

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING THE CODE OF ORDINANCES § 110-530, RESIDENTIAL DEVELOPMENT AND IMPROVEMENT and § 110-531, COMMERCIAL DEVELOPMENT AND IMPROVEMENT; 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 December 5th, 2022, workshop to conduct a review ordinance section 110-530 and recommended amendments to the City's existing storm shutter ordinance; and

**WHEREAS**, the City of Clewiston has determined that it is necessary to amend the City of Clewiston Code of Ordinances to revise Chapter 110, Section 530 Residential Development and Improvement.

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

**SECTION 1.** The Clewiston Code of Ordinances, Section 110-530 Residential Development and Improvement is hereby amended as follows, additions are denoted by underline, deletions are denoted by strikethrough:

**Sec. 110-530. - Residential development and improvement.**

(a)Applicability. These regulations shall apply to all single-family and two-family residential dwellings located in zoning districts R-1A, R-1B, R-1C, RM-1, RM-2, R-2 and R-3 as designated on the future land use map.

(b)Roofs. All roofs shall be constructed in the following manner:

At least 70 percent of the footprint of air conditionable space plus attached garage space must be covered by a roof with a minimum 4:12 pitch. Subject to the following restrictions:

- (1) Roof overhang shall not be less than 16 inches.
- (2) Front doors shall have covered entry and landing.
- (3) No flat roof shall be visible from the street adjacent to a front yard except that flat aluminum roof panels used as carports behind the front yard setback.

Exception: These standards shall not apply to those properties located in the RM-1 or RM-2 zoning district.

(c) Windows. The installation of reflective glass and/or reflective window film is prohibited. This prohibition shall not be interpreted to prohibit the installation of non-reflective window film designed to protect glass from wind damage.

Windows used in front facade shall be of a consistent type and shall be placed in a manner to create a unified architectural design.

(d) ~~Storm Shutters, storm panels and storm rollups.~~ Shutters, storm panels and storm rollups shall meet the following design standards:

(1) Definition: Storm Shutters, storm panels, and storm rollups refer to any window or door covering designed, intended, or used to protect the window or door opening from wind or flying debris damage during a windstorm or other weather event. Examples include but are not limited to, plywood panels, aluminum panels, steel panels, polycarbonate panels, rollups, movable awnings, and accordion shutters.

~~(1)~~ (2) Permanently installed shutters:

a. Shutters shall be painted to match either the principal color or the trim color of the structure to which they are attached.

b. Permanently installed hardware for storm panels and storm rollups shall be painted to match the principal color or the trim color of the structure to which it is attached, according to which will make such hardware the least noticeable.

c. No permanently installed plywood panels are permitted.

d. Use. It shall be prohibited to cover any window or door opening with Storm Shutters unless a hurricane, tornado, or tropical storm watch has been declared for the area encompassing the City. Storm Shutters shall be removed within thirty (30) days after the issuance of the hurricane, tornado, or tropical storm watch. This period for removal may be extended by order of the City Manager during a declared state of emergency.

~~(2)~~ (3) ~~Storm shutters and panels which are not permanently installed shall meet the following utilization standards~~ Temporary Shutters:

a. Use. It shall be prohibited to cover any window or door opening with temporary Storm Shutters unless a hurricane, tornado, or tropical storm watch has been declared for the area encompassing the City. Temporary storm shutters shall be removed within thirty (30) days after the issuance of the hurricane or tropical storm watch. This period for removal may be extended by order of the City Manager during a declared state of emergency.

~~They may be put in place or closed not more than 72 hours before and 72 hours after a storm event;~~

~~b. They may be put in place or closed for two periods of up to 15 days each between June 1 and November 30 (the hurricane season) when the owner is absent; and~~

~~c. They may be put in place on rear windows during any period of time.~~

(4) Seasonal Shutters:

a. Use. In the event, a property owner will be out of town for an extended period of time and wishes to maintain permanent or temporary shutter coverage outside the limitations of this section an application may be made for such coverage subject to the community development director's approval. Such application shall be signed by the property owner and shall state the reason for the request and the window of time necessary for coverage.

(e) Utilities.

(1) Utility meters and related conduits shall be located on side or rear walls and conduits located other than in the rear of the building shall be painted to match either the wall or trim color.

(2) On-site utility services shall be installed underground.

(f) Outside areas.

(1) Mechanical equipment shall be installed in a side or rear yard. When installed in side yard, such mechanical equipment shall be located no closer than five feet to the front facade of the structure.

(2) Clotheslines shall be installed in locations which shall not be conspicuous from the public streets or from adjoining properties. Fences, patio or porch railings may not be used as clotheslines. Clotheslines must not be higher than six feet or 20 feet in length. Fences or walls for the enclosure of clothes drying areas may be erected to a maximum height of six feet; provided, however, such construction is in compliance with zoning regulations as to location on the property, the size of the area to be enclosed, and the height of the fence or wall.

(3) No person shall place, use, keep, store, or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches, and any mattresses on any open porch, yard, or exterior area of structures. For purposes of this section, the interior of any fully enclosed porch, including, without limitation, a porch enclosed by screening material, that cannot be accessed from outside except through a door that can be locked shall not be considered an open porch. This section shall not apply during a lawful yard sale or garage sale while such furniture is offered for sale; nor shall it apply while such furniture is otherwise lawfully held for garbage collection at the curbside or other such area designated by the city for such pick-up.

**Sec. 110-531 - Commercial development and improvement.**

(a) Applicability. These regulations shall apply to all commercial and industrial structures located in zoning districts C, I and 27 Corridor as designated on the future land use map.

(b) ~~Storm Shutters, storm panels and storm rollups. Shutters, storm panels and storm rollups~~ shall meet the following design standards:

(1) Definition: Storm Shutters, storm panels, and storm rollups refer to any window or door covering designed, intended, or used to protect the window or door opening from wind or flying debris damage during a windstorm or other weather event. Examples include but are not limited to, plywood panels, aluminum panels, steel panels, polycarbonate panels, rollups, movable awnings, and accordion shutters.

~~(1)~~ (2) Permanently installed shutters:

- a. Shutters shall be painted to match either the principal color or the trim color of the structure to which they are attached.
- b. Permanently installed hardware for storm panels and storm rollups shall be painted to match the principal color or the trim color of the structure to which it is attached, according to which will make such hardware the least noticeable.
- c. No permanently installed plywood panels are permitted.
- d. Use. It shall be prohibited to cover any window or door opening with storm shutters unless a hurricane, tornado, or tropical storm watch has been declared for the area encompassing the city. Storm shutters shall be removed within thirty (30) days after the issuance of the hurricane, tornado, or tropical storm watch. This period for removal may be extended by order of the City Manager during a declared state of emergency.

~~(2)~~ (3) Storm shutters and panels which are not permanently installed shall meet the following utilization standards Temporary Storm Shutters:

- a. Use. It shall be prohibited to cover any window or door opening with temporary storm shutters unless a hurricane, tornado, or tropical storm watch has been declared for the area encompassing the City. Temporary storm shutters shall be removed within thirty (30) days after the issuance of the hurricane or tropical storm watch. This period for removal may be extended by order of the City Manager during a declared state of emergency. ~~They may be put in place or closed not more than 72 hours before and 72 hours after a storm event;~~
- b. ~~They may be put in place or closed for two periods of up to 15 days each between June 1 and November 30 (the hurricane season) when the owner is absent; and~~
- c. ~~They may be put in place on rear windows during any period of time.~~

**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 January 23, 2023.

**PASSED AND ADOPTED** on second and final reading by the City Commission on February 20, 2023.

**ATTEST:**

**CITY OF CLEWISTON, FLORIDA**

  
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Mary K. Combass, City Clerk

  
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James Pittman, Mayor

**(MUNICIPAL SEAL)**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
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Dylan J. Brandenburg, City Attorney