

**PROPOSED ORDINANCE NO. 2016-20**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 52 OF THE CITY'S CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS," BY AMENDING SECTION 52.26 ENTITLED "DRIVEWAYS ACROSS SWALE AREAS" TO PROVIDE FOR AND CLARIFY DRIVEWAY SETBACK REQUIREMENTS FOR SINGLE FAMILY AND ZERO-LOT LINE HOMES; AMENDING CHAPTER 155 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ZONING CODE," BY AMENDING SECTION 115.113 ENTITLED "TOWNHOME (TH-12) DISTRICT" TO PROVIDE FOR PARKING REQUIREMENTS FOR TOWNHOMES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** At the June 23, 2016 Planning & Zoning Board meeting, staff made presentation regarding driveways and front yard lot coverage on single-family lots.

**WHEREAS,** After the presentation and discussion of the item, the Planning and Zoning Board requested the City Attorney's Office to draft a proposed ordinance updating the City Code as it pertains to driveways and townhome parking requirements.

**WHEREAS,** the Planning and Zoning Board requested the ordinance provide for:

- A 40% maximum width of all driveways at property line and through the swale;

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- A Minimum 5' setback from side property line(s) except zero-lot lines where 0' setback allowed on zero side with a 5' setback, or maintenance easement, on the non-zero lot side;
- A maximum of 35% lot coverage in front of house for traditional single family properties;
- A maximum of 40% lot coverage in front of house for zero-lot line properties;
- A minimum 5' radius for circular driveway "island;" and,
- A minimum 10' width for driveway extension(s).

**WHEREAS**, the Planning staff also recommended Townhouse parking, be clarified to require a minimum of 2 parking spaces per unit and 2.5 spaces for units with 3 or more bedrooms regardless of platted lots or un-platted lots.

**WHEREAS**, At the August 25, 2016 Planning and Zoning Board meeting, the Board reviewed the proposed Ordinance and forwarded a favorable recommendation to the City Commission;

**WHEREAS**, the City Commission of the City of Pembroke Pines has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of the City of Pembroke Pines.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:**

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**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof. All exhibits attached hereto are incorporated herein and made a specific part hereof.

**SECTION 2.** Section 52.26 of the City's Code of Ordinances, entitled "Driveways Across Swale Areas," is hereby amended to as follows:

**§ 52.26 DRIVEWAYS ACROSS SWALE AREAS.**

(A) Upon proper application, the Building and Zoning Department shall issue permits for the paving or repaving of driveway entrances over and across swale areas in accordance with the following dimensions, provided a 2-1/2 foot radius is utilized for the flange portion where the paved area joins the paved portion of the road right-of-way:

Lot size	Double Drive Single Drive (Circular Drive Incl.)		
	Minimum	Maximum	Minimum
50 -60	16	None	None
61 -70	16	10	10
71 -75	16	11	10
76 -80	16	12	10
81 -85	16	13	10
86 -90	16	14	10
91 -95	16	15	10
96 -100	16	16	10
101 -105	16	17	10
106 -110	16	18	10

(B) Lot size shall be determined by adding the length of the rear lot line to the length of the front lot line and dividing such sum by two.

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- (C) In no instance shall the total width of all driveways exceed 40% of the lot width.
- (D) Driveways constructed in the public right-of-way may be constructed of nonasphalt materials provided, however, the city shall not be responsible for replacing or repairing nonasphalt driveways unless the property owner pays the cost thereof to the city within 90 days after work by the city has commenced in the road right-of-way.
- (E) Driveways in the swale area must be graded flat from the sidewalk straight to the roadway pavement without any dip.
- (F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.
- (G) Every driveway must include a minimum five (5') foot setback from side property line(s), except zero-lot properties, where a zero (0') foot setback shall be permitted on the zero lot line side with a five (5') foot setback, or maintenance easement, required on the non-zero lot side(s).
- (H) No driveway may:
- a. Exceed a thirty-five (35%) percent of the total front lot coverage in a single family residential home; or
  - b. Exceed a forty (40%) percent of the total front lot coverage for zero-lot line properties;
  - c. The calculation of the front yard shall include driveway(s), sidewalks and/or porches for purposes of this subsection.
- (I) Each circular driveway shall provide for an unpaved area with a radius of at least five (5') feet between the driveway and the property line or sidewalk. radius for circular driveway "island".
- (J) All driveway extension(s) shall provide for an unpaved area at least ten (10') feet in width.

**SECTION 3.** Section 115.113 of the City's Code of Ordinances, entitled "Townhouse

(TH-12) District)," is hereby amended to as follows:

**§ 155.113 TOWNHOUSE (TH-12) DISTRICT.**

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(D) Site and building regulations.

(12) Parking.

(a) Parking spaces may be provided on the lot of the townhouse, in commonly owned or maintained parking bays, or in combination of both.

~~(b) For platted lots, where one parking space is provided in the front yard area, the front setback of the building shall be a minimum distance of 25 feet; the driveway shall be limited in width to provide for only one automobile; and the balance of the front yard area shall be landscaped. Where two parking spaces are provided in the front yard area of platted lots, the width of the lot involved shall be a minimum of 30 feet; the front setback of the building shall be a minimum of 25 feet; the two driveways shall be limited in width to provide for only two automobiles; and the balance of the front yard shall be landscaped.~~

~~(c) Where the required parking is provided off-site, or in the rear yard area, the minimum front setback of the building shall be 15 feet. For nonplatted lots, a minimum of five feet of landscaped area, separating paved parking areas from buildings and other parking areas shall be provided.~~

~~(d) Two parking spaces per townhouse unit shall be provided. Except, however, on platted lots two car parking spaces shall be required for townhouse units with one and two bedrooms, with one space being off-site. Units with three or more bedrooms shall be required to have two and one-half parking spaces per unit, two spaces on site and one-half off-site.~~

~~(e) All off-site parking spaces shall be designated as guest parking.~~

(b) Each townhome unit is required to have a minimum of two (2) parking spaces regardless if the unit is a party of a platted lot.

(c) Townhome units with three (3) or more bedrooms are required to have a minimum of two and one-half (2.5) parking spaces.

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(d) The location of parking spaces, and all landscape requirements, shall be included and approved through the Site Plan approval process.

**SECTION 4.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City's Code of Ordinances.

**SECTION 5.** That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

**SECTION 6.** That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

**SECTION 7.** That this Ordinance shall become effective immediately upon the date of adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.**

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**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.**

CITY OF PEMBROKE PINES, FLORIDA

By: \_\_\_\_\_

ATTEST:

MAYOR FRANK C. ORTIS

\_\_\_\_\_  
MARLENE D. GRAHAM, CITY CLERK

ORTIS \_\_\_\_\_

\_\_\_\_\_  
CASTILLO \_\_\_\_\_

APPROVED AS TO FORM:

SCHWARTZ \_\_\_\_\_

\_\_\_\_\_  
SHECHTER \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY SIPLE \_\_\_\_\_

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