

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE ZONING CODE; CREATING, REPEALING,
3 AND AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD
4 COUNTY CODE OF ORDINANCES (“CODE”), RELATED TO DIGITAL MAPS,
5 COMMUNITY RESIDENTIAL HOMES, ASSISTED LIVING FACILITIES,
6 ADMINISTRATIVE SETBACK WAIVERS, ZONING VERIFICATION LETTERS, AND
7 GENERAL UPDATING AMENDMENTS; AND PROVIDING FOR SEVERABILITY,
8 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10

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

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

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

16 . . .

17 *Articulation:* The composition of building elements, shape, mass, and form that
18 modulate the rhythm of a façade, thereby improving the overall composition and aesthetic
19 quality of the building. The following articulations are permitted but shall not fulfill the
20 requirement for architectural treatment: the application of paint and faux treatments;

21 scoring; construction joints; or material projections less than four (4) inches in height,
22 width, or depth.

23 Assisted Living Facility: Any building or buildings, section or distinct part of a
24 building, private home, boarding home, home for the aged, or other residential facility,
25 regardless of whether operated for profit, that through its ownership or management
26 provides housing, meals, and one (1) or more personal services for a period exceeding
27 twenty-four (24) hours to fifteen (15) or more adults who are not relatives of the owner or
28 administrator. Facilities with a licensed capacity of fewer than fifteen (15) adults who are
29 not relatives of the owner or administrator shall be considered a Community Residential
30 Home, as defined below.

31 . . .

32 ~~Community Residential Facility Home: A residential building or buildings designed~~
33 ~~or altered to provide housing, food service, and personal services to persons unrelated~~
34 ~~to the owner or manager of the facility, and which is licensed by the State of Florida or~~
35 ~~other government agency for such purposes~~ Shall have the same meaning as a
36 “community residential home” defined in Section 419.001, Florida Statutes, as may be
37 amended.

38 Community Residential One-Family Dwelling: A detached dwelling unit licensed to
39 serve six (6) or fewer unrelated residents and that otherwise meets the definition of a
40 Community Residential Home. A Community Residential One-Family Dwelling shall be
41 deemed a one-family dwelling unit and a noncommercial, residential use for the purposes
42 of local laws and ordinances.

43 . . .

44 ~~Convallescent Home: An institution for the care of persons recovering physical or~~
45 ~~mental health and strength after sickness or debility.~~

46 . . .

47 ~~Dwelling, One-Family: A building with one (1) or more rooms providing complete~~
48 ~~living facilities for one (1) family, including equipment for cooking or provisions for~~
49 ~~cooking, and including a room or rooms for living, sleeping, and eating, and having all~~
50 ~~areas within the building accessible from the interior of the building. One-family dwellings~~
51 ~~shall not include group community residential homes, ~~adult-congregate~~ assisted living~~
52 ~~facilities, rooming or boarding houses, or dormitory, fraternity, or sorority buildings or~~
53 ~~facilities.~~

54 ~~Dwelling, ~~Two-Family~~, also ~~dDuplex~~: A building containing two (2) one-family~~
55 ~~dwellings within a single building. Two-family dwellings shall not include group homes;~~
56 ~~adult-congregate assisted living facilities; rooming or boarding houses; or dormitory,~~
57 ~~fraternity, or sorority buildings.~~

58 . . .

59 ~~Dwelling Unit, Adult Congregate Living Facility: One room or connected rooms,~~
60 ~~with kitchen and bathroom facilities, which have access from a common area and~~
61 ~~constitute a separate independent housekeeping establishment.~~

62 . . .

63 ~~Nursing Home: An establishment, which staff includes state-licensed physicians~~
64 ~~and nurses, where nursing care, personal care, or custodial care is provided to three or~~
65 ~~more unrelated persons who are unable to care for themselves properly by reason of~~
66 ~~illness, physical infirmity or advanced age Any facility that provides nursing services as~~

67 defined in Part I of Chapter 464, Florida Statutes, as may be amended, and is licensed
68 pursuant to state law.

69 . . .

70 ~~*Public or Private Facility.* Means 1 or more dwelling units in a single structure on a~~
71 ~~single lot or parcel of record, regularly occupied by no more than 16 related or unrelated~~
72 ~~minors or adult persons and operated by public service agency or private care agency in~~
73 ~~accordance with section 39-185 of this code. This definition shall not include adult~~
74 ~~congregate living facilities.~~

75 . . .

76 Section 2. Section 39-11 of the Broward County Code of Ordinances is hereby
77 amended to read as follows:

78 **Sec. 39-11. Zoning district maps.**

79 (a) The areas assigned to these districts, the designations of same, and the
80 boundaries of said districts shown upon the digital zoning maps ~~hereto attached~~ that are
81 available online from the Urban Planning Division and made a part of this code are hereby
82 established, said digital zoning maps and the proper notations, references, and other
83 information shown thereon shall be as much a part of this code as if the matters and
84 information set forth by said digital zoning maps were fully described herein.

85 . . .

86 Section 3. Section 39-47 of the Broward County Code of Ordinances is hereby
87 amended to read as follows:

88 **Sec. 39-47. Administrative adjustment procedure; landscaping.**

89 . . .

90 Section 4. Section 39-48 of the Broward County Code of Ordinances is hereby
91 created to read as follows:

92 [Underlining omitted]

93 **Sec. 39-48. Administrative setback waiver.**

94 The Director shall have the authority to waive any setback distance by up to
95 ten percent (10%), but not to exceed one (1) foot.

96 Section 5. Section 39-49 of the Broward County Code of Ordinances is hereby
97 created to read as follows:

98 [Underlining omitted]

99 **Sec. 39-49. Zoning verification letters.**

100 Upon written request and payment of the applicable fee, the zoning official shall
101 provide a formal zoning verification letter to (i) confirm applicable zoning regulations and
102 permitted uses and (ii) indicate whether a property is in compliance with the current zoning
103 district.

104 Section 6. Section 39-74 of the Broward County Code of Ordinances is hereby
105 amended to read as follows:

106 **Sec. 39-74. ~~Nonconformity other than use~~ Nonconforming structures and sites.**

107 . . .

108 (b) *Nonconforming plots.* Nonconforming plots shall mean plots that have
109 insufficient size or area for a current, legally existing use. Nonconforming plots located
110 within residential zoning districts that are included in plats approved by the Broward
111 County Board of County Commissioners and recorded in the ~~public~~ Official ~~Records~~ of
112 Broward County shall be entitled to construct a minimum of one (1) dwelling unit; and

113 such nonconforming plots located within Duplex and Attached One-Family Dwelling
 114 Districts (RD-4 through RD-10) and Multifamily Dwelling Districts (RM-5 through RM-25)
 115 shall be entitled to construct a minimum of one (1) duplex with two (2) dwelling units.

116 Section 7. Section 39-249 of the Broward County Code of Ordinances is hereby
 117 amended to read as follows:

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

119 ...

119a	Permitted Uses			A-1	A-2
119b	...			...	...
119c	Community residential facilities facilities <u>one-family dwelling (see Article XLI)</u>			P	P
119d	...			...	...

120 ...

121 Section 8. Section 39-263 of the Broward County Code of Ordinances is hereby
 122 amended to read as follows:

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

124 ...

124a	Permitted Uses	E-1	E-2	Rural Estate	Rural Ranches
124b	...	...	...	...	...
124c	Community residential facilities facilities <u>one-family dwelling (see Article XLI)</u>	P	P	P	P
124d	...	...	...	...	...

125 . . .

126 Section 9. Section 39-277 of the Broward County Code of Ordinances is hereby
127 amended to read as follows:

128 **Sec. 39-277. Residential zoning districts.**

129 The following shall constitute residential zoning districts for the purposes of this
130 Code:

131 District	Title
--------------	-------

132 . . .

133 RM-5 through RM-25	Multiple-family dwelling districts
------------------------	------------------------------------

134 Section 10. Section 39-278 of the Broward County Code of Ordinances is hereby
135 amended to read as follows:

136 **Sec. 39-278. Density.**

137 . . .

138 (c) All legally existing residential lots of record as of September 24, 2020, and
139 zoned for residential use shall be permitted a minimum of one (1) ~~residential~~ dwelling unit,
140 regardless of the property's size or permitted density, provided all such buildings and
141 structures comply with required floor area, height, setback, and other minimum housing
142 standards.

143 (d) All legally existing residential lots of record as of September 24, 2020,
144 zoned Duplex and Attached One-Family Dwelling Districts (RD-4 through RD-10) and
145 Multifamily Dwelling Districts (RM-5 through RM-25), shall be permitted a minimum of
146 one (1) duplex with two (2) dwelling units, regardless of the property's size or permitted

147 density, provided all such buildings and structures comply with floor area, height, and
 148 setback requirements, and all other minimum housing standards.

149 Section 11. Section 39-279 of the Broward County Code of Ordinances is hereby
 150 amended to read as follows:

151 **Sec. 39-279. Uses permitted.**

152 . . .

152a	P = Permitted	NP = Not Permitted	C = Conditional Use		
152b	Use		District		
152c		RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
152d	. . .	. . .	. . .	. . .	. . .
152e	2-family dwelling	NP	P	P	P
152f	<u>Assisted living facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
152g	. . .	. . .	. . .	. . .	. . .
152h	Community residential facility <u>home</u> with adult day care permitted as an accessory use (<u>see</u> <u>Article XLI</u>)	<u>NP</u>	P	P	P
152i	<u>Community residential</u> <u>one-family dwelling</u> (<u>see (Article XLI)</u>)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

152j ~~Nursing home,~~ NP NP NP P
~~convalescent or~~
~~rehabilitation home~~

152k

153 ...

154 Section 12. Section 39-295 of the Broward County Code of Ordinances is hereby
 155 amended to read as follows:

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

157 Permitted principal uses in all business districts shall be limited to those uses
 158 specified in the Master Business List. Any use not specifically listed herein, but that is
 159 commercial in nature, shall be determined by the zoning official to be permitted in the
 160 zoning district specifying the most similar use thereto. All permitted uses shall be subject
 161 to Section 39-300, "Limitations of uses." Specific section references are included in the
 162 following Master Business List:

163 Master Business List

163a	P = Permitted		C = Conditional		A = Accessory use only			
163b	Use		B-1	B-2	B-3	B-4	C-1	CR OP
163c	Accessory dwellings [see Subsection 39-300(a)]		A	A	A	A	A	
163d	Accessory structures [see Subsection 39-300(a)]		A	A	A	A	A	
163e	...		...	...	...	...	...	...

163f	Amusement center (video arcade, games) [see Subsection 39-300(c)]	P	P				A
163g	Amusement park [see Subsection 39-300(b)]						P
163h	Appliance store (major)	P	P	P	P		
163i	<u>Assisted Living Facility</u> [see Article <u>XLI</u>]		<u>P</u>	<u>P</u>			
163j	...	...		...		...	...
163k	Automobile, truck, and recreational vehicle accessories; sales and installation [see Subsection 39-300(d)]	P	P	P	P		
163l	...	...	...	...	...	...	...
163m	Automobile repair garage (mechanical) [see Subsection 39-300(e)]		P		P		
163n	Automobile paint and body shop [see Subsection 39-300(e)]					P	
163o	...	...	...	...	...	...	...
163p	Billiard center or pool hall [see Subsection 39-300(c)]	P	P				A

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

163q	...	...	...	...	...	...	...
163r	Boarding or breeding kennel [see Subsection 39-300(f)]			P		P	
163s	Boat building, repair, and dry storage [see Subsection 39-300(g)]					P	
163t	...	...	...	...	...	...	...
163u	Bus terminal [see Subsection 39-300(h)]		P	P	P	P	
163v	Cabinet or carpenter shop [see Subsection 39-300(i)]					P	
163w	...	...	...	...	...	...	...
163x	Child care center, pre-school <u>preschool</u> , or adult day care [see Subsection 39-300(j)]	P	P	P	P		A
163y	Clothing donation bin [see Subsection 39-300(k)]		P	P		P	
163z	...	...	...	...	...	...	...
163aa	Commercial vehicle storage yard (nonaccessory) [see Subsection 39-300(l)]					P	

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

163bb	Contractor's shops [see Subsection 39-300(m)]								P
163cc	Convenience store [see Subsection 39-300(q)]	P	P	P	P	P			
163dd	...	...	...	...	...	...	...	...	...
163ee	Employment agency, day labor [see Subsection 39-300(n)]				P				P
163ff	Equipment sales and rental (construction, industrial, agricultural) [see Subsection 39-300(o)]								P
163gg	...	...	...	...	...	...	...	...	...
163hh	Funeral home, mortuary [see Subsection 39-300(p)]		P	P					P
163ii	...	...	...	...	...	...	...	...	...
163jj	Mobile collection center [see Subsection 39-300(s)]		P	P					P
163kk	Mobile food unit [see Subsection 39-300(t)]				C	C	C	C	C
163ll	...	...	...	...	...	...	...	...	...
163mm	Outdoor recreation club [see Subsection 39-300(b)]								P

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

163nn	...	...	...	...	...	...	...	...
163oo	Parts store, vehicles, or boats [see Subsection 39-300(u)]		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
163pp	Pawnshop [see Subsection 39-300(v)]			<u>P</u>		<u>P</u>		
163qq	...	...	...	...	...	...	...	...
163rr	Racetrack [see Subsection 39-300(b)]						<u>P</u>	
163ss	...	...	...	...	...	...	...	...
163tt	Recreational vehicle park, campground [see Subsection 39-300(w)]						<u>P</u>	
163uu	...	...	...	...	...	...	...	...
163vv	Restaurant, fast food [see Subsection 39-300(x)]		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>
163ww	...	...	...	...	...	...	...	...
163xx	School, trade or vocational [see Subsection 39-300(aa)]			<u>P</u>		<u>P</u>		
163yy
163zz	Skateboard facility [see Subsections 39-300(b) and (y)]		<u>P</u>	<u>P</u>			<u>P</u>	

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163aaa	Skating rink [see Subsections 39-300(b) and (y)]	P	P			P	
163bbb
163ccc	Swimming pool supplies [see Subsection 39-300(z)]	P	P	P	P		
163ddd	Target range [see Subsection 39-300(b)]					P	
163eee	...	...	...	...	...	...	...
163fff	Veterinary hospital [see Subsection 39-300(bb)]		P	P	P		
163ggg	...	...	...	...	...	...	...
163hhh	Warehouse, self-storage [see Subsection 39-300(cc)]		P		P		
163iii	Water parks, commercial (water slides, pools, etc.) [see Subsection 39-300(b)]					P	
163jjj	...	...	...	...	...	...	...

164 ...

165 Section 13. Section 39-363 of the Broward County Code of Ordinances is hereby
 166 amended to read as follows:

167 **Sec. 39-363. Permitted uses.**

168 ...

169 *Master Use List*

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

169a	P = Permitted Use	C = Conditional Use	A = Accessory Use Only	
169b	Use	I-1	CF	A-3
169c	Accessory dwelling [see Subsection 39-368(a)]		A	A
169d	Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see Subsection 39-368(b)]			A
169e	<u>Assisted Living Facility</u> [see Article XLI]		<u>P</u>	
169f	...	...	...	...
169g	Cemeteries [see Subsection 39-368(c)]		P	
169h	Child care <u>Childcare</u> center, pre-school <u>preschool</u> , or adult day care, including commercial facilities [see Subsection 39-368(d)]		P	P
169i	...	...	...	...
169j	Clothing donation bin [see Subsection 39-368(e)]		C	
169k	Community residential facilities <u>home</u> [see Subsection 39-368(f) <u>Article XLI</u>]		P	P
169l	<u>Community residential one-family dwelling</u> [see <u>Article XLI</u>]		<u>P</u>	<u>P</u>
169m	...	...	...	...

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

169n	Educational centers [see Subsection 39-368(g)]	P	P
169o	...	...	...
169p	Institutions for the homeless or indigent [see Subsection 39-368(h)]	P	
169q	Landfills or other solid waste disposal facilities [see Subsection 39-368(i)]		P
169r	...	...	...
169s	Nursing homes [see Subsection 39-368(f)]	P	
169t	...	...	...
169u	Penal institutions [see Subsection 39-368(j)]	P	
169v	...	...	...
169w	Trash transfer stations [see Subsection 39-368(k)]	P	P
169x	...	...	...

170

171 Section 14. Section 39-368 of the Broward County Code of Ordinances is
 172 hereby amended to read as follows:

173 **Sec. 39-368. Limitations of uses.**

174 ...

175 (f) ~~Community residential facilities and~~ n~~Nursing~~ homes. Density for
 176 ~~community residential facilities and~~ nursing homes shall be calculated as two (2)
 177 bedrooms equals one (1) dwelling unit. The Future Unincorporated Area Land Use

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

178 Element shall determine the maximum permissible density for such use. If the proposed
179 ~~facility~~ nursing home is not within an area designated residential by the Future
180 Unincorporated Area Land Use Element Map series, any such proposed ~~facility~~ nursing
181 home will be subject to availability and allocation of reserve units.

182 ~~(g)~~ (g) *Educational centers.* Educational centers may have dormitory facilities as
183 an accessory use.

184 ~~(h)~~ (g) *Institutions for the homeless or indigent.* Institutions for the homeless or
185 indigent shall either be governmentally owned or operated or shall be owned or operated
186 by a not-for-profit corporation. Such institutions may include shelters for housing, kitchen
187 and dining facilities, rehabilitative, medical emergency, medical and dental outpatient
188 facilities, counseling, and administrative offices. Such facilities shall be separated from
189 any ~~residentially-zoned~~ residentially zoned district by a minimum of five hundred (500)
190 feet.

191 ~~(i)~~ (h) *Landfills or other solid waste disposal facilities.*

192 . . .

193 ~~(j)~~ (i) *Penal institutions.* Penal institutions shall not be located within
194 twenty-five hundred (2,500) feet of another penal institution or school or of any
195 ~~residentially-zoned~~ residentially zoned district. The minimum plot size for any such facility
196 shall be twenty (20) acres.

197 ~~(k)~~ (j) *Trash transfer stations.* Trash transfer stations shall be governmentally
198 owned or operated or shall be operated on a contractual basis with a local government.
199 Such facilities shall not be located within five hundred (500) feet of any ~~residentially-zoned~~

200 residentially zoned district, except agricultural districts, and shall require a minimum plot
201 size of ten (10) acres.

202 Section 15. Section 39-411 of the Broward County Code of Ordinances is hereby
203 amended to read as follows:

204 **Sec. 39-411. Site plan review.**

205 . . .

206 (d) *Submittals.* Courtesy Conceptual Plan Review and Site Plan Application.

207 (1) *Submitted Plans.*

208 a. ~~Submittals for a Courtesy Conceptual Plan Review. Courtesy~~
209 Conceptual Site Plan Review meetings are recommended and.
210 Plans do not need to be submitted in advance of meeting; however,
211 any plans submitted will not be routed for agency review and
212 comment.

213 b. ~~Submittals for a site plan application Site Plan Application.~~
214 Applications for Site Plan Review are required at the time of
215 ~~application~~ submittal. Unless submitted electronically, applications
216 shall include drawings, the overall size of which shall be 24" x 36",
217 drawn at a scale not less than 1" = 50'.

218 (2) Table of Submission Requirements ~~are~~ is as follows:

218a Requirements Conceptual Site Plan Review Site Plan Application

218b

218c . . .

219 Section 16. Section 39-412 of the Broward County Code of Ordinances is hereby
220 amended to read as follows:

221 **Sec. 39-412. Courtesy conceptual ~~site~~ plan meeting.**

222 (a) Depending on the location, design, size, impact, or other factor of a
223 proposed development, the Urban Planning Division Director may require an applicant to
224 ~~file an application for~~ request a Courtesy Conceptual Plan Review meeting of the site plan
225 prior to filing a ~~s~~Site ~~p~~Plan ~~a~~Application. The Courtesy Conceptual Plan Review is not a
226 replacement for the full ~~s~~Site ~~p~~Plan ~~a~~Application review procedure and does not qualify
227 as a preapplication meeting.

228 (1) Review for completeness of a Courtesy Conceptual Plan Review
229 ~~application~~ shall not be required as the review is merely conceptual.
230 However, insufficient information may result in additional requests.

231 (2) ~~When applicable, the Director shall forward the application for Conceptual~~
232 ~~Review consistent with Section 39-413(a)(3).~~

233 ~~(3)~~ The Urban Planning Division shall schedule a meeting with the applicant
234 and the selected review agencies to discuss the conceptual site plans.

235 ~~(4)~~ (3) When not required, an applicant has the option to ~~file an application for~~
236 request a Courtesy Conceptual Plan Review of the site plan prior to
237 requesting a preapplication consultation.

238 (b) No formal comments, interpretation of the Code, or order shall be issued
239 in conjunction with a Courtesy Conceptual Plan Review ~~application~~.

240 Section 17. Section 39-413 of the Broward County Code of Ordinances is hereby
241 amended to read as follows:

242 **Sec. 39-413. Site plan review procedures.**

243 (a) *Application Procedure.* The following procedures shall govern the review of
244 applications:

245 . . .

246 (5) *Posted Notice.* Notice of submittal of a site plan application must be
247 provided by the applicant by posting, in accordance with this section. Within
248 twenty-one (21) days after the issuance of a Notice of Complete Application
249 consistent with Section 39-413(a)(2), ~~the applicant must~~ shall securely
250 post the sign(s) on the property in a visible location on each street frontage
251 and shall submit to the Urban Planning Division an affidavit, including
252 date-stamped photographic proof, of posting of the sign(s) in accordance
253 with this section. If the applicant fails to submit the affidavit within the
254 required timeframe, processing of the application shall cease ~~and any~~
255 ~~required action by the Director shall be postponed until such affidavit is~~
256 ~~received,~~ the application shall be deemed withdrawn, and no further action
257 will be taken. The following requirements must be followed by the applicant
258 for signage posting:

259 **Public Notification Signage Posting for Site Plan Approval**

259a

259b Removal, if administrative Posted sign shall be removed within ~~five (5)~~
~~business~~ seven (7) days after issuance of
agency administrative approval(s).

259c Removal, if referred to County Commission Posted sign shall be removed within ~~five (5)~~
~~business~~ seven (7) days after final disposition
of the application by the County Commission.

260 . . .

261 (b) *Review responsibilities.* Each review agency shall submit written comments
262 and recommendations to the Urban Planning Division within ~~twenty-eight (28)~~
263 ~~calendar~~ twenty-one (21) days after acceptance of the application by the Urban Planning
264 Division. If any reviewing agency report does not respond within said time frame, it shall
265 be presumed that the agency has no comments or objections.

266 (c) *Reviewing agency reports; comments; required action.* The Urban Planning
267 Division Director shall review the application, the citizen participation report, and the
268 reports of the reviewing agencies.

269 (1) Within seven (7) days after receiving the reviewing comments and
270 recommendations, the Urban Planning Division shall prepare a report and
271 issue a notice of the status of the application.

272 . . .

273 b. For a site plan application found not to be in compliance with this
274 article, the notice shall state the reason for noncompliance. The
275 applicant shall have ~~sixty (60)~~ forty-five (45) days after the date of
276 the notice to address any noncompliance items identified by the

277 review agencies. The resubmitted plan shall be routed pursuant to
278 Section 39-413(a)(3) and ensuing reviews shall be noticed and
279 processed pursuant to Section 39-413(c). Failure to submit
280 corrections curing deficiencies identified in the notice shall result in
281 issuance of another notice, together with the site plan report, to the
282 applicant and the County Commission stating the intent to deny the
283 site plan application. A County Commissioner shall have
284 fourteen (14) days after the date of transmittal of the notification to
285 request that the application be placed on the County Commission
286 quasi-judicial agenda. Absent such request, the Urban Planning
287 Division Director shall issue an final order of denial consistent with
288 the notice. ~~Any further request will require a new site plan application~~
289 ~~submittal and may not be submitted any sooner than six (6) months~~
290 ~~after the date of the notice of noncompliance.~~

291 (2) All site plan applications shall be issued final orders consistent with the most
292 recent notice within one hundred ~~eighty (180)~~ twenty (120) days after the
293 application being deemed complete as set forth in Section 39-413(a)(2)
294 above. This period shall extend to one hundred eighty (180) days if a
295 quasi-judicial hearing before the County Commission is requested or
296 required.

297 (3) The applicant may submit a written request for one (1) extension, ~~not to~~
298 ~~exceed~~ of not less than thirty (30) days and not more than

299 one hundred eighty (180) days, provided the applicant agrees to waive
300 timeframes set forth in Section 125.022, Florida Statutes.

301 ~~(3)~~ (4) Notwithstanding Section 39-413(c)(1), ~~if the Director believes that there is a~~
302 ~~substantial question regarding the interpretation of this article as it applies~~
303 ~~to the application,~~ the Director may place the matter on the County
304 Commission quasi-judicial agenda for consideration within
305 one hundred eighty (180) days after the application was deemed complete,
306 as set forth in Section 39-413(a)(1) above. ~~If the application generates~~
307 ~~significant public interest, the Director may place the matter on the County~~
308 ~~Commission quasi-judicial agenda for consideration within~~
309 ~~one hundred eighty (180) days after the application was deemed complete,~~
310 ~~as set forth in Section 39-413(a)(1) above.~~ in the following circumstances:

311 a. The Director believes that there is a substantive question regarding
312 the interpretation of this article as it applies to the application; or

313 b. If the application generates significant public interest.

314 . . .

315 (e) *Effective period of an approved site plan approval. An approved site plan*
316 *approval shall expire ~~within one (1) year~~ if a building permit for the identified*
317 *improvements is not issued within eighteen (18) months, or if an issued building permit*
318 *expires and is not in effect for a period of ninety (90) days. In such cases, the development*
319 *order granting approval shall be null and void. The Urban Planning Division Director may*
320 *grant up to two (2) six (6) month extensions upon a showing by the applicant that progress*
321 *is being made towards securing building permit approvals or towards renewing expired*

322 building permits. Such request(s) must be made before the expiration schedules provided
323 in this section.

324 (f) Resubmittal following final order of denial. Whenever the Urban Planning
325 Division Director has denied a site plan application or condition thereto, the Director shall
326 not accept the same or substantially similar request unless the Director determines that
327 such action is permitted due to changed circumstances; to prevent an injustice; or to
328 facilitate the proper development of the County based upon evidence provided by the
329 applicant. A new site plan application for the property that is determined to be substantially
330 similar to the prior denied request shall not be submitted less than
331 one hundred eighty (180) days after the date of the final order of denial and shall be
332 required to include a new public participation plan.

333 Section 18. Section 39-637 of the Broward County Code of Ordinances, titled
334 “Adult living facilities in Roosevelt Gardens,” is hereby repealed in its entirety.

335 Section 19. Section 39-656 of the Broward County Code of Ordinances is hereby
336 amended to read as follows:

337 **Sec. 39-656. Development standards.**

338 . . .

339 (d) *Maximum permitted height/stories.*

340 . . .

341 (2) GP-2:

342 . . .

343 b. Heights:

344 . . .

345 3. Buildings greater than thirty-five feet (35') in height or
346 three (3) stories that are contiguous to a property zoned
347 ~~RS-4~~ RD-5 to ~~RS-6~~ RD-10 or RM-5 to RM-6 shall have a
348 step-back beginning on the third (3rd) story of at least
349 eight feet (8').

350 . . .

351 (o) Entrances that face a collector or arterial road shall be recessed a minimum
352 of five feet (5') from the building line.

353 Section 20. Article XLI of Chapter 39 of the Broward County Code of Ordinances
354 is hereby created to read as follows:

355 [Underlining omitted]

356 **ARTICLE XLI. COMMUNITY RESIDENTIAL HOMES AND ASSISTED LIVING**
357 **FACILITIES**

358 **Sec. 39-674. Purpose.**

359 The purpose of this article is to implement Chapters 419 and 429, Florida Statutes,
360 as may be amended, as they relate to Community Residential Homes. This article shall
361 only apply to those facilities licensed by the State of Florida.

362 **Sec. 39-675. Use categories.**

363 This article shall apply to the following use categories:

- 364 (a) Community Residential One-Family Dwelling; one to six (1-6) residents.
- 365 (b) Community Residential Home; seven to fourteen (7-14) residents.
- 366 (c) Assisted Living Facility; fifteen (15) or more residents.

367 **Sec. 39-676. Application required.**

368 An application shall be submitted to the Zoning Official to request any of the use
369 categories listed in Section 39-675. An application shall include the following, as
370 applicable:

371 (a) *Community Residential One-Family Dwelling.* An application for community
372 residential one-family dwellings with six (6) or fewer residents shall identify the number of
373 intended residents and shall provide the most recently published data compiled from the
374 Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department
375 of Juvenile Justice, the Department of Children and Families, or the Agency for Health
376 Care Administration (the "Licensing Entity") that identifies all community residential
377 homes within the jurisdictional limits of the Broward Municipal Services District (the
378 "BMSD").

379 (b) *Community Residential Home and Assisted Living Facility.* An application
380 for either a community residential home or an assisted living facility must identify the
381 number of residents intended and the community support requirements of the program.
382 The application shall also contain a statement from the Licensing Entity indicating the
383 licensing status of the proposed use and specifying how it meets applicable licensing
384 criteria for the safe care and supervision of the residents of the home. The applicant shall
385 also provide the most recently published data compiled from the applicable Licensing
386 Entity that identifies all community residential homes or assisted living facilities within the
387 jurisdictional limits of the BMSD.

388 **Sec. 39-677. Zoning compliance.**

389 In addition to the requirements provided in this article, all community residential
390 homes and assisted living facilities shall comply with the zoning requirements of the

391 district in which they are located. Community Residential One-Family Dwellings with
 392 six (6) or fewer residents shall be permitted as a one-family dwelling, provided they meet
 393 distance separation requirements.

394 **Sec. 39-678. Permitted use categories.**

394a	P = Permitted	NP = Not Permitted						
394b	Category:	A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates	RS-2 to RS-6	RD-4 to RD-10	RM-5 to RM-16	RM-17 to RM-25, I-1	B-3 to B-4, CF	All Other Districts
394c	Community Residential One-Family Dwelling; 1-6 Residents	P	P	P	P	P	NP	NP
394d	Community Residential Home; 7-14 Residents	NP	NP	P	P	P	NP	NP
394e	Assisted Living Facility; 15 or more residents	NP	NP	NP	NP	P	P	NP

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

395 **Sec. 39-679. Density.**

396 Residential density for each facility category shall be determined as follows:

397 (a) A community residential one-family dwelling shall be considered as one (1)
398 dwelling unit.

399 (b) A community residential home with seven to ten (7-10) residents shall be
400 considered as two (2) dwelling units; community residential homes with
401 eleven to fourteen (11-14) residents shall be considered as three (3) dwelling units.

402 (c) Every bedroom within an assisted living facility shall be counted as a
403 half (0.5) dwelling unit.

404 **Sec. 39-680. Distance separation.**

405 Applications regulated under this article must include a survey demonstrating
406 compliance with distance separation requirements. All distance requirements in this
407 section shall be measured from the nearest point of the property line of the existing home
408 or area of single-family zoning to the nearest property line of the proposed home/facility.
409 Distance separation requirements are as follows:

409a	Category:	Community Residential One-Family Dwelling; residents	Community Residential Home; 7-14 residents	Assisted Living Facility	Proximity to A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, and RS-2 to RS-6 Zoning
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409b	Community Residential One-Family Dwelling; 1-6 residents	1,000'	1,200'	N/A	N/A
409c	Community Residential Home; 7-14 residents	1,200'	1,200'	N/A	500'
409d	Assisted Living Facility; 15 or more residents	N/A	N/A	1,200'	N/A

410 **Sec. 39-681. Permit review.**

411 Pursuant to Chapter 419, Florida Statutes, requests for review and compliance
412 with this article shall be completed by the Urban Planning Division or its successor agency
413 (the "Division") within sixty (60) days after application submittal. Notwithstanding other
414 applicable provisions of Chapter 39 of the Broward County Code of Ordinances (the
415 "Zoning Code"), failure by the Division to respond within the sixty (60) day timeframe shall
416 permit the agency or unit of government, a for-profit or nonprofit agency, or any other
417 person or organization that intends to establish or operate a community residential home
418 to establish the community residential home at the site selected. Applications for
419 community residential homes shall satisfy the following requirements:

420 (a) The siting of the community residential home is in accordance with all
421 applicable zoning requirements specified in the Zoning Code;

422 (b) The community residential home meets applicable licensing criteria
423 established and determined by the applicable Licensing Entity, including requirements
424 that the community residential home be located at a site that assures the safe care and
425 supervision of all its residents; and

426 (c) The location of the community residential home shall not result in such a
427 concentration of community residential homes in the area in proximity to the site selected
428 or would result in a combination of such homes with other residences in the community,
429 such that the nature and character of the area would be substantially altered. An
430 overconcentration or combination of use shall be considered to occur when the locations
431 of the community residential homes that are less than the distances provided in
432 Section 39-680 of the Zoning Code or are inconsistent with state law.

433 Section 21. Severability.

434 If any portion of this Ordinance is determined by any court to be invalid, the invalid
435 portion will be stricken, and such striking will not affect the validity of the remainder of this
436 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
437 legally applied to any individual, group, entity, property, or circumstance, such
438 determination will not affect the applicability of this Ordinance to any other individual,
439 group, entity, property, or circumstance.

440 Section 22. Inclusion in the Broward County Code of Ordinances.

441 It is the intention of the Board of County Commissioners that the provisions of this
442 Ordinance become part of the Broward County Code of Ordinances as of the effective
443 date. The sections of this Ordinance may be renumbered or relettered and the word
444 "ordinance" may be changed to "section," "article," or such other appropriate word or
445 phrase to the extent necessary to accomplish such intention.

446 Section 23. Effective Date.

447 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 02/18/2025
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 02/18/2025
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Zoning Code Update Ordinance
02/18/2025
#60049-0413

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