

“Driveway apron” means an access constructed across a public right-of-way which connects a street, roadway, sidewalk or recreational trail to adjacent property.

The width of a residential driveway apron shall be twenty percent (20%) of the property frontage but no less than ten feet (10') and no more than twenty (20') feet, when measured at the property line. All residential lots shall have one driveway apron (one curb cut).

A driveway apron shall be no closer to the side lot line than the required set back within any given zoning district, but no less than five feet (5') from an adjoining property, except when adjoining lots utilize one driveway apron.

A driveway apron is required when any form of motorized vehicular traffic ingresses or egresses a lot or tract of property from a public right-of-way. All driveway aprons shall be in conformance with the Town of Fort Myers Beach Land Development Code.

#### **Permitting process.**

A. Permit Required. No person, firm or corporation shall hereafter construct, reconstruct, build, establish or maintain any driveway apron over, across or upon any portion of the public sidewalk or public right-of-way without first having obtained a permit to do so from the Town. No such permit shall be issued for construction or establishment of any such driveway apron except in accordance with the provisions herein contained.

B. Unauthorized encroachments are subject to removal by the Town at the property owners' expense. Unauthorized encroachments include but are not limited to:

1. Driveway aprons hereafter constructed upon public rights-of-way without a permit; and
2. Any driveway apron that has not passed a final inspection within the time period specified on the permit and does not conform to the design specifications and construction specifications for permanent driveway aprons.

C. A driveway permit application must be obtained and submitted on the forms furnished by the Town. The application shall contain the name, address and (authorized) signature of the person, firm or corporation making the application, the name and address of the property owner, the name of the contractor or person who is to construct the driveway apron and the proposed location and dimensions of such driveway apron.

D. Driveway permit application fees shall be paid at the time of the application for the permit. The permit application fee includes:

1. Stakeout of driveway apron, culvert, swale or sod
2. Inspection of culvert and/or inspection of forms for swale
3. Final permit approval inspection.

In the event the driveway apron construction fails to meet the specified standards, an additional fee will be required for subsequent inspections.

E. Inspections. All inspections shall be scheduled during normal working hours, a minimum of forty-eight (48) hours in advance. It is the responsibility of the applicant to notify the inspection call line that the site is ready for required inspections. Work done without inspection may have to be removed or done again.

F. Expiration. All work on the construction of a permanent driveway apron and driveway shall be completed within sixty (60) days of the date of the pre-inspection or the permit is void, with the following exceptions:

1. Permits for driveway aprons and driveway to be constructed as part of a residential house construction or development; or
2. With the building services director's (or designee's) approval.

G. Hold Harmless. An applicant for a driveway apron permit agrees to perform all work in accordance with the Town of Fort Myers Beach LDC, conditions specified on the permit, and any conditions made contingent for approval of a land use permit; and, shall indemnify, defend, and save harmless the Town, its officers, agents and employees from all liability, judgment, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of the work or the existence of the driveway apron. **Not certain that this is relative in the LDC**

H. Permit Revocation. The issuance of a driveway apron/driveway permit by the Town waives none of the powers or rights of the Town to direct the removal relocation, and/or proper maintenance of any driveway apron located within the public right-of-way. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the Town whenever the use and presence of a driveway apron unduly interferes with the required use of that portion of the right-of-way or constitutes a hazard to traffic.

I. Reconstruction. The Town may, for purposes of roadway construction or other reasons upgrade to Town standards of any portion of any driveway apron that is on or over the public right-of-way. The Town may require a property owner to reconstruct and/or upgrade to Town standards at the owners expense any existing driveway apron or portion thereof that is on or over the public right-of-way if the driveway apron was constructed without a required permit.

J. Abandonment. If a property owner wishes to relocate a driveway apron he or she does so at his or her own expense, and must go through the normal permitting process for the proposed new location. It is the responsibility of the property owner to remove the abandoned driveway apron, and restore the public right-of-way to current Town specifications at his own expense, prior to final approval of the new driveway.

#### **12.12.040 Design specifications.**

A. The maximum number of driveway aprons allowed per residential lot is one. Additional driveway aprons will not be approved unless there is shown to be an absolute necessity for them.

B. Location. A driveway apron shall not be located in such a place as to interfere with another legal encroachment or create a hazard or nuisance.

1. Separation. (not certain if this is needed)
  2. Proximity to Intersections. Driveway aprons may not be constructed closer than thirty-five (35) feet measured at the right-of-way line to the intersection of two public rights-of-way, of a lot corner or point of curve return.
  3. Side Lot Line Setback. Driveway aprons and driveways shall be constructed in conformance to the set back requirements within any given zoning district but may not be constructed less than five feet (5') from the side lot line. An exception may be granted by the Town for planned unit developments, four-plex or larger residential buildings, common driveways and narrow lots sixty (60) feet wide or less.
  4. Angle of Intersection. Driveway aprons should intersect the public right-of-way at a ninety (90) degree angle and in no case may intersect at less than a sixty (60) degree angle.
  5. Fillet Radii. The intersection of a driveway apron and a public road shall be constructed with a fillet radius of ten feet, but shall not exceed a total width of twenty (20) feet.
- C. Width.
1. Residential. The finished surface width of driveway aprons and driveways to serve residential or dwelling house lots shall be twenty percent (20%) of the property frontage but no less than ten feet (10') and no wider than twenty (20) feet measured at their narrowest point.
  2. The Town may grant a width exception under certain conditions.
- D. Length. Driveway aprons shall extend from the edge of the finished surface of the intersecting public thoroughfare to the edge of the public right-of-way at the lot being served by the driveway
- E. Drainage. Driveway aprons shall be constructed so that all runoff is directed to the lot or swale (and not across the public thoroughfare), and shall not cause erosion of the public right-of-way or deposition of soils onto the public thoroughfare. In the event that a driveway apron increases drainage to the public right-of-way, the Town may require that the applicant provide a means of accommodating the additional drainage.
- F. Culverts. Culverts shall be installed when required by the Town. Culverts are to be laid to the flow line grade of the existing swale line. Culverts shall extend a minimum of two feet beyond both edges of the slope of the driveway apron or install manufactured end sections where it crosses the swale line.
- G. Delineation.
- H. Slope. To protect the structural integrity of the public thoroughfare no driveway apron may be constructed with a driveway centerline slope which would cause a standard passenger vehicle to drag bottom.
- J. Line of Sight. For public safety reasons the Town may require the removal of, or prohibit the construction or restrict the installation of any structures or landscaping features that may restrict the line of sight pursuant to the LDC Section .