INTERGOVERNMENTAL COORDINATION IN
ACCESS MANAGEMENT - A DISCUSSION PAPER

This research was supported by
the Florida Department of Transportation.

The recommendations contained herein are not necessarily the policies of the
Florida Department of Transportation.

Prepared by:
Margaret A. Marshall
Kristine M. Williams, AICP

Center for Urban Transportation Research
College of Engineering, University of South Florida
4202 E. Fowler Avenue, CUT 100
Tampa, FL 33620-5375

June 1998
# TABLE OF CONTENTS

INTRODUCTION ........................................................................................................... 3

COORDINATION ISSUES ............................................................................................... 3

COORDINATION EFFORTS .............................................................................................. 5
  DISTRICT ONE ............................................................................................................. 5
  DISTRICT FOUR ......................................................................................................... 5
  DISTRICT SEVEN ....................................................................................................... 6
  HILLSBOROUGH COUNTY ......................................................................................... 7
  PASCO COUNTY ....................................................................................................... 7

RECOMMENDED STRATEGIES ....................................................................................... 7

SAMPLE COORDINATION PROTOCOL ......................................................................... 9
  LOCAL GOVERNMENT ROLE: ..................................................................................... 9
  ROLE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION: ............................. 10

CONCLUSIONS ............................................................................................................. 10

APPENDIX A: SAMPLE TEMPORARY ACCESS AGREEMENT ...................................... 12

APPENDIX B: HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE: SECTION 3.4.5 SUBDIVISION REQUIREMENTS & REVIEW PROCEDURES ................................. 13

APPENDIX C: SAMPLE RECIPROCAL AGREEMENT (FOR FEE WAIVER) ............... 14
INTRODUCTION

In managing access to the state highway system, it is sometimes difficult to achieve interagency coordination on decision-making, due to the separation of authority over access and land development decisions. The Florida Department of Transportation (FDOT) has authority over connection permitting decisions on the state highway system, and local governments have authority over land use and site design. Together, these factors make coordination difficult but essential.

The Center for Urban Transportation Research (CUTR), under a grant from the Florida Department of Transportation, was asked to review intergovernmental coordination practices in access management in Florida and to identify strategies for improved coordination. Interviews were conducted with planning and engineering staff in selected local governments and District offices around the state to identify coordination issues in current practice, as well as strategies and techniques to improve coordination. This report reviews the results of this research and provides recommendations to strengthen state and local government coordination in Florida on access management issues. Some of the coordination strategies in this report were suggested at access management workshops conducted by CUTR throughout Florida between 1995 and 1998.1

COORDINATION ISSUES

Local governments and District representatives noted that coordination problems sometimes arise in managing access to the state highway system. These problems tended to relate to the following issues or activities:

Inconsistency Between State and Local Standards. Local governments sometimes adopt access management standards different from those of the state. More restrictive local connection spacing standards not only create coordination problems, but could also be open to legal challenges. This is due to 1992 amendments to the State Access Management Act by the Florida legislature that removed language authorizing local governments to adopt standards for state highways that are more restrictive than those of the state. Local connection spacing standards that are less restrictive than those of the state create administrative and coordination issues as well. Property owners may design to local standards only to find that the connection fails to meet state requirements.

Coordinating Connection Permitting and Development Review. A frequently mentioned coordination issue relates to confusion over the proper procedure for coordinating state connection permitting and local development review. Inadequate communication and coordination early in the development review process increases the potential for inconsistencies between state and local permitting. It also causes frustration and expense for applicants, where site plans fail to meet state and/or local requirements. Early concept review and pre-application conferences with applicants enable property owners to incorporate needed changes without substantial expense and delay.

Another example of procedural confusion relates to the Notice of Intent to Permit a Connection on the state highway system – a mechanism established in Rule 14-96. Rule 14-96 does not provide for a final connection permit until an applicant has received local development approval, yet fails to specify a procedure for coordinated state and local decision-making in these matters.

Property owners and some local governments perceive the Notice of Intent to Permit a connection from the District as an indication that access is approved, regardless of local development approval. In these cases, the Notice of Intent to Permit is sometimes used by an applicant as leverage to obtain local development approval.

**Local Development Orders Involving Access Management Conditions on State Highways.** It is essential that local governments coordinate closely with their District when applying access management conditions to proposed projects on the state highway system. For example, a local government that has required consolidation of site access as a condition of development approval should inform the District permitting representative as early as possible. This will help avoid conflicts between the notice of intent to permit and the local development order.

**Local Access Management Plans for the State Highway System.** Local access management plans for state highways should be developed in close coordination with the FDOT District to avoid unforeseen conflicts with state rules and procedures, and to establish a process for coordination with state connection permitting decisions. Otherwise property owners may pressure the District for direct connections to the state highway system, even where a service drive or joint access policy is in place locally. This can lead to approval of direct connections where such approval would not otherwise be necessary, and creates unnecessary tension between the District and the affected local government.

Local access management plans that are consistent with the state access classification and standards could be prepared and adopted by the local government through coordination with the District. More specialized local access management plans for a state highway would need to be developed in conformance with the procedural requirements of Rule 14-97.004(5). Rule 14-97.004(5) provides for the development of corridor access management plans by the Department, in cooperation with affected local governments, for specific segments of the state highway system. These plans allow for site-specific classifications based on engineering analysis, special circumstances of the roadway, and adjacent land use characteristics. When completed, the plans are to “specify the highway, termini, and the specific standards for connections, medians, intersections, and signals that shall apply.”

The Rule establishes the following procedural requirements. The Department must formally notify the affected local governments and abutting property owners prior to adoption of the plan and hold a public hearing. After consideration of public input, “the Department shall, in cooperation with the affected local government, finalize the plan.” When the plan is adopted, through signature of the District Secretary, then the Department must notify each of the affected local governments that it has been adopted. Upon adoption, the plan would serve as the official set of access management standards for that section of the state highway system and would guide District connection permitting decisions accordingly.

The corridor access management plan rule has not been widely applied in Florida, in part because the classification system and standards offer sufficient flexibility and opportunities for coordination. In addition, the rule adds another layer of standards, property owner notifications, and public hearing requirements. Adherence to the rule is suggested, however, where a local government is seeking to develop a service road plan or special access requirements for a state highway that would differ substantially from the connection spacing standards of the existing access classification. This would provide a clear legal mechanism to enable the District to diverge from statewide connection spacing standards for that roadway classification. The absence of such a mechanism can lead to approval of direct connections that conflict with the local plan.
Legal Uncertainty. Coordination problems sometimes occur due to differences between state, local, and private sector legal opinions or assertions on access management issues. For example, some District representatives expressed concerns that under current rules they may be obligated to permit connections to properties that fail to meet connection spacing standards, even where a local access management plan is in place that provides for the development of alternative access to serve these properties. Further clarification of the legal effects of state and local coordination on access management along the state highway system is needed.

COORDINATION EFFORTS

Some agencies are engaged in aggressive strategies to coordinate land development and connection permitting decisions to accomplish their overall access management objectives. Efforts include engaging in joint concept review and establishing standard intergovernmental review procedures. Some Districts have also made special efforts to identify and reinforce any supporting local policies and regulations. The following sections highlight examples of ongoing efforts to improve interagency coordination in the permitting and development approval processes for sites along the state highway system.

District One

District One is actively working to become aware of local regulations and plans to control access, which in turn facilitates making corresponding decisions of how and where to approve connections. Issues considered include:

- Does an access management plan exist?
- Are there supporting local regulations in place?
- Is there an available frontage road or service drive in place that would enable the applicant to acquire reasonable access?

The District has adopted a corridor access management plan in cooperation with the City of Cape Coral and Lee County. The City of Cape Coral is currently pursuing the adoption of an access management ordinance that calls for service roads and parcel interconnection to further the plan. FDOT District One representatives are also invited to engage in monthly meetings with staff of the Lee County Development Services, Community Development Department, in an effort to coordinate decisions on median cross-overs, turn lanes, and access locations for proposed developments, as well as to discuss connection permits currently being reviewed.

Although there is no formal procedure, the agencies share information and keep each other abreast of current issues. The local government reviews development proposals, and the District shares connection applications that are currently being considered. Lee County is beginning to initiate a process of joint review in which the local government will forward to the District, copies of the site plan for any development or redevelopment activity which would require a connection to the state highway, along with local recommended changes or revisions, prior to issuing a development order.

District Four

The District Four traffic operations office holds regularly scheduled meetings to discuss access management issues within the Fort Lauderdale region. The person directly responsible for platting decisions within Broward County typically attends these meetings whenever an
application is being proposed in the County that has an impact on a state highway. In the past, other municipalities within District Four were invited to attend, but over time, participation and willingness of the smaller local governments to send a representative to these meetings steadily declined. As attendance dropped off, the District reduced its efforts to regularly involve the municipalities.

When permitting controversies arose around the region (they invariably did), the District would use those issues as a platform to encourage renewed coordination. The District suggested that the local governments name a designee who could be notified by telephone or fax when an application was submitted within their jurisdiction. Some of the municipalities – Palm Beach County, Boca Raton, Port St. Lucie, Stuart, Vero Beach, Hollywood, Pembroke Pines, Deerfield Beach, Fort Lauderdale, and a few others – agreed and have appointed a local contact, who is then engaged in discussions during the pre-application phase. Port St. Lucie actively seeks FDOT review and comment on all development site plans where the lot has highway frontage.

The District noted that this process has proven extremely important in advancing access management objectives by enabling them to become familiar with local issues. These issues may relate to regulatory standards for driveway throat length, circulation, or other site-related access requirements, as well as neighborhood or community concerns. In one instance, a major home-repair retailer was attempting to locate its business on the edge of a residential neighborhood. By working with the local government and planners in that community, the District was able to respond to neighborhood concerns and accommodate local government requests for greater access control and shared driveways on the site. By consistently apprising the District of the local political and regulatory climate, the local government is making great strides in coordinating its access management efforts.

**District Seven**

District Seven in the Tampa Bay region is an active participant in the review of site plans and redevelopment plans under consideration by the local governments in the region. During development review, there is also a combined effort on the part of the District and Hillsborough County to encourage property owners to reserve right-of-way along state highways.

For several years, the District has held meetings on each Tuesday of the month to discuss various permit applications currently under consideration. Each local government in the area is mailed a meeting agenda that describes the connection permit applications being reviewed. While many of the local governments do not attend each meeting, there is a consistent presence by Hillsborough County at these meetings. In fact, Hillsborough County addresses the issue in its land development code, which specifies that FDOT involvement in any development review process is required (see Appendix B). The District also works with other municipalities in the same fashion, although no written mandate exists.

Several years ago, District Seven initiated a process for coordinated review and met with local elected officials, commissioners, and development directors from Hillsborough County and its municipalities to devise a system of intergovernmental coordination. One result of this effort was that reciprocal agreements were signed between the District and each of the local governments to waive the fees normally associated with access connection permits, for each governmental agency. Another result was the commitment to engage in joint review of proposed site plans. The District has been made an active part of the review process for all proposed development in the County requiring a connection to the state highway system.
Hillsborough County

The coordinated state and local review process in Hillsborough County begins with the applicant’s submittal of a proposed development site plan to the local government. When a site plan is received (during concept review), the site plan is also sent to the District Seven access management/permitting office for concurrent review. After the District representative has reviewed the site plan for access considerations, it is returned with comment to the local government, which can then opt to incorporate the suggested changes as conditions of approval, and proceed with the development order. Often, this process is handled concurrently with the property owner’s submittal of a connection permit to the District. When the permit application is reviewed and found to be in compliance with Rule 14-96, the District will issue its Notice of Intent to Permit. Final permit issuance remains contingent on final local development approval. It is the regular participation in the District’s weekly access management meetings that keeps local governments fully apprised of all connection permit applications currently under consideration.

Pasco County

Pasco County, also within District Seven, engages in a coordinated review between the District’s access management staff and the County Department of Development Services. The County’s policy is to refrain from issuing a building permit until a Notice of Intent to Permit has been issued by FDOT. When a proposed site plan along the state highway system is submitted to the County, a copy is immediately sent to the District permitting office for staff review and comment. Generally, a response is given within a ten-day period, at which time the County addresses and incorporates District comments into its recommendations. The District’s weekly access management meetings help facilitate a rapid response. If a property owner or developer fails to comply with the conditions of the permit, the County may withhold the certificate of occupancy, until the changes are made. Both the County and the District indicated that this voluntary system of coordination has been effective in advancing their access management objectives.

RECOMMENDED STRATEGIES

There is a clear need to coordinate the local development review process with the state’s procedure for granting a connection permit to the highway system. Joint planning and a coordinated intergovernmental review process for applicants could be achieved through intergovernmental agreements between the FDOT District and city and county planning agencies. These and other strategies for improved state and local coordination in access management are described below.

Improve Interagency Communication. Timely communication between reviewing agencies is the key to an effective review process. Informal or formal meetings, telephone conference calls, electronic mail correspondence, faxing, and standard mail are all commonly available mechanisms to improve communications between local governments, the state DOT, and applicants. Where geographic constraints hinder face-to-face meetings between the affected parties and regulatory agencies, simply faxing a copy of the proposed plat or site plan to all involved participants and following up with a phone call can help improve coordinated decision-making. Today’s far-reaching computer capabilities also enable applicants and government agencies to send information quickly via the Internet and electronic mail servers. Computer files can be easily attached and sent to multiple recipients, at very low cost, with rapid responses possible. Development of a computer tracking system for permits with Internet access could enable both government agencies and applicants to gauge the progress of permits.
Develop a Coordinated Review Process. A coordinated review process for development applications requiring access to state highways with a streamlined application procedure would help minimize inconsistencies between state permitting decisions and local development orders. It would also prevent applicants from effectively using a Notice of Intent to Permit from the District to pressure local governments for development approval. This could be achieved by structuring a tiered review process. The first stage could consist of an informal meeting to discuss the development concept, in which District officials and local regulatory staff can advise the developer or property owner of what is required to process a development application. This might include information on the state and local permits, as well as any special environmental or regulatory considerations for the development site. Local government and District representation at pre-application meetings with the developer would be especially beneficial on larger or more complex projects. For smaller projects, the communication strategies noted above could be sufficient.

After the preliminary plan is drafted, it could be reviewed by both the District and local government to determine if additional changes or conditions are needed, prior to approval. By recommending necessary changes during concept review, the developer can best ensure that subsequent preliminary and final site plan submittals will meet with approval. Failing to seek early review could result in costly changes to the developer, if the site plan needs to be amended much later in the process. When the plan has been reviewed and meets with both local approval and District preliminary approval, the applicant could then submit a final site plan and completed application to FDOT, to secure a connection to the state highway system. If all other criteria have been met to satisfy the requirements for a permit, FDOT could issue its Notice of Intent to Permit to the local government. Final review by the local government should be streamlined and a development order issued, followed by FDOT’s final connection permit. Inherent in this process is the early and on-going communication between the two agencies and the developer.

Expand Involvement in Meetings. Local government participation in connection permitting and median-opening committee meetings could improve communications and broaden the decision-making process. This might necessitate a standard meeting time and/or early notification of local officials of the date and time. An agenda could be mailed to local governments in the region indicating which applications will be reviewed, so they can determine whether or not to attend.

Involve FDOT in Subdivision Review. Currently, Florida’s Plat Act (Chapter 177, F.S.), does not require FDOT review of subdivision applications along the State Highway System. Early FDOT review of subdivision proposals along the State Highway System will help ensure conformance with FDOT access management requirements and provide the District with an opportunity to suggest changes where needed. Although such measures would be voluntary, it is strongly suggested that local governments notify FDOT of all plat proposals that affect the state highway system. The legislature should consider amending Chapter 177 to require FDOT review of plats that require access to the state highway system.

Notify FDOT of Proposed Land Use Changes. Local governments could request a response from the FDOT prior to approval of land use changes or redevelopment activities on the state highway system. This should occur as early as possible, preferably during conceptual review. Applicants could be required to send a copy of their redevelopment application to the District, whether or not a connection permit is being requested. Early monitoring of changes in land use activity would also allow the District an opportunity to identify potential problems and work on acceptable alternatives. It would also allow the District to stay apprised of changes in development along the state highway system, even when a new driveway is not being sought.
Develop Intergovernmental Agreements. Consider developing intergovernmental agreements or resolutions to facilitate coordination between the state and local governments on access management. Such agreements can establish state and local responsibilities for managing access to designated corridors and clarify review procedures. A sample agreement providing for state and local sign off on temporary access in coordination with the development of a service road is included in Appendix A.

Condition Certificates of Occupancy. Section 14-96.008 [3] of the state’s permitting rule states that the Department will negotiate with the applicant over whether it will require a security instrument to cover the construction and inspection costs of the connection. The requirement can be waived if there is agreement by the local government that the certificate of occupancy will not be issued until any problems with the construction are corrected (and if there is a clear indication that no other requirements of this provision will be violated). Such coordinated agreement will benefit the applicant, who can avoid having to post the security instrument, and it will benefit the Department, which will be certain that construction guidelines will have been met prior to certificates being issued.

Provide Effective Public Involvement. Decisions that affect property access tend to be controversial. Without a clear process for involving the public and addressing public concerns, state and local governments will have difficulty achieving their access management objectives. Efforts to collaborate on access management plans and objectives will need to be accomplished in coordination with the affected public. In addition, lack of interagency coordination and incongruous decision-making creates frustration for affected parties and often creates a negative image of the government agencies involved and the access management program. Early and continuing public involvement is essential to both state and local access management programs and such efforts should be coordinated where a local access management plan is developed for the state highway system.

SAMPLE COORDINATION PROTOCOL

Local Government Role:

- **Designate** a point person within each local government who will serve as the liaison to the District DOT office for development review. The name, position title, address, telephone number, fax number, and email address (if available) should be furnished to the District office. Changes in personnel should be shared with the District so that representatives may be properly contacted.
- **Notify** the appropriate Florida Department of Transportation District representative whenever a development or plat application is submitted for local government approval, that impacts the state highway system.
- **Request** early notification by the District of all connection permit applications within the local jurisdiction, where a connection to the state highway system is being sought.
- **Solicit** feedback from the District when preparing plans, ordinances, or overlay districts that incorporate access management requirements or will affect property access along the state highway system.
- **Forward** copies of these ordinances, plans, zoning districts to the Department, following adoption, so that they can cross-reference permit applications against existing local government land development controls.
- **Engage** in discussions and early shared review of applications with the District and
developer.

- Participate in meetings, teleconferences, or other consistent methods of coordination on permitting and development issues.

Role of the Florida Department of Transportation:

- Designate a point person within each District DOT office who will serve as the liaison to the local governments for permitting connections to the state highway system. The name, position title, address, telephone number, fax number, and email address (if available) should be furnished to the local governments. Changes in personnel should be shared with the local government, so that representatives may be properly contacted.

- Notify the local government whenever a connection application is submitted for District approval within that jurisdiction.

- Solicit feedback from the local government on whether any specific technical or political circumstances surround the proposed development, before the decision is made to issue a Notice of Intent to issue permit.

- Request and review any locally adopted ordinances, plans, or amended zoning districts, to avoid adoption of local standards inconsistent with those of FDOT and so that they may be cross-referenced in the connection permit where appropriate.

- Request notification of any and all proposed development or redevelopment applications near or adjacent to a state highway, whether or not the development meets the thresholds requiring a new or revised permit. This will help the District stay apprised of land use changes that impact the state highway system.

- Engage in discussions and early shared review of applications with the local government and developer.

- Participate in meetings, teleconferences, or other consistent methods of coordination on permitting and development issues.

CONCLUSIONS

Coordination issues in access management tend to arise on three levels – legal, procedural, and political. Legal concerns relate to uncertainty over the extent of authority to deny or condition access permits where alternative access is or will be available, as well as differences between state and local practices as they affect the state highway system. Procedural issues tend to be caused by inadequate communication, as well as confusion over the appropriate timing of connection permit review and local development review procedures. The tendency for developers to use the Notice of Intent to Permit from the District to pressure local governments for development approval is a symptom of this confusion. Political issues in coordination can emerge from the legal and procedural issues, as well as from concerns over property rights or perceived lack of responsiveness. The push and pull of competing interests can create pressure on agencies to make decisions that are inconsistent with access management objectives. Previous research indicates that concerns over the impacts of access management decisions tend to escalate in areas lacking a clear public involvement strategy.²

Inadequate coordination between state and local agencies can impede their ability to manage land development and access along the state highway system. Consistent standards, early and ongoing communication, a coordination protocol for connection permitting and development review, and

careful coordination in the development of access management plans for state highways are strategies for improved state and local coordination on access management issues. In addition, ongoing and meaningful public involvement, administrative flexibility, and a fair and open process for considering requests for variances help to build agency credibility and reduce conflict.
APPENDIX A: SAMPLE TEMPORARY ACCESS AGREEMENT

THIS INSTRUMENT PREPARED BY:

Person's Name:
Address:

PROPERTY APPRAISERS PARCEL #

SOCIAL SECURITY #
GRANTEE P S 686.02

-------------------
THIS SPACE FOR RECORDING

TEMPORARY ACCESS AND ACCESS STREET AGREEMENT

THIS AGREEMENT, entered into this _______ day of _______ , 1998,
(date) (month) (yr)
between LEE COUNTY, P.O. Box 398, Fort Myers, FL 33902, a political
sub-division of the State of Florida hereinafter referred to as
"COUNTY", and
(Owner's Name and Postal Address)
hereinafter referred to as "OWNERS".

WITNESSETH:

WHEREAS, LEE COUNTY has duly adopted the Land Development Code
as amended, and as may be renumbered from time to time, or replaced by
subsequent legislation, which requires construction of access roads
with a minimum right-of-way/easement of _______ feet to provide
(numeric width)
access to the interior of a development. Said access roads are to be
provided by property owners whose property is traversed by or abuts
arterial or collector roads which are shown on Lee County Required
Access Road Map, as amended from time to time; AND,

WHEREAS, OWNERS are now the owners of said property legally
described in Exhibit "A" which is dated ____________________.

Tampaogr.fm (formerly DMP-009)
Revised 09/20/96
Page 1 of 4
Public Records of Lee County, Florida.

SIGNED this ______ day of _________, 199__, in the presence of:

_______  ______  ______
(date)  (month)  (yr)

Witness #1 Signature

Owner #1 Signature

Witness #1 Printed Name

Owner #1 Printed Name

Witness #2 Signature

Owner #2 Signature

Witness #2 Printed Name

Owner #2 Printed Name

Owner #2 Address

STATE OF FLORIDA )
COUNTY OF LEE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared ______ who is personally well known to me or who has produced ______ as identification and who did (did not) take an oath that he/she/they is/are the person(s) described in and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State last

Trpacoogr.frm (formerly DOR-0009)
Revised 09/20/98
CROSS ACCESS EASEMENT AGREEMENT

This agreement entered into this ______ day of ______, 19_____,
between Lee County, a political subdivision of the State of
Florida, P.O. Box 398, Fort Myers, Florida 33902,
hereinafter referred to as "County", and _________________,
whose address is _________________,
hereinafter referred to as Owner(s). The County and Owner intend
to provide for mutual and access for ingress and egress as
follows:

Introduction

1. County has duly adopted its Land Development Code (LDC),
which, in Chapter 10, Development Standards, provides intersect-
tion spacing criteria and requirements for streets and roadways; and
Cross Access Easement Agreement

and which is described on Exhibit "___", and

2. This agreement is binding on and shall inure to the benefit of the heirs, successors and assigns of Owner(s) and the County, and this is an Agreement intended to run with the land and as such, shall be recorded by the Owner(s) in the Public Records of Lee County, Florida.

IN WITNESS WHEREOF, this instrument is executed this ___ day of __________, 19___.

Signed, Sealed and Delivered
In the Presence of:

Witness Signature
Owner Signature

Witness Name (Type or Print)
Owner Name (Type or Print)

Witness Signature
Owner Signature

Witness Name (Type or Print)
Owner Name (Type or Print)
APPENDIX B: HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE:
SECTION 3.4.5 SUBDIVISION REQUIREMENTS & REVIEW PROCEDURES

Site Development Regulations

12. Septic Tanks for New Development Prohibited in the Coastal High Hazard Area.

The use of septic tanks for new development shall be prohibited in the Coastal High Hazard Area. Exceptions to this requirement may be granted to relieve or prevent excessive hardship only in cases where all of the following criteria are met:
1. No reasonable alternative exists for the treatment of sewage, and
2. Discharge from the septic tank will not adversely affect public health and will not degrade surface or ground water, and
3. Where the Health Department determines that soil conditions, water table elevation and setback provisions are adequate to meet state requirements.

(Ord. No. 95-25, § 2, 12-6-95)

SEC. 3.4.5 SUBMISSION REQUIREMENTS AND REVIEW PROCEDURES.

1. Preliminary Site Development Review.

1. Submission Requirements.

The Applicant shall submit the following documents containing the information as listed below to the County Administrator, accompanied by a transmittal letter:

1. A completed application form and applicable fees.
2. A completed Water and Wastewater Service Application package.
3. Completed Water and Wastewater Department of Environmental Protection (DEP) forms.
4. A completed Concurrency Application.
5. A completed Natural Resources/Landscaping Permit Application.
6. Appropriate number of folded copies of the Site Development Plans showing graphically:

1. Title of the project, name of owner(s) and applicant, if applicable, date, north arrow, legal description and scale.
2. Location of any buildings, off-street vehicular use areas, parking spaces (number required and number provided), access ways, retention/detention ponds and easements, existing and proposed road rights-of-way, identification of adjacent uses and zoning.
3. Number of residential units, if any, and resulting density.
3. Review and Determination.

1. Preliminary Site Development Plan approval is required prior to the submittal of Site Development Construction Drawings, except for projects meeting the criteria for Minor Site Development Review.

2. The applicant shall submit a preliminary site plan application to the Administrator, in accordance with the submission requirements listed above. Within three (3) working days of receipt of a completed application, plans submitted for review shall be forwarded to the following entities for comments:

REVIEWING ENTITY (Sets of Plans)

1. Planning and Development Management (6):
   - Natural Resources (3 with Application)
   - Transportation (1)
   - Stormwater Management (1)
   - Utilities (1 with Water, Wastewater, Reclaimed Water Service Application)
   - Zoning (1)
   - Concurrency (1 with Application)
   - File (1)

2. Streets and Addresses (1)

Copies may also be required for the following entities as deemed appropriate in a pre-submittal conference:
- Environmental Protection Commission (EPC)
- Fire Department
- Florida Department of Transportation (FDOT)
- Health Department
- Parks and Recreation Department
- Real Estate Department
- School Board
- Hillsborough Transit Authority d/b/a HARTline

3. Ten (10) working days will be given the entities for review. Within three (3) working days from the end of the ten-day comment period,
1. No more than one thousand (1,000) square feet of new impervious improvements shall be proposed, and

2. No more than one hundred fifty (150) additional Average Daily Trips (ADT) shall be generated from the proposed improvements, and

3. The site does not contain any wetland or environmentally-sensitive area as determined by EFC and PDMD, or the proposed development of the site clearly does not affect such areas in a manner to require review by the EFC, the County or other regulatory agencies for compliance with regulations pertaining to wetlands or environmentally-sensitive areas, and

4. The site does not take access from a roadway under the jurisdiction of the Florida Department of Transportation (FDOT), or it has been determined that no permit for access to the property must be approved by FDOT, and

5. No modification of existing utilities is proposed. If additional flows are generated, a service application shall be submitted and approved prior to submittal of the Minor Site Development Construction Plan.

2. Submission Requirements.

The Applicant shall submit the following:

The Applicant shall submit a completed application, transmittal letter and applicable fees, in addition to the appropriate number of signed, sealed and folded copies of the Minor Site Development Construction Plan containing the following information:

1. Title of the project, name of owner(s) and applicant, if applicable, date, north arrow, legal description and scale.

2. Location of any buildings, off-street vehicular use areas, parking spaces (number required and number provided), access ways retention/detention ponds and easements, identification of adjacent uses and zoning.


4. Computation of building coverage, open space and impervious coverage.

5. Building heights, number of floors, floor elevations, use of structures, and rezoning petition number, if applicable. If site was rezoned with conditions of approval, conditions of approval shall be either shown on-site plan or contained in accompanying documentation.

Site Development Regulations

- Transportation (1-with R.O.W. Use Permit application, if applicable)
- Stormwater Management (1)
- Utilities (1-with service application, if applicable)
- Zoning (1)
- Concurrency (1-with application)
- File (1)

2. Streets and Addresses (1)
3. Fire Department (1)

2. Ten (10) working days will be given the entities for review. The Minor Site Development Plan shall be either approved or required to be resubmitted to address comments.

3. If the Minor Site Development Plan requires resubmittal, the applicant shall submit revised plans to the Administrator to be reviewed by the applicable reviewing entities. The applicant shall specify the revisions that have been made in a transmittal letter attached to the revised plans. The reviewing entities shall review the plans within five (5) working days.

3. Site Development Construction Plans.
   1. Submission Requirements.

   In addition to the items shown in the Preliminary Site Development Plan, the following items shall be submitted by the applicant to the Administrator:

   1. A transmittal letter and applicable fees.
   2. Appropriate number signed, sealed and folded copies of the Site Development Construction Plans, with the following information:

   1. Type of paving.
   2. Existing and proposed contours (based on 1929 NGVD) on the site, and, as necessary, off site grades to show impact of grading and drainage on adjacent properties.
   4. Details of any necessary off site improvements.
   5. Cubic yards of material to be hauled offsite, if applicable.
   6. Haul route, if more than 500 cubic yards of material is to be hauled offsite. NOTE: If more than 10,000 cubic yards of material is to be hauled offsite, a Land Excavation Permit is required.

Supp. No. 5 3-63
Site Development Regulations

- Transportation (1-with R.O.W. Use Fee applicable)
- Stormwater Management (1)
- Utilities (1-with service application)
  - Zoning (1)
  - Concurrency (1-with application)
  - File (1)

2. Streets and Addresses (1)

3. Fire Department (1)

2. Ten (10) working days will be given the
   Minor Site Development Plan shall be either
   to be resubmitted to address comments.

3. If the Minor Site Development Plan requires
   the applicant shall submit revised plans to the
   reviewed by the applicable reviewing entity
   specify the revisions that have been made
   attached to the revised plans. The review
   the plans within five (5) working days.

3. Site Development Construction Plans.

1. Submission Requirements.

   In addition to the items shown in the Preliminary
   Plan, the following items shall be submitted to the
   Administrator:

   1. A transmittal letter and applicable fees.

   2. Appropriate number signed, sealed and
      Development Construction Plans, with the

      1. Type of paving.

      2. Existing and proposed contours (basaltic
      site, and, as necessary, off-site grades
      and drainage on adjacent properties.

      3. Plan information specified in the Stormwater
      Manual shall be shown.

      4. Details of any necessary off-site
      piping.

      5. Cubic yards of material to be hauled.

      6. Haul route, if more than 500 cubic
      hauled offsite. NOTE: If more than
      cubic is to be hauled offsite, a Lane
      required.
6. Evidence that a Southwest Florida Water Management District or Department of Environmental Protection permit or exemption letter has been applied for.

7. The locations of temporary benchmarks set near wetlands and potential mitigation sites in order to check water level.

8. The hydroperiods (normal pool level and season high level) of each wetland.

9. EPC approved sealed survey of wetland boundaries on entire site. The survey shall be submitted for approval showing individual points as numbered in the field on a property boundary survey prior to being shown on the plat. Coordinates for each point must accompany survey. Wetlands shall be labelled as "Conservation Area" or "Preservation Area", as appropriate.

In the event that an approvable wetland survey has not been submitted to EPC for acceptance within the six (6) months after completion of the field delineation for a project or phase, if more appropriate, the EPC may declare the wetland delineation stale and related survey unacceptable, and require that a new delineation be performed (under the rules and regulations in existence at the time) and surveyed.

10. Data and calculations for determining the maintenance of the natural hydroperiod of each wetland.

11. Any other agency wetland delineation, if more restrictive than EPC.

12. The acreage of wetlands to be retained and to be removed.

13. A copy of the EPC mitigation approval letter. If the mitigation plan has not been approved prior to submittal of Site Development Plans, the following information must be submitted:

   a. Two (2) copies of mitigation plan (if this information is not already shown on the Site Development Plan), clearly showing areas to be removed, location of mitigation and acreage of each, cross-sections showing slopes, depth of excavation, desired water levels, types and spacing of plants to be used, total acreage of wetlands destroyed and mitigated, time tables for starting and completing mitigation work, monitoring schedule and reports, and statement that 85% survival will be attained with replanting on an annual basis if necessary. Both EPC and County Administrator (Land Alteration/ Landscaping) must approve potential mitigation areas.
until a Right-of-Way Use Permit is obtained, nor activity permitted on the property until a Natural Resources Permit is obtained per Division 3.5.

5. Upon approval of the Site Development Construction Plans by all reviewing entities, the Applicant shall be notified in writing by the Administrator within three (3) working days following the designated reviewing period. Approval of the Construction Plans shall not relieve the EOR of any responsibility.

6. No land alteration or construction activity shall be permitted on the property until a Natural Resources/Landscaping Permit has been issued based on the following:
   1. Construction Plan approval.
   2. Protective tree barricade inspection, if applicable.
   3. Approved SWFWMD Permit or Predevelopment Permit, if applicable.

7. The approved Construction Plans shall be released to the Applicant upon payment of all applicable fees.

3. Approval Duration and Extension.

Site Development Construction Plan Approval shall be effective for a period of two (2) years and automatically expire if construction is not complete within the two (2) year period. In cases of unforeseen circumstances, the Applicant may apply for an extension of the Construction Plan Approval prior to the expiration date of the original approval. The approval status may be extended two (2) years if a written request is received by the Administrator at least thirty (30) days prior to expiration. The extension shall be for the original site and configuration only. The Administrator may require a complete resubmittal due to changing conditions of the area, new policies or other considerations.

4. Commencement of Construction.

The Engineer of Record shall notify the Administrator and affected utility organizations two (2) working days prior to commencement of construction.

4. Compliance Procedures

1. Construction Inspection

   1. The Administrator's Inspection Section shall conduct random inspections during construction to insure site is constructed in accordance with approved plans and to avoid delays in issuance of Certificates of Occupancy upon completion. Proposed improve-
2. As-Built Paving and Drainage Improvement Facilities.

After construction completion, the Applicant shall submit the required As-Built drawings for review and submit in writing to the Administrator a request for acceptance of Improvement Facilities for maintenance and the following documentation:

1. Two (2) sets of As-Built drawings for review by the Administrator (Inspections).
2. One (1) set of test reports for review by the Administrator (Inspections).
4. Contractor’s Affidavit for materials certification.
5. Developer’s Agreement for Warranty of Improvement Facilities (form available from the Administrator).
6. Cost breakdown by unit price.
7. Warranty Bond in accordance with Section 3.3.9.

3. As-Built Water and Wastewater Improvement Facilities.

After construction completion, the applicant shall submit the required As-Built Drawings for review and submit in writing to the Administrator a request for acceptance of Improvement Facilities for maintenance and the following documentation:

1. Four (4) sets of As-Built drawings for review by the Administrator (Inspections and Fire Department).
2. One (1) set of mylars for the Administrator (Water and Wastewater Utilities).
3. One (1) set of appropriate test reports for the Administrator (Inspections).
4. EOR’s Certification of Construction Completion
5. Contractor’s Affidavit for Materials Certificate
6. Cost breakdown by unit price
7. Water Release form
8. Developer’s Agreement for Warranty of Improvement Facilities
9. Warranty bond in accordance with Section 3.3.9.
10. DEP certification of completion form.

4. Mitigation.
APPENDIX C: SAMPLE RECIPROCAL AGREEMENT (FOR FEE WAIVER)

RECIPROCAL FEE WAIVER AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ___ , 19___, by and between the State of Florida Department of Transportation, hereinafter called DEPARTMENT, and City of Inverness, hereinafter called GOVERNMENTAL ENTITY.

WITNESSETH

WHEREAS, the DEPARTMENT pursuant to Section 335.163, Florida Statutes, entitled "Permit Application Fee," is required to assess certain fees for the issuance of access permits; and

WHEREAS, in accordance with said Statute, the DEPARTMENT has enacted Section 14-05-006. Florida Administrative Code, entitled "Fees and Performance Bonds," which provides for the payment of a non-refundable fee for Department application processing, review and inspection of access permits; and

WHEREAS, said Rule further provides that governmental entities applying for an access permit for governmental facilities are eligible for a waiver from said fee in such instances where the GOVERNMENTAL ENTITY has a reciprocal agreement to waive permit fees with the DEPARTMENT; and

WHEREAS, it is in the best interest of both the DEPARTMENT and the GOVERNMENTAL ENTITY to enter into such a reciprocal agreement to waive permit fees.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter concluded, it is agreed by the parties as follows:

1. The DEPARTMENT agrees to process GOVERNMENTAL ENTITY applications for access permits and waive the fees in accordance
their official seals hereto affixed, the day and year first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM, LEGALITY AND EXECUTION:
By: ___________________________
    District Secretary

Attest: _________________________
    Executive Secretary

City of Inverness
GOVERNMENTAL ENTITY

By: ___________________________
    ___________________________
    President of City Council

Attest: _________________________
    ___________________________
    City Clerk