



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#15-0170

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: February 3, 2015

TITLE: Resolution authorizing the City Attorney of Fort Lauderdale to appeal the
Order of the Special Magistrate in case CE14090376

Recommendation

It is recommended the City Commission approve a resolution authorizing the City Attorney to appeal the decision of the Special Magistrate regarding case CE14090376.

Background

On December 18, 2014, the Special Magistrate heard case CE14090376, regarding non-permitted signs installed on the property located at 101 South Fort Lauderdale Beach Boulevard. At the hearing, the Magistrate heard argument from counsel for the property owner and counsel for the City. She reserved ruling, allowing for both parties to submit memoranda of law. The City took the position that the Zoning Administrator is the sole authority to answer all questions of interpretation of the City's Unified Land Development Regulations (ULDR) and that if a property owner wishes to contest the Zoning Administrator's determination or interpretation of the ULDR, an "appeal" would be taken to the Board of Adjustment (BOA). Neither the Code Enforcement Board nor a Special Magistrate is authorized by law to interpret municipal zoning laws.

On January 13, 2015 the Special Magistrate rendered her findings of fact and conclusions of law, ultimately finding in favor of the property owner (See Exhibit 1).

The findings in this case are summarized below:

The Special Magistrate has determined that the interior signs are not affixed to the window and are more than 6 inches away from the glass and that as such the signs in question do not meet the definition of "window sign" under the requirements of Section 47-22.A.32, *Window Signs* and that the property owner is not required to follow the specifications of the code regulating such signs. Further, that such signs would require a sign permit if they do not fall under the exemptions of Section 47-22.7, *Exempt Signs*, but finding that such signs as they are installed do fall under the sign exemption requirements and are not subject to a sign permit.

The City of Fort Lauderdale has 30 days to file an appeal pursuant to the applicable Florida Rules of Appellate Procedure. Staff is seeking authorization from the City Commission to appeal this case.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included in the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

*This item advances the Fast Forward Fort Lauderdale Vision Plan 2035: **We are Community***

Attachments: Exhibit 1 – Special Magistrate Order on CE14090376
Exhibit 2 – Resolution

Prepared By: A. Gregory Fajardo, Zoning Administrator

Department Director: Jenni Morejon, Sustainable Development Director