

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5704, "FRONTAGE AND ACCESS,"; BY AMENDING SECTION 155.9401, "MEASUREMENT,"; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

In conjunction to proposed text amendments for Ch. 100 (Memorandum #15-077), Staff is recommending "housekeeping" text amendments to the Zoning Code related to right-of-way. The proposed text amendments include no substantive revisions. First, §155.5704 is revised to remove specific right-of-way widths, and instead, cross-reference the right-of-way requirements per Ch. 100. Second, §155.9401 is revised to clarify that the front yard setback shall be measured from future right-of-way listed in Ch. 100. Since 1991, per Ord. 1991-63 (*copy attached*), the front yard setback has been measured from future right-of-way. Finally, §155.9401 is revised to re-insert the measurement of setbacks along cul-de-sacs (also shown in attached Ord. 1991-63). At their January 28, 2015 meeting, the Planning and Zoning Board reviewed the proposed text amendments.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	12/12/2014	Approval	Memo #14-544 <i>[Signature]</i>
City Attorney	02/06/2015	Approval	Memo #2015-546 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #15-006 (02/17/2015)
X City Manager <i>[Signature]</i>			<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1 st Reading <u>3/10/15</u>	1 st Reading _____	Results: _____
Approved		
2 nd Reading <u>3/24/15</u>	_____	Results: _____
_____	_____	_____
_____	_____	_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5704, "FRONTAGE AND ACCESS," TO PLACE RIGHT-OF-WAY MINIMUM WIDTH REQUIREMENTS WITHIN SECTION 100.01 OF THE CITY CODE OF ORDINANCES AND TO REVISE MINIMUM DISTANCE A STRUCTURE MAY BE PLACED TO RIGHT-OF-WAY; BY AMENDING SECTION 155.9401, "MEASUREMENT," TO PROVIDE FOR SETBACK FOR STRUCTURES ON A CUL-DE-SAC AND TO PROVIDE REFERENCE TO SECTION 100.01 OF THE CITY CODE OF ORDINANCES WHEN MEASURING YARD SETBACK; 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 155.5704., "Frontage and Access," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5704. FRONTAGE AND ACCESS

...

C. All local, collector, minor arterial and principal arterial streets ~~which are within or abutting a residential base zoning district, including Residential Planned Unit Development,~~ shall have a minimum width of 50 feet per § 100.01(A) or (B), as applicable.

1. All property with a residential zoning district including Residential Planned Unit Development, which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than 25 feet 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.

~~D. All local, collector, minor arterial and principal arterial streets which are within or abutting a non-residential base zoning district shall have a minimum width of 60 feet.~~

~~1. All property with a nonresidential zoning district which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than 30 feet 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.~~

SECTION 2. That Section 155.9401., "Measurement," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

...

155.9401. MEASUREMENT

...

H. YARD SETBACK

...

3. Measured from Future Street Right-of-Way

Where city-adopted plans, including § 100.01 of the Code of Ordinances, call for the future widening of the street right-of-way abutting a lot and identify the future right-of-way boundary (e.g., by delineating the boundary or establishing its distance from the street's centerline), the minimum front yard setback on the lot shall be measured from the future right-of-way boundary (See Figure 155.9401.H.3, Front Yard Abutting Future Right-of-Way.).

...

5. Cul-De-Sac Setback.

Where a cul-de-sac occurs at the end of a street, buildings fronting thereon shall be set back from the extended center line a distance equal to half the amount of the width of the ultimate right-of-way plus the distance of the minimum required front yard.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other 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 _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
2/4/15
L:ord/ch155/2015-198

original

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155 "ZONING CODE" OF THE POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 155.02 "FEES FOR COPIES MADE"; BY AMENDING SECTION 155.003 "DEFINITIONS" BY DELETING, AMENDING, AND ADDING CERTAIN DEFINITIONS; BY AMENDING SECTION 155.005 "ZONING DISTRICTS" SUBSECTION (A) TO AMEND THE DESIGNATIONS OF DISTRICTS SET FORTH THEREIN; BY REPEALING SECTION 155.009 "SPECIAL FRONT YARD DEPTH REGULATIONS" AND ENACTING A NEW SECTION 155.009 "SPECIAL SETBACK REGULATIONS" TO PROVIDE SETBACK REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY REPEALING SECTION 155.010 "CONFORMANCE OF STRUCTURE USE APPLICATIONS" AND SECTION 155.011 "BUILDING WHEN BUSINESS, RESIDENTIAL DISTRICTS ADJOIN"; BY REPEALING SECTION 155.012 "ACCESSORY BUILDINGS" AND ENACTING A NEW SECTION 155.012 "RESIDENTIAL ACCESSORY STRUCTURES" TO PROVIDE REGULATIONS THEREFORE; BY AMENDING SECTION 155.013 "PROPERTY ABUTTING WATERWAY" TO PROVIDE A 15 FOOT SETBACK; BY AMENDING SECTION 155.014 "MINIMUM LOT AREA EXCEPTIONS" TO PROVIDE EXCEPTIONS FOR PLATTED LOTS ANNEXED INTO THE CITY; BY REPEALING SECTION 155.017 "DEVELOPMENT OF REGIONAL IMPACT" AND CREATING A NEW SECTION 155.017 "UNITY OF TITLE AGREEMENT" TO PROVIDE FOR SUCH AGREEMENTS IN CERTAIN CIRCUMSTANCES; BY REPEALING SECTION 155.018 "ADMINISTRATIVE FEES" AND ENACTING A NEW SECTION 155.018 "RESERVE AND FLEXIBILITY UNITS" TO PROVIDE FOR THE TRANSFER OF RESERVE UNITS; BY CREATING A NEW SECTION 155.019 "CONSTRUCTION SEAWARD OF COASTAL CONTROL LINES" TO REQUIRE THAT STATUTORY REQUIREMENTS ARE MET; BY CREATING A NEW SECTION 155.019(A) "TEMPORARY CONSTRUCTION OFFICES OR TRAILERS" TO ALLOW SUCH OFFICES OR TRAILERS FOR A PERIOD OF UP TO ONE YEAR; BY AMENDING SECTION 155.036 "FENCES AND WALLS" SUBSECTION (B)(1) TO PROVIDE REGULATIONS ON PROPERTY ABUTTING CANALS OR WATERWAYS AND ENACTING A NEW SUBSECTION (H) REGARDING THE PLACEMENT OF THE FINISHED SIDE OF A FENCE; BY REPEALING SECTION 155.038 "YARDS OR COURTS"; BY REPEALING SECTION 155.042 "CAMPING GROUNDS"; BY

"ROOMING HOUSE." Any dwelling structure having three or more rooms designed for rental occupancy by transients or permanent guests. For density purposes, two rental rooms equal one dwelling unit.

"SLEEPING ROOM." A single room or suite of several rooms rented for living purposes, but without cooking facilities or other amenities for separate or independent housekeeping. A "SLEEPING ROOM" shall not be construed to mean a dwelling unit.

"YARD." ~~An open space on the same lot with a building, occupied and unobstructed from the ground upward, except as otherwise provided herein. In Measuring a "YARD" for the purpose of determining a side yard, the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest part of any wall of the main building shall be used.~~ An open space set back on the same lot with a building, occupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a "YARD" or setback for the purpose of determining a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest part of any wall of the main building shall be used, except where the yard or setback abuts a street in which case the setback shall be measured from the ultimate right-of-way line shown on the Broward County Trafficway Plan or in the case of other public streets, the right-of-way line as defined in the City of Pompano Beach Code of Ordinances.

RS-3 Single-Family Residence
RS-4 Single-Family Residence
RD-1 Two-Family Residence
RM-12 Multiple-Family Residence
RM-20 Multiple-Family Residence
RM-30 Multiple-Family Residence
RM-45 Multiple-Family Residence
RPUD Residential Planned Unit Development
MH-12 Mobile Home Park
B-1 Limited Business
B-2 Community Business
BSC Planned Shopping Center Business District
B-3 General Business
B-4 Heavy Business
M-1 Marina Business
M-2 Marina Industrial
BP Business Parking
I-1 General Industrial
PCI Planned Commercial/Industrial
PR Parks and Recreation
CR Commercial Recreation
CF Community Facilities
T Transportation
PU Public Utility

SECTION 6: That Section 155.009 "Special Front Yard Depth Regulations" is hereby repealed.

SECTION 7: That a new Section 155.009 "Special Setback Regulations" is hereby created to read as follows:

SECTION 155.009 SPECIAL SETBACK REGULATIONS

(A) Cul-De-Sac

Where a cul-de-sac occurs at the end of a street, buildings fronting thereon shall be

set back from the extended center line a distance equal to half the amount of the width of the ultimate right-of-way plus the distance of the minimum required front yard.

SECTION 8: That Section 155.010 and Section 155.011 are hereby repealed in their entirety.

SECTION 9: That Section 155.012 "Accessory Structures" is hereby repealed and a new Section 155.012 "Residential Accessory Structures" is hereby enacted to read as follows:

SECTION 155.012 RESIDENTIAL ACCESSORY STRUCTURES.

(A) Setbacks

(1) No residential garage carport shall project into any required yard.

(2) Other than residential garages or carports, no accessory structure shall be located in front of the principal structure or in the minimum setbacks from the streets on corner lots.

(3) All attached accessory structures shall meet the setback requirements. No detached accessory



City Attorney's Communication #2015-546
February 6, 2015

TO: Karen Friedman, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Ordinance Amending Chapter 155, "Zoning Code"

As requested in your memorandum of January 29, 2014, Department of Development Services Memorandum No. 15-051, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5704, "FRONTAGE AND ACCESS," TO PLACE RIGHT-OF-WAY MINIMUM WIDTH REQUIREMENTS WITHIN SECTION 100.01 OF THE CITY CODE OF ORDINANCES AND TO REVISE MINIMUM DISTANCE A STRUCTURE MAY BE PLACED TO RIGHT-OF-WAY; BY AMENDING SECTION 155.9401, "MEASUREMENT," TO PROVIDE FOR SETBACK FOR STRUCTURES ON A CUL-DE-SAC AND TO PROVIDE REFERENCE TO SECTION 100.01 OF THE CITY CODE OF ORDINANCES WHEN MEASURING YARD SETBACK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please carefully review the ordinance to ensure that it meets with your requirements.


GORDON B. LINN

/jrm
l:cor/dev-srv/2015-546

Attachment

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-006**

DATE: February 17, 201~~4~~⁵
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code,
Minimum Right-of-Way

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 28, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to the standards in the Minimum Right-of-Way as set forth in the Department of Development Services Administrative Report 14-544.

Staff recommends revisions to the Zoning Code §155.5704.C, §155.5704.D, and §155.9401.H.3 to cross-reference to §100.01.B.

Staff also recommends revision to §155.9401.H.5 to reinsert the measurement from the old Zoning Code's §155.009 which is used to determine setbacks for properties on a cul-de-sac.

The Planning and Zoning Board recommends that the City Commission initiate a Broward County Trafficways Plan Amendment to remove NE 48th/49th Street from the plan due to the residential nature of the street.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 14-544

DATE: December 12, 2014
TO: Planning and Zoning Board
VIA: Robin M. Bird, Director of Development Services *MB*
FROM: Karen Friedman, AICP, Planner *KBF*
RE: Text Amendments to Zoning Code and Chapter 100
Minimum Right-Of-Way

Staff is recommending revisions to the Zoning Code regarding minimum right-of-way. The revisions are directly impacted by a related revision to Ch 100, Streets and Sidewalks. An explanation of the revisions is below.

The old Zoning Code's §155.141 (copy attached) listed streets with a right-of-way greater than 50 feet. Since this regulation did not impact private property the consultant recommended it not be carried forward into the revised Zoning Code. Staff recommends re-adopting the list, and recommends inserting the list of streets into Chapter 100, Streets and Sidewalks as §100.01.B. The City Engineer has reviewed the recommended change.

In conjunction with creation of §100.01.B, Staff concurrently recommends revisions to the Zoning Code §155.5704.C, §155.5704.D, and §155.9401.H.3 to cross-reference to §100.01.B.

Finally, the old Zoning Code's §155.009 (copy attached) included a specific measurement to determine setbacks for properties on a cul-de-sac. This language was not included in the revised Zoning Code. Staff is recommending revision to §155.9401.H.5 to reinsert this measurement.

The proposed revisions to Chapter 100, Streets and Sidewalks are being presented to this Board as a courtesy. Staff is, however, requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

CHAPTER 100: STREETS AND SIDEWALKS

§ 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.

~~(A)(1) The width of a right-of-way of all the following streets shall be not less than 60 feet: designated as business streets, through streets, or boulevards shall be not less than 60 feet.~~

~~(a) Business Streets~~

~~(b) Through Streets~~

~~(c) Boulevards~~

~~(d) Primary Streets~~

~~(e) Local, Collector, Minor Arterial and Principal Arterial streets which are within or abutting a non-residential base zoning district~~

~~(B) The right-of-way of all streets designated as primary streets shall be not less than 60 feet.~~

~~(C)(2) The width of a right-of-way of all the following streets shall be not less than 50 feet: designated as secondary or residential streets shall be not less than 50 feet.~~

~~(a) Secondary Streets~~

~~(b) Residential Streets~~

~~(c) Local, Collector, Minor Arterial and Principal Arterial streets which are within or abutting a residential base zoning district and/or Residential Planned Unit Development.~~

~~(D)(3) The right-of-way of all double-lane streets with a parkway in the center shall be not less than 75 feet, including the parkway.~~

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

~~(B) Certain arterial thoroughfares of the city are hereby designated and determined to have a greater width than that listed in section (A) above, and no building or structure shall be erected or located upon any property abutting these streets and avenues closer to the center line of these streets than one-half of the indicated and designated width of these streets. The thoroughfares and the required right-of-way is listed in Table 100.01(B) below.~~

Table 100.01(B) Arterial Thoroughfares with Required ROW Width

<u>Street Name</u>	<u>Starting Point</u>	<u>Ending Point</u>	<u>Required ROW width in Feet</u>
Andrews Ave	SW 3 rd St (Racetrack Rd)	South City Limits	106
Andrews Ave	SW 3 rd St (Racetrack Rd)	North City Limits	110
Atlantic Blvd	Federal Hwy (US1)	SR A1A	110
Atlantic Blvd	Florida's Turnpike	Federal Hwy (US1)	120
Atlantic Blvd Extension (NW 31 st Ave)	Atlantic Blvd	Dr. Martin Luther King, Jr. Blvd (Hammondville Rd)	106
Blount Rd	Copans Rd	Dr. Martin Luther King, Jr. Blvd (Hammondville Rd)	80
Blount Rd	Copans Rd	Sample Rd	84
Copans Rd	Federal Hwy (US 1)	I-95	106

<u>Copans Rd</u>	<u>I-95</u>	<u>Florida's Turnpike</u>	<u>110</u>
<u>Cypress Rd</u>	<u>Atlantic Blvd</u>	<u>South City Limits</u>	<u>80</u>
<u>Dixie Hwy (State Rd 811)</u>	<u>South City Limits</u>	<u>North City Limits</u>	<u>80</u>
<u>Dr. Martin Luther King, Jr. Blvd (Hammondville Rd)</u>	<u>Dixie Hwy</u>	<u>NW 27th Ave</u>	<u>80</u>
<u>Dr. Martin Luther King, Jr. Blvd (Hammondville Rd)</u>	<u>NW 27th Ave</u>	<u>Florida's Turnpike</u>	<u>106</u>
<u>Federal Hwy (U.S. 1)</u>	<u>South City Limits</u>	<u>North City Limits</u>	<u>Existing Widths or 120 feet, whichever is greater</u>
<u>McNab Road (SE 15th St / SW 15th St)</u>	<u>Federal Hwy (US 1)</u>	<u>SW 7th Avenue</u>	<u>80</u>
<u>McNab Road (SW 15th St)</u>	<u>Dixie Hwy</u>	<u>SW 31st Ave</u>	<u>106</u>
<u>NE 2nd Ave</u>	<u>Atlantic Blvd</u>	<u>NE 3rd St</u>	<u>Existing Widths or 60 feet, whichever is greater</u>
<u>NE 3rd Ave</u>	<u>Copans Rd</u>	<u>Sample Rd</u>	<u>80</u>
<u>NE 10th St</u>	<u>Dixie Hwy</u>	<u>Federal Hwy (US 1)</u>	<u>106</u>
<u>NE 11th Ave</u>	<u>Atlantic Blvd</u>	<u>NE 10th St</u>	<u>Existing Widths or 60 feet, whichever is greater</u>
<u>NE 14th St</u>	<u>Federal Hwy (US 1)</u>	<u>SR A1A</u>	<u>100</u>
<u>NE 23rd Ave</u>	<u>NE 14th St</u>	<u>NE 24th St</u>	<u>Existing Widths or 60 feet, whichever is greater</u>
<u>NE 26th Ave (Harbor Dr)</u>	<u>Atlantic Blvd.</u>	<u>NE 14th St</u>	<u>Existing Widths or 70 feet, whichever is greater</u>
<u>NE 48th and NE 49th St</u>	<u>Dixie Hwy</u>	<u>Federal Hwy (US 1)</u>	<u>106</u>
<u>NW 6th Ave (Blanche Ely Ave)</u>	<u>Atlantic Blvd</u>	<u>NW 15th St</u>	<u>60</u>
<u>NW 15th St</u>	<u>I-95</u>	<u>Dixie Hwy (SR 811)</u>	<u>60</u>
<u>NW 15th St</u>	<u>Powerline Rd</u>	<u>I-95</u>	<u>80</u>
<u>NW 27th St</u>	<u>Dr. Martin Luther King, Jr. Blvd (Hammondville Rd)</u>	<u>Atlantic Blvd.</u>	<u>Existing Widths or 50 feet, whichever is greater</u>
<u>Powerline Rd</u>	<u>Sample Rd</u>	<u>McNab Rd</u>	<u>144</u>
<u>Sample Rd</u>	<u>I-95</u>	<u>Federal Hwy (US 1)</u>	<u>120</u>
<u>Sample Rd</u>	<u>Florida's Turnpike</u>	<u>I-95</u>	<u>200</u>

<u>SE 11th Ave</u>	<u>Pompano Canal</u>	<u>Atlantic Blvd.</u>	<u>70</u>
<u>State Road A1A (Ocean Blvd.)</u>	<u>Terra Mar Dr</u>	<u>North City Limits</u>	<u>80</u>
<u>State Road A1A (Ocean Blvd.)</u>	<u>Terra Mar Dr</u>	<u>South City Limits</u>	<u>106</u>
<u>SW 3rd St (Racetrack Rd / John Knox Blvd)</u>	<u>I-95</u>	<u>Cypress Rd</u>	<u>110</u>
<u>SW 3rd St (Racetrack Rd / Pompano Park Place)</u>	<u>Powerline Rd (Pompano Parkway)</u>	<u>I-95</u>	<u>106</u>
<u>SW 46th Ave</u>	<u>McNab Rd</u>	<u>Florida's Turnpike</u>	<u>106</u>

(C) Property owners required to dedicate required right-of-way in accordance with Zoning Code §155.5704 shall only be required to dedicate half of the applicable right-of-way width to the center line of the street.

CHAPTER 155: ZONING

ARTICLE 5: DEVELOPMENT STANDARDS

PART 7: LOTS

§ 155.5704. FRONTAGE AND ACCESS

~~C. All local, collector, minor arterial and principal arterial streets which are within or abutting a residential base zoning district, including Residential Planned Unit Development, shall have a minimum width of 50 feet per § 100.01(A) or (B), as applicable.~~

- ~~1. All property with a residential zoning district including Residential Planned Unit Development, which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than 25 feet 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.~~

~~D. All local, collector, minor arterial and principal arterial streets which are within or abutting a non-residential base zoning district shall have a minimum width of 60 feet.~~

- ~~1. All property with a nonresidential zoning district which abuts a local, collector, minor arterial and principal arterial street(s), shall not erect a building or structure closer than 30 feet 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.~~

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PART 4: MEASUREMENT, EXCEPTIONS, AND VARIATIONS OF INTENSITY AND DIMENSIONAL STANDARDS

155.9401. MEASUREMENT

H. Yard Setback

3. Measured from Future Street Right-of-Way

Where city-adopted plans, including § 100.01 of the Code of Ordinances, call for the future widening of the street right-of-way abutting a lot and identify the future right-of-way boundary (e.g., by delineating the boundary or establishing its distance from the street's centerline), the minimum front yard setback on the lot shall be measured from the future right-of-way boundary (See Figure 155.9401.H.3, Front Yard Abutting Future Right-of-Way.).

5. Cul-De-Sac Setback

Where a cul-de-sac occurs at the end of a street, buildings fronting thereon shall be set back from the extended center line a distance equal to half the amount of the width of the ultimate right-of-way plus the distance of the minimum required front yard.

or outer courts, or other open spaces, than or in any other manner to contravene the provisions specified herein for the district in which the building is located. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(B) Lands annexed into the city shall be given a zoning designation equivalent to the zoning designation that the land carried with Broward County prior to annexation. The county zoning designation shall be set forth in the ordinance annexing any such property with the finding of fact by the City Commission of the similar city zoning classification. If lands are annexed into the city by action of the state legislature, the lands so annexed shall retain their county zoning designation until the city zoning designations are assigned to the lands by specific action of the City Commission by ordinance.

('58 Code, § 50.08) (Ord. 664, passed - - ; Am. Ord. 664-AG, passed 9-8-59; Am. Ord. 64-78, passed 5-19-64; Am. Ord. 76-13, passed 12-2-75; Am. Ord. 2010-32, passed 6-22-10) Penalty, see § 10.99

§ 155.009 SPECIAL SETBACK REGULATIONS.

Cul-De-Sac. Where a cul-de-sac occurs at the end of a street, buildings fronting thereon shall be set back from the extended center line a distance equal to half the amount of the width of the ultimate right-of-way plus the distance of the minimum required front yard.

(Ord. 91-63, passed 6-25-91)

§ 155.010 MODIFICATION OF DEVELOPMENT STANDARDS.

(A) **Purpose.** This section is established to provide standards and procedures for the granting of administrative modifications of development standards. The Modification of Standards is specifically intended to promote high standards of site design; provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to insure compatibility where standards are modified.

(B) **Relationship to Comprehensive Plan.** This section furthers objective 01.05.00: Encourage the use of innovative land development regulations.

(C) **Application.** Modification of standards shall apply to the below enumerated structures and design elements. However, buildings or structures erected without a building permit or design elements installed without proper city approval shall not be eligible for Modification of Standards.

(1) **Principal Building Setbacks.** Deviations up to 20% of the setback requirement may be allowed. In no case shall a required side yard be less than five feet. No modification of the required setback to a canal, waterway or permanent line of vegetation shall be permitted.

(2) **Residential Accessory Structure Setbacks.** Deviations up to 20% of the setback requirement may be allowed; however, no modification of the required setback to a canal, waterway or permanent line of vegetation shall be permitted.

(3) **Fence Height.** Deviations up to one foot may be allowed; however, obstructions to the

ARTERIAL STREETS

§ 155.140 MASTER ARTERIAL STREET PLAN MAP.

The master arterial street plan map of the city, approved by resolution of the City Commission on August 13, 1957, is by reference made a part of this section. For the purpose of promoting the health, safety, and general welfare of the community, and to lessen congestion in the streets; secure safety from fire, panic, storm, hurricane, or other causes; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to provide adequate facilities for transportation, parking, water, and sewage; and to conserve the value of buildings and encourage the most appropriate use of lands, the new street lines so established and indicated on the master arterial street plan and also additional streets, avenues, and thoroughfares, are hereby considered and determined to be the existing street lines of the streets, and the use of the lands is zoned accordingly.

(58 Code, § 50.54) (Ord. 664, passed - -)

§ 155.141 SETBACK REQUIREMENTS; STREET WIDTHS.

(A) Certain arterial thoroughfares of the city are hereby designated and determined to have a greater width than 50 feet, and no building or structure shall be erected or located upon any property abutting these streets and avenues closer to the center line of these streets than one-half of the indicated and designated width of these streets. The dedicated portion and use portion of the following streets, avenues, and public ways, if any, shall constitute a portion of the street right-of-way. The City Engineer shall determine and fix the exact locations of the streets, avenues, and public ways.

<i>Arterial Street Description</i>	Width in Feet
(1) State Road A1A (Ocean Boulevard) from the south city limits to the north city limits.	80
(2) N.E. 26th Avenue (also known as Harbor Drive) from Atlantic Boulevard to N.E. 14th Street	Existing widths 70 min.
(3) N.E. 23rd Avenue from N.E. 14th Street to N.E. 24th Street	Existing widths 60 min.
(4) Federal Highway (U.S. 1) from the south city limits to the north city limits	Existing widths 120 min.
(5) S.E. 11th Avenue from the Pompano Canal to Atlantic Boulevard (State Road 814)	70
(6) N.E. 11th Avenue from Atlantic Boulevard (State Road 814) to N. E. 10th Street	Existing widths 60
(7) N.E. 2nd Avenue from Atlantic Boulevard (State Road 814) to N.E. 3rd Street	Existing widths 60

(8) Old Dixie Highway (State Road 811) from south city limits to north city limits	80
(9) N.W. 6th Avenue (also known as Blanche Ely Avenue) from Atlantic Boulevard to N.W. 15th Street	60
(10A) Andrews Avenue from S.W. 3rd Street (also known as Racetrack Road) to Sample Road	110
(10B) Andrews Avenue from S.W. 3rd Street to south city limits	106
(11A) Copans Road from Federal Highway (U.S. 1) to I-95	106
(11B) Copans Road from I-95 to Florida's Turnpike	110
(12) N.E. 14th Street from Federal Highway (U.S. 1) to S.R. A1A	100
(13A) N.W. 15th Street from Powerline Road to I-95	80
(13B) N.W. 15th Street from I-95 to North I-95 to North Dixie Highway (State Road 811)	60
(14) N. E. 10th Street from the Old Dixie Highway (State Road 811) eastward to Federal Highway (U.S. 1)	106
(15A) 15A) Dr. Martin Luther King, Jr. Boulevard, also known as Hammondville Road from Dixie Highway (State Road 811), to N.W. 27th Avenue	80
(15B) Dr. Martin Luther King, Jr. Boulevard, also known as Hammondville Road from N.W. 27th Avenue to Florida's Turnpike	106
(16) Atlantic Boulevard extension (N.W. 31st Avenue) from Atlantic Boulevard to Dr. Martin Luther King, Jr. Boulevard/Hammondville Road	106
(17A) Atlantic Boulevard (State Road 814) from Florida's Turnpike to to Federal Highway (U.S. 1)	120
(17B) Atlantic Boulevard State Road 814) from Federal Highway (U.S. 1) to S.R. A1A	110
(18A) S.W. 3rd Street (also known as Racetrack Road and also known as Pompano Park Place) from Pompano Parkway (also known as Powerline Road) to I-95	106
(18B) S.W. 3rd Street (also known as Racetrack Road and also known as Pompano Park Place and also known as John Knox Boulevard) from I-95 to Cypress Road	110
(19) Cypress Road from Atlantic Boulevard (State Road 814) to south city limits	80
(20A) That portion of S.E.15th Street and S.W. 15th Street (also known as McNab Road) from South Federal Highway (U.S. 1) to S.W. 7th Avenue	80

(20B) S.W. 15th Street (also known as McNab Road) from Dixie Highway to S.W. 46th Avenue	106
(21A) Sample Road from Florida's Turnpike to I-95	200
(21B) Sample Road from I-95 to Federal Highway (U.S. 1)	120
(22) Powerline Road from Sample Road to McNab Road	144
(23) N.W. 27th Avenue from Dr. Martin Luther King, Jr. Boulevard/Hammondville Road to Atlantic Boulevard	Existing widths 50
(24) S.W. 46th Avenue from McNab Road to Florida's Turnpike	106
(25A) Blount Road from Copans Road to Sample Road	84
(25B) Blount Road from Copans Road to Dr. Martin Luther King, Jr. Boulevard	80
(26) N.E. 3rd Avenue from Copans Road to Sample Road	80
(27) N.E. 48th/N.E. 49th Streets from North Dixie Highway to Federal Highway (U.S. 1)	106

(B) All street, avenues or other public ways, but not alleys, which have a residential zoning shall have a minimum width of 50 feet. All residentially zoned property abutting the street, avenue or other public way shall not erect a building or structure closer than 25 feet to the center line of these streets.

(C) All streets, avenues or other public ways, but not alleys, which have a commercial or industrial zoning shall have a minimum width of 60 feet. All commercially or industrially zoned property abutting the street, avenue or other public way shall not erect a building or structure closer than 30 feet to the center line of these streets.

('58 Code, § 50.55) (Ord. 664, passed - - ; Am. Ord. 72-46, passed 6-20-72; Am. Ord. 73-68, passed 8-21-73; Am. Ord. 75-1, passed 10-15-74; Am. Ord. 91-63, passed 6-25-91; Am. Ord. 94-28, passed 3-22-94; Am. Ord. 95-78, passed 7-11-95; Am. Ord. 2005-44, passed 4-12-05) Penalty, see § 10.99

Cross-reference:

Minimum street widths, minimum street right-of-way and paving width, see §§ 100.01 and 100.24

§ 155.142 (RESERVED).

§ 155.143 (RESERVED).