

CITY OF CLEWISTON
City Commission Agenda Item Report

AGENDA ITEM REPORT NO. 4
Commission Meeting Date: January 22, 2024

Subject: Ordinance No. 2024-03 – PUBLIC HEARING - Final Reading – 5:05 p.m.

- 1. Background/History:** Ordinance No. 2024-03 amends the Clewiston Code of Ordinances, § 50-7, Storage on Private Property.

There has been further discussion during publicly held workshops reviewing Sec 50-7. During those questions and discussions these were the points of discussion:

- Public comment received during a regularly scheduled commission meeting. The question/discussion; is the enforcement of the ordinance being done by the city. The current interpretation and enforcement by the Code Enforcement Officer of Sec 50-7 was discussed in open meeting. This question/discussion brought more questions and the Commission decided to review the ordinance in a public workshop for further discussion and possible ideas for updating Ordinance Sec 50-7.
- A presentation was provided by Community Improvement Division Supervisor during the March 6, 2023 and September 26, 2023 workshop on the subject. This presentation and discussion at the workshop addressed the current ordinance and interpretation for enforcement. The workshop provided staff direction for recommended changes to the ordinance based on the discussion.

- 2. Business Impact Statement:** Ordinance No. 2024-03 is necessary to amend the Code of Ordinances § 50-7, Storage on Private Property to comply with state law changes resulting from SB170 (2023) regarding the regulation of the storage on private property. There is no economic impact on businesses and no compliance cost.

- 3. Financial Impact:** N/A

4. Attachments:

- a. Ordinance No. 2024-03
- b. Affidavit of Publication

- 5. Actions/Options/Recommendations:** Recommended motion is to approve Ordinance No. 2024-03.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING THE CODE OF ORDINANCES § 50-7 STORAGE ON PRIVATE PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Clewiston City Commission met at its January 16th, 2024 workshop to conduct a review of § 50-7 and recommended amendments to the City’s existing ordinance regarding the storage on private property; and

WHEREAS, the City of Clewiston has determined that it is necessary to amend the City of Clewiston Code of Ordinances to revise § 50-7, Storage on Private Property.

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

SECTION 1. The Clewiston Code of Ordinances, § 50-7, Storage on Private Property is hereby amended as follows, additions are denoted by underline, deletions are denoted by strikethrough:

Sec. 50-7. Storage on private property.

Nothing in this chapter shall be construed to prohibit any resident of the city from storing a recreational vehicle of any type on the same lot as his residence, provided such recreational vehicle complies with the definition of a recreational vehicle, travel trailer or camping trailer and is not occupied or used for any purpose while stored; and displays ~~carries~~ a current vehicle registration sticker and tag; ~~and, provided further, that such recreational vehicle is stored at least 60 feet from the front property line and ten feet from all other property lines.~~ All commercial trailers shall ~~may~~ be stored only in a commercial or industrial district and mobile homes shall ~~may~~ be stored only in an industrial district and shall be located so as to conform with building setbacks of such district.

(Code 1982, § 20-6; Code 1999, § 50-7; Ord. No. 94-01, pt. 1(20-6), 12-19-1994)

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on _____, 2024.

PASSED AND ADOPTED on second and final reading by the City Commission on _____, 2024.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, City Clerk

James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Dylan J. Brandenburg, City Attorney

INDEPENDENT NEWSMEDIA INC. USA

Lake Okeechobee News
313 NW 4th Avenue
Okeechobee, FL 34972
863-763-3134

STATE OF FLORIDA
COUNTY OF HENDRY

Before the undersigned authority personally appeared **Katrina Elsken Muros**, who on oath says that she is **Editor in Chief** of the **Lake Okeechobee News**, a weekly newspaper published in **Hendry County, Florida**; that the attached copy of advertisement, being a **Public Notice** matter of

Public Notice

in the **20th Judicial District of the Circuit Court of Hendry County, Florida**, was published in said newspaper in the issues of

01/31/24

(Print Dates)

or by publication on the newspaper's website, if authorized, on

01/31/24, 02/01/24, 02/02/24, 02/03/24, 02/04/24, 02/05/24, 02/06/24,

02/07/24

(Website Dates)

Affiant further says that the newspaper complies with all legal requirements for publication in Chapter 50, Florida Statutes.

NOTICE OF PROPOSED ENACTMENT OF ORDINANCE

NOTICE IS HEREBY GIVEN the Clewiston City Commission will conduct a PUBLIC HEARING on February 19, 2024 at 5:05 pm, or as soon as practical thereafter, in the City Hall Commission Chambers, 115 West Ventura Avenue, Clewiston, Florida. During the Public Hearing, the City Commission proposes to enact second reading of an ordinance which is set forth as follows:

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING THE CODE OF ORDINANCES § 50-7 STORAGE ON PRIVATE PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

A copy of the proposed ordinance is available in the City Clerk's office, City Hall, 115 West Ventura Avenue, Clewiston, Florida, for the inspection of any interested parties and interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If any person desires to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

City Hall is wheelchair accessible and accessible parking spaces are available. Accommodation requests or interpretive services must be made 48 hours prior to the meeting. Please contact the City Clerk's office at (863) 963-1484, extension 105, or FAX (863) 963-4055 for information or assistance. The City of Clewiston is an equal opportunity provider and employer.

Mary K. Combass, City Clerk
City of Clewiston, FL

635832 HEND 1/31/2024

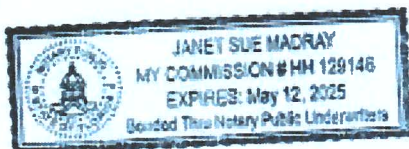
Katrina Elsken Muros

Sworn to and subscribed before me by means of

Physical Presence Online Notarization

physical presence or online notarization, this

31st day of January, 2024.



(Signature of Notary Public)
STAMP OF NOTARY PUBLIC