

**COLLIER COUNTY CODE ENFORCEMENT
NOTICE OF VIOLATION**

Owner: ERIC P SOLOMON & CAMMERON SOLOMON
4001 SANTA BARBARA BLVD #327
NAPLES, FL 34104

Location: 6180 Hidden Oaks LN

Unincorporated Collier County

Zoning Dist: E **Property Legal Description:** GOLDEN GATE EST UNIT 97 W 180FT OF TR 47 OR 1276 PG 1146 Folio: 41933120003

NOTICE

Pursuant to Collier County Consolidated Code Enforcement Regulations, Collier County Code of Laws and Ordinances, Chapter 2, Article IX, you are notified that a violation(s) of the following Collier County Ordinance(s) and or PUD Regulation(s) exists at the above-described location.

Ordinance/Code: Collier County Land Development Code 04-41, as amended, Section 10.02.06(B)(1)(a) & 10.02.06(B)(1)(e)

Collier County Land Development Code 04-41, as amended, Section 3.05.01(B), Section 3.05.02(G)(5), and Section 3.05.04(D)

10.02.06(B)(1)(a) - The County Manager or his designee shall be responsible for determining whether applications for building or land alteration permits, as required by the Collier County Building code or this Code are in accord with the requirements of this Code, and no building or land alteration permit shall be issued without written approval that plans submitted conform to applicable zoning regulations, and other land development regulations. For purposes of this section a land alteration permit shall mean any written authorization to alter land and for which a building permit may not be required. Examples include but are not limited to clearing and excavation permits, site development plan approvals, agricultural clearing permits, and blasting permits. No building or structure shall be erected, moved, added to, altered, utilized or allowed to exist and/or no land alteration shall be permitted without first obtaining the authorization of the required permit(s), inspections and certificate(s) of occupancy as required by the Collier County Building Code or this Code.

10.02.06(B)(1)(e) - Improvement of property prohibited prior to issuance of building permit. No site work, removal of protected vegetation, grading, improvement of property or construction of any type may be commenced prior to the issuance of a building permit where the development proposed requires a building permit under this Land Development Code or other applicable county regulations. Exceptions to this requirement may be granted by the County Manager or his designee for an approved subdivision or site development plan to provide for distribution of fill excavated on-site or to permit construction of an approved water management system, to minimize stockpiles and hauling off-site or to protect the public health, safety and welfare where clearing, grading and filling plans have been submitted and approved meeting the warrants of section 4.06.04 A. of this Code; removal of exotic vegetation shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Chapters 3 and 10.

3.05.01(B) - It shall be unlawful for any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit of federal, state, County, or municipal government to remove, or otherwise destroy, vegetation, which includes placing of additional fill, without first obtaining a vegetation removal or vegetation removal and fill permit from the County Manager or designee, except as hereinafter exempted.

3.05.02(G)(5) - A vegetation removal permit is not required for the following situations: Hand removal of prohibited exotic and non-native vegetation. See LDC Section 3.05.05 for mechanical removal of prohibited exotic and non-native vegetation.

3.05.04(D) - Unless otherwise authorized by a vegetation removal permit, no soil is to be removed from within the drip line of any vegetation that is to remain in its original location.

Violation Status - Initial

DESCRIPTION OF CONDITIONS CONSTITUTING THE VIOLATION(S).

Did Witness:

1. Removal of native vegetation where the total area cleared exceeds the one (1) acre allowed to be cleared by the Building Permit issued for construction of a principal structure, and removal of native vegetation ground cover within a Wetland area.

2. Mechanical clearing of ground cover within the drip line of Native canopy trees including, but not limited to, Bald Cypress.

3. Mechanical clearing of Prohibited Exotic Vegetation without first obtaining a Vegetation Removal Permit, and removal of small amount of soil within the drip line of vegetation that is to remain in its original location.

Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layer or disturb the root systems of plants below the ground.

ORDER TO CORRECT VIOLATION(S):

You are directed by this Notice to take the following corrective action(s):

1. If a Vegetation Removal Permit for a qualified approved accessory structure or accessory use cannot be obtained for any part of the vegetative clearing, owner must submit a Mitigation Plan which meets the criteria pursuant to Section 10.02.06 (D)(3)(a), (b), (c), and (d), and must obtain approval of, and complete the installation of, the required plantings to restore native vegetation in all three strata (canopy trees, mid-story plants, and ground cover). Provision must be made for irrigation of the new plantings, and new plantings must have 80 percent survival for a period of no less than 3 years. A maintenance provision of no less than 3 years must be provided in the restoration plan to control invasion of exotic vegetation. The Mitigation Plan shall be prepared by a person who meets or exceeds the credentials specified in the Land Development Code or Chapter 7 of the Administrative Code, unless waived by the County Manager or designee. For impacts to Wetland area through the clearing of native vegetative ground cover, owner must obtain an Environmental Resource Permit or Exemption letter from the Florida Department of Environmental Protection.
2. As part of the Mitigation Plan, must submit a time zero monitoring report to document all native trees that have been affected by mechanical clearing. Affected trees shall include, but are not limited to: trees which have had root systems affected by mechanical clearing and trees which have been altered as a result of mechanical clearing. Include with time zero monitoring report:
 - a. Restoration plan to include replacement strategy of any dead or dying native trees/vegetation affected by mechanical clearing that may occur within a 2 year period.
 - b. Dead or dying native trees/vegetation shall be replaced with like species and monitored to ensure 80 percent survivability for a period of no less than 3 years.
 - c. All replacement trees shall be planted in accordance with Collier County Land Development Code.
3. Must immediately cease all land clearing and/or vegetation removal using mechanical means without obtaining required County Building Permit or Vegetation Removal Permit in advance of the work.

ON OR BEFORE: June 9, 2018

Failure to correct violations may result in:

- 1) Mandatory notice to appear or issuance of a citation that may result in fines up to **\$500** and costs of prosecution. OR
- 2) Code Enforcement Board review that may result in fines up to **\$1000** per day per violation, as long as the violation remains, and costs of prosecution.

SERVED BY:

Investigator Signature
Virginie Giguere
Case Number: **CEVR20180005925**

INQUIRIES AND COMMENTS SHOULD BE
DIRECTED TO CODE ENFORCEMENT
2800 North Horseshoe Dr, Naples, FL 34104
Phone: 239 252-2440 FAX: 239 252-2343

Signature and Title of Recipient

Printed Name of Recipient

Date

5/10/18

*This violation may require additional compliance and approval from other departments which may be required under local, state and federal regulations, including, but not limited to: right-of-way permit, building permit, demolition of structure, Site Development Plan, Insubstantial Change to Site Development Plan, and Variances along with, payment of impact fees, and any new or outstanding fees required for approval.