

**PROPOSED**

## ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ZONING; AMENDING SECTIONS 39-4, 39-249, 39-263, AND 39-272 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR DEFINITIONS AND ACCESSORY DWELLINGS AS A PERMITTED USE IN CERTAIN DISTRICTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 39-4 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-4. Definitions.**

*Accessory ~~B~~building or ~~S~~structure:* A separate, subordinate building or structure devoted to an accessory use on the same plot with a building which is occupied by, or devoted to a principal use.

*Accessory dwelling:* An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same building or structure devoted to a principal use, or on the same plot with a building or structure that is occupied by or devoted to a principal use.

...

Section 2. Section 39-249 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-249. Uses permitted.**

Plots in agricultural districts may be used for one (1) or more of the following specified uses:

*Key to abbreviations:*

P = Permitted

NP = Not Permitted

C = Conditional Use

*Permitted Uses*

*A-1*

*A-2*

...

*Permitted accessory uses to a 1-family dwelling*

Detached guest house or servants' quarters (no kitchen)

P

P

Accessory dwelling

P

P

...

Section 3. Section 39-263 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-263. Uses permitted.**

Plots in rural and estate districts may be used for one (1) or more of the following specified uses:

~~Key to abbreviations~~ Key to abbreviations:

P = Permitted

NP = Not Permitted

46	C = Conditional Use				
47	<i>Permitted Uses</i>	<i>E-1</i>	<i>E-2</i>	<i>Rural</i>	<i>Rural</i>
48				<i>Estate</i>	<i>Ranches</i>
49	...				
50	<i>Permitted accessory uses to a 1-family dwelling</i>				
51	Detached guest house or				
52	servants' quarters (no				
53	kitchen)	P	P	P	P
54	<u>Accessory dwelling (subject</u>				
55	<u>to Section 39-272)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
56	...				

57 ...

58 Section 4. Section 39-272 of the Broward County Code of Ordinances is hereby  
59 created to read as follows:

60 [Underlining omitted]

61 **Sec. 39-272. Accessory dwelling.**

62 (a) The maximum size of an accessory dwelling shall not exceed fifty percent  
63 (50%) of the principal structure, but not less than five hundred (500) square feet.

64 (b) Only one (1) accessory dwelling shall be permitted per single family lot.

65 (c) An accessory dwelling shall have at a minimum one (1) bedroom, one (1)  
66 bathroom, and a separate entrance from the outside.

67 (d) One (1) off-street parking space shall be provided per bedroom, in addition  
68 to the parking that may be required pursuant to Section 39-228 of the Code.

69 (e) An application for a building permit to construct an accessory dwelling must  
70 include an affidavit from the applicant attesting that the accessory dwelling will be rented  
71 at an affordable rate to an extremely-low-income, very-low-income, low-income, or  
72 moderate-income person or persons, as defined in Section 420.0004, Florida Statutes,  
73 as amended.

74 Section 5. Severability.

75 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
76 portion will be stricken, and such striking will not affect the validity of the remainder of this  
77 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
78 legally applied to any individual, group, entity, property, or circumstance, such  
79 determination will not affect the applicability of this Ordinance to any other individual,  
80 group, entity, property, or circumstance.

81 Section 6. Inclusion in the Broward County Code of Ordinances.

82 It is the intention of the Board of County Commissioners that the provisions of this  
83 Ordinance become part of the Broward County Code of Ordinances as of the effective  
84 date. The sections of this Ordinance may be renumbered or relettered and the word  
85 "ordinance" may be changed to "section," "article," or such other appropriate word or  
86 phrase to the extent necessary in order to accomplish such intention.

87 Section 7. Effective Date.

88 This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 07/29/2022  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By: /s/ Maite Azcoitia 07/29/2022  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Accessory Dwelling Units Ordinance  
08/01/2022  
#60049-0199

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.