

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY OF CLEWISTON, FLORIDA, CODE OF ORDINANCES AMENDING SECTION 102-75, CONSTRUCTION REQUIREMENTS FOR CURBS, CURB CUTS AND DRIVEWAYS, TO CHANGE THE DATE TO REQUIRE PROPERTY OWNERS TO PAVE AT THE PROPERTY OWNERS' EXPENSE CERTAIN DRIVEWAY APRONS NO LATER THAN FEBRUARY 1, 2019, REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; PROVIDING AUTHORITY TO RENUMBER AND CODIFY; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, Section 102-75(e), Construction requirements for curbs, curb cuts and driveways, of the Clewiston Code of Ordinances, requires existing driveways to be paved concurrently with the paving of the adjacent street; and

WHEREAS, numerous driveway aprons within the City of Clewiston remain unpaved or unconstructed; and

WHEREAS, the City Commission of Clewiston is concerned about damage to the roadways as a result of motor vehicles entering and exiting the paved roadways from and to unpaved or unconstructed driveways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:

SECTION 1. Section 102-72, Construction requirements for curbs, curb cuts and driveways, of Article III, Access Location, Construction Requirements and Intersection Visibility, of Chapter 102, Design and Improvement Standards, of the Clewiston Code of Ordinances, is amended by amending subsection (e) and (f) to read as follows:

Sec. 102-75

(e) Every landowner whose existing driveway is being used, and every landowner on whose land a structure is being constructed which will use a driveway, and which driveway crosses or will cross a swale located on a city street right-of-way, shall pave the driveway with asphalt or concrete, in accordance with the specifications adopted by the City by resolution. An existing unpaved driveway apron shall be paved from the edge of the paved street to the edge of the landowner's property. The adjacent landowner shall be required to pay the cost of said driveway apron paving. The adjacent landowner shall pave the unpaved driveway apron not later than February 1, 2019. A driveway constructed with a new structure shall be paved not later than the completion of the structure and prior to the issuance of the certificate of occupancy. When a permit is issued for improvements, excluding repairs, and the value of the improvements are \$2,500.00 or more, an existing unpaved driveway shall be paved not later than the completion of the improvements.

(f) Every landowner whose existing driveway is being used, and every landowner on whose land a structure is being constructed which will use a driveway and which driveway crosses or will cross a swale located on a city street right-of-way, shall install a culvert in the ditch for the driveway in accordance with the specifications adopted by the city by resolution. A culvert shall be installed for an existing driveway concurrently with the paving of the adjacent street, or if no street paving project is in progress, not later than February 1, 2019. A culvert shall be installed in a new driveway constructed with a new structure not later than the completion of the new structure.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 3. This ordinance shall take effect immediately upon its passage and approval consistent with the requirements of general law.

SECTION 4. The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

SECTION 5. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

PASSED on first reading by the City Commission on December 18, 2017.

PASSED AND ADOPTED on second and final reading by the City Commission on January 22, 2018.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Gary M. Brandenburg, City Attorney