

ORDINANCE NO. 2003-4

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, ARTICLE IX ENTITLED, "TOWN OF SOUTHWEST RANCHES LAND DEVELOPMENT CODE," SUBSECTION 5-195(C), "DESIGN STANDARDS AND REQUIREMENTS FOR TRAFFIC CONTROL OF LOCAL STREETS," TO CLARIFY MINIMUM RESIDENTIAL ACCESS REQUIREMENTS BY PROVIDING SPECIFIC REGULATIONS FOR RESIDENTIAL DRIVEWAYS SERVING PROPERTIES WITHOUT STREET FRONTAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the Town of Southwest Ranches requires that lots shall be served by public or private streets; and

WHEREAS, private streets are required to comply with the same dimensional and construction requirements as public streets; and

WHEREAS, the use of driveways to provide access to landlocked residential properties, through intervening lots with street frontage, has been a customary practice within the Town, and is a common and acceptable planning practice within rural and semi-rural areas; and

WHEREAS, such driveways often serve more than one residential lot, and do not meet the minimum specifications for public or private streets; and

WHEREAS, the Code does not specifically address such driveways; and

WHEREAS, the Town Council wishes to provide standards for driveways connecting landlocked properties to public or private streets;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That Article IX entitled, "Town of Southwest Ranches Land Development Code," Subsection 5-195(c), "Design Standards and Requirements for Traffic Control of Local Streets" of the Code of Ordinances of the Town of Southwest Ranches, is hereby amended as follows and as provided by the diagrams in Composite Exhibit "A" attached hereto to and incorporated herein by reference:

(c) Design Standards and Requirements for Traffic Control of Local Streets.

(1) General Requirements Applicable to All Local Streets.

b) Access to Development

1) Every lot or parcel shall be served from a publicly dedicated street; provided however that a developer may retain as private a local street or a collector nontrafficway street if the following conditions are met:

- a. Public right-of-way is not required in order to serve adjacent development that is existing or projected on the Town of Southwest Ranches Land Use Plan, as amended;
- b. A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities;
- c. A reciprocal easement for ingress and egress is granted all residents of the development; and
- d. Private local or collector streets comply with all applicable construction standards contained in the "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," adopted by Broward County Resolution No. 85-3606, set out in the Broward County Administrative Code.

2) A lot or parcel without direct frontage on a public or private street may be created if:

- a. Individual Access to a Landlocked Parcel: One landlocked lot or parcel may be served by an ingress/egress easement at least 15 feet wide, with a 10-foot-wide travel surface connecting the landlocked lot or parcel to a public or private street through an intervening lot or parcel. The easement shall provide for access by emergency vehicles and government officials, employees or contractual service providers during the course of their official duties.

- b. Shared Access to Landlocked Parcel: Up to 4 homes may be served by an ingress/egress easement at least 25 feet wide, providing access for emergency vehicles and government officials, employees or contractual service providers during the course of their official duties, and providing a travel surface, pull-off shoulders and traffic markings as depicted by the figures attached as Composite Exhibit "A."
- 3) Both individual and shared access to landlocked parcel must meet the following conditions:
- a. The base course and wearing surface materials and specifications shall be as specified in Composite Exhibit "A" or alternate surface approved by the Town including but not limited to reinforced stabilized limerock with a base course of a minimum of 8" thick limerock (60% calcium), and shall be compacted to a density of no less than 98% of maximum dry density as determined by the American Association of State Highway and Transportation Officials ("A.A.S.H.T.O.") specification T-180, or as may be amended from time to time. The base shall have a minimum limerock bearing ratio ("L.B.R.") value of 100; and
 - b. The Town shall determine the actual width of the easement after review and approval by applicable utilities and governmental agencies requiring permit, and subject to drainage agreements, and/or other miscellaneous agreements approved by the Town Attorney; and
 - c. The developer property owner shall enter into and shall record in the public records of Broward County, Florida, a Declaration of Restrictive Covenants for Private Roadways and Access in a form approved by the Town Attorney, which shall, in part, indemnify and hold harmless the Town and its agents for the construction of an access easement, which is less than the access easement set forth in the "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," adopted by Broward County Resolution No. 85-3606, set out in the Broward County Administrative Code; and
 - d. For shared access all property owners utilizing the shared access easement shall enter into an agreement defining the rights and responsibilities of the parties in regards to the maintenance of the access easement and shall record such agreement in the public records of Broward County, Florida; and

- e. The permissibility of driveways pursuant to this subsection is conditioned upon no further subdivision being possible that would require dedication and construction of a public or private street in lieu of a driveway under this subsection; and
- f. The address of all properties without direct street frontage shall be displayed at the street entrance of the driveway and again at the entrance to each property from the driveway; and
- g. The maximum length of a driveway under this subsection shall be 1,320 feet; and
- h. No plantings or other obstructions shall be permitted within the ingress/egress easement or within the site distance triangle pursuant to Section 5-195(a)(9); and
- i. A turn-around acceptable to the Fire Marshal shall be provided at the end of the shared driveway, including "T" turnarounds.

Section 3: Subsection 5-195(c), subparagraphs 2 through 4 are hereby renumbered to be subparagraphs 3 through 5.

Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6: Effective Date. This Ordinance shall be effective immediately upon its adoption.

Section 7: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 9: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 10th day of October 2002

PASSED AND ADOPTED ON SECOND READING this 7th day of November, 2002

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney
736948_1.DOC