

ORDINANCE NO. 23 - 2008

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING CHAPTER 38, TO CREATE ARTICLE IV, DRIVEWAYS AND STREET IMPROVEMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF SEMINOLE BY CREATING SECTIONS 38-60 THROUGH 38-70, TO REGULATE THE PERMITTING, DESIGN AND CONSTRUCTION OF DRIVEWAY APPROACHES IN THE PUBLIC RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Seminole desires to amend the provision of the Code relating to the permitting, design and construction of driveway approaches that are located within the public rights of way; and,

WHEREAS, the City Council has discussed issues associated with the design and construction standards for driveway approaches located within the public rights of way, and has decided to amend the applicable section of the Code; and

WHEREAS, the proposed amendment to the Code of Ordinances will allow for the City to better implement the City's Code for the protection of the aesthetics, health, safety, welfare, and roadway integrity of the City of Seminole.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Seminole, Florida, that Chapter 38, Article IV, Sections 38-60 through 38-71, Code of Ordinances, City of Seminole, Florida, is created to read as follows:

Section 1. Chapter 38, Article IV – Driveway Approaches and Street Improvements, is created to read as follows:

Sec 38-60. Definitions.

For the purposes of this article certain words and phrases used in this article are defined as set forth and shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Apron means the portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

Curbline means the inside edge of the top of the curb. In areas where no curb is required, it is the edge of the pavement.

Curb return means the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

Driveway means an area on private property where automobiles and other vehicles are operated or allowed to stand.

Driveway approach means an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from a public street to a definite area of the private property, such as a parking area, a driveway or a door at least seven feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

End slopes means the portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

Property frontage means and includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property which is used for approach purposes by right of easement or agreement with the adjoining property owner.

Sidewalk section means the portion of the driveway approach lying between the back, or property edge of the sidewalk and the end slopes measured at the front, or street, edge of the sidewalk.

Sec 38-61. Permit - Required.

No person, firm or corporation shall remove, alter or construct any curb, sidewalk, driveway approach, gutter, pavement or other improvement in any public street, alley or other property owned by or dedicated to or used by the City and over which it has jurisdiction to, without first obtaining a permit from the City Building Division, and no permit shall be granted until the applicant files with the City Building Division for its approval a copy of a drawing showing the location and size of all such proposed improvements to serve the property affected.

Section 38-62. Permit-Application.

Application for permits to construct such improvements shall be made to the City Building Division on forms provided for that purpose. The City has the authority to promulgate required specifications and details that may be included as part of a permit application.

Sec. 38-63. Permit-Approval and issuance.

Before approving the drawing of such improvement and issuing the permit, the Public Works Director shall establish that the proposed improvement is in conformance with the provisions and standards hereinafter set forth.

Sec. 38-64. Public property use restrictions.

City road rights of way may not be used for the private or commercial purpose of meeting the Code's minimum parking requirements, and a permit for the construction of a driveway approach shall not be issued unless all vehicles to be used, served, or serviced can be parked entirely within the private property lines.

Sec 38-65. Prohibited locations.

- A. At street intersections no portion of any driveway approach, including end slopes, shall be permitted within the intersection curb return.

- B. At street intersections in noncommercial or residential areas, no portion of any driveway approach, including end slopes, shall be permitted within 50 feet of the intersection curb return.

Sec 38-66. Driveway approach standards.

The following standards shall apply:

(1) Single-family, duplex:

- a. Minimum width, ten feet (20 feet minimum width for single duplex drive).
- b. Maximum width, 24 feet on collector and arterial roads; 30 feet on local subdivision roads.
- c. Fifteen feet minimum radii required for rural section.
- d. Department of transportation standard flares required for a road that has urban curb and gutter section. (No curbs for driveway permitted within right-of-way; wheelchair access to be provided.)
- e. Where a driveway crosses a ditch, a six-foot minimum stabilized shoulder, with three-fourths-inch to one foot slope, each side of driveway pavement will be required.
- f. On a driveway where a culvert is to be installed, the end of the culvert shall not extend beyond the side of property line prolonged. If the end of the culvert creates a hazardous condition in relation to the end of an existing culvert, the proposed culvert should be extended and connected to the existing culvert with a ditch bottom inlet or junction box.
- g. Culverts shall be a minimum of 15 inches R.C.P. or hydraulic equivalent (galvanized asphalt-coated corrugated metal pipe will be acceptable only on residential and duplex driveways).
- h. Culvert length (L) to be determined by the following:
 $L = \text{Pavement width plus total shoulder width (12-foot min.) plus two times (four times the depth of the ditch), or } L = \text{Pavement Width} + \text{Shoulder Width} + 2 \text{ (4d)}$
- i. Mitered end sections are required on all culvert installations, as per state department of transportation standard detail index 273.
- j. Justifications for size of culvert must be submitted, along with flow line elevations (inverts).
- k. A minimum flow of 2.5 feet per second must be maintained as a cleansing velocity in all culverts.
- l. Driveway construction from edge of pavement to the property line shall consist of the following:
 1. One-inch PC-3 asphalt surface, six-inch limerock base compact to 98 percent density.
 2. Six-inch thick 3,000 psi concrete, with six-inch by six-inch no. 10 welded wire mesh. (Existing sidewalk to be replaced where it does not meet this criteria.)
 3. Gravel or shell driveways will be allowed subject to compliance with all applicable standards listed above and the following stipulations:
 - i. The Public Works Director shall reserve the right to refuse use of a non-suitable material.
 - ii. A pad for the protection of existing pavement shall be constructed.
 - m. Driveway construction which requires removal of a vertical curb (raised curb) shall have pavement saw cut at curbline prior to removing existing curb and replaced with a header curb or valley in accordance with existing type.
 - n. Driveway construction where Miami type curb (mountable) exists must tie to the back of the curb.
 - o. If culvert is to be installed the entire length of the property, underdrains shall be installed (six-inch minimum PVC perforated), (inlets to be installed every 120 feet or less).
 - p. Frontage of 50 feet or less shall be limited to one driveway. Not more than two driveways shall be permitted for any one property fronting on the same road. Sides of multiple road frontage lots may also

have driveway approaches in conformity with the provisions of this section, notwithstanding that such lots have driveway approaches on their frontage area.

Relief from this sub-section may be approved by the Public Works Director as deemed appropriate.

(2) Multi-family and Non-Residential.

- a. Minimum width 24 feet (16 feet if driveway is signed and marked as one-way).
- b. Maximum width 40 feet (plus radii and/or flares).
- c. Entrance radii (rural section):
 1. Thirty-five feet minimum entrance radius required.
 2. Twenty-five feet minimum exit radius required.
- d. Addition of pavement for acceleration/deceleration lanes and additional pavement for case III through case VI to arterial, collector and commercial roads must comply with county standards.
- e. Case I and II entrances are to be overlaid with 1 1/2 inches of PC-3 asphalt to the center of the road, including the addition (feather edge at center of road).
- f. Case III, IV and VI, entrances and modifications thereof, are to be overlaid the entire width of the road with 1 1/2 inches of PC-3 asphalt.
- g. Department of transportation standard flares are required for urban curb and gutter sections unless radii are otherwise specified by traffic engineering.
- h. A six-foot shoulder, each side of pavement, will be required.
- i. On driveways where a culvert is to be installed, the end of the culvert shall be no closer than six feet to side property lines. If the end of the proposed culvert creates a hazardous condition in relation to the end of an existing culvert, the proposed culvert shall be extended and connected to the existing culvert with a D.B.I. (except common driveway).
- j. On driveways where culvert is not to be installed, a six-foot setback from the side property line extended, measured from where the radius, or flare, meets the existing pavement, is required.
- k. Culverts shall be a minimum of 15 inches RCP (corrugated metal pipe will not be allowed for commercial driveways).
- l. Culvert length (L) to be determined by the following:
 $L = \text{pavement width plus shoulder width (12 feet minimum) plus two times (four times the depth of the ditch) , or } L = \text{Pavement Width} + \text{Shoulder Width} + 2 \text{ (4d).}$
- m. Mitered end sections are required on all culvert installations (miter to begin at edge of six-foot shoulder).
- n. Justification for size of culvert must be submitted, along with flow line elevations (inverts).
- o. A minimum flow of 2.5 feet per second must be maintained as a cleansing velocity.
- p. Driveway and turn lane construction shall conform to pavement specifications for arterial, collector, industrial and residential streets as set forth in the City Code.
- q. If culvert is to be installed the entire length of the property, underdrain shall be installed (inlets to be installed every 120 feet or less).
- r. Frontages of 50 feet or less shall be limited to one driveway. Not more than two driveways shall be permitted for any one property fronting on the same road.
- s. Access from public streets to parking facilities shall be in accordance with the following:
 1. On collector roads there shall be a minimum of 50 feet from the edge of right-of-way to the first internal intersection or drive.
 2. On arterial roads there shall be a minimum of 75 feet from the edge of right-of-way to the first internal intersection or drive.

Relief from this sub-section may be approved by the Public Works Director as deemed appropriate.

Sec 38-67. Driveway approaches near alleys.

Driveway approaches located within five feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement, thus requiring the removal of the existing curb return: the total apron length plus the alley width, measured at the curblines of the apron to the opposite alley line, shall not exceed 40 feet, except when there is a driveway approach on both sides of an alley, then the maximum apron length plus alley width shall not exceed 60 feet.

Sec. 38-68. Driveway approaches in areas of limited street improvements.

- A. Where standard gutters and curbs have been installed the permit may authorize the applicant to construct the driveway approach of hard, stable and regular surface materials that are compliant with Americans with Disabilities Act Accessibility Guidelines (ADAAG) Section A 4.5.1. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it.
- B. Where standard gutters and curbs have not been installed, the apron widths set forth in Sec. 38-66 shall be measured along the property line and there shall be not less than 16 feet of frontage between driveway approaches serving any one property, and the permit may authorize the applicant to construct the driveway approach of hard, stable and regular surface materials that are compliant with Americans with Disabilities Act Accessibility Guidelines (ADAAG) Section A 4.5.1. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it.
- C. Pursuant to the permit provided for in Sec 38-61, the applicant may surface the driveway approaches or other areas within the right of way by extending the same type of paving used on the applicant's premises so that it merges with the street pavement, provided the applicant's paving is of hard, stable and regular surface materials that are compliant with Americans with Disabilities Act Accessibility Guidelines (ADAAG) Section A 4.5.1. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it; and is adequate and suitable for the traffic to be carried; such extended paving and sidewalk between the property line and the street pavement shall be to established grade or other slope fixed by the Public Works Department to provide for proper runoff. Such paving between the property line and the street pavement may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right of way at an intersection or crossroad, the Public Works Department may require the applicant to construct a suitable traffic island or curb to provide for the protection of such City facilities as may be necessary.

Sec 38-69. Construction details.

- A. All driveway approaches between the curblines and the property line shall be constructed of hard surface materials. If concrete is used for a driveway approach, including a sidewalk section, it shall be at least six (6) inches thick for all such approaches.
- B. A concrete sidewalk section of a driveway approach, if applicable, shall be finished and scored as specified by the Public Works Director. Apron and end-slope areas of the driveway approach shall be finished, after troweling smooth and scoring, with a fiber push-broom drawn over the surface parallel to the curbline.
- C. All construction shall be compliant with the Americans with Disabilities Act.
- D. Additional required specifications and details may be included as part of a permit application.

Sec. 38-70. Violation-Civil remedies.

Whether subject to a permit or not, anything constructed, or any activity conducted, in the public right of way shall be maintained or conducted so as to be in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit. In case a driveway or driveway approach is constructed or proposed to be constructed, maintained, repaired, altered or used in violation of this article, such violation shall constitute a nuisance and the City may institute proceedings to prevent, enjoin, temporarily or permanently abate, remove or correct the nuisance

Section 2. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

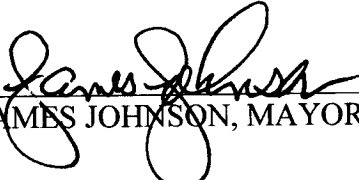
This ordinance shall become effective immediately upon final passage.

First Reading: August 26, 2008

Published: October 1, 2008

Second Reading and Public

Hearing: October 14, 2008



JAMES JOHNSON, MAYOR

ATTEST:



LESLEY DEMUTH, CITY CLERK