

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, ARTICLE II, SECTION 23.07, TO REVISE SETBACK REQUIREMENTS FOR LOTS ABUTTING AN ALLEYWAY; ARTICLE III, SECTION 36.00(F), TO REVISE DETACHED GARAGE SETBACKS AND TURNING MOVEMENTS; ARTICLE X, SECTION 149.00, TO ADD REQUIREMENTS FOR DRIVEWAY TURNING MOVEMENTS; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend land development code regulations that are consistent with and implement its adopted Comprehensive Plan; and

WHEREAS, the City of Safety Harbor has previously adopted a land development code; and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a land development code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Article II, Section 23.07 of the Safety Harbor Comprehensive Zoning and Land Development Code, is hereby amended as follows:

23.07 Lots abutting an alleyway.

Where the rear or side yard of a lot abuts an alleyway, one-half (½) of the alleyway width up to a maximum of ten (10) feet may be considered as a portion of the required yard. Provided, however, the required yard shall not be reduced to less than one foot from a ~~side or~~ rear property line and three feet from a side property line. Attached garages with alley access are subject to Sec. 149.00(J) and may require a greater setback from the alley.

SECTION 2. Article III, Section 36.00(F) of the Safety Harbor Comprehensive Zoning and Land Development Code, is amended as follows:

36.00 - Accessory uses and structures.

...

(F) Accessory structures shall be located as follows:

- (1) No closer than ten (10) feet to the primary structure; and
- (2) No closer than five (5) feet to a lot line; and
- (3) No closer than six (6) feet to any other accessory structure; and
- (4) Not forward of the front face of the primary structure; except that an arbor, trellis, pergola, or gazebo unenclosed by walls or other minor decorative landscape feature may be permitted in a front yard with prior approval of the Planning and Zoning Director; and
- (5) Detached garages with alley access are subject to Sec. 149.00(J) and may require a greater setback from the lot line to accommodate vehicle turning movements in accordance with AASHTO standards.
- ~~(5)~~(6) Accessory structures, excluding swimming pools, may occupy not more than thirty-five (35%) percent of a required rear yard and not more than five percent (5%) of a front yard; and
- ~~(6)~~(7) Accessory structures shall not exceed twelve (12) feet in height except on property located inside the Community Redevelopment District where accessory structures may have a maximum building height of twenty-five (25) feet provided:
 - (a) The accessory structure is located on a lot with alleyway access; and
 - (b) Any windows above the ground floor are located to protect the privacy of adjacent residential properties.

SECTION 3. Article X, Section 149.00 of the Safety Harbor Comprehensive Zoning and Land Development Code, is hereby amended as follows:

149.00 - Driveways and access management.

- (A) No driveway shall be constructed, improved, or modified without a permit issued by the City, Pinellas County, or FDOT; whichever agency has jurisdiction.

- (B) All driveways shall be designed and constructed in accordance with the requirements of City Engineer, this Code, and any other agency with jurisdiction.
- (C) Each development shall be permitted one (1) driveway per street frontage provided the following additional requirements shall also apply:
 - (1) One- and two-family dwellings, residential living facilities, and day care centers may be permitted circular drives;
 - (2) A maximum of one (1) additional driveway per street frontage may be permitted for residential development in excess of fifty (50) units and nonresidential development with an excess of two hundred (200) linear feet of street frontage;
 - (3) Each residential development in excess of fifty (50) units shall provide a secondary means of access where feasible;
 - (4) Access permits for nonresidential development shall be designed to discourage traffic on local residential streets where feasible.

- (D) The maximum driveway width for two-way traffic measured at the intersecting right-of-way line shall be as follows:

Residential: 24 feet *

Nonresidential: 30 feet

* The City Engineer may approve a maximum driveway width of up to 30 feet where a garage is set back 25 feet or less from the right-of-way line and three or more vehicles are being stored.

- (E) The driveway entrance flare or curb transition shall not be less than 3 feet nor more than 7 feet in width at the edge of pavement or curb line.
- (F) Driveways shall be constructed in accordance with the following standards:
 - (1) Entrances shall not obstruct the road drainage system, and gutter inverts shall not be modified except as approved by the City Engineer;
 - (2) Culverts shall be sized and designed in accordance with the requirements of the City Engineer;
 - (3) Concrete driveways within the right-of-way shall be 6 inches thick and reinforced by 6-inch by 6-inch by 10 gauge wire mesh placed in the center of the form. Expansion joints shall be provided at the edge of curb or pavement at the sidewalk joints and at the property line. Concrete shall be 3,000 psi;
 - (4) Asphalt driveways within the right-of-way shall be compacted with 6 inches of crushed concrete or equivalent base and have a minimum wearing course of one (1) inch; and

- (5) The use of alternative street surfaces is allowed upon the approval of the City Engineer.
- (G) Driveways shall align with driveways on the opposite side of the street or be separated by a minimum distance of 20 feet where feasible, measured from pavement edge to pavement edge at the right-of-way line.
- (H) Driveway entrances, including the flare, shall not be less than 3 feet from the property line extended and shall meet the minimum separation from intersections. No portion of a driveway shall be constructed in front of an adjacent property.
- (I) Driveways shall be located as far as possible from intersections on either side of the street. The minimum separation, measured from the extended right-of-way line of the intersection to the edge of the driveway along the right-of-way line of the intersecting side street shall be as follows:
 - For one- and two-family residential: 20 feet
 - For local streets (all other uses): 40 feet
 - From/on collector/arterial streets: 75 feet (all other uses)
- (J) Driveways shall be designed to accommodate vehicle turning movements between garages and roads or alleys in accordance with AASHTO standards. Documentation of compliance shall be approved by the City Engineer.
- ~~(J)~~(K) Where sufficient frontage and geometrics exist the City Engineer may require the installation of the following access improvements:
 - (1) Right turn deceleration lanes where the posted speed limit is 35 mph or greater and 40 or more entering right turns occur during the peak hour.
 - (2) Right turn acceleration lanes where the posted speed limit is 35 mph or greater and 75 or more exiting right turns occur during the peak hour.
 - (3) Left turn storage where the driveway left turning movements exceed 1,000 trips per day.
- ~~(K)~~(L) Left-hand turning movements from driveways may be prohibited by the City Engineer by requiring the use of channelization or signage where one or more of the following conditions exist:
 - (1) Inadequate intersection separation;
 - (2) Inadequate sight distance;
 - (3) Alternative access to a signal is present;
 - (4) Inadequate driveway spacing; and
 - (5) Other capacity, delay, or safety conditions make left turns dangerous.

~~(L)~~(M) Provisions for joint access and circulation may be required by the City Engineer where necessary to minimize potential traffic congestion and safety hazards. A non-ingress-egress easement may be required for new shopping centers to restrict direct driveway access from development outparcels where joint circulation is required. The development of outparcels at existing shopping centers shall not be permitted direct drive access, and shall utilize cross access and the use of existing shopping center drives for access.

~~(M)~~(N) A minimum cross access easement of 24 feet in width may be required by the City to adjoining property where necessary to provide for the free flow of traffic between uses without having to enter a street.

~~(N)~~(O) The driveway and access management requirements of this Code may be modified by the City Engineer in accordance with other agency permits which have jurisdiction or to meet the needs of a specific situation where strict application of the requirement would be technically impractical due to existing conditions, property size, natural conditions, safety constraints, engineering/design/ construction practices or similar conditions.

~~(O)~~(P) Notwithstanding the driveway and access management requirements of this Code, all driveways onto a State or County maintained roadway must comply with FDOT or Pinellas County specifications. In all instances, the most restrictive governing requirement shall apply. Copies of approved driveway permits from the agency with jurisdiction shall also be required.

SECTION 4. This ordinance shall be published in accordance with the requirements of law.

SECTION 5. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 6. This ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING _____, a.d. 2016.

PASSED ON SECOND AND FINAL READING _____, a.d. 2016.

APPROVED AS TO FORM:

Alan S. Zimmet, City Attorney

ATTEST:

Karen Sammons, CMC, City Clerk

Mayor – Commissioner

Vice Mayor – Commissioner

Commissioner

Commissioner

Commissioner