

ORDINANCE NO. C-25-08

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA BY AMENDING CHAPTER 25 ENTITLED "STREETS AND SIDEWALKS", ARTICLE II. ENTITLED "CONSTRUCTION AND REPAIR OF SIDEWALKS", SECTION 25-45 ENTITLED "DEFINITIONS", SECTION 25-57 ENTITLED "SPECIFICATIONS"; AND SECTION 25-62 ENTITLED "REQUIREMENTS FOR NEW DEVELOPMENT AND SITE ALTERATIONS" TO MODIFY THE CRITERIA REQUIRING THE CONSTRUCTION OF SIDEWALKS AND PROVIDING A NEW PROCEDURE FOR RELIEF FROM THE REQUIREMENT; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; AND FOR AN EFFECTIVE DATE.

WHEREAS, in 2022, the City Commission adopted regulations in the Code of Ordinances to address sidewalk installation criteria based on requirements for when sidewalks are required to be installed; and

WHEREAS, since the 2022 adoption, City staff has received numerous complaints from neighbors about the process to request relief to install sidewalks associated with new development; and

WHEREAS, the City Commission desires to amend the City's Code of Ordinances to revise the process to request relief from the requirements to install new sidewalks by making an application to the Development Review Committee (DRC) in lieu of the Board of Adjustment (BOA). If the application is denied by DRC, the applicant can appeal to the BOA;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 25-45 entitled "Definitions" of the City of Fort Lauderdale, Florida Code of Ordinances is hereby amended as follows:

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Sec. 25-45. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Back-of-sidewalk.* The outer most edge of the sidewalk that is parallel to and furthest from the center line of the adjacent roadway.

~~(b)~~(b) *Contractor.* Any persons or business organization engaged in the business of contracting, as defined in F.S. § 489.105; and Chapter 9, Broward County Code of Ordinances; and section 9-72, City of Fort Lauderdale, Florida Code of Ordinances, as may be amended from time to time.

(c) *Dead end.* The terminal end of a minor street that intersects another street at one (1) end and terminates at the other end.

~~(b)~~(d) *Engineering permit.* A permit approved and issued by the Engineering Division of the development services department for construction and other activities in the right-of-way under the city's jurisdiction.

~~(c)~~(e) *Master plans.* A planning document established to guide the future vision of an area, which may include a focus on growth and development providing design standards and dimensions for buildings and streetscape or identifying specific capital improvements and implementation projects for a particular area or corridor.

~~(d)~~(f) *Property.* Any lot, parcel of land, plot or development site located within the city's corporate limits.

~~(e)~~(g) *Property owner.* Person or persons who have legal ownership of a property, or their authorized representative.

(h) *Rights-of-way* means the surface and space above and below any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, or bridge.

~~(f)~~(i) *Sidewalk.* A walkway made of concrete, or if approved by the city engineer, asphalt, paver blocks or other similar material that is walkable and slip-resistant, that is compliant

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with the Americans with Disabilities Act, and located within a public right-of-way or easement under the city's jurisdiction.

~~(g)~~(j) *Sidewalk improvements.* Installation of new sidewalks, or the repair or reconstruction of existing sidewalks. The term shall include, without limitation, any ancillary improvements necessary for the safe and efficient movement of pedestrian travel and to provide connectivity to existing sidewalks in the area, including signage, pavement markings, ramps, coloration, tactile surfaces, railing, and curbing, in accordance with the Americans with Disabilities Act.

~~(h)~~(k) *Violator.* Person or legal entity alleged or allegedly deemed responsible for the violation of the Code.

SECTION 2. That Section 25-57 entitled "Specifications" of the City of Fort Lauderdale, Florida Code of Ordinances is hereby amended as follows:

Sec. 25-57. Specifications.

Sidewalk widths shall be in accordance with the design criteria established in a master plan endorsed or accepted by the City Commission and shall be a minimum of five (5) feet in all areas not identified in a master plan. The width of all sidewalks shall be measured from the back-of-sidewalk to the opposite parallel edge within the right-of-way. Sidewalks shall be constructed in compliant with the Americans with Disabilities Act and of non-reinforced Portland cement concrete that is a minimum six (6) inch thick, three thousand (3,000) pounds per square inch, and supported by compacted existing subgrade material. Other materials may be used as approved by the City Engineer.

SECTION 3. That Section 25-62 entitled "Requirements for new development and site alterations" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 25-62. – Requirements for new development and site alterations.

- (a) Sidewalks shall be required to be constructed in rights-of-way adjacent to property by the property owner or developer in connection with the development of vacant property, redevelopment of developed property, or construction of improvements on developed property when any of the following conditions exist:

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- (1) The value of the proposed improvements exceeds twenty-five (25) percent or more of the value of the existing improvements, or
 - (2) The aggregate area of the proposed site improvements is more than twenty-five (25) percent of the area of the Development Site; or
 - (3) The area of the proposed building or structural addition(s) exceed twenty-five (25) percent of the gross floor area of the existing buildings or structure(s) on the Development Site; or
 - (4) A proposed change in zoning, use or occupancy results in a higher off-street parking requirement than the existing use, as calculated in accordance with Section 47-20 – “Parking and Loading Requirements” of the Unified Land Development Regulations (“ULDR”). For the purpose of this section the calculation of the off-street parking requirements shall exclude any parking reductions and exemptions granted for the development pursuant the ULDR.
- (b) ~~Sidewalks shall be constructed on all public streets abutting the property, except as provide herein:~~The requirement for property owners or developers to construct sidewalks in the right-of-way pursuant to Section 25-62(a) may be waived by the city engineer upon determination that any of the following conditions exist:
- ~~(1) The proposed location of sidewalk improvements are on a finger island or dead-end street where eighty (80) percent or more of properties do not have sidewalks abutting the property.~~
 - (1) The development or site alteration is proposed at a property located on a single road that terminates in a dead end.
 - ~~(2) A neighborhood transportation plan approved by the City Commission clearly indicates that sidewalks are not preferred for the area in which the property is located.~~
 - (2) Sidewalks are scheduled to be installed at the property proposed for development or site alterations pursuant to an effective City, County, or State five-year work program.
 - ~~(3) Property owners may request relief from the provisions of this section by making application to the Board of Adjustment. The property owner shall have the burden~~

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~~of demonstrating that a unique circumstance particular to the property at issues exists that would otherwise preclude the installation of a sidewalk in the specified location.~~

- (3) Space limitations and concerns regarding alignment and elevation of the sidewalk improvements make the construction of a sidewalk impracticable for a single family dwelling, single family dwelling, attached, duplex, or two family dwelling within single family zoning district (RS 4.4, RS-8, RD-15, RC-15).

(c) Property owners may request relief from the provisions of this section by making an application to the Development Review Committee. The property owner must assert in the application that a unique circumstance particular to the property at issue exists that would preclude the installation of a sidewalk at the specified location. The Development Review Committee shall conduct a non-quasi-judicial review of the application and at its discretion determine whether a unique circumstance exists that would preclude the installation of a sidewalk. Unique circumstances may include, but are not limited to the following:

- (1) Existing natural topography or trees, as identified on a survey or landscape plans, that prevent or frustrate the ability to construct a sidewalk.
- (2) Special conditions and circumstances affect the property at issue that prevents or frustrates the ability to construct a sidewalk in a manner that does not interfere with the reasonable use of the property.
- (3) The unique circumstance is not self-created by the applicant or his or her predecessors in interest, nor is the unique circumstance created by the mere disregard for, or ignorance of the provisions of the ULDR.

(d) The following documentation are required to be included with a sidewalk construction requirement relief application:

- (1) A letter of support from board of the applicable neighborhood association if applicable
- (2) Signed engineering design plans
- (3) Technical traffic/safety analysis

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(e) Appeal. If a request for relief from the requirement to construct a sidewalk is denied or is approved with conditions unacceptable to the applicant, the applicant may file an appeal to the Board of Adjustment within thirty (30) days of the decision. The appeal shall be made by letter to the city clerk and a copy filed with the department. The appeal shall be automatic and scheduled for a de novo hearing in front of the Board of Adjustment no sooner than thirty (30) days or later than sixty (60) days from the date of request for appeal and the board of adjustment may reject, approve or amend the decision of the DRC.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 18th day of February, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
DAVID R. SOLOMAN

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