

**SECTION 1 –
FORT LAUDERDALE CHARTER PROVISIONS**

ARTICLE VIII. PUBLIC PROPERTY

Sec. 8.01. Sale of personal property; procedure; public notice.

Personal property belonging to the city shall not be sold, except where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.

Sec. 8.02. Sale of public lands and of public property to public bodies.

City of Fort Lauderdale is hereby authorized and empowered to enter into contracts with and to sell, alienate, exchange, give, grant or convey to United States of America or any of its departments or agencies, State of Florida or any of its counties, districts, subdivisions or agencies, or to any public body, any public places or any public property, real or personal, now owned by said City of Fort Lauderdale or hereafter acquired, to be used by such public body or agency for a public purpose, or make improvements upon public property used for a public purpose, under the following conditions, to-wit:

- (a) The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.
- (b) If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.
- (c) Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.
- (d) At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.
- (e) At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.

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- (f) The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].

Sec. 8.03. Acquiring right-of-way for purpose of conveying same to a public body.

City of Fort Lauderdale is hereby authorized and empowered to give, grant and convey to the State of Florida and its political subdivisions or agencies, or the County of Broward, for right-of-way purposes, any lands owned by the city or lands acquired by the city for the purpose of conveying same to a public body, and to enter into contracts with such public body providing for the acquisition or conveyance of any of such lands or public property by the city; and to expend public moneys of the city and exchange public property of the city with private persons in acquiring or conveying needed right-of-way, removing utility installation, furnishing easements and making improvements upon public property, under such terms and conditions as the city commission by resolution may prescribe. The power herein granted is in addition to the authority elsewhere granted herein and the exercise of same is not limited or restricted by the procedure provided in section 8.02 above. The provisions of this section shall apply only to conveyances and expenditures for public road purposes within the corporate limits.

Sec. 8.04. Sale of real property to private persons, firms or corporations.

City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon, title to which is vested in City of Fort Lauderdale, to any private person, firm or corporation (other than a public body) under the following conditions, to-wit:

- (a) *Resolution declaring property not needed for public use.* The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty-five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy-five (75) percent of the appraised value of the property as determined by the city commission.
- (b) *Notice; offers.* Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.
- (c) *Protests.* During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property should be sold, if it deems same expedient and proper.
- (d) *Authority to sell; cemetery lots excepted.* Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks

and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.

- (e) *Resolution accepting offer and authorizing conveyance.* At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.
- (f) Notwithstanding the provisions of this section or other provisions of this article, City of Fort Lauderdale shall have the right to exchange, deed or convey portions of publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.
- (g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.

Sec. 8.05. Leases for not more than one year.

- (a) The City of Fort Lauderdale is hereby empowered to lease or grant concessions for a period not exceeding one (1) year in any public property, upon a majority vote of the city commission, or by or through any board, commission, officer, manager or city manager designated by ordinance to do so. Included in properties which may be leased are airports and airport property, public recreational facilities, golf courses, tennis courts, recreational halls, stadiums, football fields, baseball fields, playgrounds, public beaches, swimming pools, fishing piers, yacht basins, docks and wharves; and the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity. The provisions of this section shall also be applicable to leases to civic or charitable organizations, public nonprofit corporations, and like organizations, not exceeding one (1) year.
- (b) Any and all leases of one (1) year or less previously entered into by the City of Fort Lauderdale with any civic or charitable organizations, public nonprofit corporations, or like organizations are hereby ratified and confirmed.

Sec. 8.06. Leases at Bahia-Mar.

Leases for the city property known as Bahia-Mar may be negotiated by the city commission without the necessity of public bid; provided, however, that no such lease shall be for an initial term longer than fifty (50) years. Extensions of or amendments to such leases may likewise be negotiated without necessity of public bid; provided, however, that no such extension or amendment shall be for an additional term longer than fifty (50) years beyond the original termination date of the lease which is to be extended or amended. The provisions of this section are notwithstanding the limitations provided in sections 8.05 and 8.09.

Sec. 8.07. Leases with governmental entities or agencies for governmental purposes.

The City of Fort Lauderdale is hereby empowered to lease to other governmental entities or agencies for governmental purposes, for periods of not more than fifty (50) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the City of Fort Lauderdale are hereby ratified and confirmed.

Sec. 8.08. Leases of parking spaces in parking facilities owned or operated by the city.

Notwithstanding anything herein to the contrary, the city is hereby empowered to lease or concession, by negotiation and without competitive bidding, to private persons firms or corporations for nonpublic purposes, parking spaces in parking facilities owned or operated by the city, for a period of not more than fifty (50) years.

Sec. 8.09. Leases for more than one year and not more than fifty years.

City is hereby empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property of any kind including air space over public property owned or operated by the City of Fort Lauderdale, and not needed for governmental purposes, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such persons, firms or corporations. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:

- (a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.
- (b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been used since same have belonged to the city and the reasons for offering such land and improvements for lease.
- (c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any

proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

- (d) The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.

Sec. 8.10. Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary, relative to the requirements of leasing city owned property, the city commission acting through the city manager shall have the power to negotiate any and all leases of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field); provided, however, that the following conditions are fulfilled: (a) No lease shall be for a term longer than ninety-nine (99) years; (b) the lessee pursuant to the requirements of the lease shall be required to construct suitable improvements on the leased premises that will be of such a nature that they will aid in the development of said Fort Lauderdale Executive Airport (Prospect Field), or that portion of it available for such development, as an industrial center; (c) a general plan for the development of such site for an industrial center shall first have been adopted by resolution of the city commission, although this requirement shall not prevent subsequent amendments of such plan; and (d) the city manager certifies to the city commission and the city commission by resolution declares that the leasing of the property is in the best interests of the city and the development of the said industrial center and is the most advantageous lease that the city can make at the time of the area involved. No advertising or solicitation for public bid shall be required in connection with such leases; provided, however, that at least once every three (3) years, and within two (2) months before or two (2) months after, the start of the applicable third fiscal year, there shall be a public hearing held after a resolution calling for same and the advertising of said public hearing in the manner prescribed by section 10.03 of the charter, at which public hearing, or some adjournment thereof, the city commission shall publicly determine and publish in the minutes of said meeting, the following:

- (a) The minimum rent or rent per acre or per parcel of property that may be accepted in the aforesaid negotiations, which minimum may include the payment of a brokerage commission.
- (b) The amount of brokerage that may be paid and the procedures and standards that will govern the payment of brokerage commission, which payment is hereby authorized.

No lease shall be effective unless the aforesaid public hearing and the action above required shall have taken place prior to the adoption by the city commission of a resolution accepting the terms of any such negotiated lease.

Nothing herein shall prohibit the holding of such public hearings, more frequently than the time above prescribed. Any such other public hearing shall be held pursuant to the above requirements, except as to the time of holding same; and the same action, as above set forth, shall be required as a result of any such hearing.

(Ord. No. C-85-40, § 3, 5-7-85)

Sec. 8.11. Sale of real property at Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary relative to the requirements of selling city owned property, the city commission shall have the power to negotiate by conclude sales of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field), without the necessity of putting the same out to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine.

Sec. 8.12. Leases of Shops in Central Business District Parking Garage.

Notwithstanding any provision in this charter to the contrary, leases of the city property known as Shops in Central Business District Parking Garage may be negotiated by the city commission acting through the city manager without the necessity of public bid; provided, however, that no such lease, or any extension of or amendment to same, shall be for a term longer than twenty (20) years.

Sec. 8.13. Leases to civic and charitable organizations.

City of Fort Lauderdale is hereby authorized to lease to civic organizations, charitable organizations, public nonprofit corporations and like organizations, any public lands, improvements, buildings, recreational parks and areas or other public places, now owned or hereafter acquired by the city, for a period exceeding one (1) year but not exceeding fifty (50) years, to be used by such lessee for purposes consistent with the public good, where such use will not conflict with use by the public of other portions of public land adjacent thereto, under the following conditions:

- (a) The city commission shall first adopt a resolution declaring its intention to lease to a named civic or charitable organization, nonprofit corporation or like organization, a definitely described property or portion thereof, which resolution shall state the reasons why the city commission believes such lease should be made, the purpose for which such public property will be used by the lessee, the compensation, if any, to be paid for the lease, and other information calculated to advise taxpayers and electors of the nature of the lease. Such resolution shall designate a day, not less than thirty (30) days after the adoption of such resolution, when a public hearing will be had before the commission upon such proposal.
- (b) If the property intended to be leased is encumbered by any bonds or obligations for which such property or revenue derived therefrom are specifically pledged, provisions must be made in the proposal to discharge or satisfactorily comply with the requirements of the pledge.
- (c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution, a public hearing shall be had before the city commission upon such proposal to lease, and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for considering such proposal, with the first publication not less than ten (10) days before said date of hearing. The city commission in offering said publicly owned facility or public lands for lease shall state in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased.

If before the day, fixed for such public hearing, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the

question of leasing such property, no lease shall be executed by the officials of the city until after approval by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

At least three (3) days before said public hearing date, a copy of the proposed lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of such proposed lease together with a covering summary letter; providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) commissioners. Citizens and taxpayers shall have the opportunity at such public hearing to object to the execution, form or conditions of such proposed lease. If the commission is satisfied with the terms and conditions of the proposed lease, and if no persuasive objections are voiced at such public hearing, the commission shall pass a resolution authorizing the execution of such lease by the proper officials of the city subject to the approval by the city attorney prior to its execution by the proper city officials.

Sec. 8.14. Form and execution of leases.

All leases shall be for a definite period of time, shall be in writing, executed in duplicate, with one (1) copy retained by the City of Fort Lauderdale. The form of lease shall be approved by the city attorney. Such leases shall be signed by the officers of the city designated by charter to sign same, except that leases or concession rights for a period of not exceeding one (1) year may be signed in the name of the city by the city manager, manager of the concession, or other officer designated to do so.

Sec. 8.15. Granting franchises.

The city commission may by ordinance, after public notice and public hearing, grant a franchise to any individual, company, firm or corporation to exercise public functions in the city and to construct and operate any and all public utilities in the city and in, under, or over the streets and public places in the city and to use such public property in connection therewith; but no such grant or franchise or renewal thereof shall be for a longer period than thirty (30) years. No such grant or franchise shall be exclusive. All franchises or grants or rights to make extension of any public utility shall be subject to such terms and conditions as the city commission shall impose. Such franchise or grant shall be evidenced by an agreement in writing, executed in duplicate, with a copy recorded in the public records of the county, or by ordinance duly enacted by the city commission and a certified copy recorded in the public records of the county. All such individuals or corporations performing functions under such franchise shall be liable for damages occasioned by acts, negligence or injuries to the rights of others, and the city shall not be liable therefor. Franchises may be amended by mutual consent with the same formality.

Sec. 8.16. Rates to be charged.

Where the rates to be charged by any utility company are regulated by the public service commission, or successor, the city commission shall have no power to fix such rates, but when not so regulated, the grant, agreement or franchise shall provide that the rates to be charged at all times shall be under the supervision, direction and control of the city commission, and no rate shall be in effect unless same is approved by the city commission; provided the rate allowed shall be sufficient to insure a reasonable return on the investment.

Sec. 8.17. Conditions of grant or franchise.

The city commission shall in the written franchise agreement or in the ordinance granting or renewing any franchises to construct and operate a public utility or to use public property, prescribe the amount of money, fees, percentage of gross income and consideration which shall be paid for such franchise, the kind and quality of use, service or product to be furnished, the manner in which public streets and public places shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchase by the city of the property and property

rights of the utility and the extensions thereof within and without the city, used in or useful in or connected with such utility and including all contracts for service or motive power fairly and reasonably made in good faith by the utility, at a price either fixed in the ordinance or agreement or to be fixed in the manner provided in the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful manner; and all such methods of acquisition shall be alternative to the power to purchase reserved in the grant or renewal thereof as herein provided. Upon the acquisition by the city of the property of any utility by purchase, condemnation, or otherwise, all franchises, grants or renewals shall at once terminate.

Sec. 8.18. Assignments of grants.

No such grant or franchise, or renewals thereof, shall be leased, assigned, or otherwise alienated, except with the consent of the city commission expressed by ordinance, and evidenced by a written assignment and consent to same, recorded in the public records of Broward County, Florida.

Sec. 8.19. Right of regulation.

All grants shall be subject to the right of the City of Fort Lauderdale, whether in terms reserved or not, to control at all times the distribution of any space in, over, across or under all streets, alleys, public grounds or other public places, occupied by public utility fixtures, and when, in the opinion of the city commission, the public interest so requires to cause such fixtures to be reconstructed, relocated, altered or discontinued at the expense of the holder of the franchise; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety, welfare or accommodation.

Sec. 8.20. General provisions.

Nothing in this charter contained shall operate in any way, except as herein specially stated, to limit the city commission in the exercise of any of its lawful powers, respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the Constitution of the State of Florida.

Sec. 8.21. Disposing of public property.

The right of the city to sell, exchange, lease, franchise or deed public property, under the methods and procedures provided in this article, shall not be limited, restricted or abridged on account of the method, source or means by which such property was acquired, the source from which funds were obtained to acquire such property, the use to which this property has been devoted or is presently devoted, or whether such property is used and operated in a governmental or proprietary capacity.

Notwithstanding anything to the contrary in this Charter, the city shall not sell, transfer, or lease for more than one (1) year, any land zoned park in accordance with the City's Unified Land Development Regulations without a unanimous vote of the entire city commission. Additionally, any land zoned park on November 10, 2004, shall require a unanimous vote of the entire city commission to remove such designation.

(Ord. No. C-04-36, § 1, 9-13-04)

**SECTION 2 –
FORT LAUDERDALE CODE PROVISIONS**

Sec. 19-2. Private concessions prohibited; exceptions.

It is unlawful for any person to sell food of any kind, services including recreational programs, goods, wares or merchandise in any public park area, public beach area or adjacent rights-of-way to any public park area of the city without first obtaining approval as provided below:

- (1) Concessions to sell such items may be permitted, subject to an award of an appropriate contract; or
- (2) Written approval has been obtained from the city manager or designee pertaining to the sale of such items in conjunction with special events or occasions which are sponsored, cosponsored or administered by the city.

(Code 1953, § 40-59; Ord. No. C-1536, § 1, 4-21-59; Ord. No. C-68-31, § 1, 4-2-68; Ord. No. C-83-35, § 1, 2-15-83; Ord. No. C-12-15, § 2, 5-1-12)

Sec. 19-4. Fort Lauderdale Aquatic Complex—Authority to lease.

The city manager or his designee is hereby empowered to lease the Fort Lauderdale Aquatic Complex (exclusive of the Swimming Hall of Fame shrine) for periods not to exceed seven (7) days and to execute such leases only on forms approved by the city attorney.

(Code 1953, § 2-5.1; Ord. No. C-67-3, § 1, 1-17-67; Ord. No. C-88-8, § 1, 2-2-88; Ord. No. C-12-15, § 4, 5-1-12)

Sec. 19-5. Same—Authority to contract for concession rights.

The city manager or his designee is hereby empowered to contract for concession rights at the Fort Lauderdale Aquatic Complex for a term not to exceed seven (7) days and to execute such contracts only on forms approved by the city attorney.

(Code 1953, § 2-5.2; Ord. No. C-69-99, § 1, 12-16-69; Ord. No. C-88-8, § 2, 2-2-88; Ord. No. C-12-15, § 5, 5-1-12)

Sec. 19-6. War Memorial Auditorium.

- (a) The city commission of the city does hereby designate the following described lands in Holiday Park in the city as a site for the War Memorial Auditorium of the city:

Beginning at a point fifty (50) feet south of the centerline of Northeast Tenth Street and on the east property line of Northeast Tenth Avenue; thence southerly eight hundred sixty (860) feet to a point which will be the northeast corner of proposed described property; thence continue southerly seven hundred (700) feet to a point; thence westerly four hundred twenty-five (425) feet to the east right-of-way line of Park Drive; thence northerly seven hundred (700) feet to a point on the east property line of such Park Drive; thence easterly four hundred twenty-five (425) feet to a point being the northeast corner of described tract; thence northerly eight hundred sixty (860) feet to the point of beginning; located in Holiday Park, a resubdivision in Progresso, Fort Lauderdale, Florida, and containing six and eighty-three-hundredths (6.83) acres.

- (b) The War Memorial Auditorium is hereby declared to be a public auditorium, known and designated as public property, to be used by the public under such reasonable rules and regulations as the city commission may prescribe.

(Code 1953, §§ 2-37, 2-38; Ord. No. C-1044, §§ 2-30, 2-31, 6-15-54)

Sec. 8-53. Recreational facilities permit; parking areas.

The designation of a recreational facility for which the beach and park may be used, and upon which part of such property an improvement is to be located, shall be made by the city commission of the city, and such use or permit shall be granted only by ordinance of the city passed at two (2) separate regular meetings of the city commission. Nothing in this section shall prohibit the city from using any part of the premises except the designated beach as a municipal parking area operated under the jurisdiction of the city, which can be free or for charge; provided, however, that nothing contained in this section shall be construed so as to prohibit the construction or operation of a fishing pier or any part of the premises dedicated herein as public beach and park.

(Ord. No. C-918, § 4, 3-9-53; Code 1953, § 9-12.4; Ord. No. C-15-20, § 1, 6-2-15)

Sec. 8-54. Temporary concessions for special events.

In conjunction and with the city-approved outdoor events taking place on public beaches or adjacent rights-of-way, the city commission may, grant approval for the sale of food and nonalcoholic beverages in such locations and subject to such conditions as may be specified.

(Code 1953, § 9-38; Ord. No. C-82-113, § 1, 11-16-82; Ord. No. C-87-82, § 2, 11-3-87; Ord. No. C-12-13, § 1, 5-1-12)

Sec. 8-55. Temporary beach license agreements.

The city commission may, by motion, grant approval for the execution of a temporary license agreement between the city and any person, by which the person may be authorized to provide entertainment to the public, or advertise, promote or distribute products or services, on designated portions of the public beaches, at such times and subject to such conditions as may be prescribed in the agreement. No sale of any item, product or service will be permitted in connection with said activities, except as provided pursuant to section 8-54.

(Code 1953, § 9-39; Ord. No. C-84-7, § 2, 1-17-84; Ord. No. C-90-54, § 3, 9-5-90)

Sec. 8-55.1. Recreation concessions.

- (a) The city commission may grant concessions for recreational purposes on that portion of the city's public beach described in section 8-71 provided that the city commission finds that the proposed concession operation meets the following requirements:
- (1) The proposed concession operation promotes the recreational use of the public beach.
 - (2) The proposed concession operation will have no adverse impact upon pedestrian or vehicular traffic.
 - (3) The proposed concession operation will have no adverse impact upon accessibility and use of the beach by the general public.
 - (4) The proposed concession operation will have no adverse impact upon marine life, air quality, water quality or vegetation.
 - (5) The proposed concession operation will be compatible with the public's use of adjacent beach areas.
- (b) All proposed concessions approved by the city commission will be awarded on the basis of competitive bidding; however, the city commission may authorize a test period for a proposed recreation concession for a period not to exceed one (1) year without the necessity of competitive bidding.

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- (c) No recreational concession authorized herein shall place a permanent or a temporary structure on the beach at any time between sunset and sunrise of the following day unless specifically approved by the city commission and unless such structure has all required permits.
 - (d) Any person awarded a concession shall enter into a written agreement with the city providing for, among other things, the compensation to be paid to the city for said concession and for the provision of a certificate of insurance to the city satisfactory to the risk manager, such insurance to include comprehensive general liability coverage in such amounts as determined by the city's risk manager and naming the city as an additional insured. The agreement shall further provide that the concessionaire will indemnify and hold harmless the city for any damage to persons or property which might occur during or as a result of the operation of the concession. Under no circumstances shall the term of the concession agreement exceed five (5) years.

(Ord. No. C-90-54, § 4, 9-5-90; Ord. No. C-12-13, § 2, 5-1-12 ; Ord. No. C-15-20, § 1, 6-2-15)

Sec. 8-55.2. Franchises.

- (a) The city commission may grant franchises for a term not to exceed five (5) years on the public beaches. Franchises shall be granted for the rental of beach cabanas, umbrellas, chairs, windbreakers, dugouts and rafts. The holder of a franchise granted hereunder may be permitted storage on the public beach of said equipment and temporary storage sheds of a type specified by the city commission in a franchise agreement.
- (b) All franchises granted hereunder shall be awarded by competitive bid pursuant to the pursuant code. The franchisee shall enter into a written agreement with the city providing for, among other things, the compensation to be paid to the city for the franchise and for the provision of a certificate of insurance on such terms, amounts and coverages as shall be specified by the city's risk manager and naming the city as an additional insured. The agreement shall further provide that the franchisee shall indemnify and hold harmless the city for any damage or injury to person or property which might occur during or as a result of the operation of the franchise.

(Ord. No. C-90-54, § 5, 9-5-90; Ord. No. C-12-13, § 3, 5-1-12)

Sec. 8-55.3. Recreational programs/services.

Recreational programs and/or services on the public beach will be administered as described in sections 19-1, 19-2, 19-3.

(Ord. No. C-12-13, § 4, 5-1-12)

Sec. 8-55.4. Food and non-alcoholic beverage service.

Notwithstanding anything in the Code of Ordinances or the parks and recreation rules and regulations to the contrary, a program is hereby created to provide for food and non-alcoholic beverage service on portions of the beach more specifically described as:

All that portion of land lying south of the north line of Section 6, Township 50 South, Range 43 East, and north of the south line of Tract 39 "Bahia Mar", according to the plat thereof recorded in Plat Book 35, page 39, of the public records of Broward County, Florida, lying east of State Road A-1-A and lying west of the Atlantic Ocean.

Less and except:

The south nine hundred seventy-nine (979.0) feet, as measured at right angles, of the north one thousand five hundred fifty-one and one-half (1,551.5) feet of said Section 6, lying east of State Road A-1-A and lying west of the Atlantic Ocean.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

- (a) *Permit.*
- (1) It shall be unlawful to provide food and non-alcoholic beverage service on portions of the beach described above without a permit.
 - (2) A permit to provide food and non-alcoholic beverage service will be issued to service providers in accordance with the requirements set forth in this section.
 - (3) In order to limit the impact of vehicular traffic and parking on the beach, no motorized vehicles shall be used in the delivery of food and beverages. Therefore, in order to participate in the program, applicants must be located within one-eighth ($\frac{1}{8}$) of a mile (six hundred sixty (660) feet) of a lifeguard stand in the area of the beach described above.
 - (4) All applicants must be properly licensed by the State of Florida Department of Business and Professional Regulation Division of Hotel and Restaurants or such applicable successor agency, for food service and delivery.
- (b) *Administration.* The development services department shall be responsible for the administration and issuance of permits pursuant to the program.
- (c) *Requirements.*
- (1) Each permit holder shall be required to pay a one thousand dollar (\$1,000.00) annual fee.
 - (2) All service providers shall wear uniforms and name tags that identify the permit holder they are representing as more specifically set forth in the city's permit application.
 - (3) All permit holders shall use standard recycled food and beverage containers, cutlery and condiments that identifies where the order originated as more specifically set forth in the city's permit application.
 - (4) All permit holders shall have consistent service hours daily as detailed in the permit application.
 - (5) All permit holders shall be responsible for continuous cleanup of trash generated as a result of their service.
 - (6) Each permit holder shall furnish the city with insurance naming the city as an additional insured in an amount more specifically set forth in the permit application and as approved by the city's risk manager.
 - (7) Each permit holder will provide the city with an indemnification and hold harmless release of the city and its authorized agents and employees from and against any and all claims and costs arising out of or related to the permit holder's activities, as more specifically set forth in the permit application.
 - (8) Each permit holder will be required to comply with all applicable federal, state and local laws.
- (d) *Temporary suspension.* In the event the portion of the beach described herein will be used for an approved special event, maintenance or repairs, the city may temporarily suspend permit holder's services during such time period upon prior written notice to permit holder. Upon the issuance of a severe storm, tropical storm or hurricane warning by the National Weather Service, the city may suspend permit holder's services without any prior written notice.
- (e) *Penalties; permit revocation.* The city shall have the right to deny, suspend or revoke the permit for noncompliance with any of the requirements of this section. Permit holders shall be required to correct any failure to comply with any provisions of the permit after notice by the city and the city shall have the option to suspend or revoke the permit for failure to comply after written notice. Permit holders whose permit is

revoked for any reason shall not be eligible to reapply for a new permit. If a permit holder or applicant continues to provide services pursuant to this section after notice of denial, suspension or revocation of the permit, they may be subject to the penalties in section 1-6 of this Code. Each day the violation exists shall constitute a separate violation under this article and shall be punishable as such.

(Ord. No. C-15-18, § 2, 6-2-15 ; Ord. No. C-22-13 , § 4, 4-19-22)

Editor's note(s)—Effective Sept. 8, 2015

Sec. 8-55.5. High impact events on beach property.

(a) *Definitions.*

- (1) Barrier island means and includes beach property as defined herein, up to and including the westernmost bank of the intracoastal waterway to the west. Southeast 17th Street to the south and Northeast 42nd Court to the north.
- (2) Beach property means and includes the public bathing beach or beaches on the waters of the Atlantic Ocean in the city extending from the north line of Government Lot 3, Section 12, Township 50 South, Range 42 East extended to the Atlantic Ocean on the south to the northern boundary line of Section 31, Township 49 South, Range 43 East on the north and from North Atlantic Boulevard (State Road A-1-A) on the west to the waters of the Atlantic Ocean on the east, save and except therefrom that area bounded on the east by the waters of the Atlantic Ocean, on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundaries thereof as described in those instruments recorded at Deed Book 372, Page 360 and Official Records Book 1213, Page 643 of the Public Records of Broward County, Florida, said instruments being on file in the office of the city clerk, and said area generally known as Bonnet House Private Beach, being seven hundred (700) feet of privately owned beach, unencumbered by any public beach easement rights and further excepting therefrom that area shown as Sand Beach on the plat of Lauderdale Beach as recorded in Plat Book 4, Page 2, of the Public Records of Broward County, Florida, which extends from the northern boundary line of Section 31, Township 49 South, Range 43 East on the south to the north boundary line of Oakland Park Beach Boulevard extended to the waters of the Atlantic Ocean on the north and from the east boundary line of Blocks 12, 13, Vista Park, 14, C, D, 15, 16, 17, 18 and 19 of Lauderdale Beach Subdivision as recorded in Plat Book 4, Page 2 of the Public Records of Broward County, Florida, on the west to the waters of the Atlantic Ocean on the east, and it is hereby known and designated as "Fort Lauderdale Beach" and is hereby declared to be a public municipal beach and recreational area for the use of the public in general, including the westernmost sidewalk of State Road A-1-A.
- (3) Cooler means a container designed for or capable of carrying or storing foods and beverages in cans or bottles.
- (4) High impact event means an event or gathering on beach property in the City of Fort Lauderdale during which one (1) or more of the following occur:
 - a. An event, activity or period of time that generates a significant spike in social media conversations, increasing audience impressions, and attention on the city, which is expected to generate attendance by more than five thousand (5,000) people for an area of beach property;
 - b. City parking lots and garages in an area within a 15-block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
 - c. An event is held pursuant to a special event permit which is expected to result in attendance by more than twenty-five thousand (25,000) people on beach property;

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- d. A maintenance of traffic plan would be required, or is required (e.g., including, but not limited to, street closures, lane closures, shuttle service) based upon the high impact event, or pursuant to a special event permit;
 - e. Hotel occupancy levels are anticipated to be greater than eighty-five (85) percent in the city; or
 - f. Law enforcement mutual aid or other assistance from outside law enforcement agencies is required to provide for the safety and well-being of residents and visitors to the beach property.
- (b) *City manager's authority to impose immediate measure(s) for high impact events.* Whenever the city manager determines that a high impact event on beach property will occur, or is in progress, one (1) or more of the following immediate measures may be imposed for beach property and the barrier island or a portion thereof, to protect the beach property from damage and property degradation and in order to protect the health, safety, and welfare of the general public:
- (1) The prohibition of coolers.
 - (2) The prohibition of any inflatable devices.
 - (3) The prohibition of tents, tables, and similar structures.
 - (4) The limitation of live or amplified music.
 - (5) The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.
 - (6) The establishment of occupancy limits for different segments of beach property, and prohibiting access to those areas that have reached those occupancy limits.
 - (7) The prohibition of any consumption of alcohol on the beach property.
 - (8) Notwithstanding Chapter 27, Article VII, Division 2 of the Code, the prohibition or limitation of dockless scooters and other dockless mobility programs on the barrier island as defined herein.
- (c) *Notification of high impact event measures.* When one (1) or more immediate measures are implemented by the city manager pursuant to subsection b., above, such measures, and their duration, shall be filed with the city clerk and delivered to all appropriate news and social media for publication and to local radio and television stations for broadcast. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.
- (d) *Enforcement penalty.* Any refusal to comply with the measures imposed pursuant to subsection 8-55.5(b), above, may be punished as provided in section 1-6 of this Code.
- (Ord. No. C-18-02 , § 1, 2-6-18; Ord. No. C- C-19-03 , § 1, 2-19-19)

Sec. 2-63. Authority to lease city property.

Except when otherwise specified within this Code, the city manager is hereby empowered to lease city property for periods not exceeding one (1) year, and to execute such leases upon forms bearing the approval of the city attorney and the attestation of the city clerk. The city manager shall provide to the city commission a monthly report of any and all leases that, individually, exceed an annual amount of fifty thousand dollars (\$50,000.00), that were entered into pursuant to this section during the previous month.

(Code 1953, § 2-5.4; Ord. No. C-79-32, § 1, 4-17-79; Ord. No. C-14-19, § 1, 4-15-14)

Sec. 2-64. Authority to grant concession rights in or upon city property.

Except when otherwise specified within this Code, the city manager or his designee is hereby empowered to grant concession rights in or upon city property for periods not exceeding one (1) year and to execute agreements granting such concession rights upon forms bearing the approval of the city attorney and the attestation of the city clerk. The city manager shall provide to the city commission a monthly report of any and all agreements granting concession rights that, individually, exceed an annual amount of fifty thousand dollars (\$50,000.00), that were entered into pursuant to this section during the previous month.

(Code 1953, § 2-5.5; Ord. No. C-79-32, § 2, 4-17-79; Ord. No. C-14-19, § 2, 4-15-14)

Sec. 2-176. Application and exclusions.

- (a) *Unauthorized purchases.* No officer of the city shall, except in cases of emergency as specified herein, issue any oral or written purchase order, contract, or conduct open market purchases in any manner unless specifically authorized by this article.

The city shall not be bound by purchases made without proper authorization or in any unauthorized manner.

Except as provided in this division, it shall be unlawful for any city officer or employee under the supervision of the city manager to order the purchase of any materials or supplies or make any contract for municipal materials or supplies or services within the purview of this division other than through the central purchasing organization, and the city shall not be bound by any purchase order or contract made contrary to the provisions of this division.

- (b) *Requisition-purchase authorization.* Except in cases of emergency, no request and process of any requisition-purchase authorization (RPA) for any order shall be made if there are insufficient unencumbered funds in the appropriate account to be charged, and the city's shall not pay any RPA when there are insufficient unencumbered appropriation balances, in excess of all unpaid obligations.
- (c) *Prohibition against subdivision.* No contract or purchase shall be subdivided to avoid the requirements of this article and the Procurement Manual.
- (d) *Competitive solicitation and selection.* The competitive solicitation and selection process provisions of this article shall apply to every purchase by the city commission and the departments that are under the control of the city commission, irrespective of their fund source, including state and federal assistance monies and grants, except as otherwise specified in this article, or by federal, state or local laws or grant terms and conditions, or as follows:
- (1) Emergency procurements as defined herein.
 - (2) Sole source and proprietary procurements as defined herein.
 - (3) Real property (land or buildings) purchase, lease or rental.
 - (4) Insurance and insurance-related products.
 - (5) Works of art for public places.
 - (6) Goods and/or services accepted by the city via grant, gift, or bequest.
- (e) *Exclusions.* The mandatory commission approval amount and the competitive solicitation and selection processes set forth in this article shall not apply to the following:
- (1) Contracts with, and purchases from, other public entities, i.e.: public state colleges, public state universities, federal government agencies, state governments, county governments, city governments, government school boards, county sheriff's offices, and other government entities.
 - (2) Utilities, including water, wastewater, sewer, gas, electric, or other utilities as defined by law.
 - (3) Cable and satellite television services.
 - (4) Magazine subscriptions, periodicals, and publications.
 - (5) Membership dues for trade or professional organizations.
 - (6) Travel and training expenses for employees.
 - (7) Items purchased for resale.

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- (8) Advertisement: radio, newspapers, magazines, professional organizations, trade shows, television, and any other related media.
 - (9) Shipping services, including postage, overnight delivery, and courier services.
 - (10) Copyrighted materials or patented works, including books, maps, periodicals, testing or instructional materials.
 - (11) Governmental fees.
 - (12) Regulatory or government licenses and permits.
 - (13) Real estate transaction-related costs, including:
 - a. Closing/processing fees.
 - b. Abstracts of titles.
 - c. Title insurance.
 - (14) Durable medical equipment (DME).
 - (15) Professional services, including:
 - a. Court reporter services.
 - b. Medical services, including wellness activities and pharmacy services.
 - c. Animal services, including veterinary services and the acquisition or training of animals.
 - d. Legal services.
 - e. Expert witnesses.
 - f. Entertainers.
 - g. Teaching, training and specialized services.
 - h. Recreational program instructors.
 - i. Professional services when used by the city in the settlement and administration of workers' compensation and liability claims, such as:
 1. Private investigators and workplace investigators.
 2. Claim adjusting services.
 - (16) On-going maintenance and support of existing software/hardware and on-going maintenance, monitoring, and support of existing security software and hardware and alarm software and hardware.
 - (17) Purchases of goods or services for which the provisions of this article are waived by the city commission by resolution.
 - (18) Direct material purchases. Purchases of materials, equipment, prefabricated elements and components, appliances, fixtures, and other goods, pursuant to a program contained in a construction contract that has been awarded in accordance with any provision of this article, whereby the city makes such purchases directly.
 - (19) Services provided by, or in partnership with, institutions of higher learning, not-for-profit organizations, state sponsored institutions, and other governmental and public agencies.
 - (20) Purchases from contracts established by local, state, or national cooperative procurement organizations, Federal General Services Administration, and the State of Florida contracts.

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- (21) Purchase for services and facilities at hotels, motels, restaurants and similar facilities for city sponsored events.
 - (22) Products purchased from the blind, and other severely impaired persons (RESPECT) in accordance with F.S. §§ 413.032, 413.033 and 413.036.
 - (23) Products purchased from the Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), in accordance with F.S. § 946.515.
 - (24) Publications from publishers or exclusive distributors of such publications.
 - (25) Media such as movies, slides, videos, and similar forms of media.
 - (26) Banking, financial custodial, merchant card, and other related services.
 - (27) Cemetery merchandise including markers, temporary markers, granite base, inscriptions, vaults, urns, monuments, benches, vases, mausoleum light kits, cameos, and cemetery mausoleums.

(Ord. No. C-17-26 , § 4, 9-6-17; Ord. No. C-19-11 , §§ 3, 4, 6-4-19; Ord. No. C-20-46 , § 9, 1-5-21)

**SECTION 3 – APPLICABLE
BROWARD COUNTY CHARTER PROVISIONS**

Sec. 8.05. Broward County Planning Council; powers and function.

- A. The Planning Council shall employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties authorized by this Charter.
- B. Any local governmental entity may request, and the Planning Council may furnish, any technical and staff assistance to the local governmental entity. The local governmental entity shall reimburse the County for the Planning Council's direct costs.
- C. The Planning Council shall adopt, and amend from time to time, a uniform countywide general zoning glossary of terms in consultation with other governmental entities. The zoning glossary shall be contained in the County Land Use Plan, as may be amended from time to time. Other governmental entities within the County may specify specific prohibited or permitted uses or various other restrictions as may be deemed necessary to be in the best interest of the governmental entity.
- D. A governmental entity shall submit to the Planning Council its land use plan, or amendments thereto, for review. No later than sixty (60) days from the date of submission, the Planning Council shall hold a public hearing to consider that plan for inclusion in the County Land Use Plan and/or certification. The Planning Council shall take into consideration such factors as: professional service employed, consideration given to utilities and adjoining areas with regard to impact on roads and general environmental quality, sufficient notice to surrounding areas and proper opportunity for the public to review and comment on the proposed Plan. The Planning Council may, at this hearing or a subsequent regular meeting, by a simple majority of its membership, adopt or reject such inclusion and/or certification of, or amendment to, such governmental land use plan. The Planning Council shall state its reasons for rejection, alterations or modifications in writing to the affected governmental entity. Following at least one (1) public hearing at which the proposed amendment is considered, the Planning Council may propose amendments to the County Land Use Plan at any time.
- E. In the event that a plan prepared and adopted by a governmental entity is determined upon review, analysis and determination by the Planning Council to be rejected, in accordance with Section 8.05 D, such reasons for rejection shall also be in writing. If the governmental entity's plan is in substantial conformity with the County Land Use Plan, it shall be deemed certified. Until such time as the governmental entity's plan is in substantial conformity with the County Land Use Plan, as interpreted by the Planning Council, the County Land Use Plan will be the effective plan for the governmental entity involved. If a governmental entity fails to submit a plan in due course, then the County Land Use Plan will be effective.
- F. The Planning Council shall make such rules and regulations covering certification, appeals, amendments to the County Land Use Plan, and all other pertinent matters. The Planning Council shall also adopt such reasonable rules of procedure to govern the conduct of its meetings and the performance of its duties.
- G. Zoning as to permitted uses and densities within the boundaries of a governmental entity shall comply with the County Land Use Plan as adopted, and as may be amended, from time to time, and the governmental entity's own land use plan as certified according to this section. A governmental entity may adopt more restrictive zoning as to permitted uses and densities than those provided for in the County Land Use Plan or the plan certified by the Planning Council.
- H. The Planning Council shall serve as the Local Planning Agency for the County Land Use Plan.
- I. The Planning Council shall maintain the County Trafficways Plan.
- J. The Planning Council shall perform such other responsibilities as the County Commission shall assign or as required by this Charter.

(Election of 11-6-18)

Sec. 11.01. Conflict of County ordinances with Municipal ordinances.

Any County ordinance in conflict with a Municipal ordinance shall not be effective within the Municipality to the extent that a conflict exists regardless of whether such Municipal ordinance was adopted or enacted before or after the County ordinance. A County ordinance shall prevail over Municipal ordinances whenever the County acts with respect to the following:

- A. Sets minimum standards protecting the environment through the prohibition or regulation of air or water pollution, or the destruction of resources in the County belonging to the general public.
- B. Land use planning.
- C. Regulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics.
- D. The development of transportation improvements, funded in whole or in part with transportation surtax proceeds, on County-owned or County-leased property, including through County regulation of zoning, permitting, construction, operation, or administration. This provision shall not apply to any County transportation improvement project that is located in an area zoned residential as of June 16, 2020, unless (1) the construction thereof commenced on or before June 16, 2020, or (2) the municipality agrees to modify such zoning or takes such other action that would permit the intended County use. Prior to exercising its power under an ordinance enacted pursuant to this provision, the County: (1) shall conduct a public meeting during which it shall be available to discuss with the municipality(ies) in which the project is located the proposed transportation improvement and seek to achieve consensus on any disputed issue(s); and (2) shall determine by a vote of a majority plus one (1) of the total membership of the County Commission that (a) the County considered other potential sites for such transportation improvement, including all sites proposed to the County by affected municipality(ies), and selected the site that, on balance, provides the greatest regional benefit, and (b) if the transportation improvement is to be located in an area in which the exteriors of then-existing buildings display a consistent aesthetic theme, the exterior of the transportation improvement is consistent with that theme to the greatest extent practicable.

In the event a County ordinance and a Municipal ordinance shall cover the same subject matter without conflict, both the Municipal ordinance and the County ordinance shall be effective.

(Election of 11-3-2020)