

ORDINANCE NO. C-20-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 17 – NOISE CONTROL; SECTION 17-10 – CONSTRUCTION OF LARGE OR COMPLEX PROJECTS (TRANSPORTATION AND NON-TRANSPORTATION); EXEMPTION FOR TIME TO COMPLY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING THE REQUIREMENT FOR A NOISE MANAGEMENT PLAN, AUTHORIZING THE CITY MANAGER TO GRANT EXTENSIONS TO SPECIAL PERMITS UNDER CERTAIN CIRCUMSTANCES FOR A LIMITED TIME PERIOD AND ALLOWING FOR REVOCATION OF THE SPECIAL PERMIT, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 17 – Noise Control Section 17-10 of the City Code of Ordinances establishes noise control parameters for the construction of large or complex projections; and

WHEREAS, the City desires to promote, protect, and improve the health, safety, and general welfare of its residents and visitors; and,

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 when specifically located in a Regional Activity Center; and,

WHEREAS, the ordinance amendment would authorize the City Manager to grant extensions to special permits, which provide an exemption from the Noise Control Ordinance subject to limitations when it has been determined that the granting of such extension will promote the health, safety, and general welfare of the residents of the City of Fort Lauderdale; and,

WHEREAS, the extension to the special permit shall be for a specific period of time and shall include a start date and finish date, and demonstrate a reduction in traffic, overall reduction in construction timelines, and related to specific construction activities;

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

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SECTION 1. That Chapter 17 – Noise Control; Section 17-10. – Construction of Large or Complex Projects (Transportation and Non-transportation); Exemption for Time to Comply is hereby amended as follows:

Sec. 17-10. - Construction of Large or Complex Projects (Transportation and Non-transportation); Exemption for Time to Comply.

- (a) Upon good cause shown by the owner of any noise source ~~when a noise management plan has been approved by the city commission~~, the city manager shall have the power to grant a special permit, which provides an exemption from the provisions of section 17-7(4) of the Noise Control Ordinance in order to allow sufficient time for the installation of necessary materials, equipment, facilities, or modifications 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 thirty (30) days from the date said exemption is granted, but such exemption may be renewed for an additional fifteen day period of time 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 A~~ thirty (30) day special permit may be granted but shall not authorize construction sound between the hours of 11:00 p.m. and 6:00 a.m., unless specifically granted by the city manager, with one (1) fifteen (15) day extension for a total not to exceed forty-five (45) days.
 - (2) ~~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. When located within a Regional Activity Center Land Use Designation, the City Manager may extend the special permit beyond forty-five (45) days, as specified above, if it is found that granting such extension is will ensure reduced overall impacts of construction on neighboring properties but shall not authorize construction sound between the hours of 10:00 p.m. and 7:00~~

a.m. Monday through Saturday and between the hours of 7:00 p.m. and 10:00 a.m. on Sunday. When an extension is requested by an applicant a specific narrative outlining such reduced impacts to neighboring properties and surrounding areas shall be included with the application. This narrative shall include, but shall not be limited to the following:

a. Reduction to traffic impacts.

b. Overall reduction in construction timelines with specific dates by comparison to timelines for construction under the construction times provided in Section 17.7.4.

c. Specified activities that will occur during this special permit shall be listed with specific time of activities included.

- (23) 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.
- (34) A notice measuring at least 16" x 20" with two (2) inch letters must be posted in at least two (2) places on the perimeter of the construction site during the life of the permit describing the activity, purpose, hours and dates for the special permit.
- (45) Nothing in the special permit shall imply multiple periods or multiple construction sites or projects.
- (56) Appropriate Maintenance of Traffic (MOT) agreements must also be submitted or included with any special permit request.
- (7) The City Manager may revoke such special permit if it is found that a violation of the special permit has occurred or if he/she finds the permit no longer serves the interests of public health, safety or convenience as stated herein.

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

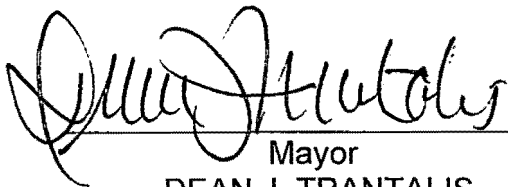
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SECTION 3. That all ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon its final passage.

PASSED FIRST READING this 20th day of October, 2020.

PASSED SECOND READING this 5th day of November, 2020.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI