



# Pinellas County

## Staff Report

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**File #:** 18-1829A, **Version:** 1

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### **Subject:**

Authority to advertise a public hearing regarding a proposed ordinance amending the County Code by enacting Section 98-5; re-enacting the criteria for construction and maintenance of paver driveways; maintaining a private right of action against property owners who install or previously installed paver driveways within the County right-of-way for failure to construct or maintain a paver driveway; and amending Section 154-151 of the County Land Development Code, as amended pursuant to ordinance 18-36, to require paver driveways extending across sidewalks to comply with Section 98-5.

### **Recommended Action:**

Authorize a public hearing to be held on December 11, 2018, regarding a proposed ordinance amending the County Code by enacting Section 98-5; re-enacting the criteria for construction and maintenance of paver driveways; maintaining a private right of action against property owners who install or previously installed paver driveways within the County right-of-way for failure to construct or maintain a paver driveway; amending Section 154-151 of the County Land Development Code, as amended pursuant to ordinance 18-36, to require paver driveways extending across sidewalks to comply with Section 98-5.

### **Strategic Plan:**

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs

### **Summary:**

This proposed ordinance will ratify provisions of the County Code, previously adopted in Ordinance 16-53, related to criteria for construction and maintenance of paver driveways that were inadvertently repealed via Ordinance 18-36, which will become effective January 1, 2019.

The proposed ordinance re-enacts the responsibility for construction and maintenance of, and liability for paver driveways for all residents on County roads except where a municipality has the responsibility for sidewalk maintenance.

### **Background Information:**

The County previously adopted Ordinance 16-53 on October 25, 2016, which amended Section 170-199 of the County Code related to design and construction criteria for access connections to County roads. Through Ordinance 16-53, the County allowed for decorative paver driveways to extend through the sidewalk portion of the right-of-way and placed maintenance responsibilities on the owner of the property serviced by the driveway.

The Board of County Commissioners (Board) determined that failure to properly construct or maintain paver sidewalks across or through driveways within the right-of-way increases the liability for which homeowners should be responsible. The Board did not intend to assume the maintenance

responsibilities for pavers over sidewalks, or remove the liability from the owners of the properties serviced by paver driveways. The provisions adopted in Ordinance 16-53 were inadvertently repealed, effective January 1, 2019, via Ordinance 18-36 that was adopted by the Board on October 23, 2018.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Addie Javed, Director, Public Works

**Partners:**

N/A

**Attachments:**

Proposed Ordinance - clean

Proposed Ordinance - strikethrough

Notice of Public Hearing