

ORDINANCE NO. 2021-21

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CODE OF ORDINANCE AT CHAPTER 12 - SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE III - IMPROVEMENTS AND DESIGN STANDARDS, SECTIONS 12-65 BY INCREASING THE WIDTH OF SIDEWALKS FROM FOUR FEET TO FIVE FEET; AMENDING GREENACRES CODE OF ORDINANCE AT CHAPTER 12 – SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE III IMPROVEMENTS AND DESIGN STANDARDS SECTION 12-67 (S) AND 12-67D TABLE BY INCREASING THE STREET RIGHT OF WAY WIDTH FROM FORTY (40) FEET TO FORTY-TWO (42) FEET; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 12, Article III, Section 16-25 addresses widths of sidewalks which are presently four (4) feet and Chapter 12, Article III, Section 16-27 addresses widths of street rights-of-way; and

WHEREAS, the City Engineer and Development and Neighborhood Services Director, after reviewing various documents, studies, and other related matters, concluded that the safety and functionality of the City’s residential sidewalks could be improved if sidewalks are widened to five (5’) feet; and

WHEREAS, by widening the City’s sidewalks from four (4) feet to five (5’) feet requires that the street right-of-way to be widened from forty (40) feet to forty-two (42) feet; and

WHEREAS, the City Council finds that this Ordinance is in the best interest of the citizens of the City of Greenacres and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct statements.

SECTION 2. Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS

Sec. 12-65. - Sidewalks

Residential subdivisions shall provide sidewalks on both sides of all streets. Sidewalks shall be provided for at the time the subdivision is approved but shall be constructed in conjunction with the development of each adjacent lot and completed before a certificate of occupancy is issued.

Sidewalks shall be at least ~~four (4)~~ five (5) feet wide on all local streets and shall be constructed of concrete ~~four (4) inches thick and six (6) inches thick over access points.~~ Sidewalks on collector and arterial streets shall be constructed pursuant to Florida Department of Transportation requirements. Bicycle/pedestrian paths shall be a minimum of six (6) feet wide and be constructed with a four (4) inch thick compacted base of lime rock or shell and surfaced with one and one-half (1½) inches of type III asphaltic concrete. Where bicycle/pedestrian paths cross access points they shall be constructed to the local street standards described.

SECTION 3. Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS

Sec. 12-67. – Streets and parking areas

Table 12-676(d): Street Right-Of-Way

Table 12-676(d): Street Right-Of-Way	
Street Type	Right-of-Way Width
Arterial	120 feet
Collector	80 feet
Local (Public)	50 feet
Local (Private)	40 feet <u>42 feet</u>
Marginal access	40 feet <u>42 feet</u>
Cul-de-sac	116-foot diameter
Alley	20 feet

SECTION 4. Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS

Sec. 12-67(s). – Streets and parking areas

(s) *Local street design* sections shall be as follows or shall be an alternative design which provides an equivalent degree of safety and long term performance as approved by the planning and engineering director.

(1) *For public local streets:* Two (2) sidewalks of ~~four (4)~~ five (5) feet wide each, two (2) travel lanes of ten (10) feet wide each, and two (2) grass swales of at least eleven (11) feet wide each.

(2) *For private local streets:* Two (2) sidewalks of ~~four (4)~~ five (5) feet wide each, two (2) travel lanes of ten (10) feet wide each, two (2) valley gutters of two (2) wide each, and two (2) grass swales of at least four (4) wide each. The valley gutter is to be placed between the swale and the edge of pavement.

Section 5. Repeal of Conflicting Ordinances. All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of the Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of the Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 7. Inclusion in Code. It is the intention of the City Council, entered as herebefore ordained, that the provisions of this Ordinance shall become and be made a part of the Code Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 8. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

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Passed on the first reading this ____ day of February 2022.

PASSED AND ADOPTED on the second reading this ____ day of March, 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney