

ORDINANCE NO. 2022- 47

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.01, "MINIMUM RIGHT-OF-WAY," TO PROVIDE EXCEPTIONS FOR REQUIRED RIGHT-OF-WAY WIDTH IN CERTAIN DESIGNATED AREAS, AND AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.5704., "FRONTAGE AND ACCESS," TO PROVIDE FOR SPECIFIC UTILITY AND PUBLIC SAFETY ACCESS REQUIREMENTS FOR PROPERTIES IN CERTAIN DESIGNATED AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 100.01, "Minimum Right-of-Way," of Chapter 100, "Streets and Sidewalks," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 100.01 MINIMUM RIGHT-OF-WAY.

(A) The City Commission shall not accept any street right-of-way as a public street whether by dedication in a plat or by deed or other instrument unless it complies with the applicable following minimum width unless modified in any overlay district with a corresponding street regulating plan or diagrams for the

streets within the overlay district, such as but not necessarily limited to the TO/EOD.

(1) The width of a right-of-way of the following streets shall be not less than 60 feet:

...

(4) The width of all alleys shall be not less than 16 feet.

(5) An exception shall apply in the areas north of NW 15th Street between NW 17th Avenue and NW 19th Avenue and north of NW 15th Court between N. Andrews Avenue and NW 16th Avenue where a 30' right-of-way will be acceptable for access, utilities and public safety purposes (with no sidewalks) in accordance with the city's streets plan for these areas. No parking adjacent to this 30 foot wide roadway dedication will be allowed to ensure fire trucks, ambulances and garbage/recycling trucks can move through the area unimpeded.

...

SECTION 2. That Section 155.5704., "Frontage and Access," of Chapter 155, "Zoning Code," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

155.5704. FRONTAGE AND ACCESS

A. Each lot shall be designed to be accessible to and abut a dedicated public street right-of-way. The public street frontage for a lot other than a townhouse lot shall be at least 40 feet, except that a lot designed for a single-family dwelling and fronting a cul-de-sac shall have a minimum street frontage of 25 feet.

B. To the maximum extent practicable, residential lots shall not front on arterial streets. If frontage on or driveway access to and from such a street is necessary, such access shall comply with the standards in 155.5101.G.3, Vehicular Access Management.

C. All local, collector, minor arterial and principal arterial streets, shall have a minimum width per § 100.01(A) or (B), as applicable.

1. All property which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than half of the applicable right-of-way width to the center line of the street(s).

2. All lots subject to a Plat, Rezoning, or Major Site Plan approval, as well as lots not subject to Major Site Plan approval but are developing a new structure or increasing an existing structure by 50% of the existing gross floor area, shall dedicate the required right-of-way.

3. In the case of the areas north of NW 15th Street between NW 17th Avenue and NW 19th Avenue and north of NW 15th Court between N. Andrews Avenue and NW 16th Avenue, a 30' right-of-way is acceptable for access, utilities and public safety purposes and will not include sidewalks. No parking will be allowed within the 30 foot roadway to ensure unimpeded access by fire trucks, ambulances and garbage trucks. Due to the limited infrastructure in these areas, they will not be considered appropriate for the allocation of flex/redevelopment units to increase density.

All 30' of this dedication may need to be made from one property in accordance with the city's streets plan for these areas. This is to ensure adequate and equitable access based on the configuration of the lots created prior to the roads being dedicated. For lots in these areas that need to dedicate all 30 feet of the right-of-way, relief can be offered through the Administrative Adjustment process with no fees for front setbacks and other dimensional requirements as needed to accommodate development of single-family homes on the lots of record as of the date of the passing of this ordinance. If lots are assembled in this area to allow higher density than single-family homes, any zoning relief in those cases will be limited to what is typically allowed by this zoning code.

SECTION 3 If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 10th day of May, 2022.

PASSED SECOND READING this 24th day of May, 2022.

DocuSigned by:
Rey Hardin
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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
4/21/22
l:ord/ch100/2022-183

