

ORDINANCE NO. 18-01-1365

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING SECTION 106-184 WITHIN CHAPTER 106 OF THE NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED "ZONING" TO DEFINE AND PROVIDE REQUIREMENTS RELATED TO THE INSTALLATION OF TEMPORARY CONSTRUCTION FENCES; AMENDING SECTION 94-14 WITHIN CHAPTER 94 OF THE NORTH LAUDERDALE CODE OF ORDINANCES ENTITLED "SIGNS" TO PROVIDE FOR CONSTRUCTION SIGNS ON TEMPORARY CONSTRUCTION FENCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, City staff continuously review the City Code to identify and update the code where necessary; and

WHEREAS, City staff have identified an increase in site plan reviews for the development or improvement of the City's shopping centers and other commercially zoned properties; and

WHEREAS, upon conducting site plan reviews, City staff identified the need to include and define "Temporary Construction Fence" in the City Code; and

WHEREAS, temporary construction fences provide a unique opportunity to inform the public of the development of that subject construction site; and

WHEREAS, City staff recommend that the City Commission allow temporary construction fences to include construction signs when printed on the opaque screening attached to a temporary construction fence; and,

WHEREAS, the City Commission deems it to be in the best interests of the health, safety and welfare of the citizens and residents of the City to amend Section 106-184 of Chapter 106, entitled "Zoning" of the City's Code of Ordinances to define and provide for temporary construction fences and to amend Section 94-14 of Chapter 94, entitled "Signs" of the City's

Code of Ordinances to allow construction signs to be printed on temporary construction fence screening.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified as true and correct and incorporated herein by this reference.

Section 2. The City Commission of the City of North Lauderdale hereby amends, Section 106-184 of Chapter 106 of the City’s Code of Ordinances as follows:

CHAPTER 106: ZONING

Sec. 106-184. – Fences, wall and hedges

(a) As used in the context of fence, wall and hedge regulations throughout the comprehensive zoning regulations of the city, the following words shall have the meanings indicated unless from the context in which they are used another meaning is clearly indicated:

(1) *Fence* means a structure or partition erected for the purpose of having the effect of enclosing a piece of land dividing the land into distinct portions or providing ornamental relief and which impedes or restricts normal ingress or egress. A non-continuous fence or series of fence sections which when placed impedes movement shall also be considered a fence.

...

(7) *Temporary construction fence* means a chain link fence, which may not exceed a height of 6 feet from the grade upon which it is installed, used to enclose any area where active construction is in progress only for the duration of the construction.

(78) *Wall* means a generally vertical and solid structure erected and supported on the ground and/or on another structure throughout the entire length of the wall, erected for the purpose of having the effect of providing security, enclosure, dividing land into distinct portions or providing ornamental relief, and which impedes ingress and egress. A non-continuous wall or series of wall sections which when placed impedes movement shall also be considered a wall.

...

(p) The community development department, shall provide for the administrative review and approval of fences installed as part of a multistory or multi-structure complex which is under the same ownership or management, including those complexes located

along the rights-of-way specified in subsection 106-184(o) and for all temporary construction fences. The administrative review shall include a review of the type of fence, including the material of construction, and the color and height of the fence. The administrative review shall provide the owner or management company with alternative building materials and/or color for the fence.

...

- (s) Temporary construction fences are required for all outdoor construction projects. Temporary construction fences may only be permitted for the duration of the active construction period of the site development. All temporary construction fences must comply with the applicable provisions of Florida Building Code, as amended. The community development department may require additional conditions of approval to address safety concerns. Upon permit approval by the community development department, the temporary construction fence may be erected no sooner than the time of application for the primary building permit and must be removed within two (2) weeks of completion of construction. Completion of construction shall be evidenced by the issuance of a certificate of occupancy or expiration of the building permit. An opaque, flexible, screen made of mesh, or other material approved by the community development department, may be attached and must be maintained in good visual condition throughout the construction period. A Construction sign may be attached or printed on the opaque screen. All other sections of the City Code pertaining to fencing must be met.

Section 3. The City Commission of the City of North Lauderdale hereby amends, Section 94-14 of Chapter 94 of the City's Code of Ordinances as follows:

CHAPTER 94: SIGNS

Sec. 94-14. – Functional types of signs and regulation therefore.

Functional types of signs and regulations for same are as follows:

...

- (6) *Construction.* A sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, material or labor to the premises, which sign is intended for a limited period of display and erected on the same lot as the work being done.
- a. Such signs shall only be permitted for the duration of active construction.
 - b. Such signs shall not be permitted to exceed four feet per face in any residential district.
 - c. Such signs shall not be permitted to exceed 16 feet per face in any nonresidential district.
 - d. Such signs shall not be illuminated.

e. Such signs shall include the contractor's name and phone number for new construction, home remodeling, roofing, swimming pools, siding and other similar activities.

f. Such signs, if printed on an opaque screening attached to a temporary construction fence, may include an architectural rendering of the approved site plan, the name of the development, and the contractor or developer's name and phone number.

Section 4. It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

Section 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective upon passage and adoption.


(REMAINDER OF THIS INTENTIONALLY LEFT BLANK)


PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THE 16th DAY OF JANUARY, 2018.


PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 30 DAY OF JANUARY, 2018.


MAYOR JACK BRADY

ATTEST:


PATRICIA VANCHERI, City Clerk


VICE MAYOR RICH MOYLE



APPROVED AS TO FORM:


SAMUEL S. GOREN, City Attorney