

PROPOSED

ORDINANCE NO. 2020-

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 PERTAINING TO ZONING; AMENDING VARIOUS
4 SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY
5 CODE OF ORDINANCES ("CODE"); PROVIDING FOR
6 DEFINITIONS, BUILDING AND STRUCTURE HEIGHTS,
7 NOTICE OF PUBLIC HEARING REQUIREMENTS, AND
8 REGULATIONS RELATED TO SIGNAGE AND
9 NONCONFORMING BUILDINGS, USES, AND
10 STRUCTURES; INCORPORATING STORM AND
11 HURRICANE PROTECTION REGULATIONS OF THE
12 FLORIDA BUILDING CODE; PROVIDING GENERAL
13 UPDATING AMENDMENTS; AMENDING SECTION 8½-16
14 OF THE CODE REGARDING THE SCHEDULE OF CIVIL
15 PENALTIES FOR ZONING-RELATED VIOLATIONS; AND
16 PROVIDING FOR SEVERABILITY, INCLUSION IN THE
17 CODE, AND AN EFFECTIVE DATE.

18 (Sponsored by the Board of County Commissioners)

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

21 Section 1. Chapter 39 of the Broward County Code of Ordinances is hereby
22 amended to replace each instance of "off-street" with "offstreet" and to replace each
23 instance of "single-family" with "single family."

24 Section 2. Section 39-4 of the Broward County Code of Ordinances is hereby
amended to read as follows:

Sec. 39-4. ~~Terms defined~~ Definitions.

...

1 *Adult Entertainment Establishment:* An adult arcade, adult theater, adult
2 bookstore, adult motel, adult dancing establishment, encounter studio, or other
3 establishment, other than a private residence, where an employee, operator, owner,
4 customer, member, or patron exposes any of his or her specified anatomical areas for
5 viewing by other patrons; or where adult material is provided to customers, patrons, or
6 members, including, but not limited to, unlicensed massage establishments, ~~whether or~~
7 ~~not licensed~~ pursuant to Chapter 480, F.S., Florida Statutes; tanning salons; modeling
8 studios; or lingerie studios. For the purposes of this code, alcoholic beverage
9 establishments providing adult entertainment shall be included in the definition of an
10 "adult entertainment establishment." This definition shall not include educational
11 centers, where the exposure of specified anatomical areas is associated with a
12 curriculum or program.

13 . . .

14 *Building:* Any structure having a roof and used or built for the shelter or enclosure
15 of persons, animals, or property of any kind. The word "building" shall include the word
16 "structure."

17 *Canopy, portable:* A portable, nonpermanent structure typically made of silk,
18 cotton, canvas, fabric, or similar pliable material, intended to provide protection from the
19 outside elements and that is typically removed after a brief period of use.

20 . . .

21 *Dwelling, ~~Two-Family, also duplex:~~* A building containing two (2) one-family
22 dwellings within a single building. Two-family dwellings shall not include group homes;
23 adult congregate living facilities; rooming or boarding houses; or dormitory, fraternity,
24 or sorority buildings ~~or facilities.~~

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 underscoring type are additions.

1 . . .

2 *Industrially zoned property:* Any land or water area ~~which~~ that has a zoning
3 district classification of M-1, M-2, M-3, or M-4 under this code.

4 *Irreparable; irreversible:* A condition that causes harm, damage, injury, or
5 change that is incapable of correction, repair, or return to an original condition; or a
6 condition that cannot otherwise be remediated because the harm sought to be
7 prevented is transitory in nature or the violation constitutes a single prohibited act, rather
8 than an ongoing circumstance, and has already occurred.

9 . . .

10 *Massage establishment:* Any shop, parlor, establishment, or place of business
11 wherein all or any one (1) or more of the following named subjects and methods of
12 treatments are administered or practiced:

13 . . .

14 (2) ~~Nothing in~~ Irrespective of whether any of the foregoing treatments are
15 administered or practiced, sites providing services by the following
16 individuals are not massage establishments for purposes of this code ~~shall~~
17 ~~be construed as applying to:~~ State of Florida licensed barbers,
18 cosmetologists, manicurists, pedicurists, physical therapists, physical
19 therapists' assistants, midwives, or practical nurses₁; agents, servants₁ or
20 employees in licensed hospitals ~~or~~₁ nursing homes₁ or other licensed
21 medical institutions₁; licensed physicians, osteopaths, chiropractors,
22 podiatrists, naturopathic physicians₁ or other licensed medical
23 practitioners, ~~or as an accessory use to fitness centers or gymnasiums₁~~
24 ~~or~~ their agents, servants₁ or employees of the previously listed licensed

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1 individuals and while acting in the course of such agency, service, or
2 employment; or as an accessory use to fitness centers or gymnasiums.

3 . . .

4 *Nonresidential zoning districts:* All zoning districts ~~except A-1, A-2, E-1, E-2,~~
5 ~~Rural Estates, Rural Ranches, residential PUD, residential PDD, R-1B, R-1C, R-1P,~~
6 ~~D-1, R-2, R-2P, RD-4 to RD-10, R-3, R-3U, R-5 RM-5 to RM-25, T-1, R-1T, RS-2 to~~
7 ~~RS-6~~ that do not permit residential uses as a primary use.

8 . . .

9 *Person:* Any individual, firm, association, joint venture, partnership, estate, trust,
10 business trust, syndicate, fiduciary, corporation, or any combination thereof, or other
11 entity.

12 *Petitioner:* Any person who files a petition with the Department or Division
13 pursuant to this code.

14 . . .

15 ~~*Plot Line, Front:* The line dividing a plot from a street or base building line,~~
16 ~~whichever will result in a lesser depth of plot. On a corner plot, the shorter of the~~
17 ~~two (2) front lines as above defined shall be considered to be the front plot line for the~~
18 ~~purposes of determining required plot width and required front yard depth. On a corner~~
19 ~~plot where both front plot lines as above defined are equal or within five feet of the same~~
20 ~~length, both such lines shall be considered to be front plot lines for the purposes of~~
21 ~~determining required street yard depth, unless the prevailing development pattern of the~~
22 ~~block and adjacent blocks would dictate otherwise, as determined by the Division~~
23 Director. On through lots, both front plot lines ~~as above defined~~ shall be considered to
24 be front plot lines for the purpose of determining required yards.

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1 . . .

2 ~~Residentially Zoned District: A-1, A-2, E-1, E-2, D-1, Rural Estates, Rural~~
3 ~~Ranches, RD-4 through RD-10, RS-2 through RS-6, RM-5 through RM-25, R-1B, R-1C,~~
4 ~~R-1P, R-2P, R-2, R-3, R-5, T-1, R-1T, shall constitute residentially zoned districts in~~
5 ~~the unincorporated areas of Broward County, as well as any district in any municipality~~
6 ~~which, any district that permits residences as a principal use.~~

7 . . .

8 ~~Story: A habitable area of a building horizontally enclosed by the exterior walls of~~
9 ~~the building, with a vertical clearance between the floor and ceiling of at least seven and~~
10 ~~one-half (7½) feet. Any upper story which does not exceed two-thirds of the area of the~~
11 ~~first floor level shall not be considered a story except for determining the height of the~~
12 ~~building. For the purposes of determining the height of a building, a story shall be~~
13 ~~considered to be every ten (10) feet of building height above first floor level measured~~
14 ~~from the exterior elevation. For purposes of determining the height of a structure other~~
15 ~~than a building, a story shall be each ten (10) feet in height of the structure above the~~
16 ~~established grade.~~

17 . . .

18

19 Section 3. Section 39-17 of the Broward County Code of Ordinances is hereby
20 amended to read as follows:

21 **Sec. 39-17. Plans and surveys.**

22 (a) All applications for permits to construct a building or structure on
23 undeveloped property shall be accompanied by the following:

24

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 underscored type are additions.

1 (1) A Two (2) site plans ~~in triplicate~~, drawn to a scale of a minimum one (1)
2 inch equals fifty (50) feet, showing the actual dimensions of the plot
3 involved in the application, the location of the structure proposed, yards
4 ~~and~~₁ setbacks, easements₁ and rights-of-way, as well as such other
5 pertinent information as may be necessary for the enforcement of this
6 code.

7 (2) ~~Three (3)~~ Two (2) sealed copies of a boundary survey. Such survey shall
8 indicate all easements and rights-of-way of record.

9 (3) ~~Three (3)~~ Two (2) sets of floor plans drawn to a minimum scale of
10 three-eighths (3/8) inch equals one (1) foot₁ and three (3) sets of elevation
11 plans of all proposed buildings and structures drawn to a minimum scale
12 of three-sixteenths (3/16) inch equals one (1) foot.

13 (b) All applications for permits to construct a new building or structure on
14 developed property, or to add to or alter an existing building or structure, including
15 construction or erection of signs, dumpster enclosures, landscaping, or ~~off-street~~
16 offstreet parking facilities, shall be accompanied by the following:

17 (1) A Two (2) site plans ~~in triplicate~~, drawn to a scale of a minimum one (1)
18 inch equals fifty (50) feet, showing the actual dimensions of the plot
19 involved in the application, all existing buildings and structures on the plot,
20 and all proposed new construction, yards, setbacks, easements₁ and
21 rights-of-way, as well as such other pertinent information as may be
22 necessary for the enforcement of this code.

23
24
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1 (2) ~~Three (3)~~ Two (2) sealed copies of an as-built survey describing and
2 depicting the plot involved in the application and indicating all easements
3 and rights-of-way of record.

4 (3) ~~Three (3)~~ Two (2) sets of floor plans drawn to a minimum scale of
5 three-eighths (3/8) inch equals one (1) foot, and three (3) sets of elevation
6 plans of all proposed buildings and structures drawn to a minimum scale
7 of three-sixteenths (3/16) inch equals one (1) foot.

8 . . .

9
10 Section 4. Section 39-19 of the Broward County Code of Ordinances is hereby
11 amended to read as follows:

12 **Sec. 39-19. Certificates required.**

13 (a) Except for farms and farm buildings or structures, or parts thereof, No
14 commercially or industrially zoned building or structure, except farm buildings or
15 structures, or part thereof, or premises zoned or established as a legal nonconforming
16 use to permit any commercial or industrial use, except farms, or established as a legal
17 nonconforming use, existing as of the effective date of this code, which that undergoes
18 a change of occupancy or upon which a new or different use is established, shall be
19 occupied or used unless a certificate of use shall have been issued therefor. The
20 original of the certificate shall be posted at the business location at all times.

21 (b) *Temporary Certificates of Use.* A temporary certificate of use may be
22 issued for a maximum six (6) month period to a tenant in a shopping center or other
23 multiple tenant nonresidential building in cases where the portion of the building and
24 property occupied by such tenant complies with this code and all other applicable codes,

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1 but the remainder of the property is not in compliance with ~~Section 39-86,~~
2 "~~Nonconforming properties,~~" Section ~~39-226~~ 39-112, "Outdoor Lighting," Section ~~39-53~~
3 39-65, "Nonconforming signs," and the dumpster enclosure requirements of this code,
4 or where violations of this code exist that are the responsibility of other unrelated
5 tenants. Such temporary certificates of use may only be issued if:

6 . . .

7
8 Section 5. Section 39-26 of the Broward County Code of Ordinances is hereby
9 amended to read as follows:

10 **Sec. 39-26. ~~Applications~~ Petitions for rezoning and amendments.**

11 . . .

12 (b) All applicants for rezonings or amendments to developments of regional
13 impact shall complete a petition on forms prepared by the ~~Department~~ Division. A fee,
14 as approved by the Board of County Commissioners, shall be charged for all petitions,
15 other than those initiated by the Board of County Commissioners or the ~~Department~~
16 Division. A Local Planning Agency (LPA) public hearing shall be held no later than
17 one hundred twenty (120) days, or as soon thereafter as practicable, after acceptance
18 of a complete petition for rezoning or amendment to an existing development of regional
19 impact. The LPA shall make a recommendation to the Board of County Commissioners
20 on the petition. After the LPA public hearing, the statutorily-required public hearing(s)
21 will be held before the Board of County Commissioners. For petitions for rezoning and
22 amendments to developments of regional impact not initiated by the County, unless an
23 extension is requested by the Petitioner, ~~the~~ the public hearing(s) will be held before the
24 Board of County Commissioners no later than ~~forty-five (45)~~ one hundred eighty (180)

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1 days, ~~or as soon thereafter as practicable,~~ after the LPA public hearing acceptance of
2 a complete petition by the Division.

3
4 Section 6. Section 39-27 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 39-27. Notices of public hearing.**

7 . . .

8 (b) In addition to the requirements of State law, written notice of a public
9 hearing for any rezoning request shall be provided by the County at least twenty (20)
10 days prior to the public hearing in accordance with the following:

11 . . .

12 (4) All notices, ~~including sign notices,~~ provided by regular first class mail or
13 e-mail shall include the rezoning petition number; location and description
14 of the subject property; current zoning; proposed zoning; the date, time,
15 and place of the hearing; a phone number for the Planning and
16 Development Management Division, or successor agency; and an
17 explanation of the request; and

18 . . .

19 (6) In the event the notification area for a petition for rezoning of property that
20 is not used, or not to be used, as a dump, sanitary landfill, incinerator, or
21 resource recovery facility includes land declared to be a condominium or
22 homeowners' association under Chapter 718 or 720, Florida Statutes, then
23 notice to the condominium or homeowners' association shall constitute
24 notice; ~~and.~~

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1 Section 7. Section 39-36 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 39-36. ~~Applications~~ Petitions for hearings.**

4 (a) Any person desiring a quasi-judicial hearing before the hearing officer
5 shall ~~make application to~~ file a petition with the Division, on forms prepared by the
6 ~~Department~~ Division, to provide the hearing officer with the information necessary to
7 render a decision on any matter requested for hearing. The ~~p~~Petitioner shall be
8 responsible for the payment of all costs in connection with the ~~application~~ petition, as
9 established by the Board of County Commissioners in the Broward County
10 Administrative Code.

11 . . .

12 (d) The County shall schedule a public hearing on any request for variance or
13 appeal to an administrative decision within forty-five (45) days ~~of~~ after acceptance of
14 ~~any application~~ complete petition by the Division, or as soon thereafter as possible.
15 Unless an extension is requested by the Petitioner, in no event shall the public hearing
16 be held later than one hundred twenty (120) days after the acceptance of a complete
17 petition by the Division.

18
19 Section 8. Section 39-38 of the Broward County Code of Ordinances is hereby
20 amended to read as follows:

21 **Sec. 39-38. Notices.**

22 . . .
23
24

1 (b) *Notice to surrounding properties and others:* For any property for which a
2 variance is requested or that is the subject of an appeal of an administrative decision,
3 notice shall be provided by the County to surrounding properties and others as follows:
4 . . .

5 (7) ~~At least twenty (20) days prior to the hearing, the County shall post a sign~~
6 ~~upon the property so as to face, and be visible from, the street upon which~~
7 ~~the property is located. The sign shall be a minimum of three (3) feet by~~
8 ~~four (4) feet in size, shall include the information required by Section (e)~~
9 ~~below, and shall state the following:~~

10 ~~NOTICE OF QUASI-JUDICIAL PUBLIC HEARING~~

11 ~~VARIANCE OR APPEAL OF ADMINISTRATIVE DECISION~~

12 ~~The Division shall provide a notarized affidavit to the hearing officer stating~~
13 ~~that the sign was posted on the appropriate date. No permit shall be~~
14 ~~required for such sign. The sign shall remain posted on the property until~~
15 ~~an order has been rendered by the hearing officer.~~

16 (8) At least twenty (20) days prior to the hearing before the hearing officer,
17 notice of the hearing shall be given, in writing, to each County
18 Commissioner and to the County Administrator. In addition, a copy of the
19 application petition shall be forwarded to the Commissioner representing
20 the County Commission district within which the property is located.

21 Notice shall be provided by the Petitioner to surrounding properties and others by
22 posting a sign on the property at least twenty (20) days prior to the hearing. The sign
23 shall face, and be visible from, the street upon which the property is located. The sign
24 shall be a minimum of two (2) feet by three (3) feet in size and shall be titled as follows:

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1 NOTICE OF QUASI-JUDICIAL PUBLIC HEARING
2 VARIANCE OR APPEAL OF ADMINISTRATIVE DECISION

3 The sign shall include the petition number; the date, time, and location of the hearing;
4 and the telephone number of the Planning and Development Management Division, or
5 successor agency. The Petitioner shall provide a notarized affidavit to the Division,
6 including a photograph of the posted sign, stating that the sign was posted and the date
7 on which the sign was posted. No permit shall be required for such sign. The sign shall
8 remain posted on the property until an order has been rendered by the hearing officer.

9 (c) *Content:* All required notices, including sign notices, provided by regular
10 first class mail or e-mail shall contain the pPetitioner's name; location and description
11 of the property in question; the nature of the request; the code sections involved; the
12 time, date, and place of the hearing; the Commission Ddistrict; and the phone number
13 of the Division.

14 . . .

15
16 Section 9. Section 39-51 of the Broward County Code of Ordinances is hereby
17 amended to read as follows:

18 **Sec. 39-51. Definitions.**

19 . . .

20 *Sign face:* The surface upon, against, or through which the sign copy is displayed
21 or illustrated, not including structural supports, architectural features of a building or sign
22 structure, nonstructural thematic or decorative trim, or any areas that are separated
23 from the background surface upon which the sign copy is displayed by a distinct
24 delineation, such as a reveal or border.

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 underscoring type are additions.

1 Sign structure: Those structural elements that provide structural support and
2 location to a sign, but do not communicate or convey a message.

3 . . .

4
5 Section 10. Section 39-58 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-58. Exempt signs.**

8 The following signs are exempt from regulation under this article:

9 . . .

10 (g) Drive-through passageway permanent freestanding signage not
11 exceeding nine (9) feet in height and thirty (30) square feet in total sign
12 area and placed within the drive-through passageway. To be exempt, the
13 cumulative total of such signage within the drive-through passageway
14 shall not exceed seventy-five (75) square feet.

15
16 Section 11. Section 39-61 of the Broward County Code of Ordinances is hereby
17 amended to read as follows:

18 **Sec. 39-61. Signage in commercial, industrial, and all other zoned districts.**

19 . . .

20 (c) ~~Drive through passage way permanent freestanding signage.~~ Units
21 containing a drive through passage way may obtain a permit for additional permanent
22 freestanding signage not to exceed eight (8) feet in height and twenty-five (25) square
23 feet in total sign area per passage way. Such signs must be placed within the drive
24 through passage way. Gasoline pump canopies. The face of gasoline pump canopies

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1 may have signage occupying no more than eighty percent (80%) of the length of the
2 canopies.

3 . . .

4
5 Section 12. Section 39-65 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-65. Nonconforming signs.**

8 (a) *Nonconforming permanent signs.* Except as may otherwise be provided
9 within this article, §signs or sign structures that were lawfully permitted but that do not
10 comply with the provisions of this article shall be determined to be nonconforming and
11 may remain, subject to the requirements of this section and Article VII, "Nonconforming
12 Uses and Structures." ~~A written notice shall be served upon any sign owner or property~~
13 ~~owner where a sign is placed, if such sign does not comply with the provisions of this~~
14 ~~article. The notice shall advise of the status of the sign and the necessary procedure~~
15 ~~for obtaining a Certificate of Legal Nonconformity. A Certificate of Legal Nonconformity~~
16 ~~must be applied for within thirty (30) calendar days after the property owner or sign~~
17 ~~owner receives notice from the Division of nonconforming sign status. Certificates of~~
18 ~~Legal Nonconformity shall be renewed annually. A nonconforming sign or sign structure~~
19 may be refurbished, reinforced, or repaired, provided that no other structural alterations
20 are made. A nonconforming sign may be removed temporarily to perform sign
21 maintenance, reinforcement, or sign repair; however, permanent signs and sign
22 structures that are otherwise moved, removed, or replaced, ~~or structurally altered~~ must
23 be brought into conformance with the current sign regulations. Nonconforming
24 permanent signs and sign structures required to be moved because of public

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1 right-of-way improvements may be reestablished. Removable faces or sign panel
2 inserts in a cabinet style sign may also be changed by right, and such change does not
3 constitute a structural alteration nor cause loss of nonconforming status.

4
5 Section 13. Section 39-70 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-70. Repair, expansion, and reconstruction of buildings and structures used**
8 **for nonconforming uses.**

9 . . .

10 (c) *Repair, alteration, or enlargement of buildings and structures used for*
11 *nonconforming uses.* No building or structure utilized for a nonconforming use shall be
12 enlarged, extended, or structurally altered, unless the use is changed to a use ~~which~~
13 that complies with the provisions of this code; provided, however, that repairs and
14 maintenance may be carried out in any one (1) year period in an amount not to exceed
15 twenty-five percent (25%) of the assessed value of the building or structure for that
16 year, and further provided that such work does not increase the cubical content of the
17 building or the floor area devoted to the nonconforming use, nor increase the number
18 of dwelling units. Improvements required or permitted by Article VI, "Signs," Article VIII,
19 "Landscaping for Protection of Water Quality and Quantity," Article XVII, "Commercial
20 Districts," or Article XVIII, "Industrial Districts," shall be ~~exempt from this subsection~~
21 allowed, provided that the use is not enlarged or extended. Nothing herein shall prevent
22 compliance with applicable laws or statutes relative to the safety and sanitation of a
23 building occupied by a nonconforming use.

24
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1 Section 14. Section 39-74 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 39-74. Nonconformity other than use.**

4 (a) Nonconforming buildings and structures. The foregoing provisions of this
5 article are intended to apply only to nonconforming uses, and are not intended to apply
6 to uses permitted in the zoning district in which they are located in existing
7 nonconforming buildings and structures. Nonconforming buildings and structures shall
8 mean lawfully constructed buildings and structures, ~~and their plots, which~~ that do not
9 conform to this code insofar as height, yards, ~~plot size, plot area,~~ coverage, separation,
10 or other similar dimensional requirements or amount of ~~off-street~~ offstreet parking. Any
11 additions, extensions, or alterations to such existing nonconforming buildings or
12 structures shall comply with all applicable provisions of this code. With the exception of
13 recreational vehicle parks, as defined in Section 513.01, Florida Statutes, ~~in the event~~
14 any such lawful nonconforming building or structure is damaged or destroyed by fire,
15 flood, explosion, collapse, wind, war, or other catastrophe, such building or structure
16 may be reconstructed with the same dimensional requirements and amount of ~~off-street~~
17 offstreet parking as the original building or structure, provided:

18 (1) ~~There is no change of use, as defined in Subsection 39-215(d), "Off-street~~
19 Offstreet parking required-"; and

20 (b) ~~If the occupancy of a building, or part thereof, by any nonresidential use~~
21 ~~permitted in the zoning district in which it is located, but which does not comply with this~~
22 ~~code insofar as dimensional requirements, separations or amount of off-street parking,~~
23 ~~ceases for any reason for a period of six (6) months, such use shall not thereafter be~~

24
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1 ~~permitted to occupy the building, or part thereof, unless the building, or part thereof, and~~
2 ~~plot thereon are in full compliance with this Code.~~

3 (2) The cost of reconstruction of the building or structure does not exceed
4 fifty percent (50%) of the assessed value of the building or structure, as
5 identified by the Broward County Records, Taxes and Treasury Division,
6 or successor agency.

7 If a recreational vehicle park, as defined by Section 513.01, Florida Statutes, is
8 damaged or destroyed as a result of wind, water, or other natural disaster, the recreational
9 vehicle park may be rebuilt on the same site using the same density standards that were
10 approved and permitted before the recreational vehicle park was damaged or destroyed.

11 (b) *Nonconforming plots.* Nonconforming plots shall mean plots that have
12 insufficient size or area for a current, legally existing use. Nonconforming plots located
13 within residential zoning districts that are included in plats approved by the Broward
14 County Board of County Commissioners and recorded in the public records of Broward
15 County shall be entitled to construct a minimum of one (1) dwelling unit.

16
17 Section 15. Section 39-77 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

19 **Sec. 39-77. Applicability.**

20 . . .

21 (b) *Exemptions:* In addition to the exemptions provided for in
22 Section ~~5-180(c)~~ 5-193 of the Broward County Code of Ordinances, the following shall be
23 exempted from the provisions of this article:

24 . . .

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(11) Underpasses: Properties or portions of properties that lie directly under ~~the~~ an elevated right-of-way; except for the requirements of shrubs and groundcover pursuant to Section 39-87(a) ~~which~~ that, in the alternative, may require nonliving landscape material such as mulch or gravel, if more practical and appropriate.

Section 16. Section 39-87 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-87. Minimum landscape requirements for multifamily and nonresidential uses.

...

Table 2
Minimum Landscape Requirements; multifamily and nonresidential
(subject to additional minimum landscape requirements in
Section 39-87(b) of the Code).*

<i>Zoning District</i>	RM-10, RM-16, <u>RM-20,</u> <u>Multifamily and</u> <u>Nonresidential</u> <u>uses in a</u> <u>Residential</u> <u>District</u>	B, CW, CR, <u>Business</u> <u>Commercial and</u> <u>all other Zoning</u> <u>Districts not</u> <u>otherwise</u> <u>indicated in this</u> <u>Table</u>	M-2, M-3, <u>Industrial</u>	AT, Airport <u>Transportation</u>
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1	Perimeter landscape buffers	<u>Front Any</u>	<u>Front Any</u>	<u>Front Any</u>	<u>Front Any</u>
2		<u>property line</u>	<u>property line</u>	<u>property line</u>	<u>property line</u>
3		<u>abutting a</u>	<u>abutting a</u>	<u>abutting a</u>	<u>abutting a</u>
4		<u>public</u>	<u>public</u>	<u>public</u>	<u>public</u>
5		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>
6		Min. 10 ft.	Min. 5 ft.;	Min. 5 ft.	Min. 5 ft.
7			<u>Min. 10 ft. on lots</u>		
8			over		
9			25,000 sq. ft. in		
10			size		
11		<u>Side Any</u>	<u>Side Any</u>	<u>Side Any</u>	<u>Side Any</u>
12		<u>property line</u>	<u>property line</u>	<u>property line</u>	<u>property line</u>
13		<u>not abutting a</u>	<u>not abutting a</u>	<u>not abutting a</u>	<u>not abutting a</u>
14		<u>public</u>	<u>public</u>	<u>public</u>	<u>public</u>
15		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>
16		Min. 5 <u>10</u> ft.	<u>Except where</u>	<u>Except where</u>	<u>Except where</u>
17			<u>building setbacks</u>	<u>building setbacks</u>	<u>building setbacks</u>
18			<u>are not required:</u>	<u>are not required:</u>	<u>are not required:</u>
19			Min. 5 ft.;	Min. 5 ft.;	Min. 5 ft.; except
20			<u>Min. 10 ft. on lots</u>	except adjacent	adjacent to
21			over	to buildings	buildings where 0
22			20,000 sq. ft. in	where 0 ft	ft. setbacks are
23			size <u>or when</u>	setbacks are	permitted
24			<u>abutting a single</u>	permitted	

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1		<u>family or duplex</u>	<u>Min. 10 ft. when</u>	<u>Min. 10 ft. when</u>
2		<u>residential zoning</u>	<u>abutting a single</u>	<u>abutting a single</u>
3		<u>district; except</u>	<u>family or duplex</u>	<u>family or duplex</u>
4		<u>adjacent to</u>	<u>residential zoning</u>	<u>residential zoning</u>
5		<u>buildings where</u>	<u>district; unless</u>	<u>district; unless</u>
6		<u>0 ft. setbacks are</u>	<u>setback is not</u>	<u>setback is not</u>
7		<u>permitted;</u>	<u>required on one</u>	<u>required on one</u>
8		<u>unless setback is</u>	<u>or more sides,</u>	<u>or more sides,</u>
9		<u>not required on</u>	<u>average of all</u>	<u>average of all</u>
10		<u>one or more</u>	<u>buffers shall be</u>	<u>buffers shall be</u>
11		<u>sides, average of</u>	<u>7.5 ft.</u>	<u>7.5 ft.</u>
12		<u>all buffers shall</u>		
13		<u>be 7.5 ft.</u>		

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1		Rear: Min10 ft;	Rear: Min 5 ft;	Rear: Min 5 ft;	Rear: Min 5 ft;
2		15 ft when	10 ft when	10 ft where	10 ft when
3		abutting single	abutting single	abutting single	abutting single
4		family or duplex	family or duplex	family of duplex	family or duplex
5		residential	residential	residential	residential
6		AND	AND	AND	AND
7		Average of front,	Average of front,	Average of front,	Average of front,
8		side, and rear	side (if	side (if	side (if
9		buffers shall be	applicable), and	applicable), and	applicable), and
10		minimum of	rear buffers shall	rear buffers shall	rear buffers shall
11		7.5 ft	be minimum of	be minimum of	be minimum of
12			7.5 ft	7.5 ft	7.5 ft
13	Landscape	1 parking island	1 parking island	1 parking island	1 parking island
14	parking island	required for	required for	required for	required for
15		every 10 parking	every 10 parking	every 10 parking	every 10 parking
16		spaces, or	spaces, or	spaces, or	spaces, or
17		portion thereof;	portion thereof;	portion thereof;	portion thereof;
18		1 parking island	1 parking island	1 parking island	1 parking island
19		at end of each			
20		row of parking	row of parking	row of parking	row of parking
21					
22					
23					
24					

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	Shade trees	Front perimeter	Front perimeter	Front perimeter	Front perimeter
2		<u>Any property</u>	<u>Any property</u>	<u>Any property</u>	<u>Any property</u>
3		<u>line abutting a</u>	<u>line abutting a</u>	<u>line abutting a</u>	<u>line abutting a</u>
4		<u>public</u>	<u>public</u>	<u>public</u>	<u>public</u>
5		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>
6		1 shade tree	1 shade tree	1 shade tree	1 shade tree
7		spaced 30 ft_ on			
8		center	center	center	center
9		Rear perimeter	Rear perimeter	Rear perimeter	Rear perimeter
10		<u>Any property</u>	<u>Any property</u>	<u>Any property</u>	<u>Any property</u>
11		<u>line not abutting</u>	<u>line not abutting</u>	<u>line not abutting</u>	<u>line not abutting</u>
12		<u>a public</u>	<u>a public</u>	<u>a public</u>	<u>a public</u>
13		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>
14		1 shade tree	1 shade tree	1 shade tree	1 shade tree
15		spaced 30 ft_ on			
16		center when	center when	center when	center when
17		abutting single	abutting single	abutting single	abutting single
18		family <u>or duplex</u>	family <u>or duplex</u>	family or duplex	family or duplex
19		residential	residential	residential	residential
20		Parking islands:	Parking islands:	Parking islands:	Parking islands:
21		1 shade tree per			
22		required	required	required	required
23		landscape	landscape	landscape	landscape
24		parking island	parking island	parking island	parking island

Coding:

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1		Open space:	Open space:		
2		1 tree per	1 tree per		
3		2,000 sq. ft. of lot	2,000 sq. ft. of lot		
4		area	area		
5	Shrubs	Front perimeter	Front perimeter	Front perimeter	Front perimeter
6		<u>Any property</u>	<u>Any property</u>	<u>Any property</u>	<u>Any property</u>
7		<u>line abutting a</u>	<u>line abutting a</u>	<u>line abutting a</u>	<u>line abutting a</u>
8		<u>public</u>	<u>public</u>	<u>public</u>	<u>public</u>
9		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>
10		1 continuous	1 continuous	1 continuous	1 continuous
11		hedge, except for	hedge, except for	hedge, except for	hedge, except for
12		ingress, egress	ingress, egress	ingress, egress	ingress, egress
13		openings	openings	openings	openings
14		Rear perimeter:	Rear perimeter:	Rear perimeter:	
15		<u>Any property</u>	<u>Any property</u>	<u>Any property</u>	
16		<u>line not abutting</u>	<u>line not abutting</u>	<u>line not abutting</u>	
17		<u>a public</u>	<u>a public</u>	<u>a public</u>	
18		<u>thoroughfare:</u>	<u>thoroughfare:</u>	<u>thoroughfare:</u>	
19		Continuous	Continuous	Continuous	
20		hedge when	hedge when	hedge when	
21		abutting single	abutting single	abutting single	
22		family or duplex	family or duplex	family or duplex	
23		residential	residential	residential	

24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1		Open space:	Open space:	Open space:	
2		10 shrubs per	10 shrubs per	10 shrubs per	
3		every 2,000 sq.	every 2,000 sq.	every 2,000 sq.	
4		ft. of lot area	ft. of lot area	ft. of lot area	
5	Turf and	Required	Required	Required	Required
6	groundcover				
7	Foundation	20% of building	20% of building	20% of building	20% of building
8	planting	frontage facing	frontage facing	frontage facing	frontage facing
9		<u>widest</u>	<u>widest</u>	<u>widest</u>	<u>widest</u>
10		right-of-way	right-of-way	right-of-way	right-of-way
11	Ecological	Encouraged	Encouraged	Encouraged	Not encouraged
12	communities				

13 * Min. - Minimum

14 sq. - square

15 ft. - feet

16 . . .

17
18 Section 17. Section 39-104 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

20 **Sec. 39-104. County uses.**

21 The provisions of this code are not intended, and shall not be construed, to
22 preclude the use of any property by any Broward County in ~~any county~~ government
23 ~~capacity, function or purpose as determined by the Board of County Commissioners~~ uses,
24 functions, or operations.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

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Section 18. Section 39-112 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-112. Outdoor lighting.

...

(b) *General Provisions.*

...

(6) *Exemptions.* The following are exempt from the requirements of this section:

...

h. Lighting for automated teller machines and other electronic payment systems.

...

Section 19. Section 39-113 of the Broward County Code of Ordinances is hereby created to read as follows:

Sec. 39-113. Storm and hurricane protection regulations.

(a) Construction site debris and materials storage. Upon the declaration of a hurricane or tropical storm warning by the National Weather Service, all solid waste and construction materials stored upon a construction site shall be removed from the site or adequately secured in such a manner as to prevent such waste or construction materials from becoming windborne objects.

(b) Storm shutter placement. Consistent with the provisions of the Florida Building Code, Broward County Edition, as may be amended, it is prohibited to maintain

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1 hurricane or storm protective devices or shutters on occupied buildings in a mounted or
2 closed position, thereby impeding egress, light, and/or ventilation, for periods in excess
3 of fifteen (15) consecutive days after a declared hurricane watch or warning has ended.
4 Notwithstanding the foregoing, if a hurricane watch or warning is issued or if a hurricane
5 is predicted to occur within forty-eight (48) hours after expiration of the fifteen (15) day
6 period, the fifteen (15) day period begins anew the day after the last declared hurricane
7 watch or warning has ended.

8
9 Section 20. Section 39-217 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 39-217. Location, character, and size.**

12 . . .

13 (b) *Size:* Each parking space and aisle width shall not be less than the
14 parking dimension standards depicted in Table I, Minimum Space Requirements, at
15 Various Parking Angles for Self-Parking Facilities. If a parking aisle requires access for
16 emergency vehicles, garbage trucks, or trucks moving to or from a loading area, that
17 parking aisle shall be at least ~~24~~ fifteen (15) feet wide.

18 . . .

19 (f) *Composition, design, and maintenance:* Unless otherwise specifically
20 permitted herein, the required ~~off-street~~ offstreet parking areas, access aisles, and
21 driveways shall be constructed of a course of at least ~~a six-inch course~~ six (6) inches of
22 native limerock, surfaced with asphaltic concrete or portland concrete. Brick or
23 interlocking pavers may be utilized for one-family and two-family dwellings, and for
24 townhouses with attached carports or garages as parking and driveway facilities. The

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 permitted paving surface shall be maintained in a smooth and well-graded condition,
2 free from any signs of discoloration, neglect, or disrepair. ~~Off-street~~ Offstreet parking
3 areas shall be designed to ensure safe and efficient traffic circulation. The parking
4 facilities shall be of sufficient size to allow necessary functions for loading, unloading,
5 and parking maneuvers to be carried out on private property, and completely off the
6 street right-of-way.

7 . . .

8

9 Section 21. Section 39-219 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 39-219. Drive-through facilities.**

12 . . .

13 (e) An ~~separate and distinct~~ escape lane shall be provided, unless the
14 drive-through lane and stacking spaces adjoin and are parallel to a parking aisle, of at
15 least twenty-four (24) feet in width. A public street or alley shall not be counted as an
16 escape lane.

17 . . .

18 (i) Inbound drive-through lanes or stacking spaces shall be counted from the
19 ~~first stopping point~~ last service stop. Outbound drive-through lanes or stacking spaces
20 shall be counted from the last stopping point before exiting the property.

21 . . .

22

23 Section 22. Section 39-229 of the Broward County Code of Ordinances is
24 hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 39-229. Off-street Offstreet loading.**

2 . . .

3 (d) ~~Off-street~~ Offstreet loading spaces shall be provided and maintained in
4 accordance with the following schedule:

5 (1) For each retail complex; storage warehouse, excluding self-storage
6 warehouses; wholesale establishment; industrial plant; factory; freight
7 terminal; restaurant; mortuary; laundry; office building; dry cleaning
8 establishment; or similar use ~~which~~ that has an aggregate gross floor area
9 of:

10 ~~Over 2,000 sq. ft. but not over 20,000 sq. ft. 1 space~~

11 Up to 7,000 square feet (sq. ft.) Loading spaces not required

12 Over 7,000 sq. ft. but not over 20,000 sq. ft. 1 space

13 Over 20,000 sq. ft. but not over 60,000 sq. ft. 2 spaces

14 Over 60,000 sq. ft. but not over 120,000 sq. ft. 3 spaces

15 Over 120,000 sq. ft. but not over 200,000 sq. ft. 4 spaces

16 Over 200,000 sq. ft. but not over 290,000 sq. ft. 5 spaces

17 Plus, for each additional 90,000 sq. ft. over

18 290,000 sq. ft. or major fraction thereof 1 space

19 . . .

20
21 Section 23. Section 39-242 of the Broward County Code of Ordinances,
22 "Temporary promotional signs," is hereby deleted in its entirety.

23
24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 Section 24. Section 39-249 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

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

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

6 . . .

7 Any other use or structure naturally and customarily associated with any
8 permitted use shall be considered accessory to the above, provided the accessory use
9 or structure is clearly incidental to, subordinate to, and subservient to the permitted use
10 it serves.

11

12 Section 25. Section 39-255 of the Broward County Code of Ordinances is
13 hereby amended to read as follows:

14 **Sec. 39-255. Yards.**

15 All plots in agricultural districts shall maintain yard setbacks for all buildings ~~and~~₁
16 roofed structures₁ and accessory uses not less than the following:

17 . . .

18 (4) In the A-1 zoning district, ~~T~~₁here shall be no minimum separation between
19 detached farm buildings or structures on a single plot, or portion thereof, occupied by a
20 farm. The minimum separation for all dwellings and ~~non-farm~~ enclosed nonfarm
21 buildings and structures shall be ten (10) feet.

22

23 Section 26. Section 39-268 of the Broward County Code of Ordinances is
24 hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 39-268. Height.**

2 . . .

3 (b) No building or structure, or part thereof, in a Rural Estate, Rural Ranches,
4 or E-2 district, excluding farm buildings and structures on portions of plots occupied by
5 a farm, shall be erected, altered, or maintained to a height exceeding ~~two (2) stories~~
6 thirty-five (35) feet, except as permitted by ~~§~~Section 39-103, ~~¶~~"Exclusions from height
7 limits," and ~~§~~Section 39-102, ~~w~~"Wireless communication facilities."

8

9 Section 27. Section 39-269 of the Broward County Code of Ordinances is
10 hereby amended to read as follows:

11 **Sec. 39-269. Yards.**

12 All plots in rural and estate districts shall maintain yard setbacks for all buildings
13 ~~and~~, roofed structures, and accessory uses not less than the following:

14 . . .

15 (4) There shall be no minimum separation between detached farm buildings
16 or structures on a single plot, or portion thereof, occupied by a farm. The
17 minimum separation for all dwellings and ~~non-farm~~ enclosed nonfarm
18 buildings and structures shall be ten (10) feet.

19

20 Section 28. Section 39-275 of the Broward County Code of Ordinances is
21 hereby amended to read as follows:

22 **Sec. 39-275. General provisions.**

23 . . .

24

1 (2) *Double frontage*. Where a plot is bounded on two (2) opposite sides by
2 public or private rights-of-way or streets of at least twenty-five (25) feet in width, with no
3 platted nonvehicular access line or landscape easement on one (1) of the two (2) sides,
4 front yards shall be provided on both such sides. Accessory buildings shall not be
5 located in either front yard. The following are not deemed to have double frontage and
6 shall maintain front yards as follows:

7 (a) Plots located on the north side of NW 5th Court, between NW 25th Avenue
8 and NW 30th Terrace, shall maintain front yards on NW 5th Court;

9 (b) Plots located on the south side of NW 6th Court, between NW 27th Avenue
10 and NW 31st Avenue, shall maintain front yards on NW 6th Court;

11 (c) New dwellings on plots located on the north side of NW 8th Place, between
12 NW 31st Avenue and NW 29th Terrace, shall maintain front yards on
13 NW 8th Place;

14 (d) Plots located on the north side of NW 9th Street, between NW 29th
15 Terrace and NW 30th Avenue, shall maintain front yards on NW 9th Street;

16 (e) Plots located on the south side of NW 11th Street, between NW 27th
17 Avenue and NW 28th Avenue, shall maintain front yards on NW 11th
18 Street; and

19 (f) Plots located on SW 41st Avenue, between SW 14th Street and SW 18th
20 Street, shall maintain front yards on SW 41st Avenue.

21 (3) *Yard encroachments*. All required yards shall be open and unobstructed
22 from ground to sky, except as follows or as otherwise permitted in this article for zero
23 lot line developments:

24 . . .

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (g) ~~One-story~~ One (1) story enclosed accessory buildings shall be at least
2 ten (10) feet from any other enclosed accessory building and from any
3 principal building on the same plot. The distance between any principal
4 and enclosed accessory buildings on the same plot, where the enclosed
5 accessory building is higher than ~~one-story~~ one (1) story, shall be half the
6 height of the highest principal building.

7 . . .

8 (j) Clotheslines and play equipment shall be maintained in a safe condition,
9 shall not be permitted in the front yards of property, and shall be no closer
10 than five (5) feet from any side or rear property line. It shall be a violation
11 of this section to use fences or any other exterior structure for the purpose
12 of hanging clothing or other laundry items out to dry.

13 (k) In the RS-3 and RS-6 zoning districts in the Broadview Park community,
14 generally located north of I-595, east of the Florida Turnpike, south of
15 Peters Road, and west of SR 7/US 441, a covered porch or roof eave may
16 extend up to seven (7) feet into the required front yard.

17 (l) Basketball hoops and backboards: Basketball hoops and backboards
18 located in front yard areas must:

19 1. Be mounted to the front of a building or, if mounted on a pole that
20 is permanently affixed to the ground, the pole must be located
21 immediately adjacent to the driveway; and

22 2. Be set back at least ten (10) feet from any property line.

23 (m) Game courts: Game courts and related paved areas are prohibited in any
24 required setback.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (n) Outdoor grilling equipment: Outdoor cooking equipment and grills shall:

2 1. Not be permitted in the front yards of property and shall not be
3 closer than five (5) feet from any side or rear property line; and

4 2. Be maintained and utilized in a safe and sanitary manner as to
5 prevent nuisances to adjacent property.

6 . . .

7
8 Section 29. Section 39-278 of the Broward County Code of Ordinances is
9 hereby amended to read as follows:

10 **Sec. 39-278. Density.**

11 No ~~residentially-zoned~~ residentially zoned property shall be developed to a
12 density exceeding the following maximum limits:

13 . . .

14 (c) All legally existing residential lots of record as of [insert effective date of
15 Ordinance], and zoned for residential use shall be permitted a minimum of one (1)
16 residential dwelling unit, regardless of the property's size or permitted density, provided
17 all such buildings and structures comply with required floor area, height, setback, and
18 other minimum housing standards.

19
20 Section 30. Section 39-284 of the Broward County Code of Ordinances is
21 hereby amended to read as follows:

22 **Sec. 39-284. Height.**

23 With the exception of structures specifically permitted in accordance with
24 Section 39-103, "Exclusions from height limits," No building or structure, or part

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 underscored type are additions.

1 thereof, shall be erected or altered to exceed the maximum heights specified as follows,
2 ~~except structures specifically permitted in accordance with section 39-103 of this code,~~
3 ~~titled "exclusions from height limits":~~

	<i>Number</i>
<i>District</i>	<i>of stories</i>
6 RS-2 to RS-6	2, <u>not to exceed thirty-five (35) feet</u>
7 RD-4 to RD-10	2, <u>not to exceed thirty-five (35) feet</u>
8 RM-5 to RM-6	2, <u>not to exceed thirty-five (35) feet</u>
9 RM-7 to RM-8	3, <u>not to exceed forty-five (45) feet</u>
10 RM-9 to RM-15	4, <u>not to exceed fifty-five (55) feet</u>
11 RM-16 to RM-20	6, <u>not to exceed seventy-five (75) feet</u>
12 RM-21 to RM-23.....	10, <u>not to exceed one hundred twenty (120) feet</u>
13 RM-24 to RM-25.....	15, <u>not to exceed one hundred eighty (180) feet</u>

14 Section 31. Section 39-294 of the Broward County Code of Ordinances is
15 hereby amended to read as follows:

16 **Sec. 39-294. General provisions.**

17 . . .

18 (n) *Design Standards.*

19 . . .

20 (2) *Compliance.* The following projects shall comply with the design
21 standards set forth herein:

22 . . .

23 b. All commercial economic development projects funded through Broward
24 County for façade improvements ~~shall~~ that do not require site plan

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 approval per Section ~~5-184~~ 5-193 of the Broward County Code of
2 Ordinances; ~~however, the property owner shall submit color elevation~~
3 ~~drawings or renderings to the Planning and Development Management~~
4 ~~Division Director for approval consistent with this section~~ shall only have
5 to comply with Section (9) below, Prohibitions;

6 c. All commercial projects that require site plan approval per Section ~~5-184~~
7 5-193 of the Broward County Code of Ordinances; ~~and~~

8 d. Changes to an existing building or structure that meet or exceed the
9 standard of twenty percent (20%) of the existing floor area or
10 twenty percent (20%) of the appraised value of the existing building or
11 structure, as determined by the Broward County Property Appraiser.
12 Changes to the floor area and the appraised value of existing buildings or
13 structures shall be aggregated over a five (5) year period to determine the
14 applicability of the design standards; ~~and~~

15 e. Except as provided in Section b. above, where façade improvements to an
16 existing building are proposed and the proposed improvements do not
17 require site plan approval per Section 5-193 of the Broward County Code
18 of Ordinances, the property owner shall submit color elevation drawings
19 or renderings to the Planning and Development Management Division
20 Director for approval consistent with this section.

21 . . .

22
23 Section 32. Section 39-295 of the Broward County Code of Ordinances is
24 hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 39-295. Permitted uses.**

2 Permitted principal uses in all business districts shall be limited to those uses
 3 specified in the Master Business List. Any use not specifically listed herein, but ~~which~~
 4 that is commercial in nature, shall be determined by the zoning official to be permitted
 5 in the zoning district specifying the most similar use thereto. All permitted uses shall be
 6 subject to Section 39-300, "Limitations of uses." Specific subsection references are
 7 included in the following Master Business List:

8 Master Business List

9 *P = Permitted*

C = Conditional

A = Accessory use only

10 Use	B-1	B-2	B-3	B-4	C-1	CR	OP
11 Accessory dwellings [see Subsection 12 39-300(a)]	A	A	A	A	A		
13 <u>Accessory structures [see Subsection</u> 14 <u>39-300(a)]</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>		
15 . . .							

16 . . .

17
 18 Section 33. Section 39-299 of the Broward County Code of Ordinances is
 19 hereby amended to read as follows:

20 **Sec. 39-299. Height.**

21 (a) No building or structure located within one hundred (100) feet of any plot
 22 zoned for detached one-family dwellings, two-family dwellings, or townhouses shall be
 23 ~~constructed~~ erected or altered to a height exceeding ~~two stories~~ thirty-five (35) feet.

24
 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 (b) A building or structure may be ~~constructed~~ erected or altered to a height
2 of ~~four (4) stories~~ fifty-five (55) feet, provided the building or structure is located more
3 than one hundred (100) feet from any plot zoned for detached one-family dwellings,
4 two-family dwellings, or townhouses.

5 (c) A building or structure may be ~~constructed~~ erected or altered to a height
6 of ~~ten (10) stories~~ one hundred twenty (120) feet, provided the building or structure is
7 located more than two hundred (200) feet from any plot zoned for detached one-family
8 dwellings, two-family dwellings, or townhouses.

9 . . .

10
11 Section 34. Section 39-300 of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 39-300. Limitations of uses.**

14 (a) *Accessory dwellings and structures.*

15 (1) Accessory dwellings shall be permitted, subject to the availability and
16 allocation of ~~reserve~~ redevelopment units in accordance with the Future
17 Unincorporated Area Land Use Element. Except for self-storage
18 warehouses, each dwelling unit shall not exceed
19 one thousand five hundred (1,500) square feet in floor area, shall not be
20 less than four hundred (400) square feet, and the aggregate gross floor
21 area of all dwelling units shall not exceed fifty percent (50%) of the gross
22 floor area of the commercial uses within the building where the unit is
23 located. Such dwelling units shall be located within the building to which
24 the dwelling is accessory, on an upper story of the building.

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underscored type are additions.

(2) Accessory structures shall be permitted for the storage of materials and supplies, provided the floor area does not exceed two hundred (200) square feet and the height does not exceed ten (10) feet.

...

Section 35. Section 39-308 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-308. Permitted uses.

Permitted uses in all manufacturing and industrial districts shall be limited to those uses specified in the Master Business List following. Any use not specifically listed herein and not specifically, or by inference, listed shall be determined by the zoning official to be permitted in the zoning district specifying the most similar use thereto. All permitted uses shall be subject to Section 39-313, "Limitations of uses." Specified subsection references in Section 39-313 are included in the Master Business List.

Master Business List

P = Permitted

C = Conditional

A = Accessory use only

Use	<i>M-1</i>	<i>M-2</i>	<i>M-3 or M-4</i>
...			
<u>Automobile, truck, and equipment</u> repair garage (mechanical, paint, or body repairs) [see Subsection 39-313(b)]	P	P	P

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	...			
2	Concrete products manufacturing		P	P
3	<u>Contractor's shops, including outside storage yards</u>		<u>P</u>	<u>P</u>
4	Contractor's shops, inside storage only	P	P	P
5	...			
6	School, trade or vocational [see Subsection 39-313(s)]	P	P	P
7	<u>Semi and diesel repair garage (mechanical, paint, or body</u>		<u>P</u>	<u>P</u>
8	<u>repairs) [see Subsection 39-313(b)]</u>			
9	...			

10

11 Section 36. Section 39-312 of the Broward County Code of Ordinances is
 12 hereby amended to read as follows:

13 **Sec. 39-312. Height.**

14 (a) No building or structure located within two hundred (200) feet of any plot
 15 zoned for detached one-family dwellings, two-family dwellings, or townhouses shall be
 16 ~~constructed~~ erected or altered to a height exceeding ~~two (2) stories~~ thirty-five (35) feet.

17 (b) A building or structure may be ~~constructed~~ erected or altered to a height
 18 of ~~four (4) stories~~ fifty-five (55) feet, provided the building is located more than
 19 two hundred (200) feet from any plot zoned for detached one-family dwellings,
 20 two-family dwellings, or townhouses.

21 (c) A building or structure may be ~~constructed~~ erected or altered to a height of
 22 ~~ten (10) stories~~ one hundred twenty (120) feet, provided the building is located more
 23 than five hundred (500) feet from any plot zoned for detached one-family dwellings,
 24 two-family dwellings, or townhouses.

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1 . . .

2

3 Section 37. Section 39-329 of the Broward County Code of Ordinances is
4 hereby amended to read as follows:

5 **Sec. 39-329. Height.**

6 No building or structure shall be erected or altered to more than ~~one story~~
7 fifteen (15) feet in height.

8

9 Section 38. Section 39-367 of the Broward County Code of Ordinances is
10 hereby amended to read as follows:

11 **Sec. 39-367. Height.**

12 The Mmaximum height of buildings and structures, excluding farm buildings and
13 structures on portions of plots occupied by a farm in A-3 zoning districts, shall be as
14 follows, and as specified in ~~s~~Section 39-103, "eExclusions from height limits:";

15 (a) No building or structure located within two hundred (200) feet of any plot
16 zoned for detached one-family dwellings, two-family dwellings, or
17 townhouses shall be ~~constructed~~ erected or altered to a height exceeding
18 ~~two (2) stories~~ thirty-five (35) feet.

19 (b) A building or structure may be ~~constructed~~ erected or altered to a height
20 of ~~four (4) stories~~ fifty-five (55) feet, provided the building or structure is
21 located more than two hundred (200) feet from any plot zoned for detached
22 one-family dwellings, two-family dwellings, or townhouses.

23 (c) A building or structure may be ~~constructed~~ erected or altered to a height
24 of ~~ten (10) stories~~ one hundred twenty (120) feet, provided the building or

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underscored type are additions.

1 structure is located more than five hundred (500) feet from any
2 residentially zoned plot.

3
4 Section 39. Section 39-387 of the Broward County Code of Ordinances is
5 hereby amended to read as follows:

6 **Sec. 39-387. Height.**

7 (a) No building or structure shall be erected or altered to a height exceeding
8 ~~two stories~~ thirty-five (35) feet.

9 . . .

10
11 Section 40. Section 39-635 of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 39-635. New ~~single-family~~ single family residential dwelling design**
14 **standards.**

15 The following requirements shall apply to each new ~~single-family~~ single family
16 residential dwelling unit in the Central County Community Overlay District for which a
17 building permit application for new construction is filed after October 1, 2012:

18 . . .

19 (g) Landscaping shall be ~~required to be~~ installed and maintained ~~for all new~~
20 ~~single-family dwelling units~~ per Section ~~39-93~~ 39-85 of this ~~C~~code.
21 Irrigation for landscaping shall be ~~required to be~~ installed and maintained
22 for front, side, and rear yards ~~for all new single-family dwelling units~~.

23 . . .

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

1 Section 41. Section 39-638 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 39-638. Fences, hedges, and walls for ~~single-family~~ single family dwelling**
4 **units, duplex dwelling units, ~~and adult living facilities,~~ and vacant**
5 **property in the Central County Community.**

6 . . .

7 (e) In the Central County Community, a chain link fence, no more than
8 six (6) feet in height, may be installed on the perimeter of a vacant property until such
9 time as a residential dwelling is constructed.

10
11 Section 42. Section 39-639 of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 39-639. Permits issued for construction, renovations, additions, or**
14 **modifications of an existing ~~single-family~~ single family dwelling unit,**
15 **duplex dwelling unit, or adult living facility in the Central County**
16 **Community.**

17 (a) With the exception of the minimum living space requirements of
18 Section 39-635, Permits issued for construction, renovations, additions, or
19 modifications to an existing ~~single-family~~ single family dwelling unit, duplex dwelling
20 unit, or ALF, and property improvements to the sites such as including, but not limited
21 to, fences, hedges, driveways, walkways, carports, and garages, but excluding reroofs,
22 shall comply with all of the requirements of the Central County Community Overlay
23 District, with the exception of the minimum living space requirements related to the
24 improvements for which the permit is sought.

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underscored type are additions.

1 (b) The construction, renovation, addition, or modification of a flat patio roof
2 is permitted on the rear portion of an existing ~~single-family or~~ single family dwelling unit,
3 duplex dwelling unit, or ALF in accordance with all applicable building regulations. No
4 flat patio roofs shall be allowed along the front of a ~~single-family or~~ single family dwelling
5 unit, duplex dwelling unit, or ALF that is adjacent to or abuts the street.

6 (c) Repair to an existing ~~single-family or~~ single family dwelling unit, duplex
7 dwelling unit, ALF, or home site that does not require the issuance of a building permit
8 shall not be required to conform to the Building Design Standards in Sections 39-635,
9 39-636, 39-637, and 39-638 of this ~~C~~code.

10 ~~(b) Nonconforming uses and structures. Notwithstanding the provisions~~
11 ~~contained in Section 39-74 of this Code, any single-family or duplex dwelling unit, or~~
12 ~~ALF existing on October 1, 2012, that is damaged by fire, flood, explosion, collapse,~~
13 ~~wind, war, or other catastrophe to such an extent that the cost of rebuilding, repair, and~~
14 ~~reconstruction will exceed fifty-one percent (51%) of the replacement cost of the unit,~~
15 ~~shall not be reconstructed except in conformity with the requirements contained in the~~
16 ~~Central County Community Overlay District, except the requirements for minimum living~~
17 ~~space and setbacks.~~

18 (d) Nothing in this section shall prevent the conversion of an existing carport
19 to a garage.

20
21 Section 43. Section 8½-16 of the Broward County Code of Ordinances is
22 hereby amended to read as follows:

23 **Sec. 8½-16. Schedule of civil penalties.**

24
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 underscored type are additions.

The following table sets forth the code violations for which civil penalties may be cited under this article. The descriptions of violations are provided for purposes of general identification only. Where specific code provisions apply, the same are indicated following the respective violation description. Amendments affecting the numbering of the referenced sections shall not affect the validity of the fines. References to "FBC" shall mean the Florida Building Code. References to "NFPA" shall mean the National Fire Protection Association and its most current adopted codes and standards. References to "FAC" shall mean the Florida Administrative Code. References to "FFPC" shall mean the Florida Fire Prevention Code. References to "BCLA" shall mean the Broward County Local Fire Code Amendments to the Florida Fire Prevention Code. References to "sec." shall mean a section of the Broward County Code of Ordinances.

(a) *Violations of Florida Building Code and Broward County Zoning Code:*

SCHEDULE OF CIVIL PENALTIES

<i>Violation</i>		<i>Fine</i>	
		<i>First Violation</i>	<i>Repeat Violation</i>
	...		
(5)	Erection or maintenance of a permanent <u>temporary</u> sign without a permit or inconsistent with the terms of a permit (sec. 39-56(a), (b) <u>(d)</u>)	150.00	300.00
	...		
(7)	Improper erection of a private sign on publicly owned property or a right-of-way (sec. 39-57(b))	300.00 <u>250.00</u>	500.00

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1	(8)	Erection or maintenance of a prohibited sign (sec. 39-59)	150.00	300.00
2	(9)	Reserved <u>Failure to remove a temporary sign after a</u>		
3		<u>tropical storm or hurricane warning is issued</u>		
4		<u>(sec. 39-57(h))</u>	<u>250.00</u>	<u>500.00</u>
5		...		
6	(70)	<u>Clotheslines or play equipment</u> unlawfully placed or		
7		maintained (sec. 39-275(3)(j))	50.00	100.00
8		...		
9	<u>(72)</u>	<u>Improper erection or maintenance of basketball hoop</u>		
10		<u>(sec. 39-275(3)(l))</u>	<u>50.00</u>	<u>100.00</u>
11	<u>(73)</u>	<u>Improper placement or maintenance of outdoor cooking</u>		
12		<u>equipment or grill (sec. 39-275(3)(n))</u>	<u>50.00</u>	<u>100.00</u>
13	<u>(74)</u>	<u>Failure to remove or secure solid waste or construction</u>		
14		<u>materials on jobsite after a tropical storm or hurricane</u>		
15		<u>warning is declared (sec. 39-113(a))</u>	<u>250.00</u>	<u>500.00</u>
16		...		

17 ...

18

19 Section 44. Severability.

20 If any portion of this Ordinance is determined by any court to be invalid, the invalid
 21 portion will be stricken, and such striking will not affect the validity of the remainder of
 22 this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot
 23 be legally applied to any individual, group, entity, property, or circumstance, such
 24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 determination will not affect the applicability of this Ordinance to any other individual,
2 group, entity, property, or circumstance.

3

4 Section 45. Inclusion in the Broward County Code of Ordinances.

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

10

11 Section 46. Effective Date.

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

13

14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

PROPOSED

17

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

19

20 By /s/ Maite Azcoitia 07/20/2020

21 Maite Azcoitia (date)

22 Deputy County Attorney

22

23 MA/gmb
Ch39Update Ordinance
08/27/2020
24 #41039.0002

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