Driveways

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DRIVEWAYS, SIDEWALKS AND SWALES

§ 52.01 SIDEWALK MAINTENANCE BY ABUTTING PROPERTY OWNER

It shall be unlawful for any person to allow the sidewalks, driveways, or alleys abutting or lying adjacent or contiguous to a privately owned lot, plot, tract, or parcel of land, whether vacant, occupied, or built upon and used for business purposes or as a private residence, to remain in a condition which renders them unsafe or inconvenient to use for the purpose for which they were intended by the general public.

§ 52.02 TREE MAINTENANCE BY PROPERTY OWNER

It shall be the responsibility of private property owners to maintain trees located upon their property or within swale areas immediately adjacent thereto so that trees located upon such areas do not interfere with or diminish street light illumination.

§ 52.03 OWNERSHIP

The records in the office of the Tax Assessor of the county showing that the abutting property owner is the owner of the land on the day the owner is charged with a violation of this subchapter shall be

prima facie proof of ownership and if the sidewalk, driveway, or alley is found to be maintained in violation of the provisions of this subchapter, such owner shall be subject to fine or imprisonment.

§ 52.04 VIOLATION NOTICE

Whenever any sidewalk, driveway, or alley is maintained or operated in violation of the provisions of this subchapter, the Code Enforcement Department shall issue to the abutting property owner a notice of violation setting forth the nature of the violation and ordering its correction or removal within 15 days from the date of the servicing of the notice on the abutting property owner. Such notice shall further state that if the property owner does correct or remove the conditions which violate this subchapter within 15 days, the city shall do so and the cost shall be charged to the abutting property owner.

§ 52.05 LIEN

A lien may be imposed on such abutting property of this owner and enforced and collected in accordance with the ordinances and Charter of the city and the laws of the state.

§ 52.20 DEFINITIONS

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SWALES or SWALE AREA. The land area immediately adjacent to the paved road surface and lying between the edge of the road pavement and the front lot line of the paved sidewalk or the property line.

§ 52.21 APPLICATION OF REGULATIONS

The terms and provisions of this subchapter shall apply and be enforced against all swales and swale conditions existing in the city. Median strips shall not be included in the effect of this subchapter.

§ 52.22 PURPOSE OF SWALES

The swale area is intended to be utilized for draining surface waters from adjacent roadways and private property by percolation of the water through the soil. The swales lying within the city's boundaries, when properly constructed and maintained, effectively control the drainage of surface waters where there is an absence of other methods of drainage. The interference with the prescribed contours, the planting of trees or plants, and the use of materials which hinder the percolation of water through the swales seriously affect the drainage function of the swale areas, are a traffic hazard and health hazard, and cause damage to the road adjacent to the swales.

§ 52.23 ALTERATION, PAVING OF SWALE; PERMIT REQUIRED

It shall be unlawful for any person to alter the existing contours of the swales, or pave the same as provided in \$52.24, without first obtaining a permit from the Engineering Department. The person or firm seeking such a permit shall first submit plans and specifications to the Engineering Department and shall comply with the conditions prescribed by the Department.

§ 52.24 CONSTRUCTION, MAINTENANCE REQUIREMENTS

The following shall be minimum standards for construction and maintenance of swale areas:

- (A) Paved swales are prohibited except in commercially or industrially zoned areas wherein the property owner may pave the swale area, provided that prior to paving, he obtains a permit from the Engineering Department and provided for subsurface drainage or other facilities to drain the adjacent land without runoff onto the lands of other property owners or onto the public right-of-way.
- (B) The use and installation of any type of impervious paving, lime rock, or stabilizing material to the swale area is prohibited.
- (C) Grass sodding or grass seeding of the swale area is permitted and encouraged. The planting of single-trunk trees shall be permitted in swale areas, with the exception of any causuarina trees (Australian pine trees), melaleuca trees, brazilian pepper, rubber trees, black olive, avocado, chinaberry, jambolin, mango, schefflera, tropical almond, bishop trees, citrus, java plum, or ficus tree, so long as the following conditions are complied with:
- (1) Trees shall be planted not closer to the street pavement than one-half the distance between the sidewalk and the street paving, or in the event that a sidewalk does not exist, not closer than one-half the distance between the property line and the street pavement.
- (2) Trees shall not be planted closer together than 25 feet and on corner lots shall be planted not less than 20 feet from the intersection of any street lines or street lines produced.
- (3) No trees shall be permitted which are less than six feet in height at the time of planting.
- (4) All trees shall be kept trimmed by the owner and shall have a clearance of at least eight feet above the sidewalk and ten feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference.
- (5) If any trees, hedges, or other plant growth shall cause damage or destruction to any sidewalk, curb, gutter, street pavement, utility line, or other city-owned or publicly-owned property, the Director of Public Works shall notify the owner of the trees by notice in writing to cut down, destroy, or remove such trees within ten days from the date of receipt of the notice. In the event the owner shall fail or refuse to cut down, destroy, or remove the trees, within ten days, the Director of Public Works shall cause the trees to be removed or destroyed and shall charge the cost thereof against the owner. The amount of the cost to the city shall be constituted as a lien upon the property.
- (6) Property owners shall be responsible for the trimming of any tree which is located on the property owner's front yard or in the swale area immediately adjacent thereto. The property owner shall be

responsible for maintaining the trees such that they do not interfere with or diminish street light illumination.

- (7) If any trees, hedges, or other plant growth shall interfere with or diminish street light illumination, the Director of Public Works shall notify the abutting property owner in writing to trim such trees within ten days from the date of receipt of the notice. In the event the abutting property owner fails or refuses to trim trees, the Director of Public Works shall cause the trees to be trimmed and shall charge the cost thereof against the abutting property owner. The amount of the cost to the city shall be constituted as a lien upon the abutting property owner's property.
- (8) Trees shall not be planted closer than 20 feet from a street light pole, street number sign, traffic sign, traffic signal pole, or fire hydrant.
- (D) Swales shall be constructed and maintained as shown in the sketch on file in the Engineering Department.
- (E) Paved areas on private property shall not be permitted to drain on the public right-of-way.
- (F) Dome-shaped decorative blocks or markers shall not constitute items which interfere with the drainage of the swale areas and shall specifically be permitted along street rights-of-way, drives, and public walks in the city. These dome-shaped decorative blocks or markers shall have rounded surface areas and no corners which make a right angle projection corner interface. In the event that dome-shaped decorative blocks or markers are placed in the swale area, which shall be expressly permitted, then they shall be painted white or with a white reflective material.
- (G) Concrete catch basin aprons may be installed in the area surrounding the catch basin where, in the judgment of the City Engineer, such installation will not adversely affect the drainage or percolation of the swale in the vicinity. An authorization permit shall be issued by the City Engineer for each instance where a concrete catch basin apron has been requested by the property owner.
- (H) Concrete valley gutters or curb, and gutters shall be required in the roadway swale areas where the longitudinal slopes for the roadway pavement is less than the 0.5% or where the clear width of the roadway swale between the edge of roadway pavement and the sidewalk is less than eight feet.

§ 52.25 MAINTENANCE BY ABUTTING PROPERTY OWNERS

- (A) The abutting property owners are required to maintain the swales which front on their property in accordance with the provisions of this chapter, except as provided in § 52.27.
- (B) The records in the office of the Tax Assessor of the county showing that the abutting property owner is the owner of the land on the day the owner is charged with a violation of this chapter shall be prima facie proof of ownership and on the finding of the county court judge that the swale in front of the abutting owner's property is maintained in violation of the provisions of this chapter, such owner shall be subject to fine or imprisonment.

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS

(A) Upon proper application, the Engineering Department shall issue permits for the paving or repaving of driveway entrances over and across swale areas in accordance with the following dimensions, provided a 2-1/2 foot radius is utilized for the flange portion where the paved area joins the paved portion of the road right-of-way:

Double	Drive	Single Drive
Lot size	Minimum	(Circular Drive Incl.) MaximumMinimum
50 - 60	16	None
None 61 - 70	16	10
10 71 - 75 10	16	11
76 - 80 10	16	12
81 - 85	16	13
10 86 - 90	16	14
10 91 - 95	16	15
10 96 - 100 10	16	16
101 - 105	16	17
10 106 - 110 10	16	18

- (B) Lot size shall be determined by adding the length of the rear lot line to the length of the front lot line and dividing such sum by two.
- (C) In no instance shall the total width of all driveways exceed 40% of the lot width.
- (D) Driveways constructed in the public right-of-way may be constructed of nonasphalt materials provided, however, the city shall not be responsible for replacing or repairing nonasphalt driveways unless the property owner pays the cost thereof to the city within 90 days after work by the city has commenced in the road right-of-way.
- (E) Driveways in the swale area must be graded flat from the sidewalk straight to the roadway pavement without any dip.

§ 52.27 BEAUTIFICATION

(A) Where the city has encouraged the development and beautification of its arterial road system and has required the installation of extensive landscaping and an automatic irrigation system, which system shall irrigate the swales adjoining property owned by more than one property owner, the city shall be responsible for the maintenance of its swales. However, such maintenance shall not be required until a

plan for the beautification and installation has been approved, the work completed and inspected, and the maintenance takeover recommended by the Department of Public Works.

(B) The city may require that the installer provide the city with a bill of sale for all personal property, trees, equipment, and the like, that is to be located within the swale.

§ 52.28 VIOLATIONS' NOTICE, ABATEMENT

- (A) Whenever any swale area is maintained, constructed, or operated in violation of the provisions of this subchapter, the Public Works Department shall issue to the abutting property owner a notice of violation setting forth the nature of the violation and ordering its correction or removal within 15 days from the date of the serving of the notice on the abutting property owner. Such notice shall further state that if the property owner does not correct or remove the conditions which violate this subchapter within fifteen days, the city shall do so and the cost shall be charged to the abutting property owner.
- (B) A lien may be imposed on such abutting property of this owner and enforced and collected in accordance with the ordinances and charter of the city and the laws of the state.

§ 52.99 PENALTY

Any person, including agents, servants, and employees, found guilty of violating the provisions of this chapter shall be punished as provided in § 10.99. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any fine or penalty shall not be construed as excusing or permitting the continuance of any violation of this chapter.

§ 154.32 (H)(3) SIDEWALKS

The roadway width shall include minimum 24 feet of asphaltic pavement for vehicular traffic, curb and gutter along each edge of roadway pavement for drainage and four feet of concrete sidewalk along each side of roadway pavement for pedestrian traffic. Roadways, with a minimum width of 50 feet, shall not be required to have concrete curb and gutter for drainage. The City Commission may waive the requirements for sidewalks along one or both sides of a private road. Curb and gutter shall not be required when sidewalks are not required, or where sidewalks are located outside the 40 foot roadway.

§ 154.32(S) SIDEWALKS

Concrete sidewalks shall be required in all residential, multiple-family, and business areas, except as specifically exempted herein below, and along all arterial highways, and shall be constructed along that side of any lot which faces a street between the lot line of the side of the lot which faces the street and the swale area of right-of-way. Sidewalks shall be constructed in conformity with those ordinances, rules, and regulations of the city relating to the specifications for the construction of sidewalks.

- (1) Sidewalks six feet in width shall be provided on all streets that meet the requirements of being classified as major arterial thoroughfares of through section-line roads and secondary arterial thoroughfares of nonthrough section-line roads. The streets shall meet the right-of-way requirements of subdivision (M)(1) above.
- (2) Sidewalks five feet in width in shall be provided on all streets that meet the requirements of being classified as collector and minor streets, and for apartment, business, and industrial areas. The streets shall meet the right-of-way requirements of subdivision (M)(1) above.
- (3) Sidewalk four feet in width shall be provided on all streets that meet the requirements of being classified as minor streets, for one- and two- family dwelling areas, and on marginal-access streets. The streets shall meet the right-of-way requirements of subdivision (M)(1) above.
- (4) Sidewalk construction on internal streets in M-3, M-4 and M-5 zoning districts may be waived by the City Commission upon (a) recommendation from the Growth Management and Engineering Departments taking into consideration pedestrian safety due to potential conflicts with motor vehicle, bicycle and other traffic, and (b) an applicant's petition wherein the applicant agrees to and actually contributes an amount equal to the estimated cost of the sidewalk improvements (as determined by the city) to fund sidewalk construction or maintenance by the city.

§154.34 REAR LOT SWALES

- (E) The minimum longitudinal slope criteria for side and rear lot swales shall be 0.5% where a complete rear yard positive drainage system is provided and shall be minimum one percent (1.0%) where such drainage system is not provided. The use of rear lot swales is discouraged.
- (F) A lot grading plan shall be submitted for review and approval as part of the paving and drainage plan.
- (G) The Engineering Department shall review and approve as-built lot grades prior to the issuance of a Certificate of Occupancy.