

**ORDINANCE NO. 22-2**

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 25, ARTICLE VI OF THE CITY’S CODE OF ORDINANCES, ENTITLED “ROADS AND RIGHTS-OF-WAY” BY SPECIFICALLY AMENDING SECTION 25-87, ENTITLED “PRIVATE STREETS;” PROVIDING FOR CITY VEHICULAR ACCESS TO GATED COMMUNITIES AND GATED COMMERCIAL PROPERTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Cooper City (“City”) has a number of gated communities and gated commercial properties within its municipal boundaries; and

**WHEREAS**, the City Commission seeks to ensure that the City’s emergency responders, essential personnel, and other City officials have access to all communities in the City, included gated communities, to provide important municipal services and respond to emergency matters; and

**WHEREAS**, ensuring access to all communities in the City by necessary City personnel is essential to protect the health, safety and welfare of the community; and

**WHEREAS**, in accordance with state law, the City has conducted a public hearing and considered public input; and

**WHEREAS**, the City Commission finds that amending the City Code to establish procedures for City vehicular access to gated communities and gated commercial properties is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:**

**SECTION 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amended.** That Article VI, entitled “Roads and Rights-of-Way,” of Chapter 25, entitled “Development Standards,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 25-87, entitled “Private Streets” as follows:

**Section 25-87 Private Streets**

Private streets shall be allowed within the city only at the absolute discretion of the city commission in individual circumstances and subject to the following terms and conditions and any other terms and conditions deemed necessary by the city commission to protect the health, safety and welfare of the citizens of the city.

- (a) Private streets may be permitted in all zoning districts.
- (b) All streets serving two (2) or more sites shall be not less than ~~fifty-sixty~~ (560) feet in width and shall be twenty-four (24) feet in pavement width.
- (c) No private street or drive shall exceed nine hundred (900) feet between points of intersection with a public street; providing that a private street or drive terminating in a paved turnabout not less than eighty (80) feet in diameter and not over four hundred (400) feet in overall length may be utilized to serve sites.
- (d) All private streets must be constructed to standards applicable for publicly dedicated streets including sidewalks and swales, [including the City’s Manual of Engineering Standards.](#) within the city as said requirements shall exist when a permit to construct said streets is obtained. If a permit lapses, the standards that will apply are those in effect when the next permit is obtained.
- (e) All street yard setbacks shall be measured along private streets from the building edge of the sidewalk. The edge of the walk shall be at least thirteen (13) feet from the edge of the pavement.
- (f) All private streets must be self-contained, that is they must be interior residential streets and not through streets for public use.
- (g) There must be a covenant placed upon the records requiring future owners of property surrounding the private street to maintain said street and its drainage appurtenances for as long as it remains a private street.

- (h) The city shall receive an option in recordable form authorizing it to purchase the private street(s) at a cost of one dollar (\$1.00), said option to remain in effect for a period of at least fifty (50) years.
- (i) All private streets shall be open to all city vehicles, all emergency vehicles and all city personnel at all times, by means of a recordable easement or other appropriate document. City police officials, including vendors engaged by the City to perform a municipal or public service, are to be authorized to have complete access at all times to service the community and enforce all existing laws, ordinances and motor vehicle regulations on all private streets.
- (j) All private streets must be completely constructed in accordance with the city and DOT standards, including the City's Manual of Engineering Standards, and approved by the appropriate city officials, prior to the issuance of any building permits for homes to be located thereon. Upon completion of all building on the street, the last three-fourths (3/4) inch or greater layer of asphalt surface shall be constructed and such construction shall be approved by the city engineer. It is not intended that this subparagraph modify or reduce any applicable municipal construction standards, and any stricter standards will control in the event of a conflict.
- (k) The party developing a private street shall be required to post with the city a bond in accordance with section 24-82, public improvement bonds, in an amount equal to one hundred ten (110) percent of the cost of the streets and drainage therefor, guaranteeing completion of the work within eighteen (18) months of commencement of construction to city's standards. If the work is not completed within eighteen (18) months, the city shall be given the right to complete the work. Any extra costs shall be chargeable to the developer. This bond is in addition to all other bonds required by city regulations.
- (l) Prior to approval by the city commission, there must be recorded a covenant relieving the city, county, and any other entity of any liability for any injuries which may occur as a result of the street being a private street. Said covenant shall also hold the city and county harmless for all attorney's fees incurred.
- (m) A private street will be allowed only if all utilities are authorized to go thereon for any improvements or utility work needed on, near or about the road and if all utility easements required by said utilities prior to construction are provided. All paved surfaces shall be asphalt. Concrete is specifically prohibited, other than sidewalks.
- (n) Street lights shall be erected in accordance with section 25-86, street and parking lot lighting.
- (o) As a prerequisite to acceptance of ownership of a private street at the request of those obligated to maintain it by the city, the physical condition of that street must meet then existing city standards and be so certified by an engineer licensed in Florida.

- (p) Guardhouses may be constructed adjacent to private streets, subject to section 23-97, guardhouses.
- (q) If road right-of-way is dedicated to public in the future, all structures, including, but not limited to, guardhouses, pumps, gates, etc., shall be removed from the right-of-way.
- (r) City vehicular access into gated communities and gated commercial properties.
  - 1. All new and existing gated communities and commercial properties with automatic entry/exit gates within the city shall install, at the expense of the developer, builder, community association or other responsible party, an emergency vehicle access control system and backup emergency vehicle access system at each vehicle access entry/exit point of the community or commercial property in compliance with this section. Existing community vehicle access gates and gated commercial properties shall be in compliance with this requirement no later than September 1, 2022.
  - 2. Gated communities and commercial properties that are staffed with security 24/7 are not exempt from the requirements of this section.
  - 3. Access system requirements for emergency vehicle access to gated communities and commercial properties with automatic entry/exit gates:
    - a. The emergency vehicle access system required by this section shall only be the type of system that has been approved by a resolution of the city commission.
    - b. The backup emergency vehicle access system required by this section shall only be the type of backup emergency vehicle access system that has been approved by a resolution of the city commission.
  - 4. Personnel access authorization:
    - a. City vehicles, emergency vehicles and all City personnel shall be authorized to gain access to any gated community and gated commercial properties within the city to perform any lawful duties of the City, in accordance with applicable law.
  - 5. System maintenance:
    - a. Maintenance of the installed emergency vehicle access and backup emergency system shall be the responsibility of the property owner.
  - 6. All access gates shall be designed to unlock with a readily accessible manual release device.
  - 7. All automatic entry/exit gates containing multiple sequential gates or barrier arms shall be programed to allow the emergency vehicle access system to open all sequential gates and barrier arms simultaneously.
  - 8. During a power failure, all access gates shall be designed to fail in the open position.

9. The City's Fire Marshall shall be responsible for enforcing and ensuring compliance with this section. At the option of the City, this chapter may be enforced:

- a. As provided by City's code enforcement procedures found in Chapter 13 of this code;
- b. As provided in Section 1-8 of this code; or,
- c. Through any legal remedy available to the City.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith shall be and hereby are repealed.

**SECTION 4.** If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5.** This Ordinance shall take effect immediately.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
GREG ROSS  
Mayor

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN, CMC

Approved As To Legal Form:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**

Mayor Ross	_____
Commissioner Green	_____
Commissioner Meltzer	_____
Commissioner Pulcini	_____
Commissioner Shrouder	_____