

ORDINANCE NO. C-04-4

AN ORDINANCE AMENDING SECTION 25-22, AWNINGS; PERMIT REQUIRED, OF CHAPTER 25 OF THE CODE OF ORDINANCES AND AMENDING SECTION 47-12.4, CENTRAL BEACH DISTRICT REQUIREMENTS; SECTION 47-13.20, DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS, AND SECTION 47-19.2, ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE THE HEIGHT AND LOCATION REQUIREMENTS FOR AWNINGS.

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

SECTION 1. That Section 25-22, Awnings, permit required, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 25-22. Awnings; permit required.

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

. . . .

- (4) The awning may extend across the front of a building and may only project ~~to within eighteen (18) inches of the face of curb measured at the top of curb and be a minimum height of seven (7) feet, six (6) inches in height above the sidewalk~~ a maximum of two-thirds (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) All vertical supports of the awning must be on private property and not interfere with vehicular or pedestrian traffic.~~

~~(6)~~
(5) An awning shall only be permitted in ~~those~~ any zoning districts as provided in ~~section 47-39 of the Code~~ the ULDR.

~~(7)~~
(6) An awning shall be removed from the sidewalk area when the permittee's business is closed to the public.

~~(8)~~
(7) Prior to the issuance of a permit, the applicant shall furnish the ~~director of building department~~ 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.

~~(9)~~
(8) . . .

~~(10)~~
(9) . . .

SECTION 2. That Section 47-12-4, Central beach district requirements, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-12.4. Central beach district requirements.

. . .
C. Additional requirements for modification of yards fronting on rights-of-way in the PRD, ABA, SBMHA and SLA zoning districts are as follows:

. . .

g. Canopies or arcades are located over ground floor windows, doors or other transparent features required in subsection c. of this section. Such features shall

be a minimum of ten (10) feet in depth and a height between ~~seven (7) feet six (6) inches~~ eight (8) feet and twelve (12) feet and designed as a fixed nonretractable element integral to the building's architectural mass.

. . .

SECTION 3. That Section 47-13.20, Downtown RAC review process and special regulations, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-13.20. Downtown RAC review process and special regulations.

. . .

H. Pedestrian priority streets. Development of property located abutting pedestrian priority streets shall meet the following requirements:

. . .

5. Awnings, canopies, arcades. Awnings, canopies or arcades shall be required over all doors, windows and other transparent elements provided to satisfy the provisions of subsection H.4, along a pedestrian priority street. The height of the awnings, canopies or arcades shall be between ~~seven (7) feet, six (6) inches~~ eight (8) feet and twelve (12) feet, and shall be a minimum of four (4) feet in depth. Such elements shall not be subject to the ten (10) foot setback requirement identified in subsection H.2.

. . .

SECTION 4. That Section 47-19.2, Accessory buildings and structures, general, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-19.2. Accessory buildings and structures, general.

. . . .

B. Architectural features in residential districts.
 Architectural features such as eaves, cornices, unenclosed balconies with open railings, window sills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a distance of three (3) feet from the face of the building, or one-third (1/3) of the amount of the required yard, whichever is less. Accessory uses which encroach into any yard area are permitted to have a total combined linear facade length not greater than twenty percent (20%) of the total linear length of the facade to which they are attached. Items such as windowsills or belt courses which extend six (6) inches or less into the yard area shall not be considered for the length limitation. Eaves shall not be subject to the length limitation. The dimensional limitations of this subsection shall not apply and the provisions of subsection C. shall apply to awnings accessory to a residential use in a nonresidential zoning district.

C. Awnings and entrance canopies in nonresidential districts.

1. Awnings accessory to a nonresidential use in any zoning district or a multifamily use in a nonresidential zoning district are permitted to be located in the yard and extend to the property line abutting a street subject to city engineering standards at a minimum height of seven and one half (7 1/2) feet. When located within five (5) feet of a property line adjacent to a street, such awnings shall maintain a minimum eight (8) feet clearance between the lowest rigid point of the structure and the sidewalk immediately below and are subject to city engineering standards. When there is no sidewalk, the clearance shall be measured from natural elevation. A flexible valance attached to an awning requires a seven (7) foot clearance when located within five (5) feet of a property line adjacent to a street.

2. Entrance canopies . . .

3. Awnings may be permitted within the right-of-way in accordance with Section 25 of the Code.

. . .

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 6th day of January, 2004.
PASSED SECOND READING this the 21st day of January, 2004.

Mayor
JIM NAUGLE

ATTEST:

City Clerk
LUCY KISELA

L:\COMM2004\ORD\JAN21\C-04-4.WPD