe in the swale for driveway purposes providing they meet the conditions of subsections (1) and (2) in the section of specifications of structures.

For Condition C, the owners may install either properly sized driveway pipe or continuous pipe across the property. If continuous property pipe is proposed, one or more standard catch basins with grates will be required as dictated by the specific conditions of the

area.

(Ord. No. 94-28, § 56, 10-19-94)