

**CHARLOTTE COUNTY
ORDINANCE 85-43 EXHIBIT "A"
Adopted November 19, 1985**

ESTABLISHING REQUIREMENTS COVERING CONSTRUCTION OR RESTORATION WITHIN COUNTY RIGHTS-OF-WAY AND EASEMENTS

SUBJECT: Control of Structures and Features in the Charlotte County Rights-of-Way and Easements

POLICY OR SCOPE: It is the intent of this policy to establish requirements covering construction or restoration within County rights-of-way and easements.

DISCUSSION:

I. PERMITS

A. Permits from the County Engineering Department are required for all work done in County rights-of-way and easements, or use thereof for access including but not limited to:

- 1. Driveway installations, reinstallations or resurfacing (see also VI-A, J for driveways on collector street or near bridges).**
- 2. Culvert pipe installation.**
- 3. All utility installations, overhead or underground, including but not limited to, sanitary sewer, water lines, electric conductors, conduit, cable TV. (Bond required in advance exclusive of home services from Utility Contractors).**
- 4. Sod installation.**
- 5. Material storage.**
- 6. Sprinkler installation.**
- 7. Pool installation which occur after building C.O.**
- 8. Relocation of buildings or heavy machinery.**
- 9. Pavement construction or repair, (including acceleration, deceleration, or turn lanes) bond required in advance, except in connection with permits for new driveways or modifications to existing driveways.**

NOTE: In the case of a general contractor, one permit will serve for all work performed under his contract provided all separate activities are identified on the permit.

B. Permit applications shall be filed at the Engineering Department permit office in Murdock or Building Department in Englewood concurrent with application for building permit. A reasonable fee shall be established by the County. In all cases a scaled and dimensioned drawing indicating the type, location and dimensions of the proposed work must be submitted with the permit application. A copy of the engineering plot plan is preferred with the proposed driveway drawn on to scale; FREEHAND SKETCHES WILL NOT BE ACCEPTED.

C. For all pavement construction and/or intersection improvements, except in connection with permits for new driveways or modifications to existing driveways, detailed construction drawings shall be submitted to the Engineering Department for review and approval. Prior to construction, a

development agreement must be signed by the applicant/owner and a bond, in the amount of 110% of the total cost of the work within the right-of-way, shall be posted with the Department of Public Works. For all projects the bond shall be in cash or surety bond in a form acceptable to the County Attorney.

- D. Permits for work in the County right-of-way or easement are valid for one (1) year. A permit shall not be required if the work is performed by County forces, or their agents.
- E. The County Engineering Department will not issue a permit for any private road to connect to any County road without approval of drainage plans prepared by a registered engineer.

II. INSPECTIONS

- A. Inspections shall be required by notifying the Engineering Department permit office. The following inspections shall be required in all instances (as applicable):
 1. Line and grade inspection for driveway;
 2. Pipe inspection before cover, catch basin (pre-pour);
 3. Final inspection.

Any inspections required and/or requested in excess of those outlined above will be initiated only upon payment of an additional inspection fee. No final inspection or bond release will be approved until all reinspection fees have been paid. Upon satisfactory final inspection, the Engineering Department shall transmit a release to the Charlotte County Building Department. No permanent power hookups or Certificate of Occupancy shall be issued by the Building Department until the appropriate release is obtained from the Engineering Department.

III. BONDS

- A. When a Building Department Certificate of Occupancy is desired prior to completion of work in the right-of-way or easement, a CASH bond may be required by the Engineering Department to cover any uncompleted work in the right-of-way or easement. The determination of whether or not the posting of a bond is appropriate shall be made by the County Engineer.
- B. The posting of a bond does not relieve the permit holder from the responsibility of completing the required work.
- C. The amount of bond will be set by the Engineering Department. The bond shall allow a maximum of 6 months for completion. Upon completion of all work in the right-of-way or easement, the builder shall notify the Engineering Department. The Engineering Department will then make a final inspection and if said inspection is satisfactory, will then process the bond for release.
- D. When the builder fails to complete the work in the right-of-way or easement within the prescribed time period, the Engineering Department will make inspections to determine the amount of work remaining to be completed, and notify the builder that he has fifteen (15) day(s) to complete the work in the right-of-way or easement or forfeit his bond. If the work in the right-of-way or easement is not completed in fifteen (15) day(s) period, the builder forfeits the bond and the work in the right-of-way or easement will be completed by the County, or its agent and any surplus amount after the work is completed will be returned to the person posting the bond.
- E. A contractor may apply to the County Engineer for a determination of an annual bond to be posted. The annual bond shall be in proportion to the annual number of permits issued with a set maximum and minimum.

IV. DRAINAGE SWALES

- A. There are two (2) conditions of roadside drainage, excluding curb and gutter, which govern the construction of any structure in the drainage swale:**

Condition A: Drainage swales 0.7 feet or less below the edge of road pavement or swales or ditches designed to provide driveway access without culvert pipe, provided requirements of Section IV, Paragraph C are met.

Condition B: Drainage swales 0.7 feet or more below the edge of pavement or designed to provide driveway access with a culvert pipe.

- B. All unpaved areas within the County right-of-way or easement must be stabilized with sod or an acceptable growth of grass. All sodding or seeding will require grades to be set by the County Engineering Department. Sod must be sloped to drain away from the roadway pavement with a slope of at least 3/8 inch per foot or 3% and in no instance will sod above the level of the edge of pavement or driveway surface be allowed. The swale shall be no steeper than 4 foot horizontal to 1 foot vertical. Minimum swale flow line gradient is 0.2%. Minimum right-of-way swale depth is 6 inches. Maximum right-of-way swale depth is 2 to 2.5 feet. Swale grading shall have a tolerance of ∇ 0.10 foot of final design grade, except that the swale driveway surface shall have a tolerance of ∇ 1/2 inch of final design grade. Roadway backslopes may conform to County Health Department grade requirements.**
- C. The purpose for inspecting the sod, pipe, drive approach and other appurtenances is to verify compliance with the standards specified herein (i.e. construction specifications and tolerances).**
- D. When an adjacent outfall easement is actively used for local storm drainage, it shall be the responsibility of the developer of the contiguous property to grade the swale in accordance with the approved drainage plans on file with the County. This usually requires the side slopes to be graded at 4 horizontal to 1 vertical slope on both sides within the limits of the easement and 6 horizontal to 1 vertical on the property. If the design of the site does not allow these slopes to be maintained, thru the use of extra deep footings, relocation of building, retaining wall, etc., then the owner must pipe the outfall to the specifications of the Engineering Department. The County may cover a portion of the cost of such piping if the Board has adopted a Citizen Outfall Subsidy Program for that fiscal year.**

V. PIPE

- A. Applicant is required to use pipe of the diameter and material specified by the Engineering Department, or as specified on an approved plan unless prior approval for a substitution is obtained. Said substitution may require a restake at the applicant's expense.**
- B. All pipe shall be set to line and grade approved by the County Engineering Department. Pipe lengths shall be determined by providing a maximum slope from the edge of driveway to the pipe invert of 2:1 for residential; 3:1 for commercial. If used, mitered end section must conform to current Florida Department of Transportation specifications. It shall be the obligation of the pipe installer to provide the correct length of pipe according to the above specifications. No headwalls perpendicular to the traveled way will be allowed in the recovery area and where permitted shall be a minimum of two (2) feet from edge of driveway and shall not extend above the height of the driveway over the pipe.**
- C. Allowable pipe materials are:**
- 1. Aluminum (AASHTO M-196 OR M-211).**
 - 2. Reinforced concrete (AASHTO M-170 or ASTM C-76, Class III, Wall B).**
 - 3. Asphalt coated corrugated metal pipe (AASHTO M-36 and M-190) up to 18" in diameter and where inverts are above 4' NGVD.**

4. Others, as approved in writing by the County Engineer.

D. Lot pipes may be installed in a Condition B swale when a secondary swale is provided to drain the adjacent roadway, and a minimum of 6" of cover is provided over the pipe. One or more catch basins will be required by the County Engineer and shall be constructed at the applicant's expense. Any pipe greater in length than the minimum driveway culvert pipe + 10' shall be construed as a full lot pipe and be subject to compliance with the standards governing lot pipes. A minimum of 5' must be left open between culverts unless enclosed with a catch basin. Temporary pipe extensions shall be allowed for builder's model parking, but must be restored to standard configuration by the builder when initial model use is discontinued. Exception to the requirement for inlets may be made by administrative variance.

E. Mitered end sections per F.D.O.T. specification shall be required along the following roads:

1. Kings Highway
2. Harborview Road
3. Burnt Store Road
4. Taylor Road
5. Jones Loop Road
6. Washington Loop Road
7. Old State Road 771
8. Old State Road 775
9. Old State Road 776
10. Any other state maintained road transferred to the County or road constructed with federal aid funds.

F. Pipe joints shall be watertight. The joints shall be sealed by the proper method for that particular pipe or a method approved by the County Engineering Department.

G. Minimum pipe diameter for any County right-of-way or easement is 15 inch round or 17" x 13" oval for aluminum pipe and 15" round or 18" x 12" oval for concrete pipe. Asphalt coated CMP shall be 15" or 18" x 11" minimum and 18" or 25" x 16" maximum.

H. Final pipe elevation must be set at grade or no greater than +0"-1" from design elevation. Concrete pipe shall not be inspected or backfilled for a minimum twenty-four (24) hours after concreting the seams.

I. Bends in pipes. Curve pipeline installations must receive prior approval of the Engineering Department.

VI. DRIVEWAYS

A. Driveways are required for all improved properties having access to public roads. A detailed driveway plan must be submitted to the County Engineering Department for approval prior to permit issuance

for driveways within 200 feet of a bridge approach, or entering on a major or minor arterial road as shown on the TRAFFIC CIRCULATION MAP of the Charlotte County Comprehensive Plan. The driveway plan shall illustrate the proposed location and dimensions of the drive approach and its relationship with existing pavements in order to determine the appropriate improvements to existing facilities. A driveway shall not enter onto roadways near bridge approaches, if alternative locations are available. The County Engineer reserves the right to deny the permit application or require a modification to the proposed design when deemed appropriate in the interest of public safety. Permits for drive approach construction within this category must be obtained prior to the issuance of a building permit.

B. Width

	<u>MIN</u>	<u>MAX</u>
Residential:		
Single	10'	24'
Duplex	10'	24'
Double or Circular	10' ea.	16' ea. (1)(4)
Commercial:		
Single	20'	35'
Double	16'	30' (1)(4)

C. Cover over culverts:

	<u>CONC. DRIVE</u>	<u>OTHER</u>
Residential	4"	12" (2)
Commercial	6"	12" (3)

- (1) Provide for draining area between drives by open swale or catch basin.
- (2) Unless armored with 4 inches of reinforced concrete 2500 PSI.
- (3) Unless armored with 6 inches of 2500 PSI reinforced concrete.
- (4) Twenty foot separation required.

D. Material Specification within R.O.W.:

Residential:

- 1. Asphalt driveways shall have a minimum 6 inch shell base. (Min. LBR 100, 98% compaction by AASHTO T-180), stable subgrade, and 1 inch type III asphalt concrete surface.
- 2. Concrete driveways shall have a 6 inch x 6 inch #10 mesh with a minimum thickness of 4 inch 2500 PSI concrete over a stable subgrade.

Commercial:

- 1. Asphalt driveways shall have a minimum 8 inch shell base (Min. LBR 100, 98% compaction by AASHTO T-180), stable subgrade and 1" type III asphalt concrete surface minimum.
- 2. Concrete driveways shall have 6 inch x 6 inch #6 mesh with a minimum thickness of 6 inch 2500 PSI concrete over a stable subgrade.

E. The algebraic difference in grades of front and rear drive slopes shall not exceed 12% as computed

between the edge of pavement and the right-of-way line. If a proposed drive over a Condition A swale cannot meet the 12% maximum differential, the drive shall be constructed with a culvert pipe. The pipe may be sumped (invert of pipe below swale flow line) up to half of the vertical diameter to provide the required cover by design of the Engineering Department.

- F. All driveways crossing a Condition A Swale must maintain the swale flow line within ∇ 1/2 inch of design grade. Further there shall be no standing water in the driveway as a result of concrete surface irregularities.
- G. Marl driveways will not be allowed within the County maintained right-of-way. All driveways must be hard surface asphalt or concrete. Exception: Parcels on very rural County roads of marl or shell may use marl or shell driveways.
- H. All driveways shall be constructed so that no part of the driveway, excluding the transition, is closer than 25 feet to the intersection of the right-of-way lines of any nearby roadway intersection. All driveways shall be constructed so that no part of the driveway (excluding the transition between the edge of the roadway pavement and the right-of-way line) is closer than 5 feet from a side lot line extended perpendicular to the centerline of the road. Transitions (flares) shall be limited to an additional 3 feet in width on each side of the driveway.
- I. Charlotte County shall not be responsible for the repair, replacement or refurbishing of any driveway, or walkways, which has a specialized surfacing, coloring, design, or other decorative treatment. Only those driveways or walkways constructed of standard asphaltic concrete, Portland cement concrete, washed stone or shell, shall be repaired or replaced when disturbed through maintenance of drainage.

VII. CATCH BASINS

- A. Catch basins are required for the following conditions:
 - 1. Change in pipe direction.
 - 2. Change in pipe size.
 - 3. Change in flow line elevation.
 - 4. Ground surface low points.
 - 5. Secondary swale interception.
 - 6. Points of change in pipe material, such as metal to concrete, or aluminum to steel.
 - 7. All points of maximum pipe runs up to 160 feet.
- B. Catch basins should be constructed on common property lines whenever possible.
- C. The grates or slots of all completed catch basins shall be at least 6 inches below the edge of road pavement. All catch basins shall be constructed in accordance with Charlotte County Standard Detail R-16-1. A relief opening shall be provided when a pipe terminates in a catch basin without any other outflow provision. Reinforcing bars are required in all catch basins, in addition, block basins shall have holes filled with mortar.

VIII. RECLAMATION AND REPAIR OF JOB SITE

- A. It shall be the responsibility of the permit holder to make proper repairs of all negligent damage to road pavement, swales, or adjacent properties prior to issuance of final approval.

1. **AREAS OF RESPONSIBILITY**

- a. **PRIMARY AREA:** The contractor/builder/permit holder shall be responsible for the repair or restoration of the right-of-way between the property lines, and the roadway area as defined by the center line and the extension of the side lot lines.
- b. **SECONDARY AREA:** The contractor/builder/permit holder shall be responsible for the repair or restoration of damage to all roadways, swales, drainage facilities, utilities, mail boxes, signs, vegetation, etc. in the immediate vicinity, resulting from negligent construction activities, but not limited to, adjoining or abutting properties, siltation of drainage structures of facilities immediately downstream, wind strewn debris and any damage resulting from construction.
- c. All work within the right-of-way, unless otherwise directed by Charlotte County, shall conform to the Florida Department of Transportation 1982 Standard Specifications for Road and Bridge Construction, Manual of Uniform Traffic Control Devices and County Ordinances.
- d. Restoration shall return these areas to equal or better than original condition and to the satisfaction of Charlotte County Engineer.
- e. NO equipment, building materials, including, but not limited to fill, base material, building trash, tools shall be left overnight within ten (10) feet of edge of pavement.
- f. Charlotte County shall be given timely notice of any repair or restoration work. If any work, or existing condition should be covered or otherwise hidden from view, without approval or consent of the County Engineer, it must, if required by the County Engineer, be uncovered for examination.

2. **PAVEMENT REPAIRS:** This item shall include the restoration repair or replacement of all negligently damaged pavement, base, curbs, curb inlets, sidewalks or bikepaths.

- a. **BASE:** Disturbed areas shall be removed and replaced with material of the same type material removed. Soil cement base material shall be replaced with a minimum 6 inches of 2500 PSI concrete. Finished surface shall be uniform and follow the contours of existing roadway, 1 inch below asphaltic surface. (SEE DRAWING #1)

Marl or shell material shall have a minimum LBR 100, free of deleterious matter. A minimum 6 inch depth, compacted to 98% AASHTO T-180, with a uniform surface, following the contours of existing roadway, 1 inch below asphaltic surface. (SEE DRAWING #1)

- b. **PRIME/TACK COAT:** Marl, shell, limerock or other flexible base materials shall be coated with liquid asphalt. The surface to be primed shall be clean and the moisture content of the base shall not exceed 90% of the optimum moisture. The amount to be applied will depend on the character of the surface and shall be sufficient to coat the surface thoroughly and uniformly, with no excess.

Cover material for prime coat shall be sand. The sand shall be non-plastic and free from any appreciable amounts of silt, clay balls and root particles and from any noticeable sticks, trash, vegetation or other organic matter.

Concrete base material shall be cleaned of any loose sand or other material and shall be tacked with a minimum of .10 gallon per square yard of liquid asphalt.

- c. **PAVEMENT:** All pavement repair material shall be a minimum 1 inch Type III Hot Mix Asphalt. **(Cold mix will be allowed as a temporary repair only.)** All edges shall be saw cut in straight lines; the vertical edges and entire area to be patched shall be free of any dust, sand, or other loose material and shall be tacked with a minimum of .10 gallon per square yard of liquid asphalt. Compacted surface shall be uniform, and conform to the contours of existing asphaltic surface.

3. **REPAIRS TO ROADWAY WITH RIGID BASE CONSTRUCTION**

A. **AT THE DISCRETION OF CHARLOTTE COUNTY ENGINEER:**

Badly deteriorated asphaltic surfaces over **RIGID BASE CONSTRUCTION ROADWAYS** (i.e. soil cement) may be repaired by the use of 6 inch minimum, 2500 PSI concrete. Edges shall be vertically saw cut, old asphalt and soil cement base removed to a minimum depth of 6 inches and replaced with concrete, flush with and conforming to the contours of existing asphaltic surface. Leading edge of driveways shall have a 1 inch lip or rise at, and in line with, existing edge of pavement where applicable. (SEE DRAWING #2)

CAUTION!! THIS METHOD APPLIES ONLY TO **RIGID BASE ROADWAYS**, AND **MAY NOT BE USED FOR FLEXIBLE BASE DESIGN ROADWAYS.**
(i.e. Marl, Shell. Limerock, etc.)

- 4. At no time shall the swale be filled or altered in any way which would obstruct drainage. Except at the high point, a temporary pipe shall be installed, and remain in service until the permanent installation.
- 5. The edge of pavement maybe protected by the use of fill material as follows:
 - Only on roadways with a speed limit of 30 MPH or less.**
 - A. Depth of protective pad shall not exceed 6".
 - B. Width of protective pad shall not exceed 5'.
 - C. Protective pad must be removed before nightfall each day if road is heavily used.
- 6. In the event the permit holder elects not to make pavement repairs himself, he may advise the Engineering Department of this choice prior to final inspection and post a fee, determined by the inspector, for which the county will make the pavement repairs. This only applies to pavement damage, all other areas of restoration are still the responsibility of the permit holder.

IX. **VARIANCES**

Variance to the above requirements may be given by the County Engineer, in writing, within his sole discretion, should good engineering practice so indicate. Forms are available at the Engineering Department office in Murdock for application for variance.

X. **SEVERABILITY**

Should any section, paragraph, clause or provision of these rules be declared invalid by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and

such holding shall not effect the validity of other provisions of these Rules.