

ORDINANCE NO. C-14-29

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-19, ACCESSORY USES, BUILDINGS AND STRUCTURES, TO ADD SECTION 47-19.12, ENTITLED "BUS SHELTERS" TO PERMIT AND PROVIDE CRITERIA FOR THE PLACEMENT OF BUS SHELTERS ON PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 47-19, ACCESSORY USES, BUILDINGS AND STRUCTURES, is hereby amended to create Section 47-19.12, Transit shelters, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, to read as follows:

Sec. 47-19.12. Transit Shelters.

1. A Transit Shelter is any shade structure located at a designated transit stop associated with and for the purposes of mass transit and is designed to accommodate passengers waiting for the arrival of mass transit for the purposes of boarding or alighting. The term includes ancillary structures and any related elements, such as bench/seating area, bicycle racks, waste/recycling receptacles and the like.

2. A Transit Shelter may be permitted on occupied land as an accessory structure or on vacant land as a principal structure subject to the requirements of this section.

3. A Transit Shelter shall be permitted on private or public property subject to the following criteria:

a. The location of the Transit Shelter shall be in conjunction with an existing transit stop associated with a recognized mass

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transit system approved or licensed by a governmental entity along a public right-of-way; and,

- b. A Transit Shelter may be placed along the property line abutting the public right-of-way along which an approved mass transit stop is located regardless of the yard or setback requirements for the zoning district in which the Transit Shelter is proposed; and,
- c. Applicant shall provide the city with proof of the property owner's consent in written form; and,
- d. Transit Shelters proposed on City owned or controlled property shall be subject to the following additional criteria:
  - i. As a condition of the permit and license agreement the applicant must agree to indemnify, hold harmless and defend the city its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of or from the permit and license agreement; and,
  - ii. The managing agent shall provide and maintain such public liability and property damage insurance to protect the city from all claims and damage to property or bodily injury including death; and,
  - iii. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise

existing and shall name as additional insured the City of Fort Lauderdale, and city commission, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the termination of the permit and license agreement without thirty (30) days' written notice prior to the termination to the city's risk management division and the director at the address shown in the license.

- 4. All Transit Shelters proposed on private property shall require a site plan level I development approval.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 17th day of June, 2014.  
PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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