

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ESTABLISHING MINIMUM ACCESS CONNECTION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT; PROVIDING LEGISLATIVE FINDINGS; AMENDING CHAPTER 86, SUBDIVISIONS, ARTICLE II, IMPROVEMENTS, SEC. 86-53 – ACCESS; AMENDING CHAPTER 74, DEVELOPMENT STANDARDS, ARTICLE II, OFF-STREET PARKING AND LOADING AREAS AND ACCESS, DIVISION 3, DRIVEWAYS, SEC. 74-87 – ENTRANCE AND EXIT DRIVEWAYS; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, according to the American Planning Association, a professional organization representing the field of urban planning in the United States, single-access residential subdivisions and developments expose their citizens to hazards of evacuation and emergency response delays; and

WHEREAS, the Multi-Modal and Transportation elements in the City's Comprehensive Plan promote interconnected neighborhoods and the City Council only allows gated communities on a case by case decision; and

WHEREAS, the City has determined that its average residential community with multiple road connections has over 200 dwelling units; and

WHEREAS, the City's Planning and Zoning Board, acting as the Local Planning Agency, recommended that residential communities with 200 or more dwelling units be required to have more than one ingress and egress; and

WHEREAS, secondary access connections to existing roads and interconnection of neighborhoods more efficiently disperses traffic.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, as follows:

Section 1. Findings. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated as findings of the City Council and the legislative intent of this ordinance.

Section 2. Minimum Residential Subdivision Entrance Requirements Established. Chapter 86, Subdivisions, Article II, Improvements, Sec. 86-53 – Access, of the Code of Ordinances of the City of West Melbourne, shall be amended and read as follows (deletions are indicated in ~~strikethrough~~, and additions in underline):

Sec. 86-53. –Access

(a) Access to every subdivision shall be provided by way of a public street which has been officially dedicated to the city or by way of an approved private street that has been constructed and paved in accordance with the specifications of the city as set forth in chapter 82. In accordance with the city land use policies, the approving board as referenced in sections 86-22 and 86-23 may disapprove development in unsuitable areas that are inaccessible or that lack nearby utilities.

(b) To provide for traffic flow and emergency ingress and egress to subdivisions, the following standards shall apply:

<u>Number of Dwelling Units</u>	<u>Required Entrances</u>	<u>Preferred Type of Access</u>
<u>Up to 199 dwelling units</u>	<u>One</u>	<u>Local roads or minor collector</u>
<u>200 -- 599 dwelling units</u>	<u>Two</u>	<u>Minor collector</u>
<u>600 or more dwelling units</u>	<u>Three</u>	<u>Can be both minor collector and local roads</u>

Section 3. Minimum Multiple-Family Development Entrance Requirements Established. Chapter 74, Development Standards, Article II, Off-Street Parking and Loading Areas and Access, Division 3, Driveways, Sec. 74-87 – Entrance and exit driveways, of the Code of Ordinances of the City of West Melbourne, shall be amended and read as follows (deletions are indicated in ~~strikethrough~~, and additions in underline):

Sec. 74-87. - Entrance and exit driveways.

- (a) Nonresidential driveways, as measured at the right-of-way line, shall have a minimum width of 24 feet for two-way traffic and 15 feet for one- way traffic, with a maximum width of 30 feet. However, nonresidential properties may exceed this width for major traffic generators to install additional turn lanes.
- (b) The maximum residential driveway width shall be limited to the following dimensions based upon the width of the property as measured at the property line.

Property Width	Maximum Driveway Width
Up to 25 feet	16 feet
Greater than 25 feet—50 feet	24 feet
Greater than 50 feet—70 feet	28 feet
Greater than 70 feet	30 feet

- (c) For those properties abutting arterials and having less than 200 feet of street frontage, the maximum number of driveways shall be one. For those properties abutting arterials and having 200 feet or more of street frontage, the maximum number of driveways shall be two. The street frontage for out-parcels shall be considered as a part of the street frontage for the entire site.
- (d) For those properties abutting collectors and local streets and having less than 100 feet of street frontage, the maximum number of driveways shall be one. For those properties abutting collectors and local streets and having 100 feet or more of street frontage, the maximum number of driveways or access points shall be two. The street frontage for out-parcels shall be considered as a part of the street frontage for the entire site.
- (e) For multiple-family residential developments of up to 199 dwelling units, the minimum number of access points shall be one. For multiple-family residential developments with 200 dwelling units or more, the minimum number of access points shall be two. At least one of the required access points shall be an entrance and exit driveway onto a public street which has been officially dedicated to the city or an approved private street that has been constructed and paved in accordance with the specifications of the city as set forth in this chapter. If a second access point is required and a second direct driveway is not practicable, the second access may be established by means of a perpetual access agreement which allows ingress and egress to a public street or approved private street through an adjacent property.

Number of Dwelling Units	Number of Access Points (ingress/egress connections)
1—199 dwelling units	One (1)
200 dwelling units and up	Two (2)

- (~~ef~~) Corner lots shall be allowed driveways for each street as provided in subsections (~~cd~~) and (~~de~~) of this section.

- (fg) For corner lots having a commercial zoning and frontage on both an arterial or collector street and a local street servicing a single-family residential development, any driveway cut permitted on the local street shall be secondary access, and the principal ingress-egress driveway shall be located on the arterial or collector street unless the regulations of the agency controlling the arterial or collector prohibit such.
- (gh) Except for one- and two-family lots, the minimum distance between driveways, both on-site and off-site, shall be 50 feet as measured from the closest driveway edge at the right-of-way line unless reasonable use of the property is prohibited.
- (hi) Except for one- and two-family lots, no driveway shall be allowed within 40 feet of the nearest street intersection as measured from the closest edge of the driveway to the nearest right-of-way line of the intersection. For one- and two-family lots, no driveway shall be allowed within 25 feet of a street intersection as measured from the closest edge of the driveway to the nearest right-of-way line of the intersection.
- (ij) The minimum radius for all entrance and exit driveways shall be a minimum of 25 feet or shall be flared as may be allowed by the permitting jurisdiction. Driveways shall be offset from the property line so that the radius or flare does not cross the imaginary line extended from the side property line to the edge of pavement.
- (jk) All driveways shall be paved from the property line to the edge of the street pavement.
- (kl) A right-of-way use permit shall be required from the jurisdiction having permitting authority for the subject road.
- (lm) All driveways shall be constructed in a manner which does not interfere with existing drainage conditions. Drainage culvert pipes under driveways shall conform to state department of transportation standards.
- (mn) Concrete driveways shall be constructed so that a footing eight inches thick is formed at the point the driveway pavement meets the edge of the street pavement. All concrete aprons shall be reinforced with wire mesh. The existing street pavement shall be saw cut to form a smooth transition point from the edge of street pavement to the driveway. The driveway pavement shall be raised three-fourths of an inch higher than the existing street pavement by forming an edge to pour the concrete against.
- (no) In order to minimize driveway openings and to help maintain acceptable levels of service for streets, joint use driveways between adjacent parcels may be required by the city as part of the site plan process for those sites which can reasonably accommodate the shared access. Where applicable, driveways shall be located such that future joint use driveways with adjacent parcels can be designed and constructed. Where deemed necessary, cross easements as recorded by the clerk of the circuit court shall be submitted to the city.

- (~~op~~) The number, size and general design of driveways and the minimum distance between driveways shall comply with all established regulations of the city, county and/or state. When there is a conflict between the outside agency requirements and the requirements of this division, the more strict requirements shall apply.
- (~~oq~~) For those sites with proposed driveway connections to a street under an outside agency's jurisdiction, no building permit shall be issued or site development begun until applicable permits from the outside agency are submitted to the city.
- (~~or~~) For streets under city jurisdiction, no curbs shall be cut or altered and no driveway or access point on or across any right-of-way or onto a public street shall be established without the issuance of a right-of-way use permit by the city.
- (~~os~~) Streets within the city shall be classified as follows; all streets not listed shall be classified as local streets:
- (1) U.S. 192 (West New Haven Avenue), principal arterial.
 - (2) Wickham Road, principal arterial.
 - (3) Minton Road, principal arterial.
 - (4) NASA Boulevard, minor arterial.
 - (5) Hibiscus Boulevard, minor arterial.
 - (6) Palm Bay Road, principal arterial.
 - (7) Dairy Road, minor arterial.
 - (8) Hollywood Boulevard, major collector.
 - (9) Ellis Road, major collector.
 - (10) Sheridan Road, major collector.
 - (11) John Rodes Boulevard, major collector.
 - (12) Eber Road, major collector.
 - (13) Henry Avenue, minor collector.

Section 4. Inclusion in the Code. It is the intention of the City Council of the City of West Melbourne that Section 2 and Section 3 of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected.

Section 5. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council on second reading.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 7th day of May, 2019.