

ORDINANCE NO. C-17-06

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 14, "FLOODPLAIN MANAGEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, REVISING THE DEFINITION FOR SUBSTANTIAL IMPROVEMENT; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida has, in Chapter 166 F.S. entitled Municipalities, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified Special Flood Hazard Areas within the boundaries of the City of Fort Lauderdale and such areas may be subject to period inundation (flooding) which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida (City Commission) previously adopted Ordinance No. C-14-26, dated June 17, 2014, which sets forth a requirement to calculate the accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 10-year period; and

WHEREAS, the City Commission has determined that it is in the public interest to revise the cumulative period for tracking substantial improvement from a 10-year period to a 2-year period.

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

SECTION 1. That each of the WHEREAS clauses set forth above are true and correct and are made a part of and incorporated into this Ordinance by this reference.

SECTION 2. That Subsection 14-1, Definitions, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

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Sec. 14-1. Definitions.

...

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, or combination of any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ~~ten-year~~ two-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

...

SECTION 3. That Subsection 14-11(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

4) *Substantial improvement.* In the Florida Building Code, Building and the Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as follows:

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure or any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ~~ten-year~~ two-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

SECTION 4. 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 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 21st day of March, 2017.

PASSED SECOND READING this the _____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI