

ORDINANCE NO. C-21-08

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 17-10. – CONSTRUCTION OF LARGE OR COMPLEX PROJECTS (TRANSPORTATION AND NON-TRANSPORTATION); EXEMPTION FOR TIME TO COMPLY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA BY GRANTING THE CITY COMMISSION AUTHORIZATION TO APPROVE EXTENSIONS FOR SPECIAL PERMITS BEYOND THE AUTHORIZATION OF THE CITY MANAGER; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 17-10 of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled “Construction of large or complex projects (transportation and non-transportation); exemption for time to comply, is hereby amended for purposes of granting to the City Commission authorization to grant extensions of time beyond the limitations authorized by the City Manager upon a showing of good cause and when it is in the best interest of public health, safety or convenience.

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

SECTION 1. The foregoing “WHEREAS” clause is hereby ratified and confirmed as being true and correct and is hereby made a specific part of this Ordinance.

SECTION 2. Section 17-10 entitled “Construction of large or complex projects (transportation and non-transportation); exemption for time to comply” of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended as follows:

Sec. 17-10. - Construction of large or complex projects (transportation and non-transportation); exemption for time to comply.

- (a) Upon good cause shown by the owner of any noise source, the city manager shall have the power to grant a special permit, which provides an exemption from the provisions of section 17-7(4) of the Noise Control Ordinance in order to allow sufficient time for the

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installation of necessary materials, equipment, facilities, or modifications necessary for construction as certified by the Building Official.

(b) Approval of the special permit shall be based upon cases of necessity or in the interest of public health, safety and convenience. In the issuance of such permit(s), the city manager shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon such party.

(1) A thirty (30) day special permit may be granted but shall not authorize construction sound between the hours of 11:00 p.m. and 6:00 a.m., unless specifically granted by the city manager, with one (1) fifteen (15) day extension for a total not to exceed forty-five (45) days.

(2) When located within a Regional Activity Center Land Use Designation, the City Manager may extend the special permit beyond forty-five (45) days, as specified above, if it is found that granting such extension is will ensure reduced overall impacts of construction on neighboring properties but shall not authorize construction sound between the hours of 10:00 p.m. and 7:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 10:00 a.m. on Sunday. When an extension is requested by an applicant a specific narrative outlining such reduced impacts to neighboring properties and surrounding areas shall be included with the application. This narrative shall include, but shall not be limited to the following:

- a. Reduction to traffic impacts.
- b. Overall reduction in construction timelines with specific dates by comparison to timelines for construction under the construction times provided in Section ~~17-7.4.~~ 17-7.4.
- c. Specified activities that will occur during this special permit shall be listed with specific time of activities included.

(3) Special permit(s) shall be for a specific period and shall include a start date and a finish date. Each specific period shall require a special permit.

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- (4) A notice measuring at least 16" x 20" with two (2) inch letters must be posted in at least two (2) places on the perimeter of the construction site during the life of the permit describing the activity, purpose, hours and dates for the special permit.
- (5) Nothing in the special permit shall imply multiple periods or multiple construction sites or projects.
- (6) Appropriate Maintenance of Traffic (MOT) agreements must also be submitted or included with any special permit request.
- (7) The City Manager may revoke such special permit if it is found that a violation of the special permit has occurred or if he/she finds the permit no longer serves the interests of public health, safety or convenience as stated herein.
- (8) The City Manager may refer approval of a special permit to the City Commission.
- (c) ~~The city manager may refer approval of a special permit to the city commission.~~ The City Commission may authorize additional special permit extensions of time beyond the authority of the City Manager through adoption of a resolution upon a showing of good cause when it is demonstrated the special permit is in the best interests of public health, safety, and convenience. The City Commission may revoke such special permit if it is found that a violation of the special permit has occurred or if it is found that the special permit no longer serves the interest of the public health, safety, and convenience.

SECTION 3. 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 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

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PASSED FIRST READING this 16th day of February, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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