

ORDINANCE NO. C-22-13

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REFLECT THE CHANGE OF THE DEPARTMENT OF SUSTAINABLE DEVELOPMENT'S NAME TO DEVELOPMENT SERVICES DEPARTMENT, AND AMENDING THE CLASSIFICATION TABLE OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE THE TITLE OF TWO JOB CLASSIFICATIONS ACCORDINGLY, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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WHEREAS, the Department of Sustainable Development's name has changed to Development Services Department; and

WHEREAS, the City Manager and the Director of Human Resources recommend amending the Classification Table of the Pay Plan of the City of Fort Lauderdale, Florida, as amended, by revising the titles of two job classifications to reflect the change of the Department of Sustainable Development's name to Development Services Department;

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

SECTION 1. Subsection 5-3(d)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The individual or organization has submitted a written request to the city parks and recreation department a minimum of sixty (60) days prior to the beginning of the event. The request must contain a detailed description of the special event proposed to be conducted, including all elements set forth in (d)(4) below. The parks and recreation department will coordinate review of the request by the police, fire-rescue, public works and ~~sustainable~~ development services departments and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request if it is determined to be inconsistent with the public interest or have an adverse effect upon public safety, health or welfare.

SECTION 2. Subsection 5-3(d)(3)d. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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Provisions for sanitary facilities and for safety inspections as determined to be necessary by the fire-rescue and ~~sustainable~~ development services departments.

SECTION 3. Section 6-50 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The provisions of section 6-49 of this division shall not apply to any structure for which the City of Fort Lauderdale ~~Sustainable~~ Development Services Department has issued a building permit prior to the effective date of this division. Said structures shall be governed by the provisions of section 6-51 of this division.

SECTION 4. Subsection 8-55.4(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Administration.* The ~~department of sustainable~~ development services department shall be responsible for the administration and issuance of permits pursuant to the program.

SECTION 5. Subsection 8-91(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Prior to the commencement of any construction activities, a permit for the erection of docks, slips, boat davits, hoists, mooring piles or similar boat mooring structures shall be obtained from the ~~sustainable~~ development services department, and if constructed on or in navigable waters, the approval of all governmental authorities regulating the erection of such mooring structure shall be secured. Further, before a permit is issued to any person to construct such mooring structure, the person shall certify that he either owns the land abutting the water upon which the mooring structure will be constructed or produce written consent of the owner, be it a private person or a governmental agency, to construct such mooring structure in the particular waterway.

SECTION 6. Subsection 8-91(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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Inspection of all mooring structures, private, municipal and commercial, under the jurisdiction of the city, is the responsibility of the ~~sustainable~~ development services director. In the event any mooring structure shall be found in an unsafe or unsatisfactory condition, the owner shall be notified in writing that he has a period of thirty (30) days to correct the condition.

SECTION 7. Subsection 8-144(7) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The holder of the permit shall be responsible for maintaining improvements within the dock area, as hereinafter defined and for maintaining and beautifying the public swale area, as hereinafter defined. The public swale area shall be landscaped in accordance with: (i) the established landscape plan for the area in question adopted by the development services department ~~of sustainable development~~; or (ii) a landscape plan approved by the development services department ~~of sustainable development~~ and embodied in the resolution adopted by the city commission granting the permit under this section. Failure to do so shall be grounds for revocation of the permit.

SECTION 8. Section 9-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The construction and use of on-site incinerators at medical treatment facilities shall be permitted upon proper application to the ~~sustainable~~ development services department only if the design and operation of such incinerators meets or exceeds the requirements set forth in chapter 17-2, "Rules of the Department of Environmental Regulation," Florida Administrative Code, and chapter 27, "Pollution Control," of the Broward County Code.

SECTION 9. Subsection 9-28(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The building official, as defined in the Florida Building Code, may require proof that the applicant is the owner of the property upon or in which construction or installation is to take place and nothing in this section is to be construed to invalidate the requirement for applying for and obtaining permits, paying fees, calling for required inspections and complying with all

plans, specifications, codes, laws and regulations applicable. The owner must sign the permit application and the owner-builder affidavit form at the ~~sustainable~~ development services department and it must be notarized by a ~~sustainable~~ development services department notary.

SECTION 10. Section 9-46 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) *Refundability.* All permit and inspection fees are nonrefundable, except as set forth herein.
- (b) *Request for refund or credit.* Any person who has paid a fee for a building permit or for an expedited plan review who seeks a refund or credit thereof against such fees to be paid in the future shall submit a written request thereof to the ~~sustainable~~ development services department director within the time prescribed by law and in accordance with this section 9-46.
- (c) *Completed request.* The person who has paid such a fee as referenced above shall sign the request for refund or credit. A completed request shall state: (i) requesting person's name, (ii) mailing address of the requesting person, (iii) account or permit number under which the contested fee or fees were paid, (iv) the fee amount or amounts paid, (v) the date or dates upon which each such contested fee was paid, (vi) each and every reason why the contested fee should be refunded or credited against future payment of fees. The request for refund or credit against payment of future fees shall be accompanied by all documentation in support of the request and any other documentation deemed relevant to the request by the requesting party.
  - (1) With respect to any request filed hereunder, the ~~sustainable~~ development services department director shall consult with the city attorney.
  - (2) Upon receipt of a request as completed above, the ~~sustainable~~ development services department director shall ascertain whether the city collected the fee or fees being contested from the party contesting the fee and whether the request for refund or credit has been timely filed.

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- (3) Consideration of the request for refund of fees shall be based on the request, the documentation submitted with the request and the city's files relevant thereto.
- (d) *Consideration of request.* Within forty-five (45) days following receipt of a completed request, the ~~sustainable~~ development services department director, in consultation with the city attorney, shall determine whether all or a portion of the contested fee was excessive, the result of material error on the city's behalf, the result of material error on the part of the person contesting the fee, or the fee was not due the city, in whole or in part and whether the person contesting the fee has a valid claim for refund or credit of the contested fee.
- (e) *Final order; payment of refund or credit.* Upon consideration of the completed request, the ~~sustainable~~ development services department director shall enter a final order either granting the requested refund or credit, in whole or in part, or denying the requested refund or credit within forty-five (45) days of receipt of the completed request. The final order shall recite all grounds upon which the request for refund or credit is based.
- (1) In the event the final order grants a refund in whole or in part, the final order shall be served upon the finance director who shall, as soon as is practicable, issue a check to the party requesting the refund for the amount for which refund was so ordered.
- (2) In the event the final order grants a credit of the fees against future fees, the director of the ~~sustainable~~ development services department shall administer the credit against future fees owed by the person.
- (f) *Appeal.* Any person who files a request for refund or credit against future fees under this section 9-46 and who is aggrieved by the decision of the director therein may seek review of such decision in the circuit court by filing a petition for a writ of certiorari within the time prescribed by court rules.
- (g) *Exclusive procedure.* This section 9-46 provides the sole and exclusive procedure and remedy for a person who claims that the city has collected

building permit fees or fees for expedited plan review that were not due that may be commenced or maintained on behalf of such aggrieved person, unless the person pleads and proves that he or she has exhausted the procedures set forth above. In any such action it shall be a complete defense that the city has refunded the fees claimed or credited the person's account or future accounts therewith. Such action shall be commenced no later than one hundred eighty (180) days following the person's submission of a completed request, or shall be barred. The relief available to a person as a result of the payment of building permit fees or fees for expedited plan review that were not due shall be limited to a refund of or credit for such fees.

SECTION 11. Section 9-89 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The ~~sustainable~~ development services director shall serve as secretary of the contractors' examining and mediation board and shall have no vote. The ~~sustainable~~ development services director shall be permitted to designate a staff member to serve in his stead.
- (b) The board shall elect a chairman and such other officers as may be necessary from among their members. Terms of all officers shall be for one (1) year beginning on November first with elections to be held at the first meeting in October of each year.

SECTION 12. Section 9-90 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The contractors' examining and mediation board shall meet at the call of the chairman of the board and in his absence by the vice-chairman of the board.
- (b) All examinations and minutes of board meetings shall be public records except those portions which are of a confidential nature, such as credit reports, financial statements, and communications received by the board in respect to the applicants' qualifications. All minutes and records shall be kept in the office of the ~~sustainable~~ development services department.

- (c) Three (3) members of the board shall constitute a quorum at the meeting, and a majority vote of those present shall be required to make any decision.

SECTION 13. Section 9-91 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

For the purposes of administering this chapter, the contractors' examining and mediation board may call on the ~~sustainable~~ development services department to furnish such employees as may be necessary to carry on or assist the board in performing its duties.

SECTION 14. Subsection 9-93(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The board shall be empowered to appoint an employee from the ~~sustainable~~ development services department to conduct an investigation of any complaints made against the licensed contractor or superintendent and shall determine whether to file administrative action or direct the investigator to file a complaint for prosecution of the violation against the firm, contractor or superintendent.

SECTION 15. Subsection 9-107(b)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Any person required or desiring to be qualified as a contractor or superintendent shall make application on a form prescribed by the contractors' examining and mediation board at the office of the secretary of such board in the ~~sustainable~~ development services department. The application shall be retained by the board, together with all supporting papers.

SECTION 16. Subsection 9-108(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Any person required or desiring to be qualified as a master or journeyman shall make an application on a form prescribed by the contractors' examining and mediation board at the office of the ~~sustainable~~ development

services department. The application shall be retained by the board, together with all supporting papers.

**SECTION 17.** Section 9-152 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Every applicant desiring to move a house within or into the city shall first file a sworn application with the ~~sustainable~~ development services department showing, containing, or being accompanied by the following:

- (1) *Present location.* The present location of the building to be moved, specifying the street number and the legal description of the premises.
- (2) *Affidavit.* An affidavit of the owner of the land upon which located showing:
  - a. That he is the owner or one (1) of the owners of the fee title to the premises. If he is not the sole owner, then all other owners shall give their consent in writing, acknowledged before a notary public, and such written consent shall be submitted.
  - b. That there are no outstanding taxes, liens, mortgages, leases, or other encumbrances outstanding against the property, except as specified in the affidavit.
- (3) *Pictures.* Two (2) pictures (front and rear) of the building intended to be moved shall be furnished.
- (4) *Future location.* The specific location to which the building will be moved, showing lot and block number of subdivision and street address.
- (5) *Sketch of future location—Dimensions.* A sketch or diagram showing the dimensions of the lot or plot to which it is proposed to move the building.



- (6) *Same—Position.* A separate or additional sketch or diagram, drawn to scale, upon which the applicant has clearly and specifically designated where the building will be located thereon.
- (7) *Owner's consent.* If the applicant is not the owner of such premises, written consent, acknowledged before a notary public, of the record owner or owners must be attached.
- (8) *Application fee.* An application fee of ten dollars (\$10.00) shall accompany each application.

SECTION 18. Section 9-153 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The ~~sustainable~~ development services department shall issue a permit for the moving of a structure into the city, or from location to location in the city, subject to the following conditions and requirements:

- (1) *Fee.* Payment of the permit fee as required.
- (2) *Evidence of compliance.* Evidence that the house-moving contractor has complied with the provisions of sections 9-153, 9-157 and 9-158.
- (3) *Information to be filed; route, time; approval.* Filing with the department of the written designation of the route along which the building will be moved and the time when the building is to be moved, approved in writing by the chief of police or captain in charge of traffic, police department.
- (4) *Proposed plans to be filed.* Filing of detailed plans and specifications covering the proposed repairing and reconditioning of the moved building or structure.
- (5) *Bond by mover.* Posting with the department a cash or surety bond, payable to the city, in an amount not less than fifteen hundred dollars (\$1500.00), which bond shall be approved by the building inspector, conditioned that the building or structure to be moved shall be moved to such location and repaired and reconditioned within sixty (60) days

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after granting of the permit, in accordance with plans and specifications submitted to and approved by the building inspector, and in accordance with this Code.

- (6) *Bond by owner.* Posting by the owner of the property from which the building is to be moved with the department a cash or surety bond, payable to the city, in an amount not less than five hundred dollars (\$500.00), which bond shall be approved by the building inspector, conditioned that the property from which the building or structure is moved shall be placed in a sanitary, clean and sightly condition within twenty (20) days after the building has been moved and all debris removed from the premises within such twenty-day period.
- (7) *Release of bond.* Upon the house-moving contractor's faithful completion of such moving operations and compliance with the provisions of this Code, the building inspector has authority to release the bond or return the cash bond prescribed under paragraph (5) of this section. Upon the owner's placing the premises from which the building was removed in a sanitary, clean and sightly condition within twenty (20) days after the building has been moved and all debris removed from the premises, the building inspector shall have the authority to release the bond or return the cash bond.

SECTION 19. Subsection 9-154(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Bond by owner; release.* The owner shall post with the ~~sustainable~~ development services department a cash or surety bond, payable to the city, in an amount not less than five hundred dollars (\$500.00), which bond shall be approved by the building inspector, conditioned that the property from which the building or structure is moved shall be placed in a sanitary, clean, and sightly condition within twenty (20) days after the building has been removed from the property and that within such period all debris shall be removed from the premises. Upon the house-moving contractor's faithful completion of such cleaning of the property and the compliance with the provisions of this Code, the building inspector has authority to release the bond or return the cash bond.

SECTION 20. Subsection 9-259(2)b. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Order the building, structure, or portion thereof, to be vacated within five (5) days and not reoccupied until a certificate of occupancy is issued by the ~~sustainable development~~ services department of the city.

SECTION 21. Subsection 9-340(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Department* means the ~~sustainable development~~ services department of the city or such other department as designated by the city manager to administer the program described in this section.

SECTION 22. Section 9-344 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

An application for development permit for a development which has received a preliminary qualification by the department as described in section 9-322 shall be identified for expedited development review processing. Expedited processing may include, but shall not be limited to the following:

- (1) Identify zoning regulations applicable to the proposed development.
- (2) Oversight of the development will be conducted from application to certificate of occupancy.
- (3) Referral to the appropriate Broward County government and Broward County school board affordable housing expeditors who have jurisdiction over proposed developments in the city.
- (4) Assist the applicant with any incomplete portions of the development application.
- (5) Identify resources which may assist the applicant in meeting the requirement for development permit approval.

The city has identified a position in the ~~sustainable~~ development services department as the economic development expeditor who will have the responsibility for expediting applications in accordance with this section.

**SECTION 23.** Section 9-361 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. Except where the context clearly indicates a different meaning, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Rules of construction, of this Code.

*Applicant* means the landlord, agent, or other legal entity designated by the landlord on the application filed with the ~~Department of Sustainable Development Services~~ Department.

*Code* means the Code of Ordinances of the City of Fort Lauderdale.

*Department* means the ~~Department of Sustainable Development Services~~ Department.

*Derelict* means any inoperable motorized or nonmotorized vessel or vehicle including a trailer, which is in a state of evident disuse, neglect, or abandonment.

*Director* means the director of the ~~Department of Sustainable Development Services~~ Department or his/her designee.

*Garbage* as defined in section 24-1 of this Code.

*Landlord* means any legal owner of record as recorded and reflected in the records of Broward County Property Appraiser, who owns and rents one (1) or more residential dwelling units.

*Owner-occupied* shall mean a residential dwelling unit that is the primary and permanent residence of the owner of the property. this may be evidenced by the ownership recorded in the broward county property appraiser's records.

*Responsible person* means the individual, company, corporation, Limited Liability Company, partnership, or other legal entity designated by the landlord.

*Residential dwelling unit* means any residential property occupied or intended to be occupied as a structure including a condominium, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house or other dwelling or dwelling unit.

*Residential property*, as defined in section 47-35.1. of the Unified Land Development Regulations (ULDR).

*Sexual offender and sexual predator residence prohibition* means the requirements as defined in Section 16-128 of this Code.

*Tenant* means any person entitled to occupy a dwelling unit under a rental agreement.

*Vacation rental* as defined in F.S. § 509.013.

**SECTION 24.** Section 11-2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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

*Administrative hearing* shall mean a contested violation hearing before the special magistrate for review of the decision of a code inspector that resulted in issuance of a civil violation notice.

*Affidavit of non-compliance* shall mean an affidavit of the code inspector certifying that the violator has failed to correct the violation within the time allowed for correction or failed to pay the civil penalty on the citation violation notice within the time allowed.

*Appeal* shall mean a review by a court of competent jurisdiction of final administrative action of the special magistrate or code enforcement board.

*Board* shall mean the City of Fort Lauderdale Code Enforcement Board.

*Chronic violation* shall mean three (3) violations of the same code section within a six-month period by the same violator or same property owner.

*Clerk or code enforcement clerk* shall mean the administrative staff person in the ~~sustainable~~ development services department responsible for the preparation, development and coordination of administrative and case management services necessary for the proper functioning of the board and special magistrate.

*Citation violation notice* shall mean a notice of violation with a civil penalty and fine.

*Code* shall mean the Code of Ordinances of the City of Fort Lauderdale, the Florida Building Code, Broward Edition, the Florida Fire Prevention Code, any ordinance duly enacted by the city commission, together with all rules and regulations adopted by the city commission, and any state, Broward County or uniform law, statute or code that the city is authorized to enforce within its jurisdiction.

*Code inspector* shall mean any employee or other agent of the city designated by law, ordinance, or the city manager, whose duties are to ensure compliance with and enforce the Code.

*Contested violation* shall mean a timely request by a violator for an administrative hearing before a special magistrate to contest a citation violation notice.

*Director of the ~~sustainable~~ development services department* shall mean the department head of the ~~sustainable~~ development services department or any representative authorized by him or her to serve in his or her absence.

*Reasonable cause* shall mean that a reasonable belief exists that a code provision has been violated and that the violator committed, or is the person responsible for allowing, the violation.

*Repeat violation* shall mean a code violation by a person or entity who has previously been issued a citation violation notice that was uncontested or has been previously found by the board, special magistrate or any other quasi-judicial or judicial process to have violated the same provision of the Code within five (5) years prior to the violation.

*Uncontested violation* shall mean payment of a civil penalty indicated on a citation violation notice or failure of a violator to file a written request for an administrative hearing within fifteen (15) days after date of the citation violation notice.

*Violator* shall mean the person or legal entity alleged or allegedly deemed responsible for the violation of the Code.

*Written notice* shall mean the mailing of notice by regular mail, certified mail, return receipt requested, hand delivery, overnight courier or by posting as provided for in section 11-16(b)(2), to the person required to be notified for an alleged code violation.

**SECTION 25.** Subsection 11-11(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

If the code inspector has reason to believe a violation presents a serious threat to the public health, safety or welfare or if the violation is irreparable or irreversible in nature, the code inspector may proceed directly to a hearing upon approval of the director of the ~~sustainable~~ services department, without notifying the alleged violator; provided, however, where possible, the code inspector shall use his/her best efforts to ensure that reasonable notice shall be given to the alleged violator.

**SECTION 26.** Section 13-5 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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The maximum capacity of any assembly room in which seats are not fixed shall be conspicuously posted by the owner or occupant of the building by means of durable, metal signs placed in each assembly room. It shall be unlawful to remove or deface such notice or to permit more than this legal number of persons within such space. The ~~sustainable~~ development services department will designate the capacity of the assembly room.

SECTION 27. Subsection 13-60(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Tents. The following flameproofing requirements shall apply to tents used within the city:

- (1) Anyone wishing to erect a tent in the city for a commercial or religious use must first secure a permit from the ~~sustainable~~ development services department and furnish a certificate of flameproofing to the ~~sustainable~~ development services department. The tent must have been flameproofed in the last twelve (12) months.
- (2) The fire-rescue department shall be furnished a copy of such permit and certificate of flameproofing by the ~~sustainable~~ development services department and thereupon will make the necessary inspection for fire safety.
- (3) The electrical inspector of the city will approve any temporary wiring utilized in connection with such tent.
- (4) No sawdust, hay, or other combustible substance may be used on the ground beneath such tents.
- (5) A test of flameproofing, in compliance with subsection (a), may be necessary in the opinion of the fire inspector to determine if the tent is safe.
- (6) Necessary permits and licenses must be taken out in compliance with all city codes and the necessary inspections must be made before the tent or tents are occupied.



SECTION 28. Subsection 14-3(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated August 18, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the ~~Department of Sustainable Development Services~~ Department 700 NW 19th Avenue, Fort Lauderdale, Florida 33311.

SECTION 29. Subsection 14-4(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Designation.* The floodplain manager, a position in the ~~department of sustainable development services~~ services department, is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees. The floodplain manager, building official, assistant building official, and chief building inspector shall obtain and maintain certified floodplain manager (CFM) certification from the Association of State Floodplain Managers, Inc.

SECTION 30. Subsection 14-4(i) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses;

assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the ~~Department of Sustainable Development Services Department~~ Services Department 700 NW 19th Avenue, Fort Lauderdale, Florida 33311.

**SECTION 31.** Subsection 14-8(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Upon the submission of a written application to the director of the ~~department of sustainable development services department~~, the variance committee consisting of the director of the ~~department of sustainable development services department~~, the floodplain administrator, the building official and the director of public works or their designees, shall hear and make recommendations to the city commission regarding requests for variances from the requirements of this chapter pursuant to F.S. § 553.73(5). The city commission shall, upon consideration of the variance committee's recommendation, hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

**SECTION 32.** Section 15-40 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

As a prerequisite to paying the business tax, each business entity shall definitely state and set out the exact location at which such business shall be operated. Before initially issuing a business tax receipt it shall be the duty of the business tax division to ascertain through the ~~sustainable development services~~ department that the use proposed is permitted at the location proposed. Failure to maintain such compliance will be cause for withdrawal of the business tax receipt. Where a business tax receipt is issued for general use, and the business entity maintains no place of business, the business entity shall complete affidavit that the business complies with all city ordinances. Notwithstanding the issuance of a

business tax receipt, no business shall operate in a premises where building code or ordinance violations exist.

**SECTION 33.** Section 15-49 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) Any entity intending to procure a business tax receipt for the holding of a circus, carnival, show, or outdoor exhibition in the city shall at the time of securing such business tax receipt be required to file with the city business tax division the following:
  - (1) An affidavit that permission has been secured from the owner of the land upon which the circus, carnival, or show is intended to be held.
  - (2) A bond, collateral agreement, or other security conditioned to clean the premises of all rubbish and debris after use by such applicant.
  - (3) A written statement from the ~~sustainable~~ development services department of the city that the site upon which the circus, carnival, outdoor show, or other public gathering, or exhibition is intended to be held is not within prohibited areas defined in the City Code of Ordinances.
  - (4) A written statement of the fire-rescue department of the city that the tents or temporary buildings or structure under which the operations are to be held are of fireproof material and will not constitute a fire hazard.
  - (5) A written statement from the ~~sustainable~~ development services department that:
    - a. Inspection and requirements of sections 15-181 through 15-185 of the Code of Ordinances have been met.
    - b. Required permits, in accordance with Chapter 9 of the Code of Ordinances, have been obtained.

- c. Inspections, as required by the building code, have been conducted and approved.
- (6) A written statement from the health department that the locations for selling food, foodstuffs, or other concoctions for human consumption are satisfactory.
- (7) A written statement from the office of the city's risk manager that the insurance and indemnification requirements of this Code have been met.
- (b) No circus, carnival, show, or public exhibition shall be permitted to begin erecting its tents, booths, or other installations in a permitted area in the city without the payment of the full amount of the business tax as prescribed in section 15-57. Such business tax shall be paid in full before any equipment is brought upon the location where such circus, carnival, show, etc., intends to operate.

SECTION 34. Section 15-157 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) *Permit required.* No person shall conduct or operate an adult gaming center in the City of Fort Lauderdale without first having obtained a permit from the city's ~~department of sustainable development~~ services department.
- (b) *Existing adult gaming center.* Within sixty (60) days of the enactment of Ordinance No. C-12-45 Existing Adult Gaming Centers shall apply for, facially qualify for, and pay required fees for a permit; shall be granted a permit for the facility as provided for in this section; and shall also comply with the provisions of subsections (c), (e), (f), (g), (h), (i)(2) and (l) of this section.
- (c) *Permit application.* An applicant shall file with the city's ~~department of sustainable development~~ services department a permit application on a form provided by the department and shall provide at a minimum the following:

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- (1) A copy of the applicant's proposed rules governing the drawing by chance, sweepstakes or game promotion, which includes the odds of winning and the prize table.
- (2) A copy of the applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services if the application is for a sweepstakes and game promotion operating pursuant to F.S. § 849.094.
- (3) A complete list of products and services offered and the prices charged therefor.
- (4) For every principal, officer, shareholder, and director of the adult gaming center, a fingerprint card and letter certifying the results of a criminal background check generated by the Florida Department of Law Enforcement or the City of Fort Lauderdale police department.
- (5) A certification that the computer software of the electronic gaming device located in the adult gaming center used to conduct drawings by chance or game promotions in connection with the sale of consumer products or services has been tested by an independent testing laboratory that has verified that it is not a slot machine as defined by Florida law.
- (6) All information required for a conditional use permit as provided in section 47-24.3 of the ULDR.
- (7) The applicant shall provide a sworn affidavit containing the following information:
  - a. The identity of the applicant and if the applicant is an individual, his name, residence address, driver's license number and state of issuance and date of birth; if the applicant is an unincorporated organization, the names, driver's license numbers and state of issuance, dates of birth and residence addresses of its principals; if the applicant is a corporation, the name, state of incorporation and the names, driver's license numbers and state of issuance, dates of birth and residence addresses of its principal officers,

directors and shareholders; if the applicant is a limited liability company, the company name, state of incorporation and the names, driver's license numbers and state of issuance, dates of birth and residence addresses of all its members and managers.

- b. A description of the electronic gaming devices, including, but not limited to the number of electronic gaming devices located in the adult gaming center.
  - c. A statement of whether any of the individuals listed in the affidavit, within a five-year period immediately preceding the date of the application, have been convicted of any felony in any state or federal offense, and if so, the particular criminal act and the place of the conviction.
  - d. A statement certifying that all information on the application and any attachments thereto is true and that the applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if the permit has been issued, in the suspension or revocation of the permit.
- (d) *Fees.* Each applicant shall remit a non-refundable fee of five hundred dollars (\$500.00) for the application process.
- (e) *Renewal.* Adult gaming center permits shall be renewed annually on or before the 1st day of October. Any change in ownership shall be provided to the ~~department of sustainable development~~ services department within ten (10) days and shall require a new application. Adult gaming center permits are not transferable.
- (f) *Revocation of permit.* The city manager, or his designee, may revoke a permit for a violation of any provision of this section or due to the cessation of the use of electronic gaming devices during its normal business hours for at least thirty (30) consecutive days. Prior to revocation of the permit, the city shall provide to the permit holder a written notice of intent to revoke the permit and provide a maximum of fifteen (15) calendar days to cure the alleged violation(s) and an opportunity to be heard prior to revocation. Revocation shall not take place before twenty (20) calendar days after

receipt of the notice of revocation is hand-delivered or mailed via U.S. First Class Mail to the permittee. Any adjudication of a violation of the Code of Ordinances or the ULDR shall result in the immediate revocation of the permit. The decision to revoke is appealable to the code enforcement special magistrate and such appeal must be made in writing to the clerk of the code enforcement special magistrate within fifteen (15) calendar days of the revocation. Failure to file written notice of appeal within the prescribed time prior constitutes a waiver of the right to appeal. All timely appeals shall proceed in accordance with section 11-20 of the Code.

- (g) *Inspection.* All adult gaming centers shall allow representatives of the city of Fort Lauderdale to enter and inspect their places of business during business hours or at any time the business is occupied for the purpose of an initial inspection to verify compliance with the permit requirements of this article, Code of Ordinances and ULDR of the City of Fort Lauderdale, Florida Building Code and Florida Fire Prevention Code after application is made and thereafter on an annual basis in conjunction with permit renewal. A permittee shall notify the ~~department of sustainable development services~~ department within forty-eight (48) hours of any changes made to any of the electronic gaming devices in the adult gaming center, including, but not limited to, new electronic gaming device(s).
- (h) *Signage requirements.*
- (1) Exterior signage shall be limited to the advertisement of the consumer product and/or service sold at the facility. No signs shall be posted on the exterior of any adult gaming center that suggest that gambling takes place or display any image or graphic commonly associated with gambling, included, but not limited to slot machines and video gambling machines. All signage is further subjected to all applicable ULDR requirements.
- (2) The permit holder shall conspicuously post the name of the permit holder, description of all products and services sold, and the complete rules for all sweepstakes or game promotions at any customer counter. Rules for all promotions shall include the following language in at least twenty-six-point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or

proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The permit holder shall also post a sign which shall include the following language in at least twenty-six-point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the rules, prize tables, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall also be posted conspicuously at the entrance of the adult gaming center.

- (i) *Review process.* The application for a permit shall be submitted to the ~~department of sustainable development~~ services department to determine if the application is complete and in compliance with the Code. The ~~department of sustainable development~~ services department shall process the application in accordance with the conditional use provisions and procedures of the ULDR. If the adult gaming center is approved as a conditional use and the ~~department of sustainable development~~ services department finds that the application complies with the provisions of this section, a permit shall be issued to the applicant. Existing adult gaming centers are not required to be approved as a conditional use.
- (j) *Separation requirements.* Adult gaming centers shall be subject to the following separation requirements:
  - (1) There shall be one thousand (1,000) feet separation between each adult gaming center as defined by this article regardless of the municipal boundaries of the City of Fort Lauderdale.
  - (2) There shall be seven hundred fifty (750) feet separation between an adult gaming center and an existing establishment that permits the consumption of alcohol on premises or where adult uses as defined in section 47-18.2, adult uses, are permitted.



- (3) No adult gaming center shall be located within five hundred (500) feet of any schools, residences, churches, houses of worship, parks, libraries or daycare facilities.
- (k) *Operational standards.* Adult gaming centers shall be subject to the following operational standards:
  - (1) An attendant must be present on the premises during all business hours.
  - (2) Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., seven (7) days a week.
  - (3) Consumption or possession of alcohol on the premises shall be prohibited.
  - (4) No one under the age of eighteen (18) years of age shall be permitted on the premises.
  - (5) Adult gaming centers shall not operate more than one hundred (100) electronic gaming devices under one (1) permit unless the adult gaming center was legally in operation prior to the adoption of this ordinance.
  - (6) The adult gaming center shall not redeem any award with a gift certificate, gift card, credit card or other cash substitute.
  - (7) No adult gaming center shall design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged; arbitrarily remove, disqualify, disallow or reject any entry; fail to award any prize offered; print, publish or circulate literature or advertising material which is false, deceptive or misleading; require an entry fee, payment or proof of purchase as a condition of entering; or cover facility windows with opaque or reflective window tinting.

- (8) Adult gaming centers shall maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or fifty thousand dollars (\$50,000.00), whichever is less.
- (l) *Penalties and enforcement.* Any person who operates or causes to be operated an adult gaming center in violation of any provision of this section shall be subject to the penalties provided in Chapter 1, section 1-6 or Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale. Each day a violation exists shall constitute a separate violation for the purposes of this section and shall be punishable as such.
- (m) *Conflict with state law.* Nothing in this section is intended to conflict with the provisions of Florida law, specifically, F.S. Ch. 849, concerning gambling. In the event of a direct and express conflict between this section and Florida law, then Florida law controls.

SECTION 35. Section 15-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) With the exception of outdoor social service events under section 15-186, the agreement for outdoor events shall contain the following terms and conditions:
  - (1) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the city fire-rescue department.
  - (2) Sanitary facilities shall be provided and shall be of the type and in a sufficient number as to meet the requirements established by the ~~department of sustainable development~~ services department.
  - (3) ~~The department of sustainable development~~ services department shall conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems.
  - (4) Sponsors of events at which food or beverages will be sold or distributed shall meet all applicable state, county and city health codes.

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- (5) Current flameproof certificates must be provided for all canvas tents, awnings or canopies and shall be submitted for approval to the city fire-rescue department.
- (6) The applicant shall pay for the expense of all city services provided as a result of the event identified by city staff prior to the event. The police department may require the applicant to provide and pay for security personnel for crowd control and traffic direction purposes. The fire-rescue department may require the applicant to provide and pay for EMS and fire watch personnel, or both. Police, fire and EMS costs are exempt from prior notice provisions.
- (7) The applicant shall provide a certificate of insurance satisfactory to the office of the risk manager, such insurance to be comprehensive general liability insurance in a minimum amount of one million dollars (\$1,000,000.00) combined single limit coverage, naming the city as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the outdoor event, the applicant shall in addition provide liquor liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00). The applicant shall also agree to indemnify and hold harmless the city for any damage to person or property which might occur during or as a result of the operation of the outdoor event.

**SECTION 36.** Section 15-222 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) Every applicant for a license to engage in the business of a secondhand dealer shall file with the director of the ~~sustainable development~~ services department or his designee a written application upon a form prepared and provided by the city, signed by the applicant, and acknowledged before a notary public or other officer authorized to administer oaths. Such application shall state:
  - (1) The names and residences of the applicant, if an individual, partnership or firm, or the names of the directors and officers and their residences, if the applicant is an association or corporation.

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- (2) The length of time such applicant, if an individual or partnership, or the manager or person in charge, if such applicant is an association or corporation, has resided at his current residence, his place of previous employment, whether he has been convicted of a felony, and if so, what offense, when, and in what court.
- (3) Whether the applicant or officers or manager of the applicant has been employed by a secondhand dealer or has been a secondhand dealer.
- (4) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.
- (5) The premises where such business is to be located or carried on.
- (6) That the applicant accepts the license, if granted, upon the condition that it may be revoked by the city's director of the ~~sustainable~~ development services department or his designee upon conviction of any violation of this chapter or upon conviction of any offense enumerated in section 15-227 and after a hearing as provided in section 15-228. The chief of police shall inform the director of the ~~sustainable~~ development services department or his designee of such revocation.
- (7) That the applicant accepts the license if granted on the condition that he accepts the right of a city law enforcement officer to inspect his premises in accordance with the terms of section 15-205.

SECTION 37. The definition of “*Director*” contained in Section 15-230 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Director* means the director of the ~~sustainable~~ development services department.

SECTION 38. Subsection 15-233(7)a.3. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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A company receiving an economic incentive award shall submit its requests for payments in the form and detail prescribed by the city's ~~sustainable~~ development services department.

SECTION 39. Section 15-234 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The city's ~~sustainable~~ development services department shall administer the incentive program. Applications should be submitted to the city's ~~sustainable~~ development services director. All economic incentive awards shall be approved by the city commission.
- (b) The terms of an economic incentive award shall be incorporated into an agreement, approved by the office of the city attorney, and executed by the company and the city. Every agreement shall contain the following statement: "This agreement is not a general obligation of the City of Fort Lauderdale. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the city commission of moneys sufficient to pay the amounts authorized under the city's economic development incentive program."

SECTION 40. Section 15-252 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) Applicant shall be a person who seeks to operate a pain management clinic and at least one (1) of the applicants shall be the medical director of the pain management clinic.
- (b) Application for a permit to operate a pain management clinic shall be made to the ~~sustainable~~ development services department on a form provided by the ~~sustainable~~ development services director. The application for a pain management clinic permit shall, at a minimum, include the following information:
  - (1) Florida Department of Health registration number.
  - (2) The professional license numbers of the medical director including the Drug Enforcement Agency (DEA) number.

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- (3) An accurate legal description of the property on which the pain management clinic is located and street address, and unit number or letter, if any.
- (4) Indicate whether the pain management clinic dispenses controlled substance medication on the pain management clinic location.
- (5) An affidavit by the medical director, attesting to the fact that a background check was performed, evaluated and acted upon to assure that no employees, full-time, part-time, contract, independent or volunteers have been convicted of or who have pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying, selling or possession of any controlled substance within a five-year period prior to the date of the application.
- (6) A list of all persons associated with the medical and administrative management or operation of the pain management clinic whether paid or unpaid, part time or full time, contract labor or independent contractor and shall include the following information:
  - a. Name and title;
  - b. Current home address, telephone numbers and date of birth;
  - c. Current Florida driver's license or picture identification;
  - d. All drug-related criminal convictions.

This list shall be required to be updated within ten (10) days of any new person becoming associated with the pain management clinic.
- (7) A certified survey from a land surveyor registered in the State of Florida, indicating the distance in linear feet between the pain management clinics and pharmacies as measured from the nearest point of the property line of the pain management clinic to the nearest

point of the property line to the other pain management clinic and pharmacies in a straight line.

- (8) All information required for a conditional use permit as provided in section 47-24.3 of the ULDR.
- (c) The application for a permit shall be notarized, typewritten, signed and sworn to by the applicant(s) and shall include the post office and physical address of the applicant(s) and the legal property owner(s). The application shall be signed by all applicants. Additionally, the legal property owner(s) on which the pain management clinic is located shall execute a form as provided by the ~~sustainable~~ development services department acknowledging that the application has been read and agreed to by the legal property owner(s).
- (d) A separate permit is required for each pain management clinic location. The applicant(s) shall be fully responsible for compliance with this Article IX and each applicant shall be considered a permittee upon the grant of a permit pursuant to this article.
- (e) Pain management clinic permits shall be renewed annually on or before the thirtieth (30th) day of September. A pain management clinic shall update any change in ownership of the pain management clinic or change in medical director of the pain management clinic within ten (10) days to the ~~sustainable~~ development services department. The ~~sustainable~~ development services department shall review the submitted change information and determine if a new application should be completed based upon the information provided. Any change in location of a pain management clinic shall require a new application be submitted and approved as provided in this article, section 15-253.

**SECTION 41.** Section 15-253 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The application for a permit shall be submitted to the ~~sustainable~~ development services department to determine if the application is complete and in compliance with article IX of the code. The ~~sustainable~~ development services department will review the application to determine if the application is complete

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and in compliance with the ULDR. The ~~sustainable~~ development services department shall process the application in accordance with the conditional use provisions and procedures of the ULDR. If the pain management clinic is approved as a conditional use and the ~~sustainable~~ development services department finds that the application complies with the provisions of this article IX, a permit shall be issued to the applicant(s). Existing pain management clinics are not required to be approved as a conditional use.

**SECTION 42.** Section 15-257 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The pain management clinic permit application fee shall be the same fee charged by the ~~sustainable~~ development services department for permit review plus the same fee charged by the ~~sustainable~~ development services department for a conditional use approval. Business tax fees shall be pursuant to chapter 15, article II.

**SECTION 43.** The definition of “*Director*” contained in Section 18-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Director* means the Director of the ~~sustainable~~ development services department of the City of Fort Lauderdale or a duly authorized designee.

**SECTION 44.** Section 18-8 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) All buildings that must be secured by boarding pursuant to this article shall require a board up permit and subsequent boarding certificate issued by the ~~sustainable~~ development services department of the City of Fort Lauderdale. The board up permit fee shall be charged pursuant to section 9-48 and the boarding certificate fee shall be sixty-five dollars (\$65.00).
- (b) No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for a board up permit and, within thirty (30) days of application, completing all steps necessary for the



issuance of a boarding certificate and thereafter having a valid and current boarding certificate therefore from the ~~sustainable~~ development services department of the City of Fort Lauderdale.

- (c) The ~~sustainable~~ development services department of the City of Fort Lauderdale shall issue a boarding certificate required by subsection (a) upon the submission of a written board up permit application by the owner of the property, his/her authorized representative or contractor, or a contractor hired by the city, upon payment of the required board up permit and boarding certificate fees, and upon the confirmation through inspection by a city building inspector that the boarding or other method of securing the building or structure has been done in compliance with this article.
- (d) A boarding certificate shall authorize the boarding or other securing of a building or structure for a period of no greater than one (1) year from the date of issuance.
- (e) The boarding certificate may be renewed after the initial one (1) year, for an additional six (6) months subject to the owner or the owner's authorized agent or contractor completing all of the required steps in subsection (c) and the following:
  - (1) Submit a detailed plan for correction, repair or rehabilitation of the property which would comply with all violations of state or local building and housing standards and the securing of doors, windows and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for demolition of the property or sale of the property to another person or entity with provision in the sale of correction, repair, rehabilitation, or demolition; and
  - (2) Submit a timeline for applying for appropriate permits for such work and for completing such work prior to the expiration of the renewal certificate, or alternatively, a timeline for the sale of the property; and
  - (3) Confirmation through inspection by a city building inspector that the boarding or other method of securing the building or structure has been done in compliance with this article.

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- (f) The renewal boarding certificate may be revoked by the ~~sustainable~~ development services department of the City of Fort Lauderdale if the owner fails to comply with the plan for such work or fails to adhere to the timeline submitted.
- (g) A boarding certificate may not be extended beyond the six-month renewal period nor may a new application for the same property be accepted by the ~~sustainable~~ development services department of the City of Fort Lauderdale within one (1) year of the date of expiration of the prior certificate, except upon demonstration that "good cause" for the renewal exists. "Good cause" shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction, rehabilitation, or demolition, or unanticipated damage to the property. In addition, where appropriate, "good cause" shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed repair, rehabilitation or demolition or is attempting to sell the property. In the event that the ~~sustainable~~ development services department of the City of Fort Lauderdale determines that there exists good cause to renew the certificate and that all other conditions in subsection (e) above are met, the certificate may be renewed by the ~~sustainable~~ development services department of the City of Fort Lauderdale for a period of up to, but not more than, an additional six (6) months, subject to all of the same conditions imposed on the original renewal certificate.

SECTION 45. Section 18-10 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:
  - (1) *Windows and similar openings* shall be boarded with one (1) continuous piece of pressure treated or exterior grade plywood of a minimum thickness of five-eighths ( $\frac{5}{8}$ ) inch nominal or its equivalent.

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A minimum of six and one-half (6½) inch vent holes are required. The plywood shall be secured in place by two (2) two-inch by four-inch horizontal cross-members, on the interior and two (2) two-inch by four-inch vertical bracing on the exterior, cross-members and bracing shall be secured to the plywood by three-eighths (¾) inch plated carriage bolts with fender washers at each end threaded to the correct length to penetrate the exterior bracing, the plywood, and the interior cross-members and shall be installed a minimum of two (2) inches and a maximum of four (4) inches from the side edges of the opening. The bolts must be tightened enough to slightly deflect the wood. The bolts shall sit flush against the exterior bracing to prevent the use of any tool for prying or removal of the plywood. A minimum of four (4) carriage bolts, two (2) crossmembers, and two (2) exterior braces shall be used on each window and, depending on the size of the opening, additional bolts, cross-members or braces may be required. Each cross-member shall be a continuous piece of lumber, and each must extend at least one (1) foot past the window opening in each direction.

- (2) *Exterior doors* shall be boarded with one (1) continuous piece of pressure treated or exterior grade plywood of a minimum thickness of five-eighths (⅝) inch nominal or its equivalent, fitted to the entry door jamb with maximum one-eighth (⅛) inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be secured in place by three (3) two-inch by four-inch wooden horizontal cross-members on the interior and two (2) two-inch by four-inch vertical bracing on the exterior. Cross-members and bracing shall be secured to the plywood by three-eighths (¾) inch plated carriage bolts with fender washers at each end threaded to the correct length to penetrate the exterior bracing, the plywood, and the interior cross-members and shall be installed a minimum of two (2) inches and a maximum of four (4) inches from the side edges of the opening. The bolts must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood. The bolts shall sit flush against the exterior bracing to prevent the use of any tool for prying or removal of the plywood. A minimum of six (6) carriage bolts, three (3) cross-members, and two (2) exterior braces shall be used on each door and, depending on the

size of the opening, additional bolts, cross-members or braces may be required. On at least one (1) entry door, the plywood shall be attached to the door entry with three (3) case hardened strap hinges of the types specified by the ~~sustainable~~ development services department. On all other doors the cross-members must extend at least one (1) foot past the door opening in each direction. Where there is no door jamb, a wood frame shall be installed in the opening for purposes of securing the plywood and cross-members. The wood frame shall be constructed with two-inch by four-inch pressure treated lumber and shall be anchored with one-quarter ( $\frac{1}{4}$ ) inch tapcon or woodscrew with a minimum one and one-half ( $1\frac{1}{2}$ ) inch embedment.

- (3) *Painting of boarded openings:* All boarded openings shall be painted with a minimum of one (1) coat of exterior paint which is of a color compatible with the exterior color of the building or structure.
- (4) *Alternative methods of securing a building:* Upon application for a board up permit the ~~sustainable~~ development services department of the City of Fort Lauderdale may approve alternative methods of securing a vacant and unoccupied building or structure when the requirements of subsections (1), (2) and (3) can not be met. In making the determination to approve any alternative method, the city shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

SECTION 46. Section 23-94 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Vending is prohibited in the city, other than in B-2, B-3, and B-3-C zoning districts. Applicants for a vending license shall provide documentation to the city's ~~sustainable~~ development services department's licensing division demonstrating:

- (1) Permission (affidavit or notarized statement) from the property owner that the vending vehicle may locate on the property;

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- (2) Location of vending vehicle as it relates to other structures on the property where it is to be located;
- (3) Public restroom availability if food, beverages or both are being served; and
- (4) On-site parking availability (parking required by the Zoning Code for existing uses will not be used by vendor).

Mobile vending vehicles that do not set up permanently but that stop only temporarily to make a sale shall be exempt from the limitations and provisions of section 23-94 and section 23-95(3) but shall comply with all other provisions of this article. This exemption shall not apply to non-motorized mobile vending vehicles.

**SECTION 47.** Subsection 24-32(b)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Container enclosures shall be constructed of materials compatible and consistent with those used for construction of the building, wall or fence to which they are attached if any, and with the area they are servicing, utilizing durable materials and construction techniques approved by the fire-rescue and ~~sustainable~~ services department.

**SECTION 48.** Section 25-17 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The street numbers of all houses and buildings in the city shall be such as may be assigned by the ~~sustainable~~ services department of the city. The owners or occupants of all houses, stores, and other premises are required to make application to the ~~sustainable~~ services department for the assignment of a correct street number within thirty (30) days after erection of any new building or within thirty (30) days after occupancy of any existing building which is not numbered, and the owner or occupant shall display such number assigned on the particular building or occupied premises. Any owner or occupant failing to comply with the provisions of this section shall, upon conviction, be punished as provided in section 1-6 of this code.

**SECTION 49.** Section 25-18 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) All houses and buildings in the city shall be numbered by the ~~sustainable development~~ services department upon the following plan: Andrews Avenue and Broward Boulevard crossing shall be designated as a base which shall divide the city into four (4) sections, namely, northeast, northwest, southeast and southwest. All numbering shall run north, south, east and west from such base, on a unit basis of one hundred (100) to each block for both sides of the street, placing even numbers on the east and south sides of the streets, and odd numbers on the north and west sides as numbers increase from the base. All parallel streets shall be numbered in a similar manner; provided, however, that the numbers on Nurmi Isles shall begin on east Las Olas Boulevard and run north to the end of the islands.
- (b) All streets running north and south shall be designated as avenues, terraces and ways. All streets running east and west shall be designated as streets, courts and places.

**SECTION 50.** Section 25-22 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

No person shall construct an awning, as defined in section 47-35 of the ULDR, over a sidewalk without having first obtained a permit from the ~~sustainable development~~ services department. Awnings constructed over a sidewalk shall only be permitted in accordance with the following:

- (1) An application to construct an awning over a sidewalk shall be made at the ~~sustainable development~~ services department on a form provided by the director.
- (2) The application shall include a description and dimensions of the proposed awning and supports which attach the awning to the building.
- (3) An awning must be made of cloth, canvas, vinyl or similar material.

- (4) The awning may extend across the front of a building and may only project a maximum of two-thirds ( $\frac{2}{3}$ ) of the width of a sidewalk, or, to within eighteen (18) inches of the face of the curb, whichever is less. There shall be a minimum eight (8) feet of clearance between the lowest rigid point or projection of the awning and a sidewalk or public travelway immediately below. Any valance attached to an awning shall not project above the top surface of the awning.
- (5) An awning shall only be permitted in any zoning district as provided in the ULDR.
- (6) An awning shall be removed from the sidewalk area when the permittee's business is closed to the public.
- (7) Prior to the issuance of a permit, the applicant shall furnish the department with a signed statement that the permittee shall hold harmless and indemnify the city, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
- (8) Permittee shall furnish and maintain such public liability and property damage insurance protecting the city from all claims and damage to property or bodily injury, including death, which may arise from the existence of the awning. Such insurance 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 therein and shall name as additional insureds the city, its officers and employees and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without forty-five (45) days' written notice to the risk management division of the department of finance and the director of ~~sustainable~~ development services at the address shown in the permit.
- (9) If found to be necessary by the city for the protection of the health, safety and welfare of the public, awnings shall be immediately removed upon the request of the city and in the event an awning is not removed or due to an emergency the city finds it necessary to

act immediately, the city may remove same and shall not be responsible for damage incurred due to such removal.

**SECTION 51.** Section 25-23 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Event banner signs.* Event banner signs are prohibited, except as provided in this section. No person shall install an event banner sign without having first obtained a permit from the ~~department of sustainable development services~~ department. An event banner sign may be allowed for a legitimate public purpose related to city-sponsored or city-co-sponsored events, and shall only be allowed as follows:

- (a) *City-sponsored events.* Signs for events sponsored solely by the city shall not need a permit.
- (b) *City-co-sponsored events.*
  - (1) Event banner signs may be displayed in association with city-co-sponsored events that serve a legitimate public purpose, as approved by the city commission.
  - (2) Application criteria:
    - a. An application for the display of an event banner sign for any such event shall be filed with the ~~department of sustainable development services~~ department.
    - b. Event banner applications shall include the following:
      - i. A drawing indicating the utility poles or highway trusses proposed to be used for displaying event banners.
      - ii. A letter or letters of permission from the owner or owners of the poles or highway trusses granting permission for the use of the poles or highway trusses.



- iii. The event co-sponsor shall indemnify and hold harmless the city for any damage or injury that may occur as a result of such display.
- iv. A site plan for event banners proposed to be placed within median shall be reviewed and approved by the Urban Design and Planning Division of the ~~department of sustainable development~~ services department.

(3) Display criteria:

- a. Event banners may be displayed for a maximum of thirty (30) days, subject to a Site Plan Level I development permit with a fifteen-day Commission Request for Review (CRR) pursuant to ULDR section 47-26A.2.
- b. Event banners may be displayed for periods longer than thirty (30) days, subject to a Site Plan Level I development permit with city commission approval.
- c. Event banners shall include the following:
  - i. The name of the event
  - ii. The date or dates of the event
  - iii. The name or logo of the city. Lettering used to identify the city shall be uniform and shall be no smaller than four (4) inches in height and shall not exceed six (6) inches in height. Logos of the city shall be no smaller than six (6) inches in height and shall be no more than eight (8) inches in height
- d. The event banner shall not contain product logos. The name of a business entity sponsoring such an event may be included in the text of the event banner only if it is identified as a sponsor on the banner or if it is a part of the name of the event.

- e. Event banners displayed on highway trusses or pedestrian bridges shall be limited in size to three (3) feet by thirty (30) feet with a minimum height clearance of the sign and any appurtenances above the roadway of sixteen (16) feet.
  - f. Event banners displayed on utility poles shall be limited to a maximum size of eight (8) feet by three (3) feet with a minimum height clearance of fifteen (15) feet above a roadway from the lowest point of the banner, and shall be suspended lengthwise from a utility pole and attached to such pole at each end.
- (4) Location criteria:
- a. No event banner shall be placed over a railroad crossing or on an Intracoastal Waterway bridge.
  - b. No event banners shall be permitted in medians unless there are no utility poles in the median.
  - c. No event banner shall be located over a railroad crossing or on an Intracoastal Waterway bridge.
  - d. An applicant may only display one (1) event banner on highway trusses and each highway truss may only display a maximum of two (2) event banners.
  - e. Any event to be advertised on an event banner must be physically conducted within the corporate limits of the city.
  - f. Display of event banners shall be limited to the following areas within the corporate limits of the city:
    - i. Federal Highway from the corporate limit in the south to the corporate limit in the north.

- ii. Cypress Creek Road from the western corporate limit to Federal Highway.
- iii. Commercial Boulevard from the western corporate limit to the Intracoastal Waterway.
- iv. Oakland Park Boulevard from the western corporate limit to State Road A-1-A.
- v. Sunrise Boulevard from the western corporate limit to State Road A-1-A.
- vi. Broward Boulevard from the western corporate limit to Federal Highway.
- vii. Las Olas Boulevard from S.W. 7th Avenue to State Road A-1-A.
- viii. 17th Street from Federal Highway to State Road A-1-A.
- ix. Davie Boulevard from the western corporate limit to Federal Highway.
- x. Andrews Avenue from corporate limit to the north to State Road 84 to the South.
- xi. Federal Highway between State Road 84 and N.E. 6th Street.
- xii. State Road A-1-A from the southern corporate limit to 17th Street.
- xiii. Powerline Road.
- xiv. State Road 7.
- xv. State Road 84.

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- xvi. Sistrunk Boulevard from Federal Highway to the western corporate limit.
- xvii. S.W./N.W. 7th Avenue from West Las Olas Boulevard to Sunrise Boulevard.
- xviii. S.E./N.E. 3rd Avenue from 17th Street to Sunrise Boulevard.
- xix. NE 13th Street from NE 4th Avenue to NE 15th Avenue.
- xx. SW 2nd Street from SW 7th Avenue to SW 3rd Avenue.

~~(4)~~(5) Fees:

- a. A refundable deposit shall be paid to the ~~department of sustainable development services department~~ to guarantee the removal of the event banner within seventy-two (72) hours of the expiration of the permit subject to the following schedule:

Number of Event Banners	Amount of Deposit
1 - 10	\$100.00
11 - 25	\$300.00
26 - 35	\$500.00
36 - 50	\$700.00
More than 50	\$900.00

- b. A non-refundable permit processing and application fee of ten dollars (\$10.00) per event banner will be charged but, in no case, more than one thousand dollars (\$1,000.00) per event.

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- c. Event banner refundable deposits may be paid on an annual basis in the amount of one thousand dollars (\$1,000.00).

SECTION 52. Section 25-181 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

It is unlawful to operate a sidewalk café on sidewalks within the city without possessing a valid permit issued by the ~~department of sustainable development services department~~ in accordance with the provisions and requirements of this article. A sidewalk café, permitted and operated in accordance with this section is not a violation of section 25-4 of the Code.

SECTION 53. The definition of “*Director*” contained in Section 25-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Director.* The director of the ~~department of sustainable development services department~~.

SECTION 54. Subsection 25-183(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The application fee and annual permit fee for establishing or maintaining a sidewalk café shall be determined by the city commission and set forth in a resolution. Such fees are to be paid to the director of the ~~department of sustainable development services department~~ or his or her designee prior to the issuance of a sidewalk café permit. Sidewalk café permits are only valid when the fees, as provided in this section, are paid and current for the period of operation.

SECTION 55. Section 25-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Application for a permit to operate a sidewalk café shall be made at the ~~department of sustainable development services department~~ on a form provided by the director. Such application shall include, but not be limited to the following information:

- (1) Name and address of the applicant;

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- (2) The written consent of the property owner;
- (3) A copy of the current business tax receipt for operating a place of business adjacent to the sidewalk area which is the subject of the application;
- (4) A copy of the valid certificate of occupancy for the building adjacent to the sidewalk area which is the subject of the application where the place of business is operated;
- (5) A copy of current liability insurance;
- (6) A drawing (minimum scale of one-fourth ( $\frac{1}{4}$ ) inch equals one (1) foot) showing the layout and dimensions of the existing sidewalk area and adjacent private property including the structures located thereon, proposed location, size and number of tables, chairs, umbrellas, location of doorways, location of trees, parking meters, bus shelters, sidewalk benches, trash receptacles, landscaping, utility boxes, poles, guidelines and any other sidewalk obstruction either existing or proposed within the sidewalk area;
- (7) Photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects relating to the sidewalk café;
- (8) A plan for the maintenance and cleaning of: the sidewalk area where the tables and chairs are permitted to be located; the tables and chairs; any trash or food on or about the tables and chairs or sidewalk; and the disposal of any trash or debris generated from the operation of the sidewalk café;
- (9) Any permits or approvals required from any other governmental agency necessary to operate a sidewalk café; and
- (10) Applications shall be accompanied by a non-refundable application fee which shall be credited toward the first year permit fee, should the application be approved.

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SECTION 56. Subsection 25-185(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

A completed application shall be reviewed by the following departments: public works, ~~sustainable development~~ services, fire-rescue, police, finance and such other departments as directed by the city manager in accordance with the standards and criteria for application review provided in this section.

SECTION 57. Section 25-189 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The permits shall be issued on a form provided by the ~~department of sustainable development services department~~. In addition to naming the permittee and any other information deemed appropriate by the ~~department of sustainable development services department~~, the permit shall contain the following conditions:

- (1) Each permit shall be effective for one (1) year subject to annual renewal.
- (2) The permit shall be personal to the permittee only and shall not be transferable in any manner.
- (3) The permit may be suspended by the director when an ordinance, resolution, or motion is adopted by the city commission providing for an event necessitating that the sidewalk be clear for a period of time.
- (4) The director or city engineer may require the temporary removal of sidewalk cafés when street, sidewalk or utility repairs necessitate such action.
- (5) Tables, chairs, umbrellas and any other objects provided in connection with a sidewalk café shall be removed from the sidewalk area when the permittee's place of business is closed to the public.
- (6) If found to be necessary for the protection of the health, safety and welfare of the public, the department of public works, police and fire

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department or emergency service providers may require the applicant to immediately remove or relocate all or parts of the sidewalk café and if necessary the city may remove or relocate same in emergency situations.

- (7) The city and its officers and employees shall not be responsible for sidewalk café components relocated during emergencies.
- (8) The permit shall be specifically limited to the area shown on the exhibit attached to and made a part of the permit.
- (9) The permittee shall take such actions necessary to ensure its use of the sidewalk in no way interferes with sidewalk users or limits their passage.
- (10) Tables, chairs, umbrellas and any other objects provided within a sidewalk café shall be maintained in a clean and attractive appearance, shall be in good repair at all times and shall be maintained in accordance with the plan submitted by the applicant as provided in section 25-184 and approved by the director.
- (11) The sidewalk area covered by the permit shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day in compliance with the plan submitted in accordance with section 25-184 and approved by the director.
- (12) The serving and consumption of alcoholic beverages as part of the operation of a sidewalk café shall be permitted subject to applicable regulations of other governmental entities.
- (13) Awnings shall be permitted over the sidewalk café area during the operation of the sidewalk café if permitted in accordance with the provisions of the Code.
- (14) No advertising signs or business identification signs shall be permitted on the sidewalk.



- (15) No tables and chairs nor any other parts of sidewalk cafés shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
- (16) No tables, chairs, umbrellas or any part of a sidewalk café, except an awning permitted in accordance with the Code, shall be permitted to encroach within the five-foot wide clear area above the pedestrian path provided in accordance with section 25-186.
- (17) Permittee shall be required to comply with any regulation relating to noise in the sidewalk area.
- (18) The permit covers only the public sidewalk. Tables and chairs on private property are governed by other applicable regulations.
- (19) The permittee shall notify the director in writing when operation of the sidewalk café begins. Said notice shall be delivered to the director within twenty-four (24) hours of such commencement.

SECTION 58. Subsection 25-190(a)(5) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Tables, chairs and other vestiges of the sidewalk café may be removed by the sustainable development services department and a reasonable fee charged for labor, transportation and storage should the permittee fail to remove said items within thirty-six (36) hours of receipt of the director's final notice to do so for any reason provided for under this article.

SECTION 59. The definition of "*Department*" contained in Section 25A-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Department* means the city's ~~department of sustainable development services~~ department, which is charged with responsibility of administering the approval, establishment, design, construction, installation, operation, maintenance and removal of a parklet.

SECTION 60. Section 25A-185 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The application for a permit to construct, operate, use, maintain and repair a parklet shall be made at the ~~department of sustainable development services department~~ on a form provided by the department. The application shall include, but not be limited to the following information:
  - (1) Name, postal address, e-mail address and phone number(s) of the applicant; and
  - (2) The application shall be executed by (i) the owner or operator of the qualifying business and (ii) the fee simple owner of the real property upon which the qualifying business is situated; and
  - (3) A copy of a current business tax receipt for the qualifying business; and
  - (4) A copy of the valid certificate of occupancy for the qualifying business; and
  - (5) A copy of the current liability insurance for the applicant and fee simple owner of property underlying the qualifying business; and
  - (6) A drawing (minimum scale of one (1) inch equals twenty (20) feet) showing the layout and dimensions of the proposed parklet license area and parklet and adjacent property referenced in subsection (a)(2) above, including the structures and improvements to be located on the parklet, proposed location, size and number of tables, seating, umbrellas, location of entries, location of trees, parking meters, vehicular travel lanes, bus shelters, sidewalk benches, trash receptacles, landscaping, utility boxes, pole, guidelines and other sidewalk obstruction either existing or proposed within seventy-five (75) feet of the license area for the parklet; and
  - (7) Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects relating to the parklet improvements; and

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- (8) A plan for the maintenance and cleaning of the parklet license area; the tables and chairs located within the parklet area; any trash or food on or about the tables and chairs or sidewalk adjacent to the parklet improvements; and the disposal of any trash or debris generated from the operation and use of the parklet by the general public and patrons of the permittee; and
- (9) Any permits or approvals required from any other governmental agency necessary to operate the parklet; and
- (10) Applications shall be accompanied by a non-refundable application fee which shall be credited to the first year permit fee, should the application be approved.
- (11) No tables or chairs will be permitted within five (5) feet of a pedestrian crosswalk. There must be a distance separation of no less than eighteen (18) inches separating the structure of the parklet and the adjacent travel lane.
- (12) The serving and consumption of alcoholic beverages as part of the parklet's services shall be permitted only if it is in compliance with applicable regulations of governmental agencies.
- (13) As a condition precedent to any approval granted for a parklet, a parklet revocable license shall be executed by both the permittee and the city.
  - a. By adoption of the ordinance from which this article derived, the city commission hereby delegates to the city manager the authority to execute the parklet revocable license on behalf of the city.
- (14) Eligible locations for parklets shall be limited to:
  - a. Locations on streets with speed limits of twenty-five (25) miles per hour or less and on Oakland Park and Commercial Boulevards between US 1 and the Intracoastal Waterway;

- b. Parklets shall be sited along the curb line on streets where on-street parking spaces exist. The parklet can be considered on any location where there are, or would be, space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking; and
  - c. Parklets are generally permitted on streets with a running slope (grade) of five (5) percent or less. When installed on streets with running slopes of three (3) percent or greater, parklets will be required to include a wheelchair rest area. Parklets may be permitted on streets with a running slope of five (5) percent or greater only if they can provide safe access and turnaround area for wheelchair users; and
  - d. Parklets may be located in the following zoning districts:
    - i. Community Business (CB) District
    - ii. Boulevard Business (B-1) District
    - iii. Regional Activity Center - City Center (RAC-CC) District
    - iv. Regional Activity Center - Urban Village (RAC-UV) District
    - v. Regional Activity Center - Transitional Mixed Use (RAC-TMU) Districts
      - (a) Regional Activity Center East Mixed Use (RAC-EMU)
      - (b) Regional Activity Center Southwest Mixed Use (RAC-SMU)
      - (c) Regional Activity Center West Mixed Use (RAC-WMU)
- (15) Reflective elements are required at the outside corners of all parklets. Soft-hit posts are a standard solution deployed at the outside edges; however, the department will consider additional safety measures including bollards, reflective elements or other solutions incorporated into the parklet design if warranted.

- (16) For parklets in parallel parking spaces, a three-foot wheel stop or other appropriate "stops" such as planters must be installed one (1) foot from the curb at the edge of the front and back parking spaces. When parklets are installed adjacent to parallel parking spaces, wheel stops or other appropriate "stops" such as planters should be set back four (4) feet from the parklet improvements. For angled parking spaces adjacent to driveways, appropriate locations for wheel stops will be determined by the department. Wheel stops should be made of recycled rubber. Concrete wheel stops are discouraged.
  - (17) Parklets must not interfere with sight triangles regulated by the city's ULDR, ULDR § 74-2.2.Q.1 and ULDR § 47-35, Definitions, site triangle.
  - (18) If the parklet is located in an area with metered parking, the locations of the parking meters to be taken out of service must be shown, including their associated parking meter number(s). The number can be found on each parking meter.
  - (19) A maximum number of fifteen (15) parklets may be approved pursuant to these regulations.
  - (20) The applicant shall comply with the registration of facilities in accordance with Code section 25-99.
  - (21) Traffic safety devices, including but not limited to bollards may be required depending on existing conditions and site layout to properly protect the parklet and its patrons. Safety devices shall be submitted for approval to the urban design engineer.
- (b) The department shall review the materials in subparagraph (a) above and grant approval, approval with conditions or denial of the application for a parklet. Approval of the parklet site plan under this section shall not relieve the permittee of the obligation of securing all required governmental permits necessary for construction of the parklet improvements, to the extent required, which such permits may include, but are not necessarily limited to a building permit under the Florida Building Code and Broward County Amendments thereto and engineering permits under the city's regulation. A

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copy of the approved parklet site plan shall be placed and remain on file with the department.

- (c) At all times the permit for the approved parklet, parklet site plan and parklet revocable license shall be subordinate and inferior to the city's superior interest in maintaining the public right-of-way underlying the parklet. In the event that any conflicts should ever arise between the city's superior interest as aforesaid and the operation, use, maintenance and repair of the parklet, then, in that event, the rights of the city's use and obligation of maintaining the public right-of-way for its superior intended purpose shall prevail over that of the permittee and the permittee shall not be entitled to any compensation for interference with the operation and use of the parklet. The permitted shall gain no property right or contract right to the continued operation and use of the parklet.
- (d) In the event the permittee desires to make modifications to the parklet site plan or parklet improvements after initial approval is granted under subsection (b) above, such proposed modifications shall be submitted to the department for review and approval following the processes set forth above. Approval of such modification shall be granted, granted with conditions or denied by the department.

SECTION 61. The definition of “*Director*” contained in Section 25-192 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Director* shall mean the ~~sustainable development~~ services director of the City of Fort Lauderdale, Florida, or his or her designee.

SECTION 62. Section 25-322 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The City Commission of the City of Fort Lauderdale finds and declares that:

- (a) The Engineering Division of the ~~Department of Sustainable Development~~ Services Department of the City provides permit review services in association with construction and other activities in the Rights-of-Way and easements, in accordance with the State and County laws, City's Municipal Code of Ordinances, Uniform Land

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Development Regulations, the City's Comprehensive Plan, and other applicable regulations.

- (b) The City desires to recover its costs for these services.
- (c) Fees are hereby created to recover costs for these services.

**SECTION 63.** Section 25-323 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Accessory structures:* Any structure, enclosure, addition or equipment that is not physically attached to a main building.

*After hours inspection:* Any inspection or part of an inspection that takes place outside of the regular inspection hours (7:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays observed by the City).

*Applicant:* Any person that submits a Permit application for construction or a permit application for conducting certain activities in the Rights-of-Way under City jurisdiction.

*City:* City of Fort Lauderdale, a municipal corporation of the State of Florida.

*City engineer:* See Section 25-97.

*Cycle of review (or inspection):* One Cycle includes one set of review or inspection comments by the Plans Reviewer or inspector followed by Applicant's response or implemented corrective measures to address said comments.

*Days:* The number of days during which construction or an activity is authorized in a Permit or Revocable License Agreement, based on the beginning and ending date specified therein, excluding Saturdays, Sundays, Holidays observed by the City and any dates the City may be closed due to an emergency declaration.

*Decorative streetscape improvements:* Improvements in the Public Right-of-Way consisting of materials other than the standard materials specified in the Engineering Standards such as concrete and asphalt; such materials are intended

to enhance the aesthetics and architectural appeal of the installed improvements and may include architectural pavers or concrete, stamped concrete, stamped asphalt.

*Department:* ~~Department of Sustainable Development~~ Services Department of the City of Fort Lauderdale.

*Easement:* See 47-35.

*Engineering standards:* See 47-35.

*Estimated construction value:* A written estimate or opinion of costs by a Civil Engineer licensed in the state of Florida that includes the total cost of construction to install the improvements approved through a Permit, including labor, materials, equipment, mobilization, maintenance of traffic, testing administrative costs, performance bonds and demobilization. The Estimated Construction Value shall include a detailed breakdown of said costs for each item of work.

*Expedited permit application:* A permit application that will be reviewed outside the regular hours for Plans Reviews (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays observed by the City) with the goal of providing initial comments within four business days from the date of Permit application acceptance by the City.

*Inspector:* An inspector representing the Engineering Division of the ~~Department of Sustainable Development~~ Services Department that is responsible for inspecting all work authorized under a Permit.

*Permit:* For the purposes of this division, the term "Permit" shall mean a permit that is issued by the Engineering Division of the ~~Department of Sustainable Development~~ Services Department that authorizes construction or other activities in the Rights-of-Way or easements or that authorizes work on any utility owned by the City.

*Permit application acceptance:* A permit application that has been determined by the Department to be complete and have satisfactorily provided all submittal requirements that are prerequisite for initiating review.



*Person:* See Section 25-97.

*Plans reviewer:* The individual responsible for reviewing a Permit application on behalf of the Engineering Division of the ~~Department of Sustainable Development~~ Services Department.

*Project, small:* Any project that is required to have ten (10) parking spaces or less prior to the deduction of any approved parking reductions.

*Project, large:* Any project that is required to provide more than ten (10) parking spaces, prior to the deduction of any approved parking reductions.

*Public transportation facility:* Roadways, bicycle lanes, pedestrian pathways, parking areas and similar facilities in Rights-of-Way or easements that are dedicated for the use of the public and that are under the jurisdiction of the City.

*Rights-of-way:* See Section 25-97.

*Services:* Administrative, legal or engineering review and/or processing in support of or in association with the permit approval process, other than Permit reviews. Examples include review and processing of easements, agreements and performance bonds.

SECTION 64. Subsection 25-325(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The fee amounts for Permits and services provided by the Engineering Division in the ~~Department of Sustainable Development~~ Services Department shall be based on the rates and fee calculation methodologies established herein.

SECTION 65. Subsection 26-225(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Within five (5) business days of receiving a permit application, the division shall determine if the information provided is complete and notify applicant

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of any deficiencies in the application. Upon submittal of additional information the division will determine if the application is complete and shall notify the applicant if there are deficiencies. If an applicant fails to provide additional information requested by the division within two (2) weeks of notification, the application shall be considered withdrawn by the applicant and a new application will be required. The review of the application shall not commence until the application is determined to be complete by the division. Once the application is determined to be complete, the division shall submit the application to other city departments and divisions with interest in the valet operation for their review and comment, including but not limited to, engineering, ~~sustainable development~~ services, police, fire-rescue, and risk management.

SECTION 66. Subsection 27-227(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The Department of Transportation and Mobility shall send a copy of each completed application to the police and fire departments, the ~~Department of Sustainable Development~~ Services Department and the office of the city manager. Each shall provide the Department of Transportation and Mobility a written evaluation of the application, including proposed conditions of approval, if applicable, based upon consideration of the following criteria:

- (1) The size and intensity of the proposed operation and its effect upon vehicular and pedestrian traffic flow over the proposed route and the impact, if any, upon affected commercial areas, residential neighborhoods, or both.
- (2) The existence of identical or similar operations which use or propose to use all or part of the same route and the potential for adverse effect, if any, upon traffic flow, affected commercial areas, residential neighborhoods, or any of them.
- (3) If animals are to be used for propulsion, the adequacy of the operator's arrangements for animal welfare and the measures for preservation of sanitary conditions within the city.
- (4) Any other public health, safety or welfare concern.

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SECTION 67. Section 27-252 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

For the purpose of this division, the following words shall have the meanings indicated.

*Bicycle-sharing facility (BSF)* means a facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program. This definition includes, but is not limited to, a station, informational signs, bicycles, solar panels, payment kiosk or other equipment attached to and necessary for the facility's operation.

*Bicycle-sharing facility station or station* means the platform to which the BSF equipment is attached, payment kiosk, bicycle docks and all other parts of the facility not including the bicycles and signs.

*Bicycle-sharing program* is a program, which provides specially designed bicycles for short-term rental to the public at multiple facilities throughout the city so users of the bicycles are able to return the bicycles at any other bicycle-sharing facility within the Broward County sponsored program.

*City-supported* means the BSF program sponsored by Broward County as provided in this division.

*City owned property* means property owned by the city pursuant to deed, easement lease, license or dedication and may include city park land or any other property owned by or under the control of the city. When city owned property is identified for use for a BSF, it shall be considered an ancillary ROW area subject to city right-of-way standards and regulations and under the jurisdiction of the city engineer.

*Contact information* includes the address, telephone number(s), e-mail address(es) and any and all other means that would allow city staff to contact a person, including the address of any registered agent.

*Department* means the ~~Department of Sustainable Development Services~~ Department or such department, which has the responsibility for the administration

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of the planning and zoning requirements of the city as designated by the city manager.

*Director* shall mean the director of the ~~Department of Sustainable Development~~ Services Department.

*Managing agent* is the person who, by virtue of his or her position, operates a bicycle-sharing program and has control, including physical and contractual, over the bicycle-sharing facilities used therein. As used herein the managing agent shall be the person or entity who is the applicant as defined in section 27-254.

*Owner* means any person who jointly or severally is vested with all or part of legal title to or beneficial ownership of the bicycle-sharing facilities.

*Person* means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust or other entity that may enter into contracts.

*Right-of-way* or *ROW* means the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, public sidewalk and terrace in which the city or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.

**SECTION 68.** Subsection 28-32(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Where a city sanitary sewer is not accessible or available, it shall be unlawful to construct a septic tank within the corporate limits of the city without first securing a permit from the city ~~sustainable~~ services department. A plot plan of the property with shape, size and description of the septic tank and drain field shall be submitted at the time of the application for such permit. Such plan shall be approved by the county health department.

**SECTION 69.** Section 28-52 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) For residential and commercial sanitary sewer service, the property owner or agent shall provide scaled drawings, details and specifications, signed and sealed by a Florida registered professional engineer meeting ~~department of sustainable development~~ services department (DSD) and public works engineering division requirements and a stamp of approval will be placed on the plans and specifications therefor when deemed satisfactory and the building lateral and engineering sewer permits issued.
- (b) For establishments producing industrial wastes, a discharge permit must be secured from the director of public works or his designee. After the discharge permit is obtained, a stamp of approval will be placed on such plans and specifications when deemed satisfactory and the building lateral and engineering sewer permits issued.
- (c) Sewer manholes, gravity mains, lift stations, force mains and sewer laterals that connect to gravity mains require signed and sealed plans, details and specifications to be submitted by a Florida professional engineer meeting the ~~department of sustainable development~~ services department (DSD) and public works engineering division requirements and when deemed satisfactory an engineering permit issued.
- (d) No work of any kind or nature shall commence prior to the submission of plans and specifications and the securing of approval and the permit therefor.

**SECTION 70.** Section 28-54 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) It shall be required of every licensed plumber who seeks to perform sewer installation from the building sewer to the sanitary sewer laterals on private property to file and obtain a plumbing permit with the ~~department of sustainable development~~ services department (DSD) and provide a certificate of competency and insurance certificate.

- (b) It shall be required of every licensed underground utility and excavation contractor, engineering contractor or approved general contractor who seeks to perform installation of sewer manholes, gravity mains, lift stations, force mains and sewer laterals that connect to gravity mains to file and obtain an engineering permit with the ~~department of sustainable development~~ services department (DSD) and provide a certificate of competency and insurance certificate.

**SECTION 71.** Section 28-55 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

- (a) The applicant for a building sewer permit shall notify the ~~department of sustainable development~~ services department (DSD) when the building sewer is ready for inspection and connection to the sanitary sewer lateral. The connection shall be made under the supervision of the plumbing inspector.
- (b) The connection of the building sewer to the sanitary sewer system shall conform to the requirements of the ~~department of sustainable development~~ services department (DSD) and public works engineering division and other applicable rules and regulations of the city. All such connections shall be made gastight, watertight, and rootproof. Any deviation from the prescribed procedures and materials must be approved by ~~department of sustainable development~~ services department (DSD) and public works engineering division before installation. Installation of sanitary sewers and laterals in public rights-of-way, private thoroughfares, and utility easements and installation of sewer manholes, gravity mains, lift stations, force mains and sewer laterals connecting to gravity sewer mains requires the inspection and approval of the public works director or his designee.

**SECTION 72.** Section 28-59 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Where connections are to be made to existing building sewers, such building sewers shall be carefully examined by televising equipment and inspected and certified by a licensed plumber in the State of Florida and report supplied to the city's ~~department of sustainable development~~ services department (DSD) and the public works department prior to issuance of a plumbing permit to connect to

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the main sewer. If found in good condition and free from infiltration, it may be connected to the main sewer from the building. If, however, in the judgment of the city, the existing building sewer is not in good condition or free from infiltration, it shall be replaced with an approved permit and approved by the public works director or his designee before connection is made.

SECTION 73. Subsection 28-76(j)(2)c. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Notify both the city ~~sustainable~~ development services department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of a structure.

SECTION 74. Section 28-79 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Where water used for lawn sprinkling, gardening or commercial-industrial purposes does not enter the sanitary sewer system, relief from payment of the wastewater commodity charge on the presently metered total water consumption is provided as follows:

- (1) A customer may have installed by the department, as stipulated in section 28-141 and approved by the ~~sustainable~~ development services department, a separate metered connection with the water mains to measure the water so used.
- (2) A customer may apply for a meter, as stipulated in section 28-141 to have the meter installed at his expense and with the approval of the ~~sustainable~~ development services department, to measure the water which does not enter the sewer system. The sewerage service charge will be billed on the difference in consumption between the two (2) meters; provided, however, that the credit to be given shall not reduce the total wastewater charge to an amount less than the fixed monthly charge.

SECTION 75. Subsection 28-143(f)(2)c. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Notify both the city ~~sustainable~~ development services department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of structure.

SECTION 76. Subsection 28-146(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

*Installation and use.* If a property owner, developer or any person is required by the fire-rescue department, ~~sustainable-development~~ services department, or both to have a fire hydrant installed on city property, the installation charge shall be estimated and billed upon a basis of actual cost, including materials, labor, equipment and a percentage allowance for administrative and overhead costs. All installation and service charges shall be paid in full before the fire hydrant is installed. All fire hydrants or plugs shall be used for fire protection purposes exclusively. All use of fire hydrants or plugs, sprinkling, sewer flushing, watering, filling of other carts or receptacles, and any use of fire hydrants or plugs other than for strictly fire protection (meaning thereby extinguishment of fires or wetting down surrounding properties during a fire to prevent its spreading) is prohibited unless any such other use is permitted by the appropriate city department and evidenced by a written permit signed by its director or his designee, which permit shall be exhibited to any and all employees of the water division.

SECTION 77. The definition of "*Certification (of backflow prevention devices)*" contained in Section 28-152 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

*Certification (of backflow prevention devices)* means certification to the testing of backflow prevention devices for the purpose of ensuring their operational conformance with AWWA, American Society of Sanitary Engineers (ASSE), and the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC-FCCCHR) specifications. The certification procedure shall be performed by a certified backflow prevention tester who shall



submit a "backflow prevention assembly field test report". The initial certification at installation, repair or relocation of the backflow prevention assembly shall accompany a permit and approval from the city's ~~department of sustainable development~~ services department (DSD). Subsequent recertification and periodic testing for existing backflow prevention assemblies, not requiring repair or relocation shall be through the director of public works which may include a third party vendor that certifies the device has been properly tested and is properly operating.

**SECTION 78.** Subsection 28-153(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

All owners with premises requiring a backflow prevention assembly in accordance with this Code shall obtain a permit from the ~~department of sustainable development~~ services department (DSD) for the initial installation or relocation of the backflow prevention assembly and pay applicable fees.

**SECTION 79.** Subsection 28-155(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

All backflow prevention assembly installations, shall be performed by a licensed plumber with a permit issued by the ~~department of sustainable development~~ services department.

**SECTION 80.** Section 28-157 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

A backflow prevention assembly installed on the service connection but not required by this chapter may be removed by a licensed plumber under permit issued by the ~~department of sustainable development~~ services department. Where no backflow prevention assembly is required but is in place, testing and repair shall be at the discretion of the customer or property owner.

**SECTION 81.** That the classification titles of the following classifications contained in Exhibit 4, Classification Table, Non-Bargaining Unit, of Ordinance C-18-37, the Pay Plan of the City of Fort Lauderdale, Florida, as amended, are hereby revised as follows:

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Title	Class Code	Classification Status	Classification Level	Management Category	Pay Grade
Deputy Director - <del>Sustainable</del> Development <u>Services</u>	NB092	Non-Classified	Deputy/ Assistant Director	1	M017
Director - <del>Sustainable</del> Development <u>Services</u>	NB101	Non-Classified	Director	1	M018

SECTION 82. That, 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 this Ordinance, to the numbering, lettering, and capitalization structure established in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct non-substantive scrivener's errors in the codification of this Ordinance.

SECTION 83. 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 84. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 85. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this 5<sup>th</sup> day of April, 2022.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

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ATTEST:

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City Clerk  
DAVID R. SOLOMAN

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