

ORDINANCE NO. C-18-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 17-10, CONSTRUCTION OF LARGE PROJECTS; NOISE MANAGEMENT PLAN; EXEMPTION FOR TIME TO COMPLY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ALLOW FOR THE ISSUANCE OF A SPECIAL PERMIT WHICH WOULD PROVIDE AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE IN THE CASE OF A CONTRACTOR HARDSHIP; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend the City of Fort Lauderdale's Code of Ordinances by amending Section 17-10 to allow certain construction activity to occur outside the parameters established in the current Noise Control Ordinance; and

WHEREAS, the ordinance amendment would authorize the City Manager to grant special permits, which provide an exemption from the Noise Control Ordinance under special circumstances where the absence of an exemption will cause a hardship for the contractor; and

WHEREAS, the permit shall be for a specific period of time and shall include a start date and a finish date, and must be posted in at least two places on the perimeter of the construction site during the life of the permit.

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

SECTION 1. That Section 17-10 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

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

(a) Upon good cause shown by the owner of any noise source when a noise management plan has been approved by the city commission, the city manager shall have the power to grant

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a special permit, which provides an exemption from the provisions of ~~an approved noise management plan~~ Section 17-7.4 of the Noise Control Ordinance in order to allow sufficient time for the installation of necessary materials, equipment, facilities, or modifications ~~to achieve compliance necessary for construction as certified by the Building Official~~. Provided however, the aforementioned special permit shall not be granted for a period of time to exceed ~~fifteen (15) days~~ thirty (30) days from the date said exemption is granted, but such exemption may be renewed for an additional fifteen-day period of time ~~if satisfactory progress towards compliance is shown~~ provided that the special permit remains in compliance.

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

- (1) The special permit shall not authorize construction sound between the hours of 11:00 pm and 6:00 am, unless specifically granted by the City Manager.
- (2) Special permit(s) shall be for a specific period and shall include a start date and a finish date. Each specific period shall require a special permit.
- (3) A notice measuring at least 16"x20" with 2" letters must be posted in at least two places on the perimeter of the construction site during the life of the permit describing the activity, purpose, hours and dates for the special permit.
- (4) Nothing in the special permit shall imply multiple periods or multiple construction sites or projects.
- (5) Appropriate Maintenance of Traffic (MOT) agreements must also be submitted or included with any special permit request.

(c) The City Manager may refer approval of a special permit to the City Commission.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not

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be affected thereby, but shall remain in full force and effect.

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

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

PASSED FIRST READING this the _____ day of _____, 2018.

PASSED SECOND READING this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI