

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;

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

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

...

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

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

...

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

. . .

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

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

. . .

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

. . .

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

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

...

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

...

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

Sec. 39-11. Zoning district maps.

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

...

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

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

...

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

[Underlining omitted]

Sec. 39-48. Administrative setback waiver.

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

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

[Underlining omitted]

Sec. 39-49. Zoning verification letters.

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

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

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

. . .

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

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

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

Sec. 39-249. Uses permitted.

...

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

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

Sec. 39-263. Uses permitted.

...

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

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

...

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

Sec. 39-277. Residential zoning districts.

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

District	Title
...	
RM-5 through RM-25	Multiple -family dwelling districts

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

Sec. 39-278. Density.

...

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

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

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

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

Sec. 39-279. Uses permitted.

...

P = Permitted	NP = Not Permitted	C = Conditional Use
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Use	District
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	RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
--	-----------	------------	------------	-------------

...
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2-family dwelling	NP	P	P	P
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<u>Assisted living facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
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...
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Community residential	<u>NP</u>	P	P	P
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facility home with adult day care permitted as an accessory use (see Article XLI)

<u>Community residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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one-family dwelling
(see (Article XLI))

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	A	A	A	A	A		
	Subsection 39-300(a)]							
163d	Accessory structures [see	A	A	A	A	A		
	Subsection 39-300(a)]							
163e

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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 [see Article 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	

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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	

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

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

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	<i>Master Use List</i>							

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 [see Article XLI]</u>		<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 [see 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	
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.

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

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

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

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

. . .

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

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

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

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

Sec. 39-411. Site plan review.

...

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

(1) *Submitted Plans.*

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

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

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

Requirements	Conceptual Site Plan <u>Review</u>	Site Plan Application
--------------	-----------------------------------------------	-----------------------

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

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

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

(1) Review for completeness of a Courtesy Conceptual Plan Review ~~application~~ shall not be required as the review is merely conceptual.

However, insufficient information may result in additional requests.

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

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

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

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

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

Sec. 39-413. Site plan review procedures.

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

...

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

Public Notification Signage Posting for Site Plan Approval

...

...

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

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

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

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

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

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

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

b. If the application generates significant public interest.

...

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

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

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

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

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

Sec. 39-656. Development standards.

...

(d) *Maximum permitted height/stories.*

...

(2) GP-2:

...

b. Heights:

...

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

. . .

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

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

[Underlining omitted]

ARTICLE XLI. COMMUNITY RESIDENTIAL HOMES AND ASSISTED LIVING FACILITIES

Sec. 39-674. Purpose.

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

Sec. 39-675. Use categories.

This article shall apply to the following use categories:

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

Sec. 39-676. Application required.

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

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

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

Sec. 39-677. Zoning compliance.

In addition to the requirements provided in this article, all community residential 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, RS-2 RD-4 RM-5 RM-17 B-3 All
 E-1, E-2, to to to to to Other
 Rural RS-6 RD-10 RM-16 RM-25, B-4, Districts
 Ranches, I-1 CF
 Rural
 Estates

394c Community P P P P P NP NP
 Residential
 One-Family
 Dwelling;
 1-6 Residents

394d Community NP NP P P P NP NP
 Residential
 Home;
 7-14 Residents

394e Assisted Living NP NP NP NP P P NP
 Facility; 15 or
 more residents

Sec. 39-679. Density.

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

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

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

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

Sec. 39-680. Distance separation.

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

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

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

Section 21. Severability.

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

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

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

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