

## Broward County Zoning Table of Contents

Article	Description	Page
I.	Intent, Purpose and Methods	13
II.	Definitions	13
III.	Administration and Legal Provisions	33
IV.	District and Regulation Changes	39
V.	Variances and Appeals	44
VI.	Signs	50.2
VII.	Nonconforming Uses and Structures	71
VIII.	Functional Landscaping and Xeriscaping	73
IX.	General Provisions	84
X.	Property Maintenance and Junk or Abandoned Property	92
XI.	Alcoholic Beverage and Adult Entertainment Establishments	103
XII.	Off-Street Parking and Loading	106
XIII.	Conditional Uses	125
XIV.	Agricultural Estate A-1 and General Agricultural A-2 Districts	134
XV.	Rural and Estate Districts	140
XVI.	Residential Zoning Districts	146
XVII.	Commercial Districts	159
XVIII.	Industrial Districts	174
XIX.	Mobile Home Districts	184
XX.	Planned Development Districts	188
XXII.	Community Facilities Districts	195
XXIII.	Open Space and Public Recreation Districts	201
XXIV.	Conservation Districts	205
XXVIII.	Agricultural-Amusement A-4 District	208
XXX.	Agricultural-Disposal A-6 District	210
XXXI.	Agricultural-Restricted Disposal A-7 District	211
XXXIII.	Cemetery District A-9	213
XXXV.	General Provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, and R-5 Districts	215
XXXVI.	One-Family Dwelling—R-1A to R-1C Districts	221
XXXVII.	One-Family Dwelling—Parking R-1P Districts	224
XXXVIII.	Special One-Family D-1 District	
XLIV.	Two-Family Dwelling R-2 District	229
XLV.	Two-Family Dwelling—Parking R-2P District	230
XLVII.	Low-Density Multiple R-3 District	231
XLVIII.	Row House R-3U District	233
LIII.	Motel R-5 District	236
LXXI.	Broward County Airport	239
LXXXV.	Residential, Single-Family Detached and Office District: RSO Districts	247
LXXXVI.	Residential, Multiple-Family/Office District: RMO Districts	251



## Annexed Residential Zoning Districts – Permitted Uses

P = Permitted

NP = Not Permitted

C = Conditional Use

Use	RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
1-family detached dwelling	P	P	P	P
2-family dwelling	NP	P	P	P
Townhouse or villa	NP	P	P	P
Multi-family dwelling (3 or more)	NP	P	P	P
Community residential facility with adult day care permitted as an accessory use	P	P	P	P
Nursing home, convalescent or rehabilitation home	NP	NP	NP	P
Hotel, motel, or timeshare apt.	NP	NP	NP	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Golf course	P	P	P	P
Place of worship	P	P	P	P
Family day care	P	P	P	P
Home Office subject to Sec.39-237	C	C	C	C
Child day care	NP	NP	P	P
Temporary sales office	P	P	P	P
Yard Sale	C	C	C	C
Accessory uses and structures	P	P	P	P
Essential services	P	P	P	P
Bed and breakfast	NP	NP	P*	P
Off-site parking lots subject to Sec. 39-240	C	C	C	C
Outdoor event, subject to Sec. 39-238	C	C	C	C
Wireless communication facilities subject to Sec. 39-102	P	P	P	P

\* Not permitted in RM-5 thru RM-10

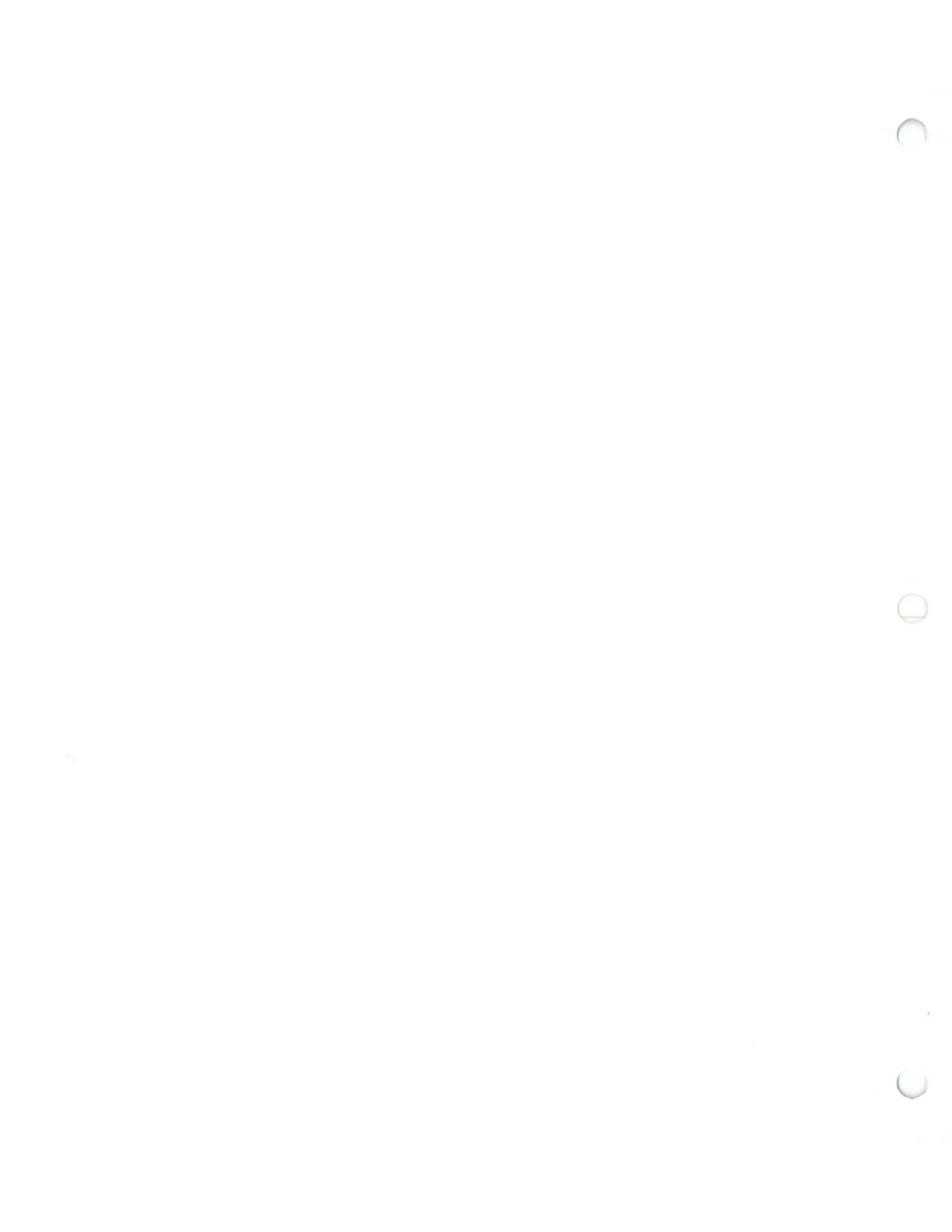


## Annexed Property Zoning Districts

---

District	Description	Page
A-3	Agricultural and Utilities District	195
B-1	Limited Commercial Business District	160
B-2	General Commercial Business District	160
B-3	Intense Commercial Business District	160
C-1	Commercial Warehouse District	160
I-1	Institutional and Educational District	195
M-3	Intense Manufacturing and Industrial District	175
PUD	Planned Unit Development District	188
RD-10	Duplex and Attached One-Family Dwelling District	152
RM-10	Multiple-Family Dwelling Districts	152
RM-15	Multiple-Family Dwelling Districts	152
RS-3	One-Family Detached Dwelling District	152
RS-4	One-Family Detached Dwelling District	152
RS-5	One-Family Detached Dwelling District	152
S-1	Open Space Recreation District	201

---



To: Terry Burgess, Zoning Plans Examiner  
From: Robert B. Dunckel, Assistant City Attorney/5036  
Date: April 12, 2000  
Re: Generic Townhouse Approvals / Revised

City Attorney Communication  
No. 00-756

We are revising our Generic Townhouse Approval Memorandum as a result of issues that have arisen since our last Memorandum on the topic. Please discard any previous generic Memoranda on the topic.

As you are aware, ULDR Sect. 47-18.33, Townhouses, has several requirements with respect to the City Attorney's approval of easements along the front, side and rear property lines of the group. The ULDR calls for:

**Front yard:** . . . A five (5) foot easement along the front property line of the group shall be required. Provisions satisfactory to the City Attorney shall be made for a recordable easement along the front property line of the group for use by the owners of the group.

**Side yard:** . . . A five (5) foot easement which extends from front to rear lot lines along a side lot line of the townhouse group not abutting a public street shall be required for use by the owners within the group.

**Rear yard:** . . . Provisions satisfactory to the City Attorney shall be made for a recordable easement along the rear property line of the group for use by the owners of the group.

This memo sets out the generic structure that developers should follow in structuring those easements.

1. All easements shall be prominently displayed (and labeled) on the overall site plan for the group, and such overall site plan for the group shall be incorporated into the Townhouse Declarations, made an Exhibit thereto and recorded with the Townhouse Declaration.

2. The text of the Townhouse Declaration must grant an easement to the owners of the group as referenced above.





City Attorney Communication No. 00-756  
April 12, 2000  
Page 2

A. For example, the text could read:

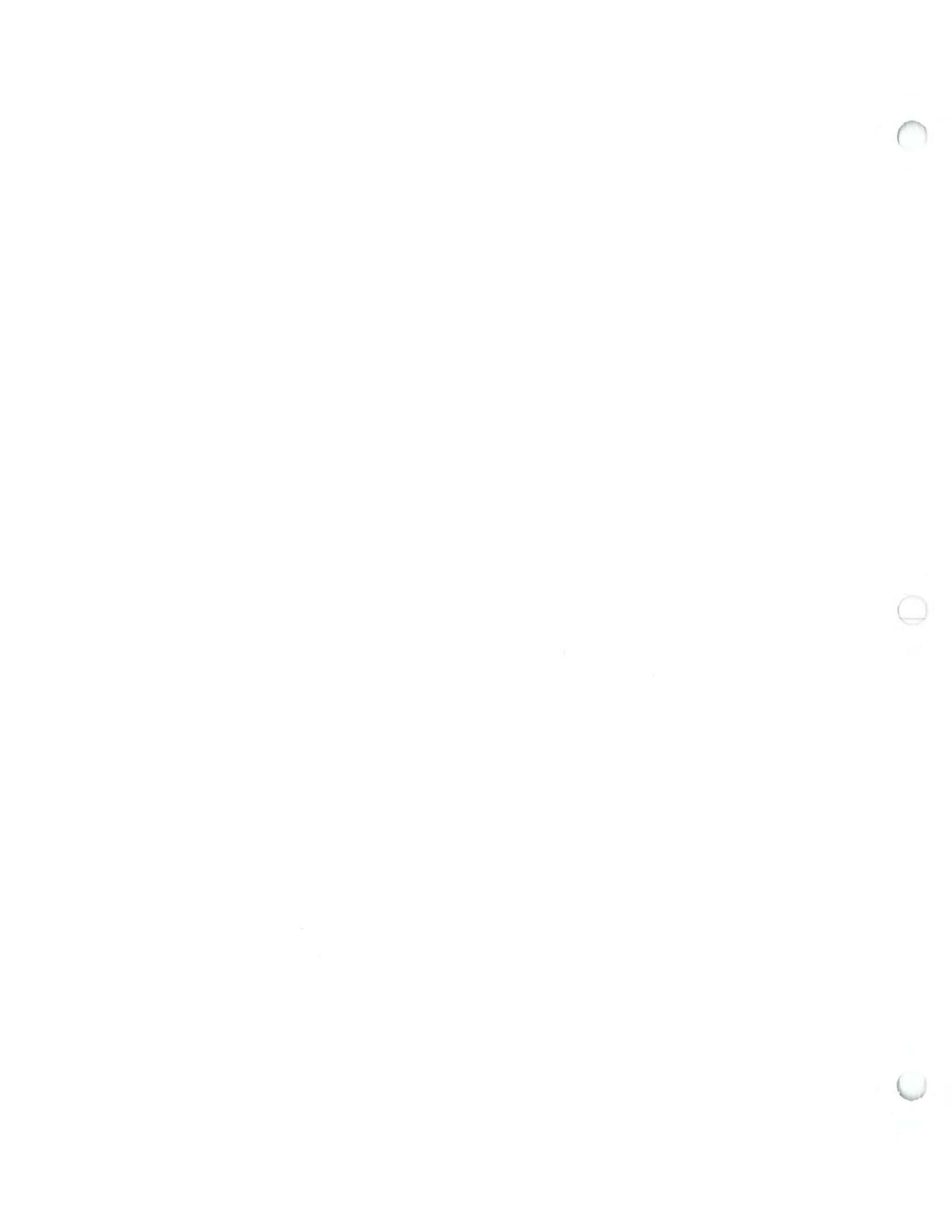
Owner's Easements: A nonexclusive pedestrian easement to the Unit Owners is hereby declared, granted and established over and across (a) the Northerly most five (5) feet of Lots 1, 2 and 3 and (b) the Easterly five (5) feet of Lot 3 of the Property and Units situated thereon, the location of which is more particularly identified in the Townhouse Site Plan attached hereto as Exhibit "B". Such nonexclusive pedestrian easements shall be for the use by the Unit Owners within the Group, as required by the City of Fort Lauderdale Uniform Land Development Regulations, Sect. 47-18.33.

3. Typically, Townhouse Declarations provide for a mechanism by which the Declaration may be amended upon a super-majority vote of the Unit Owners. In this instance, the "City required pedestrian easements" may not be subject to amendment by a super-majority of the Unit Owners. Accordingly, language should be contained in the Declaration, similar to the following:

Amendment: . . . Notwithstanding the foregoing, with respect to the easements required by City of Fort Lauderdale Unified Land Development Regulations Sect. 47-18.33, referenced in Article \_\_\_\_, Section \_\_\_\_ above, this Declaration may not be amended, modified or repealed without the express written consent of the City of Fort Lauderdale Zoning Administrator, which such express written consent shall be in recordable form and which such consent shall only be given when the proposed amendment, modification or repeal is in accordance with the terms of the City of Fort Lauderdale's Unified Land Development Regulations.

4. Generally, as to the *Front yard* easement, if the front yard abuts a publicly dedicated right of way, no easement will be required.

5. Generally, as to the *Rear Yard* easement, currently, if the rear yard of the group abuts a publicly dedicated right of way, including an alley, the Townhouses will be approved without a dedicated easement. However, be advised, with respect to *Rear Yards*, the foregoing policy is currently under review and subject to change.



City Attorney Communication No. 00-756  
April 12, 2000  
Page 3

6. Fences that prevent thorough pedestrian access through the required pedestrian easements will not be approved. Therefore the site plan must be carefully examined for walls and fences that run along property lines (for the Townhouse Units) that might interfere with the pedestrian easement rights being granted to all Unit Owners within the Group. The Site Plan must also be reviewed for the presence of fences or walls along the side yards which might prevent access of middle unit owners to the fullest enjoyment of the owners' pedestrian easement that runs in their favor.

If you have any further questions, please contact me.

\_\_\_\_\_  
Assistant City Attorney

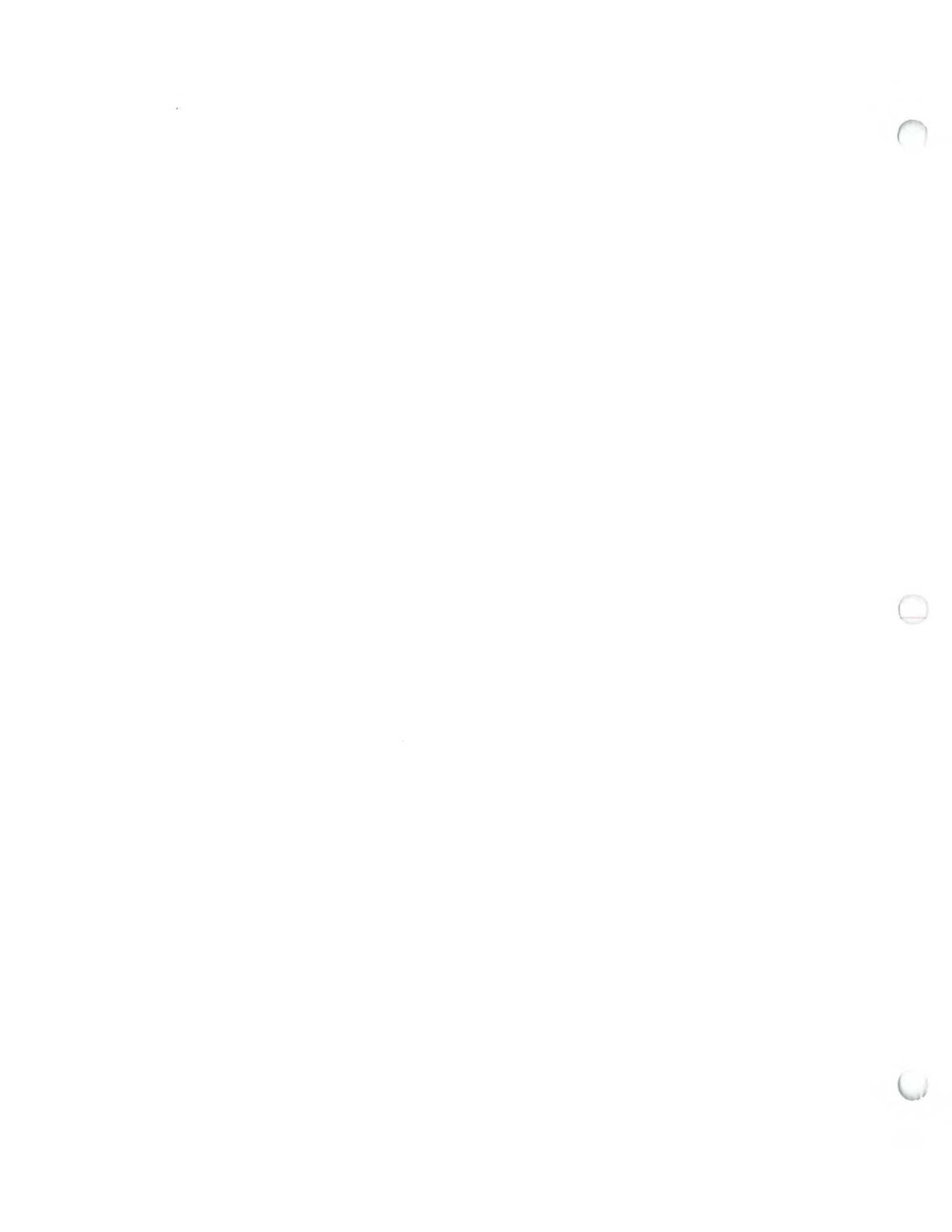
RBD/dsb/m-00-756  
Atts.

cc: Greg Brewton, Zoning Administrator  
Cecelia Hollar, Acting Director of Construction Svcs.

Post-it® Fax Note	7671	Date	# of pages <b>3</b>
To <b>Chang</b>		From <b>Denice</b>	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # <b>5050</b>		Fax # <b>5915</b>	



1. Point browser to, [www.municode.com](http://www.municode.com)
2. Find, Free Resources on left
3. Click on Online Codes
4. Click on Florida map
5. Maximize window if necessary
6. Click on Broward County Codes
7. Under New Site, click on Frames or No Frames
8. The Table of Contents will appear on left
9. Navigate to Chapter 39
10. Navigate to Section of interest









## Residential Swimming Pools:

### Definitions:

- ULDR: Unified Land Development Regulation (Fort Lauderdale Zoning Code)
- BC: Broward County Zoning Code

### ***ULDR Sec. 47-1.12. Effect of annexation on property***

Whenever unincorporated (*Broward County*) property is annexed by the city (*Fort Lauderdale*) pursuant to the Florida Statutes, and when said property had been previously zoned by a unit of local government (*Broward County*), the use regulations of that unit of local government shall remain in full force and effect until the city adopts a comprehensive plan amendment that includes the annexed area and the property is rezoned by the city.

### ***BC Sec. 39-275(3)(d) Yard Encroachments:***

On a plot containing a one-family or two-family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings.

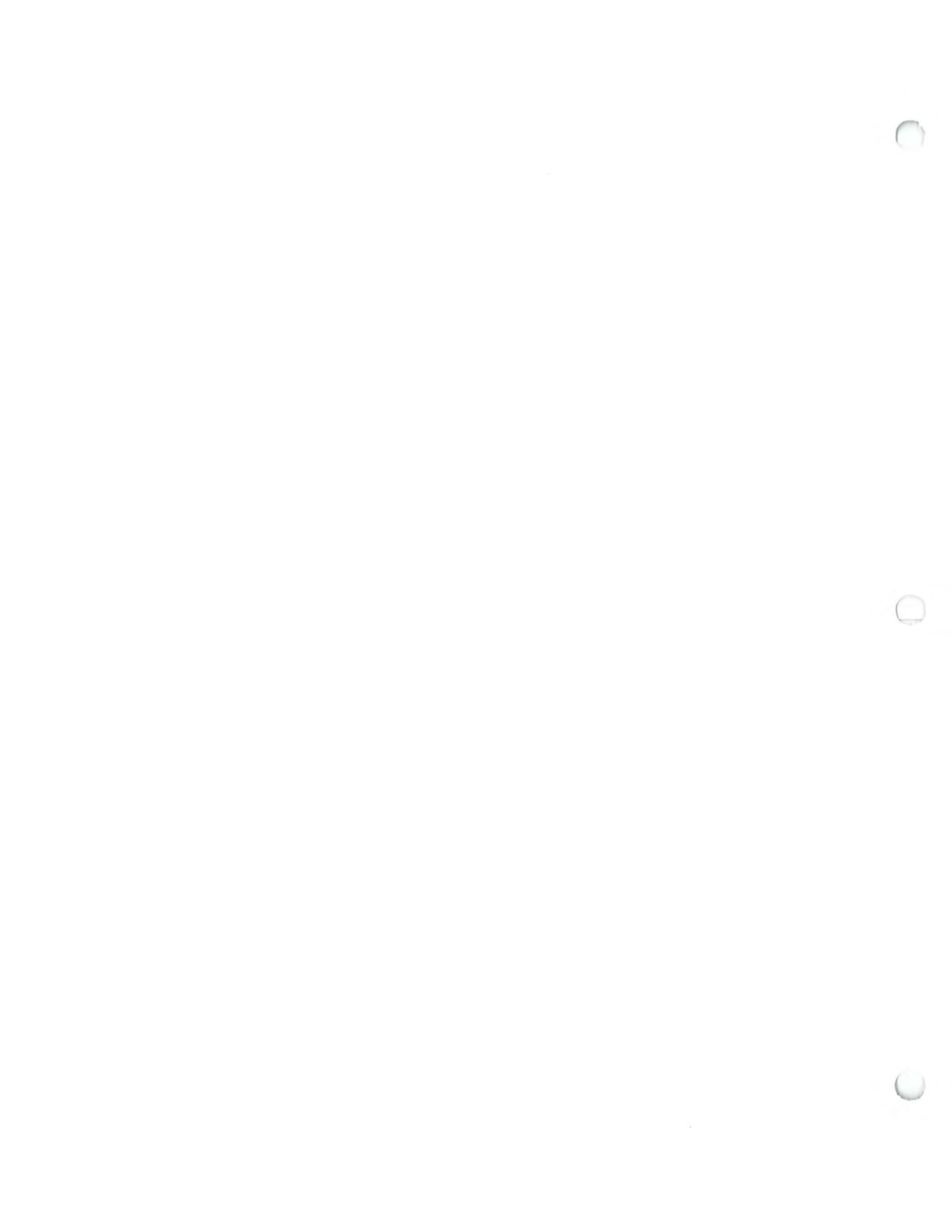
### ***BC Sec. 39-275(5) Swimming Pools and Spas:***

All residential swimming pools and spas shall be constructed in conformity with the following:

- (a) All swimming pools and spas shall be completely enclosed by either an open-mesh screen enclosure or a fence or wall a minimum of five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates must be equipped with self-closing, self-latching mechanisms.
- (b) On plots containing a one or two-family dwelling, swimming pools and spas may be placed in required side or rear yards subject to the limitations of section 39-275, subsection (3)(d). For purposes of this subsection, the minimum setback from a plot line shall be measured beginning three (3) feet from the outermost edge of the waterline of the swimming pool or spa for fenced pools and spas, and from the exterior of the screen enclosure for screen enclosed swimming pools and spas.
- (c) Swimming pools and spas on plots which directly abut a waterway or other water area shall not be required to have an enclosure along such waterway or water area.

### ***FYI:***

1. Swimming pools and spas are also required to comply with the Florida Building Code Sec. 424.2.17: Residential Swimming Pool Barrier Requirements.
  2. Screen Enclosures, walls and fences are required to comply with the relevant Florida Building Code sections.
  3. The actual minimum setback requirement for swimming pools and spas which are proposed to be located in the side or rear yard is eight (8) feet: five (5) feet as required per Sec. 39-275(3)(d) plus three (3) feet as required per Sec. 39-275(5)(b).
-



*Index*

Accessory buildings height, residential districts	146
Accessory buildings, aggregate floor area, residential districts	146
Accessory buildings, one story, residential districts	146
Accessory dwelling limitations, industrial districts	181
Accessory dwellings in commercial districts	167
Additional and overflow parking	111
Adult entertainment distance limitations	105
Adult entertainment establishments	103
Alcoholic beverage establishments	103
Alcoholic beverage separation requirements	104
Ammunition manufacturing, storage or distribution	182
Amount of off-street parking for uses of buildings or property	122
Amount of off-street parking, business and commercial	115
Amount of off-street parking, industrial	119
Amount of off-street parking, outdoor recreational uses	121
Amount of off-street parking, residential	115
Amusement & billiard centers	167
Amusement parks & other outdoor commercial recreation uses	167
Auto repair garages	168
Auto repair, industrial districts	181
Automatic teller machines	114
Automotive accessories sales & installation	168
Backout parking	108
Beach area lighting restrictions	90
Boarding and breeding kennels, industrial districts	181
Boarding or breeding kennels	168
Boat building, repair and storage	168
Boathouses, slips & lifts on residential property	150
Bus terminals	168
Cabinet and carpenter shops	168
Certificate of Nonconformity	71
Child care centers and pre-schools	168
Combined off-street parking	113
Commercial districts	159
Commercial vehicle storage yards	168
Commercial vehicles on residential property	147
Community residential facilities density	153
Contractor shops	168
Convalescent homes density	153
Day labor employment agencies	168
Display of products for sale	160
Districting boundaries	34



**Broward County Code of Ordinance – Chapter 39**

Marinas	169
Medical sterilization facilities	182
Medical waste incineration	182
Minimum floor area of dwelling units	159
Minimum space for dwelling units	151
Mixed use parking	112
Mobile collection centers	169
Mobile collection centers, industrial districts	182
Mobile food units	169
Mobile food units, industrial districts	182
Nonconforming adult entertainment establishments	106
Nonconforming use discontinuance	72
Nonconforming use of buildings	71
Nonconforming use of land	71
Nonconforming use repairs, alterations, enlargement	71
Nonconforming uses	71
Nonconforming uses established	71
Nonconformity other than use	72
Nonresidential uses in residential districts minimum plot size	156
Nursing home density	153
Office and showrooms, industrial districts	182
Off-street loading	124
Off-street parking required	106
Open air seating	112
Open common space	156
Outbound drive-through lanes	111
Outbound stacking spaces	111
Overgrown groundcover	94
Overhead garage doors	108
Parking access	108
Parking and loading	106
Parking calculations	112
Parking dimensions	110
Parking drainage	109
Parking facilities use	113
Parking for disabled persons	114
Parking letter of compliance	114
Parking lighting	113
Parking lighting overspill	114
Parking location	107
Parking maintenance	107
Parking plans	111
Parking setbacks	109
Parking size	107
Parking space designation	108



---

---

Broward County Code of Ordinance – Chapter 39

---

---

Swimming pool supplies	171
Swimming pools & spas, residential	147
Temporary sales office	151
Townhouse side yards	158
Trade schools	171
Trade schools, industrial districts	183
Trash	94
Truck accessories sales and installation	168
Unenclosed and unroofed patio or deck	146
Unlawful use not authorized	72
Use of premises without buildings	162
Use of premises without buildings, industrial	177
Use of residentially zoned property for access	162
Use of residentially-zoned property for access to industrial	177
Uses permitted, Residential districts	153
Uses prohibited, residential districts	154
Veterinary hospital	171
Veterinary hospital, industrial districts	183
Vocational schools	171
Vocational schools, industrial districts	183
Warehouse, self storage	171
Warehouse, self-storage, industrial districts	183
Wireless communication facilities	85
Wireless communications, industrial districts	177
Wrecking yards, industrial districts	181
Yard encroachments	146
Zero lot line, side yards	158





# ZONING CODE

---

## BROWARD COUNTY FLORIDA

---

This pamphlet is a reprint of Chapter 39, Broward County Zoning Code, of the Code of Broward County, Florida, published by order of the Board of County Commissioners, 1976 and republished by order of the Board of County Commissioners, 2001.

---



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2001



TABLE OF CONTENTS—Cont'd.

Chapter	Page
39. Broward County Zoning Code .....	CD39:1
Art. I. Intent, Purpose and Methods .....	CD39:13
Art. II. Definitions.....	CD39:13
Art. III. Administrative and Legal Provisions.....	CD39:33
Art. IV. District and Regulation Changes.....	CD39:39
Art. V. Variances and Appeals .....	CD39:44
Art. VI. Signs .....	CD39:49
Art. VII. Nonconforming Uses and Structures .....	CD39:71
Art. VIII. Functional Landscaping and Xeriscaping ...	CD39:73
Art. IX. General Provisions.....	CD39:84
Art. X. Property Maintenance and Junk or Abandoned Property .....	CD39:92
Art. XI. Alcoholic Beverage and Adult Entertainment Establishments.....	CD39:103
Art. XII. Off-Street Parking and Loading .....	CD39:106
Art. XIII. Conditional Uses.....	CD39:125
Art. XIV. Agricultural Estate A-1 and General Agricultural A-2 Districts .....	CD39:134
Art. XV. Rural and Estate Districts .....	CD39:140
Art. XVI. Residential Zoning Districts.....	CD39:146
Art. XVII. Commercial Districts .....	CD39:159

BROWARD COUNTY CODE

Chapter	Page
Art. XVIII. Industrial Districts .....	CD39:174
Art. XIX. Mobile Home Districts .....	CD39:184
Art. XX. Planned Development Districts .....	CD39:188
Art. XXI. Reserved .....	CD39:195
Art. XXII. Communities Facilities Districts.....	CD39:195
Art. XXIII. Open Space and Public Recreation Districts	CD39:201
Art. XXIV. Conservation Districts.....	CD39:205
Art. XXV. Reserved .....	CD39:207
Art. XXVI. Reserved .....	CD39:207
Art. XXVII. Reserved .....	CD39:208
Art. XXVIII. Agricultural-Amusement A-4 District ....	CD39:208
Art. XXIX. Reserved .....	CD39:209
Art. XXX. Agricultural-Disposal A-6 District.....	CD39:210
Art. XXXI. Agricultural-Restricted Disposal A-7 Dis- trict .....	CD39:211
Art. XXXII. Reserved .....	CD39:213
Art. XXXIII. Cemetery District A-9 .....	CD39:213
Art. XXXIV. Reserved.....	CD39:215
Art. XXXV. General Provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts	CD39:215
Art. XXXVI. One-Family Dwelling—R-1A to R-1C Dis- tricts .....	CD39:221
Art. XXXVII. One-Family Dwelling—Parking R-1P Dis- tricts .....	CD39:224
Art. XXXVIII. Special One-Family D-1 District .....	CD39:226
Art. XXXIX. Reserved.....	CD39:228
Art. XL. Reserved .....	CD39:228
Art. XLI. Reserved .....	CD39:229
Art. XLII. Reserved.....	CD39:229
Art. XLIII. Reserved.....	CD39:229
Art. XLIV. Two-Family Dwelling R-2 District .....	CD39:229
Art. XLV. Two-Family Dwelling—Parking R-2P District	CD39:230
Art. XLVI. Reserved .....	CD39:231
Art. XLVII. Low-Density Multiple R-3 District.....	CD39:231
Art. XLVIII. Row House R-3U District .....	CD39:233
Art. XLIX. Reserved .....	CD39:235
Art. L. Reserved.....	CD39:235
Art. LI. Reserved.....	CD39:235
Art. LII. Reserved.....	CD39:235
Art. LIII. Motel R-5 District.....	CD39:236
Art. LIV—LXX. Reserved .....	CD39:238
Art. LXXI. Broward County Airport Zoning Ordinance	CD39:239
Art. LXXII. Reserved .....	CD39:247
Art. LXXIII. Reserved .....	CD39:247
Art. LXXIV. Reserved .....	CD39:247
Art. LXXV. Residential, Single-Family Detached and Office District: RSO Districts .....	CD39:247
Art. LXXVI. Residential, Multiple-Family/Office Dis- trict: RMO Districts .....	CD39:251

TABLE OF CONTENTS—Cont'd.

	Page
Art. LXXVII—LXXXIV. Reserved .....	CD39:255
Comparative Table, Zoning Code .....	ZCT:1
Zoning Code Index .....	ZNI:1

8

8

8

## Chapter 39

### ZONING\*

#### Article I. Intent, Purpose and Methods

- Sec. 39-1. Purpose; division of county into districts.
- Sec. 39-2. Short title; scope.

#### Article II. Definitions

- Sec. 39-3. General construction of terms.
- Sec. 39-4. Terms defined.
- Secs. 39-5—39-9. Reserved.

#### Article III. Administration and Legal Provisions

- Sec. 39-10. Enforcement, interpretation, purpose and conflict.
- Sec. 39-11. Zoning district maps.
- Sec. 39-12. District boundaries.
- Sec. 39-13. Regulation of unzoned property.
- Sec. 39-14. Consistency with the land use plan.
- Sec. 39-15. Permits required.
- Sec. 39-16. Permits not to be issued.
- Sec. 39-17. Plans and surveys.
- Sec. 39-18. Administration.
- Sec. 39-19. Certificates required.
- Sec. 39-20. Right of entry.
- Sec. 39-21. Validity.
- Secs. 39-22, 39-23. Reserved.

#### Article IV. District and Regulation Changes

- Sec. 39-24. Board of County Commissioners to amend zoning regulations.
- Sec. 39-25. Establishment and duties of zoning board.
- Sec. 39-26. Applications for rezoning and amendments.
- Sec. 39-27. Notices of public hearing.
- Sec. 39-28. Basis for recommendations.
- Sec. 39-29. Zoning board recommendations.
- Sec. 39-30. County Commission public hearings.
- Sec. 39-31. Authority to withhold permits and approvals; zoning in progress.
- Sec. 39-32. Appeals.
- Secs. 39-33, 39-34. Reserved.

#### Article V. Variances and Appeals

- Sec. 39-35. Establishment and duties of board of adjustment.
- Sec. 39-36. Applications for hearings.
- Sec. 39-37. Staff review.

---

\***Editor's note**—The county's zoning ordinance, initially printed as effective on March 1, 1980, formerly ch. 39 of the Code of Ordinances, is set out herein as adopted, with amendatory ordinances included in their proper places and cited in history notes following the amended sections. The numbering system of the ordinance, including the prefix "39," which reflected its former position in the Code of Ordinances, has been retained; but in order to more accurately reflect the change from a chapter of the Code of Ordinances to an independent entity, the word "chapter" has been changed to "ordinance." In its amendment of various sections, Ord. No. 90-12 often changed the word "ordinance" to "code" (see § 39-2). The editor has made similar changes in sections unaffected by Ord. No. 90-12. Any editorial emendations made for the sake of clarity have been included in brackets [ ]. Obviously misspelled words have been corrected without comment. In some cases, subsection designations were changed for the sake of consistency.

## BROWARD COUNTY CODE

- Sec. 39-38. Notices.
- Sec. 39-39. Authority.
- Sec. 39-40. Considerations for variances.
- Sec. 39-41. Considerations for appeals from an administrative decision.
- Sec. 39-42. Conditions and limitations.
- Sec. 39-43. Time limits.
- Sec. 39-44. Appeals to decisions of the board of adjustment.
- Secs. 39-45—39-49. Reserved.

### Article VI. Signs

- Sec. 39-50. Purpose, intent and scope.
- Sec. 39-51. Definitions.
- Sec. 39-52. Prohibited signs.
- Sec. 39-53. Nonconforming signs.
- Sec. 39-54. Sign permits.
- Sec. 39-55. Maintenance and removal.
- Sec. 39-56. General sign requirements for permanent signs.
- Sec. 39-57. Basic design schedule for nonresidential signs.
- Sec. 39-58. Permitted permanent signs.
- Sec. 39-59. Master sign plans.
- Sec. 39-60. Temporary signs.
- Secs. 39-61—39-68. Reserved.

### Article VII. Nonconforming Uses and Structures

- Sec. 39-69. Establishment of nonconforming use.
- Sec. 39-70. Repair, expansion and reconstruction of nonconforming uses.
- Sec. 39-71. Change of nonconforming use.
- Sec. 39-72. Discontinuance, destruction or abandonment of a nonconforming use.
- Sec. 39-73. Unlawful use not authorized.
- Sec. 39-74. Nonconformity other than use.

### Article VIII. Functional Landscaping and Xeriscaping

- Sec. 39-75. Purpose and intent.
- Sec. 39-76. Definitions.
- Sec. 39-77. Landscape plans.
- Sec. 39-78. Installation of landscaping and irrigation.
- Sec. 39-79. Maintenance of landscaped areas.
- Sec. 39-80. Plant material.
- Sec. 39-81. Landscape requirements for vehicular use areas.
- Sec. 39-82. Sight distance for landscaping adjacent to street intersections and points of access.
- Sec. 39-83. Nonvehicular open space.
- Sec. 39-84. Buffers between residential and nonresidential properties.
- Sec. 39-85. Single-family and two-family dwellings landscape requirements.
- Sec. 39-86. Nonconforming properties.
- Sec. 39-87. Landscape manual and materials.
- Secs. 39-88—39-99. Reserved.

### Article IX. General Provisions

- Sec. 39-100. Applicability.
- Sec. 39-101. Reduction of required areas prohibited.
- Sec. 39-102. Wireless communication facilities.
- Sec. 39-103. Exclusions from height limits.
- Sec. 39-104. County uses.



## ZONING

- Sec. 39-105. Temporary wayside stands.
- Sec. 39-106. Separations and other measurements.
- Sec. 39-107. Beach area lighting restrictions.
- Sec. 39-108. Filling operations and fill materials.
- Secs. 39-109—39-129. Reserved.

### **Article X. Property Maintenance and Junk or Abandoned Property**

- Sec. 39-130. Purpose and intent.
- Sec. 39-131. Definitions.
- Sec. 39-132. Public nuisances.
- Sec. 39-133. Duty to maintain property.
- Sec. 39-134. Procedure for violations; notices.
- Sec. 39-135. Abatement of violations.
- Sec. 39-136. Pre-taking hearings for junk vehicles, vessels, items, and derelict aircraft.
- Sec. 39-137. Responsibility for costs of junk property removal.
- Sec. 39-138. Pre-assessment and special assessment hearings relating to land clearance.
- Secs. 39-139—39-194. Reserved.

### **Article XI. Alcoholic Beverage and Adult Entertainment Establishments**

- Sec. 39-195. Alcoholic beverage establishments in general.
- Sec. 39-196. Separation requirements for alcoholic beverage establishments.
- Sec. 39-197. Alcoholic beverage establishments; application to new educational centers, places of worship or child care centers.
- Sec. 39-198. Existing alcoholic beverage establishments.
- Sec. 39-199. Adult entertainment establishments; findings and purpose.
- Sec. 39-200. Distance limitations for adult entertainment establishments.
- Sec. 39-201. Adult entertainment establishments; application to new places of worship, educational centers, child care centers or residentially zoned districts.
- Sec. 39-202. Nonconforming adult entertainment establishments.
- Sec. 39-203. Penalty.
- Secs. 39-204—39-214. Reserved.

### **Article XII. Off-Street Parking and Loading**

- Sec. 39-215. Off-street parking required.
- Sec. 39-216. Nonconforming uses.
- Sec. 39-217. Location, character and size.
- Sec. 39-218. Additional and overflow parking.
- Sec. 39-219. Drive-through facilities.
- Sec. 39-220. Plans.
- Sec. 39-221. Calculating required parking.
- Sec. 39-222. Shared usage.
- Sec. 39-223. Combined off-street parking.
- Sec. 39-224. Use of off-street parking facilities.
- Sec. 39-225. Storage lots for vehicles, boats and equipment.
- Sec. 39-226. Lighting.
- Sec. 39-227. Parking for disabled persons.
- Sec. 39-228. Amount of off-street parking.
- Sec. 39-229. Off-street loading.
- Secs. 39-230—39-234. Reserved.

BROWARD COUNTY CODE

**Article XIII. Conditional Uses**

- Sec. 39-235. Purpose and intent.
- Sec. 39-236. Compliance with conditions.
- Sec. 39-237. Home offices.
- Sec. 39-238. Outdoor event permits.
- Sec. 39-239. Holiday wayside stands.
- Sec. 39-240. Off-site parking lots.
- Sec. 39-241. Yard sales.
- Sec. 39-242. Temporary promotional signs.
- Secs. 39-243—39-244. Reserved.

**Article XIV. Agricultural Estate A-1 and General Agricultural A-2 Districts**

- Sec. 39-245. General provisions.
- Sec. 39-246. Purpose of districts.
- Sec. 39-247. Agricultural zoning districts.
- Sec. 39-248. Density.
- Sec. 39-249. Uses permitted.
- Sec. 39-250. Uses prohibited.
- Sec. 39-251. Minimum plot dimensions.
- Sec. 39-252. Maximum plot size for nonresidential and nonagricultural uses.
- Sec. 39-253. Plot coverage.
- Sec. 39-254. Height.
- Sec. 39-255. Yards.
- Sec. 39-255.1. Minimum floor area for dwellings.
- Secs. 39-256—39-259. Reserved.

**Article XV. Rural and Estate Districts**

- Sec. 39-260. General provisions.
- Sec. 39-261. Purpose of districts.
- Sec. 39-262. Rural and estate zoning districts.
- Sec. 39-263. Uses permitted.
- Sec. 39-264. Uses prohibited.
- Sec. 39-265. Size of plot.
- Sec. 39-266. Limitations for nonresidential and nonagricultural uses.
- Sec. 39-267. Plot coverage.
- Sec. 39-268. Height.
- Sec. 39-269. Yards.
- Sec. 39-270. Minimum floor area for dwellings.
- Secs. 39-271—39-274. Reserved.

**Article XVI. Residential Zoning Districts**

- Sec. 39-275. General provisions.
- Sec. 39-276. Purpose of districts.
- Sec. 39-277. Residential zoning districts.
- Sec. 39-278. Density.
- Sec. 39-279. Uses permitted.
- Sec. 39-280. Uses prohibited.
- Sec. 39-281. Plot size.
- Sec. 39-282. Plot coverage.
- Sec. 39-283. Common open space.
- Sec. 39-284. Height.
- Sec. 39-285. Front yard.
- Sec. 39-286. Side yards.
- Sec. 39-287. Rear yard.
- Sec. 39-288. Minimum floor area of dwelling units.

## ZONING

- Sec. 39-289. Permitted accessory uses for hotels, motels and community residential facilities.  
Secs. 39-290, 39-291. Reserved.

### Article XVII. Commercial Districts

- Sec. 39-292. Commercial zoning districts.  
Sec. 39-293. Purpose of districts.  
Sec. 39-294. General provisions.  
Sec. 39-295. Permitted uses.  
Sec. 39-296. Prohibited uses.  
Sec. 39-297. Plot size.  
Sec. 39-298. Plot coverage.  
Sec. 39-299. Height.  
Sec. 39-300. Limitations of uses.  
Sec. 39-301. Special regulations for B-4 commercial redevelopment overlay districts.  
Sec. 39-302. Limitations of accessory uses in Office Park districts.  
Secs. 39-303, 39-304. Reserved.

### Article XVIII. Industrial Districts

- Sec. 39-305. Industrial zoning districts.  
Sec. 39-306. Purpose of districts.  
Sec. 39-307. General provisions.  
Sec. 39-308. Permitted uses.  
Sec. 39-309. Prohibited uses.  
Sec. 39-310. Plot size.  
Sec. 39-311. Plot coverage.  
Sec. 39-312. Height.  
Sec. 39-313. Limitations of uses.  
Secs. 39-314—39-319. Reserved.

### Article XIX. Mobile Home Districts

- Sec. 39-320. Mobile home zoning districts.  
Sec. 39-321. Purpose of districts.  
Sec. 39-322. General provisions.  
Sec. 39-323. Density.  
Sec. 39-324. Permitted uses.  
Sec. 39-325. Prohibited uses.  
Sec. 39-326. Plot size.  
Sec. 39-327. Lot requirements.  
Sec. 39-328. Plot coverage.  
Sec. 39-329. Height.  
Sec. 39-330. Yards and separations.  
Sec. 39-331. Special accessory uses.  
Sec. 39-332. Reserved.

### Article XX. Planned Development Districts

- Sec. 39-333. Planned development districts.  
Sec. 39-334. Purpose of districts.  
Sec. 39-335. Definitions.  
Sec. 39-336. Conformance to master development plan.  
Sec. 39-337. Major and minor deviations.  
Sec. 39-338. Common open space.  
Sec. 39-339. General land use regulations.  
Sec. 39-340. Planned agricultural centers.

BROWARD COUNTY CODE

- Sec. 39-341. Planned residential communities.
- Sec. 39-342. Planned commercial centers.
- Sec. 39-343. Planned industrial parks.
- Sec. 39-344. Planned special complexes.
- Sec. 39-345. Mixed uses permitted.
- Secs. 39-346—39-357. Reserved.

**Article XXI. Reserved**

- Secs. 39-358, 39-359. Reserved.

**Article XXII. Community Facilities Districts**

- Sec. 39-360. Community facilities zoning districts.
- Sec. 39-361. Purpose of districts.
- Sec. 39-362. General provisions.
- Sec. 39-363. Permitted uses.
- Sec. 39-364. Prohibited uses.
- Sec. 39-365. Plot size.
- Sec. 39-366. Plot coverage.
- Sec. 39-367. Height.
- Sec. 39-368. Limitations of uses.
- Secs. 39-369—39-379. Reserved

**Article XXIII. Open Space and Public Recreation Districts**

- Sec. 39-380. Open space and public recreation zoning districts.
- Sec. 39-381. Purpose of districts.
- Sec. 39-382. General provisions.
- Sec. 39-383. Permitted uses.
- Sec. 39-384. Prohibited uses.
- Sec. 39-385. Plot size.
- Sec. 39-386. Plot coverage.
- Sec. 39-387. Height.
- Sec. 39-388. Yards and setbacks.
- Sec. 39-389. Accessory uses and structures.
- Secs. 39-390—39-399. Reserved.

**Article XXIV. Conservation Districts**

- Sec. 39-400. Conservation zoning districts.
- Sec. 39-401. Purpose and intent.
- Sec. 39-402. Permitted uses.
- Sec. 39-403. Roads in conservation districts.

**Article XXV. Reserved**

- Secs. 39-404—39-410. Reserved.

**Article XXVI. Reserved**

- Secs. 39-411—39-422. Reserved.

**Article XXVII. Reserved**

- Secs. 39-423—39-430. Reserved.

ZONING

**Article XXVIII. Agricultural-Amusement A-4 District**

- Sec. 39-431. Purpose of district.
- Sec. 39-432. Uses permitted.
- Sec. 39-433. Uses prohibited.
- Sec. 39-434. Height.
- Sec. 39-435. Plot size.
- Sec. 39-436. Coverage.
- Sec. 39-437. Yards.
- Sec. 39-438. Yard modifications.
- Sec. 39-439. Limitations of uses.

**Article XXIX. Reserved**

- Secs. 39-440—39-456. Reserved.

**Article XXX. Agricultural-Disposal A-6 District**

- Sec. 39-457. Purpose of district.
- Sec. 39-458. Uses permitted.
- Sec. 39-459. Uses prohibited.
- Sec. 39-460. Height.
- Sec. 39-461. Plat size.
- Sec. 39-462. Plot coverage.
- Sec. 39-463. Yards.
- Sec. 39-464. Limitations of uses.
- Secs. 39-465—39-475. Reserved.

**Article XXXI. Agricultural-Restricted Disposal A-7 District**

- Sec. 39-476. Purpose of district.
- Sec. 39-477. Uses permitted.
- Sec. 39-478. Uses prohibited.
- Sec. 39-479. Height.
- Sec. 39-480. Plot size.
- Sec. 39-481. Plot coverage.
- Sec. 39-482. Yards.
- Sec. 39-483. Limitations of uses.
- Secs. 39-484—39-494. Reserved.

**Article XXXII. Reserved**

- Secs. 39-495—39-513. Reserved.

**Article XXXIII. Cemetery District A-9**

- Sec. 39-514. Definitions.
- Sec. 39-515. Purpose of district.
- Sec. 39-516. Uses permitted.
- Sec. 39-517. Plot size.
- Sec. 39-518. Access.
- Sec. 39-519. Off-street parking.
- Sec. 39-520. Buffers.
- Sec. 39-521. Location of structures.
- Sec. 39-522. Sight distances.
- Sec. 39-523. Health standards.
- Sec. 39-524. Reserved.
- Secs. 39-525—39-535. Reserved.

BROWARD COUNTY CODE

**Article XXXIV. Reserved**

Secs. 39-536—39-559. Reserved.

**Article XXXV. General Provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts**

Sec. 39-560. Applicability.  
Sec. 39-561. Dumpsters and dumpster enclosures.  
Sec. 39-562. Tents.  
Sec. 39-563. Double frontage.  
Sec. 39-564. Grouped housing.  
Sec. 39-565. Yard encroachments.  
Sec. 39-566. Fences, walls and hedges.  
Sec. 39-567. Nuisances.  
Sec. 39-568. Storage on residential property.  
Sec. 39-569. Swimming pools.  
Sec. 39-570. Household pets.  
Sec. 39-571. Density.  
Sec. 39-572. Recreational vehicles and boats.  
Sec. 39-573. Foster care homes and public or private facilities.  
Sec. 39-574. Family day care homes.  
Secs. 39-575—39-577. Reserved.

**Article XXXVI. One-Family Dwelling—R-1A to R-1C Districts**

Sec. 39-578. Uses permitted.  
Sec. 39-579. Size of plot.  
Sec. 39-580. Plot coverage.  
Sec. 39-581. Height.  
Sec. 39-582. Front yard.  
Sec. 39-583. Side yards.  
Sec. 39-584. Rear yard.  
Sec. 39-585. Minimum floor area.  
Secs. 39-586—39-596. Reserved.

**Article XXXVII. One-Family Dwelling—Parking R-1P Districts**

Sec. 39-597. Purpose of district.  
Sec. 39-598. Uses permitted.  
Sec. 39-599. Location of R-1P districts.  
Sec. 39-600. Open parking lot regulations.  
Secs. 39-601—39-611. Reserved.

**Article XXXVIII. Special One-Family D-1 District**

Sec. 39-612. Purpose of district.  
Sec. 39-613. Uses permitted.  
Sec. 39-614. Size of plot.  
Sec. 39-615. Plot coverage.  
Sec. 39-616. Height.  
Sec. 39-617. Yards.  
Sec. 39-618. Minimum floor area.  
Sec. 39-619. Separation of buildings.  
Sec. 39-620. Plot area per unit.  
Sec. 39-621. Definition of plot.  
Sec. 39-622. Limitations and special requirements.  
Secs. 39-623—39-633. Reserved.

ZONING

**Article XXXIX. Reserved**

Secs. 39-634—39-650. Reserved.

**Article XL. Reserved**

Secs. 39-651—39-673. Reserved.

**Article XLI. Reserved**

Secs. 39-674—39-687. Reserved.

**Article XLII. Reserved**

Secs. 39-688—39-710. Reserved.

**Article XLIII. Reserved**

Secs. 39-711—39-739. Reserved.

**Article XLIV. Two-Family Dwelling R-2 District**

Sec. 39-740. Uses permitted.  
Sec. 39-741. Size of plot.  
Sec. 39-742. Plot coverage.  
Sec. 39-743. Height.  
Sec. 39-744. Front yard.  
Sec. 39-745. Side yards.  
Sec. 39-746. Rear yard.  
Sec. 39-747. Minimum floor area.  
Secs. 39-748—39-758. Reserved.

**Article XLV. Two-Family Dwelling—Parking R-2P District**

Sec. 39-759. Purpose of district.  
Sec. 39-760. Uses permitted.  
Sec. 39-761. Location of R-2P districts.  
Secs. 39-762—39-767. Reserved.

**Article XLVI. Reserved**

Secs. 39-768—39-785. Reserved.

**Article XLVII. Low-Density Multiple R-3 District**

Sec. 39-786. Uses permitted.  
Sec. 39-787. Size of plot.  
Sec. 39-788. Plot coverage.  
Sec. 39-789. Height.  
Sec. 39-790. Front yard.  
Sec. 39-791. Side yards.  
Sec. 39-792. Rear yard.  
Sec. 39-793. Minimum floor area.  
Sec. 39-794. Open parking lots.

**Article XLVIII. Row House R-3U District**

Sec. 39-795. Purpose of district.

BROWARD COUNTY CODE

- Sec. 39-796. Uses permitted.
- Sec. 39-797. Size of plot.
- Sec. 39-798. Plot coverage.
- Sec. 39-799. Height.
- Sec. 39-800. Front yard.
- Sec. 39-801. Side yards.
- Sec. 39-802. Rear yard.
- Sec. 39-803. Minimum floor area.
- Sec. 39-804. Limitations and special requirements.
- Secs. 39-805—39-814. Reserved.

**Article XLIX. Reserved**

- Secs. 39-815—39-833. Reserved.

**Article L. Reserved**

- Secs. 39-834—39-855. Reserved.

**Article LI. Reserved**

- Secs. 39-856—39-879. Reserved.

**Article LII. Reserved**

- Secs. 39-880—39-892. Reserved.

**Article LIII. Motel R-5 District**

- Sec. 39-893. Uses permitted.
- Sec. 39-894. Special accessory uses.
- Sec. 39-895. Size of plot.
- Sec. 39-896. Height.
- Sec. 39-897. Plot coverage.
- Sec. 39-898. Deleted.
- Sec. 39-899. Front yard.
- Sec. 39-900. Side yards.
- Sec. 39-901. Rear yard.
- Sec. 39-902. Minimum floor area.
- Secs. 39-903—39-912. Reserved.

**Articles LIV—LXX. Reserved**

- Secs. 39-913—39-1163. Reserved.

**Article LXXI. Broward County Airport**

- Sec. 39-1164. Purpose and declaration of legislative intent.
- Sec. 39-1165. Definitions.
- Sec. 39-1166. Airport zones and airspace height limitations.
- Sec. 39-1167. Airport land use restrictions.
- Sec. 39-1168. Applicability.
- Sec. 39-1169. Nonconforming uses.
- Sec. 39-1170. Permits and variances.
- Sec. 39-1171. Administration and enforcement.
- Sec. 39-1172. Board of adjustment.
- Sec. 39-1173. Appeals to the board of adjustment.
- Sec. 39-1174. Judicial review.



## ZONING

- Sec. 39-1175. Penalty and enforcement.
- Sec. 39-1176. Conflicting regulations.

### **Article LXXII. Reserved**

- Secs. 39-1177—39-1182. Reserved.

### **Article LXXIII. Reserved**

- Sec. 39-1183. Reserved.

### **Article LXXIV. Reserved**

- Secs. 39-1184—39-1205. Reserved.

### **Article LXXV. Residential, Single-Family Detached and Office District: RSO Districts**

- Sec. 39-1206. Purpose of district.
- Sec. 39-1207. Applicability.
- Sec. 39-1208. Uses permitted.
- Sec. 39-1209. Uses prohibited.
- Sec. 39-1210. Size of plot.
- Sec. 39-1211. Plot coverage and open space.
- Sec. 39-1212. Height.
- Sec. 39-1213. Front yard.
- Sec. 39-1214. Side yards.
- Sec. 39-1215. Corner plot.
- Sec. 39-1216. Rear yard.
- Sec. 39-1217. Location of structures on same lot or parcel.
- Sec. 39-1218. Minimum floor area.
- Sec. 39-1219. Hedge, fence or wall requirements.
- Sec. 39-1220. Existing buildings.
- Sec. 39-1221. Limitations on permitted uses.
- Sec. 39-1222. Building size limitations.
- Secs. 39-1223—39-1232. Reserved.

### **Article LXXVI. Residential, Multiple-Family/Office District: RMO Districts**

- Sec. 39-1233. Purpose of district.
- Sec. 39-1234. Applicability.
- Sec. 39-1235. Uses permitted.
- Sec. 39-1236. Uses prohibited.
- Sec. 39-1237. Size of plot.
- Sec. 39-1238. Density limits.
- Sec. 39-1239. Plot coverage.
- Sec. 39-1240. Height.
- Sec. 39-1241. Front yard.
- Sec. 39-1242. Side yards.
- Sec. 39-1243. Corner plot.
- Sec. 39-1244. Rear yard.
- Sec. 39-1245. Location of structures on the same lot or parcel.
- Sec. 39-1246. Minimum floor area.
- Sec. 39-1247. Fence, hedge and wall requirements.
- Sec. 39-1248. Existing buildings.
- Sec. 39-1249. Limitation on permitted uses.

BROWARD COUNTY CODE

Articles LXXVII—LXXXIV. Reserved

Secs. 39-1250—39-1356. Reserved.

## ARTICLE I. INTENT, PURPOSE AND METHODS

### Sec. 39-1. Purpose; division of county into districts.

(a) The comprehensive plan of this code is for the purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of the community, and of a wholesome, serviceable and attractive county, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that provide for a more uniformly just land-use pattern and tax assessment basis; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, schools, public buildings, housing, light, air, water supply, sewerage, sanitation and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated development; that prevent overcrowding of land and undue concentration of population; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends.

(b) In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the county is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of plot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

### Sec. 39-2. Short title; scope.

This chapter shall be known and cited as the Broward County Zoning Code and shall apply in the unincorporated area of Broward County.  
(Ord. No. 90-12, § 1, 6-26-90)

## ARTICLE II. DEFINITIONS

### Sec. 39-3. General construction of terms.

For the purpose of this code, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" shall include the word "structure." The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used. The word "land" shall include water surface and land water.

### Sec. 39-4. Terms defined.

*Accessory Building or Structure:* A separate, subordinate building or structure devoted to an accessory use on the same plot with a building which is occupied by, or devoted to a principal use.  
(Ord. No. 96-17, § 1, 5-28-96)

*Accessory Use:* A use naturally and customarily incidental to, subordinate to, and subservient to the main use of the premises.

*Acre, net:* 43,560 square feet of contiguous, private property under the same ownership.  
(Ord. No. 96-17, § 1, 5-28-96)

*Adult Arcade:* A place or establishment operated for commercial gain that invites or allows the public to view adult material, which may or may not include adult booths. For the purposes of this code, "Adult Arcade" is included within the definition of "Adult Theater."  
(Ord. No. 1999-44, § 1, 8-24-99)

*Adult Bookstore:* An establishment having more than twenty-five percent (25%) or more of the individual items publicly displayed in the establishment as the stock-in-trade books, magazines, periodicals or other printed matter, which are distinguished or characterized by their emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas." This definition shall not include printed material such as textbooks and medical journals where the depiction of specified anatomical areas is associated with educational or medical purposes.  
(Ord. No. 77-48, § 1.02, 9-16-77; Ord. No. 93-3, § 1.01, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Adult Booth:* A small enclosed or partitioned area inside an adult entertainment establishment that is:

- (1) Designed or used for the viewing of adult material by one or more persons; and
- (2) Accessible to all persons, regardless of whether a fee is charged for access.

The term "Adult Booth" includes, but is not limited to, a "peep show" booth or other booth used to view adult material. The term "Adult Booth" does not include a foyer through which a person can enter or exit the establishment or a rest room.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Adult Dancing Establishment:* An establishment where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Adult Day Care Center:* An establishment which provides day care and activities for adolescents or adults who require supervision due to physical or mental limitations.  
(Ord. No. 1999-23, § 1, 5-11-99)

*Adult Entertainment Establishment:* An adult arcade, adult theater, adult bookstore, adult motel, adult dancing establishment, encounter studio or other establishment other than a private residence, where an employee, operator, owner, customer, member or patron exposes any of his or her specified anatomical areas for viewing by other patrons, or where adult material is provided to customers, patrons or members, including, but not limited to, massage establishment, whether or not licensed pursuant to Chapter 480, F.S., tanning salons, modeling studios or lingerie studios. For the purposes of this code, alcoholic beverage establishments providing adult entertainment shall be included in the definition of "adult entertainment establishment." This definition shall not include educational centers, where the exposure of specified anatomical areas is associated with a curriculum or program.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Adult Material:* One or more of the following, regardless of whether it is new or used:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations; recordings or other audio matter; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
  - (2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (Ord. No. 1999-44, § 1, 8-24-99)

*Adult Motel:* A hotel, motel or other public lodging establishment that includes the word "adult" in the name it uses or otherwise advertises the presentation of adult material.

*Adult Nightclub:* Any establishment which provides food or beverage for consumption on the premises and which features live adult entertainment exposing "Specified Anatomical Areas" for observation by patrons therein.

(Ord. No. 77-48, § 1.08, 9-16-77; Ord. No. 78-33, § 1(1.08), 6-27-78; Ord. No. 85-17, § 1, 3-15-85; Ord. No. 93-3, § 1.05, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Adult Theater:* A place or establishment, other than a private residence, that consists of an enclosed building, or portion thereof, or an open-air area used for viewing of adult material. "Adult arcades" and establishments having adult booths are considered to be "adult theaters."

(Ord. No. 77-48, § 1.04, 9-16-77; Ord. No. 93-3, § 1.03, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Adult Video Store:* An establishment that offers adult films or video materials for sale or rent for commercial gain, for viewing off of the premises, unless the establishment demonstrates that the adult material is accessible only by employees or persons eighteen (18) years or older at the establishment.

(Ord. No. 1999-44, § 1, 8-24-99)

*Agricultural uses:* The cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities.

(Ord. No. 2000-36, § 1, 8-22-00)

*Alcoholic Beverage:* For the purpose of this code, the term "alcoholic beverage" shall mean and include any beverage containing more than 1 percent of alcohol by weight.

(Ord. No. 78-33, § 1(1.15), 6-27-78; Ord. No. 93-3, § 1.14, 1-26-93)

*Alcoholic beverage establishment:* Any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a fast-food or full service restaurant as defined in section 39-221 of this code, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on or off of the premises, and not in conjunction with a meal. Establishments which provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

(Ord. No. 1999-44, § 1, 8-24-99)

*Alley:* A public thoroughfare or way, not more than 30 feet in width, and which normally provides a secondary means of access to abutting property.

*Alter:* "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a nonconforming building, structure or use; the erection or placement of any sign; the addition, removal or modification of any paving or landscaping.

(Ord. No. 93-44, § 3, 11-23-94; Ord. No. 2000-36, § 1, 8-22-00)

*Antenna:* A transmitting and/or receiving device and/or relays used for personal wireless services, that radiates or captures electromagnetic waves, including directional antennas, such as panel and micro-wave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.

(Ord. No. 1998-35, § 3, 10-13-98)

*Apartment, Efficiency:* A dwelling unit in a multiple dwelling, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

*Art Gallery:* A room or building where paintings, pieces of sculpture and other works of art or aesthetic objects are exhibited, or exhibited and sold.

(Ord. No. 84-69, § 1, 9-14-84)

*Arterial:* A street having that meaning given in § 334.03(1), F.S. (Arterials in Broward County are shown on the Broward County Trafficways Plan.)

(Ord. No. 1999-39, § 1, 6-22-99)

*Auditorium:* A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

(Ord. No. 84-69, § 1, 9-14-84)

*Automobile Repair:* General repair, rebuilding or reconditioning of engines for motor vehicles.

(Ord. No. 2000-36, § 1, 8-22-00)

*Automobile Paint and Body Shop:* Incidental body or fender work, other minor body repairs, painting replacement of body parts, collision service, including body, frame or fender straightening or repair, overall painting or paint shop.

(Ord. No. 2000-36, § 1, 8-22-00)

*Automobile Wrecking:* The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

*Bar, Lounge or Saloon:* Any place devoted primarily to the retailing and consumption on the premises of malt, vinous or other alcoholic beverages not in conjunction with meals or with food prepared on the premises.

(Ord. No. 1999-44, § 1, 8-24-99)

*Bed and Breakfast:* A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with meals, and which also serves as residence of the operator.

(Ord. No. 96-17, § 1, 5-28-96)

*Bottle club:* Any business or private club which does not hold a State of Florida license for the sale of alcoholic beverages, but which permits its members, patrons or customers to bring or store their own bottles containing alcoholic beverages for consumption on the premises.

(Ord. No. 1999-44, § 1, 8-24-99)

*Building:* Any structure having a solid roof and solid walls on all sides and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

(Ord. No. 96-17, § 1, 5-28-96)

*Carports:* A private garage not completely enclosed by walls and doors.

*Certificate of Use:* A document issued by the zoning official, after approval of inspections of the premises by Broward County code enforcement officers, officially authorizing buildings, structures or uses consistent with the terms of the zoning code and any other applicable codes and statutes.

(Ord. No. 93-44, § 3, 11-23-93)

*Change of Occupancy:* The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

*Child Care Center:* A place for the day care and instruction of children not remaining overnight.

(Ord. No. 96-17, § 1, 5-28-96)

*Civic Center:* A building or complex of buildings that house governmental offices and services, which may include cultural, recreational, athletic, convention and entertainment facilities owned or operated by a governmental agency.

(Ord. No. 84-69, § 1, 9-14-84)

*Club, Private:* Shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, night clubs or other institutions operated as a business.

*Code Enforcement Officer:* The officers and employees of the department, division or agency of Broward County, to whom the duty of enforcing the terms of the zoning code or other applicable codes is assigned as set forth in the Broward County Administrative Code.

(Ord. No. 93-44, § 3, 11-23-93)

*Collocation:* The use of a single support structure and/or site by more than one wireless communication provider.

(Ord. No. 1998-35, § 3, 10-13-98)

*Combined Parking:* An off-street parking facility originally designed, approved and permitted as a single site plan, but which was subsequently subdivided and sold to two or more persons as separate plots.

(Ord. No. 2000-36, § 1, 8-22-00)

*Commercial equestrian operations:* Commercial riding stables and riding instruction, livery stables, horse training, breeding or boarding facilities.

(Ord. No. 1997-13, § 1, 3-11-97)

*Commercial Vehicle:* Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and recreational vehicles. The term "commercial vehicle" shall include, but is not limited to, the following:

- (1) *Semitrailer:* All two- or more wheeled vehicles designed to be coupled to and drawn by a motor vehicle.
- (2) *Truck:* A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing 4000 pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.
- (3) *Truck-tractor:* A motor vehicle having four or more wheels and equipped with a fifth wheel for the purpose of drawing a semitrailer.
- (4) *Bus:* Any vehicle designed or modified for transportation of 10 or more people in seats permanently placed in the vehicle.
- (5) [*Business vehicle:*] Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes police and security vehicles which are providing security services to the area where the vehicle is parked.

(Ord. No. 90-12, § 8, 6-26-90)

*Commission or county commission:* The board of county commissioners of Broward County.

*Common Open Space:* Any area designated on a recorded plat or approved site development plan, not including private or public streets, for joint use by the residents of the development as parking, drives, service areas, tennis courts, recreational buildings, preservation of natural areas, landscaping, drainage areas, and water areas.

(Ord. No. 96-17, § 1, 5-28-96)

*Common Party Wall:* A solid wall, without any openings, which separates two (2) dwelling units, with no open space between the two (2) units.

(Ord. No. 96-17, § 1, 5-28-96)

*Community Residential Facility:* 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.

(Ord. No. 96-17, § 1, 5-28-96)

*Completely Enclosed Building:* A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

*Contiguous:* Directly adjoining; immediately adjacent to; contiguous plots have at least one side of each plot which touches one side of the other plot or plots with no separator between the plots such as a public right-of-way, canal, river, or railroad.

(Ord. No. 95-30, § 20, 11-28-95)

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

(Ord. No. 84-69, § 1, 9-14-84)

*Convention Center:* A building or complex of buildings designed and arranged to provide a room or rooms for the assembly of groups or organizations for meetings, training seminars, etc., and which may include a public lodging establishment.

(Ord. No. 1999-44, § 1, 8-24-99)

*Court Facilities:* A room, building or complex of buildings where judicial business is conducted.

(Ord. No. 84-69, § 1, 9-14-84)

*Coverage:* The percentage of the plot area covered or occupied by buildings or roofed structures or portions thereof. Shuffleboard courts, swimming pools, barbecue pits, terraces and other appurtenances not roofed over shall not be included in computing coverage.

*Cultural Center:* A building or complex of buildings where activities relating to historical, educational, artistic, theatrical, musical or similar interests are performed, conducted or held.

(Ord. No. 84-69, § 1, 9-14-84)

*Density:* The maximum number of dwelling units permitted on one net acre of property.

(Ord. No. 96-17, § 1, 5-28-96)

*Developed:* Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structure bearing overhead power transmission lines that carry at least five hundred kilovolts (500 KV) of electrical power, provided such lands contain no other buildings or structures.

(Ord. No. 95-30, § 20, 11-28-95; Ord. No. 1999-45, § 8, 8-24-99)

*Dinner Theater:* A full service restaurant within which live theatrical performances are provided on a stage to persons seated at tables and consuming food and beverages during the performances.

(Ord. No. 2000-36, § 1, 8-22-00)

*Display:* An arrangement of goods reflecting the occupation or business, wares or other objects used or sold on the premises, for the purpose of bringing the subject thereof to the attention of others without the use of a sign.

(Ord. No. 1998-27, § 1, 9-8-98)



*District:* A portion of the territory of Broward County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

*District, More Restricted or Less Restricted:* Repealed.  
(Ord. No. 91-3, § 4, 4-21-91)

*Drive-Through Facility:* Any place or premises used for the sale or dispensing of products or services to patrons who enter upon the premises in automobiles and purchase products or services through a window or door without leaving their vehicle.  
(Ord. No. 96-17, § 1, 5-28-96; Ord. No. 2000-36, § 1, 8-22-00)

*Dumpster:* A watertight container constructed of impervious material and provided with a cover or covers of like material which is intended and designed to be used for the retention or storage of garbage, refuse or recyclable materials. This term shall not include containers having a maximum capacity of forty (40) gallons or less.  
(Ord. No. 95-22, § 1, 6-6-95)

*Dwelling:* Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently.

*Dwelling, Detached:* A single dwelling unit physically detached from other buildings, dwelling units or structures.  
(Eff. 8-27-79)

*Dwelling, Group:* A building, or part thereof, in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for the persons or families. "Group dwelling" may include a rooming house, fraternity house, sorority house, convent, monastery or private club in which one or more members have a permanent residence. "Group dwelling" shall not be deemed to include a hotel, motel, tourist home, trailer camp.

*Dwelling, Multiple-Family:* A residential building on a plot, consisting of three (3) or more dwelling units, having at least three (3) common party walls with adjacent dwelling units, except for end or corner units.  
(Ord. No. 96-17, § 1, 5-28-96; Ord. No. 2000-36, § 1, 8-22-00)

*Dwelling, One-Family:* A building with one or more rooms providing complete living facilities for one 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 homes, adult congregate living facilities, rooming or boarding houses, or dormitory, fraternity or sorority buildings or facilities.  
(Ord. No. 91-3, § 4, 1-21-91)

*Dwelling, Two-Family:* A building containing two one-family dwellings within a single building. Two-family dwellings shall not include group homes, adult congregate living facilities, rooming or boarding houses, or dormitory, fraternity or sorority buildings or facilities.  
(Ord. No. 91-3, § 4, 1-21-91)

*Dwelling unit:* A room or group of rooms not less than 400 square feet in total floor area, which include a kitchen and sanitary facilities designed to provide complete, long-term living accommodations for one family, with no access to adjoining dwelling units.  
(Ord. No. 1997-13, § 1, 3-11-97)

*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.

*Educational Center or School:* A premises or site upon which facilities of public or private primary or secondary schools, vocational and technical schools, colleges and universities licensed by the Florida Department of Education are located, including the areas of buildings, campus open space, dormitories, recreational facilities, and parking.

(Ord. No. 1999-44, § 1, 8-24-99)

*Employment agency, day labor:* An establishment which secures primarily temporary employment for persons who assemble at and are transported from the establishment, in the construction trades, property maintenance or unskilled labor fields.

(Ord. No. 1999-23, § 1, 5-11-99)

*Encounter Studio:* All establishments offering nude encounter sessions between persons, nude dance encounter sessions, or any establishment, other than an adult nightclub, where private nude performances are offered.

(Ord. No. 77-48, § 1.11, 9-16-77; Ord. No. 93-3, § 1.10, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Environmentally Sensitive Lands:* Those lands defined as environmentally sensitive in the 1989 Broward County Land Use Plan.

(Ord. No. 2000-03, § 1, 1-25-00)

*Erected:* Built, constructed, reconstructed or moved on or upon any property.

(Ord. No. 1999-45, § 8, 8-24-99)

*Escort or Dating Service:* An establishment where customers, patrons or members are provided with an escort or companion on a short-term basis, or which arranges for social meetings between two or more people.

(Ord. No. 1999-44, § 1, 8-24-99)

*Essential Services:* The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

(Eff. 9-12-75)

*Established Grade:* The average elevation of the streets abutting the plot.

(Ord. No. 96-17, § 1, 5-28-96)

*Family:* Any number of persons living together as a single housekeeping unit, whether legally related to each other or not. The persons constituting a family may also include gratuitous guests and domestic servants, but shall not include paying guests.

(Ord. No. 91-3, § 4, 1-29-91)

*Family Day Care Home:* An occupied residence in which child day care is regularly provided for no more than five preschool children from more than one unrelated family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed 10.

(Ord. No. 86-16, § 1, 3-11-86)

*Fire Protection Facilities:* A building or complex of buildings that house the offices and services of an organized body of people trained and employed to extinguish fires.

(Ord. No. 84-69, § 1, 9-14-84)

*First Floor Level:* The lowest habitable floor area of a building. This definition shall not include parking garages or floor areas devoted exclusively to mechanical equipment used to energize, heat, cool, or otherwise service the building in which it is located.

(Ord. No. 96-17, § 1, 5-28-96)

*Floor Area:*

- (1) Where a specified minimum floor area is required in this zoning code for a dwelling, "floor area" shall mean in the total gross area within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms, unenclosed porches, terraces or breezeways, and carports or garages.
- (2) For nonresidential buildings, floor area shall mean the total floor area within the exterior enclosing walls, including interior partitions and tenant separation walls. The floor area of upper mezzanines, lofts and second stories shall be included, provided the ceiling height of such areas are at least seven (7) feet.

(Ord. No. 2000-36, § 1, 8-22-00)

*Food Service Establishment:* Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches, salads and other food intended for individual service. The term does not include private homes where food is prepared or served for individual family consumption.

(Ord. No. 82-44, § 1, 8-13-82)

*Foster Care Home:* A home licensed by the Florida Department of Health and Rehabilitative Services (HRS) or other government agency which provides residential services and supervision for no more than eight individuals who are unrelated to the resident houseparent. Foster care homes with three or less children age two or under shall be excluded from the ordinance.

(Ord. No. 80-92, § 1, 10-17-80)

*Friction or lap dancing:* The use by an employee, whether clothed or partially or totally nude, of a part of his or her body to touch, massage, rub, stroke, caress or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic or genital area of an employee by a person while at the establishment. It shall be considered a "friction or lap dance" regardless of whether the touch or touching occurs while the employee is displaying or exposing a specified anatomical area. It shall also be considered a "friction or lap dance" regardless of whether the touch or touching is direct or through a medium.

(Ord. No. 1999-44, § 1, 8-24-99)

*Frontage of a Building:* Shall mean the side or wall of a building approximately parallel and nearest to a street.

*Frontage of Property:* Shall mean the plot line which abuts a street or separates the plot from a street.

*Garage, Private:* An accessory structure designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the main building.

*Governmental Administration:* A building or complex of buildings that house the administrative offices of any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, incorporated or unincorporated municipality, or any other governmental unit.

(Ord. No. 84-69, § 1, 9-14-84)

*Grouped Buildings:* Two or more buildings for dwelling purposes erected or placed on the same plot.

(Ord. No. 80-92, § 2, 10-17-80)

*Guyed tower:* A wireless communication tower that is supported, in whole or in part, by guy wires and ground anchors.

(Ord. No. 1998-35, § 3, 10-13-98)

*Habitable room area:* The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

(Ord. No. 1997-13, § 1, 3-11-97)

*Hazardous Substances:* Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

*Health Clinic:* A public or private facility, which staff includes state-licensed physicians and nurses, which provides health-related services or treatment designed to prevent medical problems, maintain a healthful condition, or restore an individual to a condition of health.

(Ord. No. 84-69, § 1, 9-14-84)

*Height of Building:* The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

*Holiday Wayside Stand:* A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.

(Ord. No. 96-17, § 1, 5-28-96)

*Home Office:* An office designed for and operated as a business location in a dwelling unit, and carried on by persons residing in the dwelling unit involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation which requires or permits customers or patrons to visit the dwelling.

(Ord. No. 96-17, § 1, 5-28-96)

*Homeowners Association:* An incorporated, nonprofit organization operating in a residential cluster, townhouse cluster, or planned unit development (PUD) under recorded agreements through which each lot owner is automatically a member; each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance costs levied against the association by the county; each owner or tenant has the right to use the common property.

(Eff. 8-27-79)

*Hospital:* An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

(Ord. No. 84-69, § 1, 9-14-84)

*Hotel:* A public lodging establishment where access to the rooms is primarily through an inside lobby.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Household Pet:* An animal kept for pleasure, rather than for utility, by a family, within the family's dwelling unit or on the same plot as the family's dwelling unit. The term shall include one (1) non-breeding Vietnamese pot-bellied pig on a plot of land which is at least 35,000 square feet.  
(Ord. No. 1997-13, § 1, 3-11-97; Ord. No. 1998-28, § 1, 9-28-98)

*Impervious:* Any nonorganic material which prohibits penetration by liquids or other soluble materials.  
(Ord. No. 95-22, § 1, 6-6-95)

*Industrially Zoned Property:* Any land or water area whose zoning district classification is M-1, M-2 or M-3 under this code.  
(Ord. No. 2000-36, § 1, 8-22-00)

*Junkyard:* Place, structure or lot where junk, waste, discarded salvage, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold or exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, housewrecking yards and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household good and appliances. nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

*Kennel:* Any place or premises where dogs or cats are boarded or bred for commercial gain.  
(Ord. No. 1999-45, § 8, 8-24-99)

*Kitchen:* A room or area within a building used primarily for providing food storage and food preparation which contains at least a sink, refrigerator and conventional gas or electric cooking facilities.  
(Ord. No. 86-27, § 1, 6-24-86)

*Land, Platted:* Any land recorded by plat in the Broward County Circuit Court Clerk's office.

*Land, Unplatted:* Any land or part thereof not recorded by plat in the Broward County Circuit Court Clerk's office.

*Library:* A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.  
(Ord. No. 84-69, § 1, 9-14-84)

*Lot:* A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Broward County Circuit Court Clerk's office.

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

- (1) Oil rubs, salt glows, hot or cold packs, all kinds of baths, including steam rooms, cabinet baths, sitz baths, colon irrigations, body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as striking, friction, rolling, vibration, kneading, cupping or rubbing.
- (2) Nothing in this code shall be construed as applying to State of Florida licensed barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing homes or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists,

naturopathic physicians or other licensed medical practitioners, or as an accessory use to fitness centers or gymnasiums, or their agents, servants or employees acting in the course of such agency, service or employment.

(Ord. No. 78-33, § 2(1.09), 6-27-78; Ord. No. 93-3, § 1.08, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99; Ord. No. 1999-44, § 1, 8-24-99)

*Microwave Dish Antenna:* A dish-like antenna used to link personal wireless service sites together by wireless transmission of voice or data.

(Ord. No. 1998-35, § 3, 10-13-98)

*Mobile Collection Center:* A trailer or mechanical depository used for the collection and temporary storage of aluminum cans or other aluminum products, paper or clothing material.

(Ord. No. 86-35, § 1, 8-26-86)

*Mobile Food Unit:* Any vehicle-mounted food service establishment, except a mobile food unit limited to the preparation and sale of frankfurters, which is self-propelled or otherwise movable from place to place, meeting all applicable requirements of Florida Administrative Code, chapter 10D-13.32, and the Broward County Code of Ordinances, which does not remain in one location for more than 1 hour.

(Ord. No. 82-44, § 1, 8-13-82)

*Mobile Food Unit Limited to the Preparation and Sale of Frankfurters:* A vehicle-mounted food services establishment, except a mobile food unit, which is self-propelled or otherwise movable from place to place which use is limited to the preparation and sale of frankfurters and related condiments, which meets all applicable requirements of Florida Administrative Code, chapter 10D-13.32(7) and the Broward County Code of Ordinances, and does not remain in any one location for more than 8 hours or overnight.

(Ord. No. 82-44, § 1, 8-13-82)

*Modeling and lingerie studio:* An establishment which offers persons the opportunity to photograph models which are clothed in lingerie or which offers encounter sessions with models which are clothed in lingerie.

(Ord. No. 1999-44, § 1, 8-24-99)

*Monopole Tower:* A wireless communication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

(Ord. No. 1998-35, § 3, 10-13-98)

*Mooring Pilings:* Any appliance used to secure a vessel, other than to a pier or dock, which is not carried aboard such vessel as regular equipment when under way.

(Ord. No. 88-17, § 1, 4-26-88; Ord. No. 96-17, § 1, 5-28-96)

*Motel:* A public lodging establishment where access to the individual units is primarily from the exterior of the building and parking facilities for use of guests are near their quarters.

(Ord. No. 1999-44, § 1, 8-24-99)

*Museum:* A building or room devoted to the procurement, care, study or display of antiques, objects of historical, scientific or cultural interests, or other objects of lasting interest or value.

(Ord. No. 84-69, § 1, 9-14-84)

*Neighborhood:*

(1) A contiguous group of buildings and uses separated from other groups of buildings and uses by boundaries such as waterways, major arterials or expressways, or municipal boundaries; or

(2) A contiguous group of buildings and uses whose occupants and/or owners are part of an established homeowners' or business owners' association.

(Ord. No. 1999-39, § 1, 6-22-99)

*Nightclub:* A restaurant, dining room, bar or other similar establishment providing food and beverage for consumption on the premises wherein floor shows or other forms of live entertainment by persons are provided for guests not necessarily during food or beverage consumption on the premises.  
(Ord. No. 1999-44, § 1, 8-24-99; Ord. No. 2000-36, § 1, 8-22-00)

*Nonconforming Structure:* A structure or portion thereof, legally existing at the effective date of this code, or any amendments thereto, which does not comply with dimensional requirements such as setbacks, heights, buffers, plot coverage, amount of off-street parking, etc. and which may or may not be used for a nonconforming use.  
(Ord. No. 2000-36, § 1, 8-22-00)

*Nonconforming Uses:* The use of a structure or premises, existing at the effective date of this code, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

*Nonprofit Neighborhood Social and Recreational Facility:* A building or plot of land devoted entirely to providing social activities and services only for the residents, and their guests, of the subdivision or neighborhood where the building or plot is located.  
(Ord. No. 1997-13, § 1, 3-11-97)

*Nonresidential zoning districts:* All zoning districts except A-1, A-2, E-1, E-2, Rural Estates, Rural Ranches, residential PUD, residential PDD, R-1B, R-1C, R-1P, 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 RS-6.  
(Ord. No. 1998-35, § 3, 10-13-98; Ord. No. 1999-39, § 1, 6-22-99; Ord. No. 2000-36, § 1, 8-22-00)

*Not-for-Profit Corporation:* A corporation of which no part of the corporate income is distributable to its members, directors or officers as defined by Chapter 617, F.S.  
(Ord. No. 84-69, § 1, 9-14-84)

*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, and is licensed pursuant to state law.  
(Ord. No. 84-69, § 1, 9-14-84)

*Occupied:* The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

*Off-street Parking:* The temporary, transient storage of operable private passenger vehicles used for personal transportation, while their operators are engaged in other activities, in an area designated for such purposes, not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental or any other purpose than specified above.  
(Ord. No. 96-17, § 1, 5-28-96)

*Opaque:* Any nontranslucent, nontransparent, nonliving material which provides a visual barrier from one side to the other.  
(Ord. No. 95-22, § 1, 6-6-95)

*Open Area:* A portion of the total site, lot or parcel not including the area covered by buildings and structures.  
(Eff. 8-27-79)

*Outdoor Event:* A carnival, circus, concert or festival shall be classified as an outdoor event if it has mechanical rides or amplified music or sounds. Commercial promotions, shows, sales and other similar

types of events providing entertainment and/or food service shall also be classified as outdoor events. Advertised religious events held outdoors involving mechanical rides, amplified music or sounds or food service shall also be classified as outdoor events.

(Ord. No. 1997-52, § 1, 12-9-97; Ord. No. 2000-36, § 1, 8-22-00)

*Package Store:* An establishment where the sale of alcoholic beverages in containers for consumption off the premises is the predominate purpose of the establishment.

(Ord. No. 1999-44, § 1, 8-24-99)

*Panel Antenna:* An array of antennas designed to concentrate a radio signal in a particular area.

(Ord. No. 1998-35, § 3, 10-13-98)

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

(Ord. No. 78-33, § 1(1.12), 6-27-78; Ord. No. 93-3, § 1.11, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Place of Worship:* A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five (5) years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.

(Ord. No. 1999-44, § 1, 8-24-99)

*Plot:* Land occupied or to be occupied by a building or use, and their accessory buildings and accessory uses, together with such yards and open spaces as are required by this code. A plot may consist of one, or more, or portions of a platted lot and/or unplatted land.

*Plot, Corner:* A corner plot is a plot of which at least 2 adjacent sides abut for their full length upon a street, provided that such 2 sides intersect at an interior angle of not more than 135 degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than 135 degrees, such a plot is a corner plot. In the case of a corner plot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

*Plot, Interior:* A plot other than a corner plot.

*Plot, Through:* A plot abutting on two streets, not at their intersection, if any, which may be either a corner or interior plot.

*Plot Depth:* The mean horizontal distance between the front and rear plot lines.

*Plot Width:* The horizontal distance between the side plot lines at the depth of the required front yard.

*Plot Line, Front:* The line dividing a plot from a street or base building line, whichever will result in a lesser depth of plot. On a corner plot the shorter of the two front lines as above defined shall be considered to be the front plot line for the purposes of determining required plot width and required front yard depth. On a corner plot where both front plot lines as above defined are equal or within five feet of the same length, both such lines shall be considered to be front plot lines for the purposes of determining required street yard depth. On through lots, both front plot lines as above defined shall be considered to be front plot lines for the purpose of determining required yards.

*Plot Line, Rear:* The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the 2 side plot lines converge in the rear, the rear plot line shall be considered to be a line 10 feet in length within the plot parallel to and at the maximum distance from the front plot line.



*Plot Line, Side:* Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a side street plot line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

*Plot Line, Street or Alley:* A plot line separating the plot from a street or alley.

*Police Protection Facilities:* A building or complex of buildings that house the offices and services of a state, county or municipal police force responsible for keeping public order.  
(Ord. No. 84-69, § 1, 9-14-84)

*Porch:* A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

*Poultry:* Any chickens, turkeys, ducks, geese, peafowl or guinea fowl.

*Principal building:* A building occupied by and devoted to a permitted principal use.  
(Ord. No. 1998-31, § 1, 9-8-98)

*Private Performance:* The display or exposure of a specified anatomical area at an adult entertainment establishment for a person other than another employee while the person is in an area within the establishment not accessible during such display or performance to other persons in the establishment, or while the person is in an area in which the person is screened or partitioned during such display from the view of other persons within the establishment.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Private property:* All lands and water areas owned by other than a municipality, county, state or federal government or any of its subdivisions.  
(Ord. No. 1999-45, § 8, 8-24-99)

*Property owner:* The person or entity holding title to real property as indicated in the current tax roll of Broward County, unless the Zoning Code Services Division has actual knowledge that a person or entity other than the person or entity shown on the tax roll is the actual owner.  
(Ord. No. 1999-45, § 8, 8-24-99)

*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.  
(Ord. No. 80-92, § 1, 10-17-80; Ord. No. 86-27, § 1, 6-24-86)

*Public lodging establishment:* Any group of rooms or dwelling units within a single building or on a single plot of record held in single ownership, which are rented to transient guests more than three (3) times in a calendar year, which are advertised to the public as a place regularly rented to transient guests, and which are required to maintain a guest register and post room rates in each room or dwelling unit rented and be inspected and licensed by the Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation in accordance with Chapter 509, F.S.  
(Ord. No. 1997-13, § 1, 3-11-97)

*Public property:* All streets, canals, waterways, lands, and improvements owned by a governmental agency including, but not limited to, rights-of-way, but excluding the campus of any institution of the State university system.  
(Ord. No. 1999-45, § 8, 8-24-99)

*Quarry:* A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials for use on the premises where the excavation occurs shall not be included in this definition.

(Ord. No. 1997-13, § 1, 3-11-97)

*Rafting:* "Rafting," as used in this code, shall mean the intentional lashing or tying of two or more vessels side by side, amidships, for more than 2 hours while one of the vessels is docked at, moored or tied up to any private dock, seawall, wharf, mooring or dolphin pole.

(Ord. No. 88-17, § 1, 4-26-88)

*Recreational Vehicle:* shall mean one of the following:

- (1) *Camping trailer:* A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.
- (2) *Truck camper:* A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) *Motor home:* A vehicular unit which does not exceed the length and width limitations provided in § 316.515, F.S. is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.
- (4) *Park trailer:* A transportable unit in a travel trailer park which has a body width not exceeding twelve (12) feet and is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed five hundred (500) square feet. The length of a park trailer means the distance from the exterior of the front of the body (nearest the drawbar and coupling mechanism) to the exterior of the rear body (at the opposite end of the body), including any protrusions.
- (5) *Off-road vehicle:* A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.
- (6) *Travel trailer, including fifth-wheel travel trailer:* A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than eight and one-half (8.5) feet and an overall body length of no more than forty (40) feet when factory-equipped for the road.

(Ord. No. 87-32, § 1, 6-23-87; Ord. No. 90-12, § 8, 6-26-90; Ord. No. 2000-36, § 1, 8-22-00)

*Recycling facility:* A place, other than an auto wrecking or auto salvage yard, where used or discarded materials are sorted, dismantled, baled or packaged, and subsequently either sold or processed for use as new materials or products.

(Ord. No. 2000-36, § 1, 8-22-00)

*Region:* A broad geographical area encompassing at least several contiguous neighborhoods, municipalities, or a combination of either or both.

(Ord. No. 1999-39, § 1, 6-22-99)

*Rehabilitation Center:* A public or private facility which provides specialized services or treatment designed to restore an individual to a condition of health or useful and constructive activity.  
(Ord. No. 84-69, § 1, 9-14-84)

*Remodeling, redecorating or Refinishing:* Any change, removal, replacement or addition to walls, floors, ceiling and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roof or other structural elements of a building or structure.

*Residence:* A building, or part thereof, designed and used as the primary dwelling place for a person or persons, containing living, sleeping, kitchen and sanitary facilities.  
(Eff. 12-4-78; Ord. No. 2000-36, § 1, 8-22-00)

*Residentially Zoned District:* A-1, A-2, E-1, E-2, D-1, Rural Estates, Rural Ranches, RD-4 through RD-10, RS-2 through RS-6, RM-5 through RM-25, R-1B, R-1C, R-1P, R-2P, R-2, R-3, R-5, T-1, R-1T, shall constitute residentially zoned districts in the unincorporated areas of Broward County, as well as any district in any municipality which permits residences as a principal use.  
(Ord. No. 78-33, § 1(1.13), 6-22-78; Ord. No. 90-12, § 8, 6-26-90; Ord. No. 93-3, § 1.12, 1-26-93; Ord. No. 1998-27, § 1, 9-8-98; Ord. No. 1999-39, § 1, 6-22-99; Ord. No. 2000-36, § 1, 8-22-00)

*Residentially Zoned Property:* Repealed.  
(Ord. No. 91-3, § 4, 1-21-91)

*Resort:* A public lodging establishment which provides recreational facilities and entertainment for guests. This term shall also include facilities which provide physical or psychological therapeutic services in conjunction with recreation and entertainment.  
(Ord. No. 1999-44, § 1, 8-24-99)

*Restaurant:* A building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay consumption on the premises.

*Retail store:* A commercial establishment for the sale of merchandise directly to the ultimate consumer.  
(Ord. No. 1999-23, § 1, 5-11-99)

*Roof Line:* The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.  
(Ord. No. 1998-27, § 1, 9-8-98)

*Room:* An unsubdivided portion of the interior of a building, having a floor area of eighty (80) square feet or more, intended or adapted for living, sleeping, working or storage purposes.  
(Ord. No. 2000-36, § 1, 8-22-00)

*Self-Support/Lattice Tower:* A wireless communication tower that is constructed without guy wires and ground anchors.  
(Ord. No. 1998-35, § 3, 10-13-98)

*Service Station:* Any building or land used for retail sales and dispensing of automobile fuels and oils. A service station may furnish convenience products, supplies, equipment and automobile repair services, including tires, to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.  
(Eff. 10-9-78; Ord. No. 2000-36, § 1, 8-22-00)

*Setback:* The minimum distance between a plot line and any part of any building or structure on the plot.  
(Ord. No. 96-17, § 1, 5-28-96)

*Shopping Center:* A group of 3 or more individual tenant spaces in a nonresidential building, each of which share at least one common wall with another unit.

(Ord. No. 1999-23, § 1, 5-11-99)

*Shopping Center Outparcel:* A commercial building, which provides its own required parking, landscaping and pervious areas, which is contiguous on at least two sides to a shopping center.

(Ord. No. 1999-23, § 1, 5-11-99)

*Side Yard, Street:* A yard extending between a front and rear yard which directly abuts a street.

(Ord. No. 96-17, § 1, 5-28-96)

**Editor's note**—Ord. No. 1998-27, § 1, adopted Sept. 8, 1998, repealed definitions relating to signs (*Signs—Signs, Wall*). New definitions pertaining to signs were enacted as section 39-51 of this Code.

*Specified Anatomical Areas:*

(1) Less than completely and opaquely covered:

- a. Human genitals and pubic region;
- b. Cleavage of the human buttocks;
- c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include a portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not so exposed; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. No. 77-48, § 1(1.07), 9-16-77; Ord. No. 85-17, § 1, 3-15-85; Ord. No. 93-3, § 1.06, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Specified Sexual Activities:*

(1) Human genitals in a state of sexual stimulation or arousal or tumescence;

(2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breasts;

(4) Excretory functions as part of or in connection with the activities set forth in subsections (1), (2), and (3); or

(5) Friction or lap dancing.

(Ord. No. 93-3, § 1.07, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

*Stealth Facility:* Any wireless communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and wireless communication and/or personal wireless services towers designed to look like light poles, power poles or trees.

(Ord. No. 1998-35, § 3, 10-13-98)

*Story:* A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds of the area of the first floor level shall not be considered a story except for determining the height of the building. For the purposes of determining the height of a building, a

story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade.

(Ord. No. 96-17, § 1, 5-28-96; Ord. No. 1998-27, § 9-8-98)

*Street:* A public thoroughfare or any other vehicular accessway recorded in the public records of Broward County, Florida, for the sole purpose of providing access to and from abutting properties, and which is at least fifty (50) feet in total width.

(Ord. No. 96-17, § 1, 5-28-96)

*Street Line:* Shall mean the right-of-way line of a street or the base building line, whichever will provide for a greater width of street.

*Structural Alteration:* Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

*Structure:* Anything constructed or erected, which requires location on the ground or attached to something having location the ground.

*Temporary living quarters and seasonal or temporary living quarters:* As used herein shall, in reference to recreational vehicles placed in recreational vehicle parks, relate to the period of time the recreational vehicle is occupied as a living quarter during each year and not to the period of time it is located in the recreational vehicle park. During the time the recreational vehicle is not occupied as temporary or seasonal quarters it may be stored and tied down, as required by code, on the recreational vehicle site. The affixing of a recreational vehicle to the ground, by way of tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms and similar appurtenances by way of removable attaching devices shall not render the recreational vehicle a permanent part of the recreational vehicle site.

(Ord. No. 2000-36, § 1, 8-22-00)

*Temporary Wayside Stand:* Any portable facility, other than a mobile food unit or mobile food unit limited to the preparation and sale of frankfurters, such as a vehicle, table, bin, awning, canopy, booth, bench or any other type of display area situated on or adjacent to a public or private street or road right-of-way whereupon there are no sanitary facilities or off-street parking facilities as required by the South Florida Building Code and the Broward County Code of Ordinances, respectively, and which portable facility is utilized for the purpose of selling, offering for sale, or dispensing any item to the general public.

(Ord. No. 82-44, § 1, 8-13-82)

*Tent:* Any structure or enclosure, the roof of which and/or one half or more of the sides, are silk, cotton, canvas, fabric or light material.

*Timeshare:* A building consisting of three (3) or more individual dwelling units, where each dwelling unit is purchased, owned or sold to more than one owner on the basis of a specified amount of time that the unit can be occupied by each owner.

(Ord. No. 96-17, § 1, 5-28-96)

*Townhouse:* A one-family dwelling constructed as part of a series or group of attached dwellings with a common party wall or fire separation wall connecting each dwelling unit and with a property line running through the center of the common party wall or fire separation wall. Dwellings attached only by an open breezeway; or other unroofed wall or fence are not included in this definition.

(Ord. No. 96-17, § 1, 5-28-96)

*Trailer:* A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or

use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another.

(Ord. No. 87-33, § 1, 6-23-87)

*Translucent:* Any material which allows the passage of light, but does not permit a clear view of any object or person.

(Ord. No. 96-17, § 1, 5-28-96)

*Transportation facilities:* Transportation facilities shall include airports, heliports, shipping docks, railroad or bus terminals and all other such facilities which provide for mass public transportation or freight services.

(Ord. No. 1999-24, § 1, 5-11-99)

*Use:* The purpose of which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained.

*Use (v.):* "Use" or "used" shall mean the establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.

(Ord. No. 93-44, § 3, 11-23-93)

*Use of Land:* Includes use of water surfaces and land under water to be the extent covered by zoning districts, and over which Broward County has jurisdiction.

*Use, Nonresidential:* Any use other than a residential use.

(Ord. No. 2000-36, § 1, 8-22-00)

*Use, Principal or Main:* The primary use of the plot as distinguished from secondary or accessory uses. There may be more than one principal or main use on a plot.

*Use, Residential:* A use which constitutes the occupancy of a building for dwelling purposes, either permanently or temporarily, except for hotels, motels, timeshares, or other public lodging establishments.

(Ord. No. 2000-36, § 1, 8-22-00)

*Variance:* A modification of, or deviation from, the regulation of the zoning code which is authorized and approved by the board of adjustment after it finds that the literal application of the provisions of the code would cause unnecessary hardship or practical difficulty in the use or development of a specific plot or building.

*Vessel:* Shall mean every kind, type and description of boat, ship, watercraft or airboat, used or capable of being used as a means of transportation on water, other than seaplanes.

(Eff. 12-4-78)

*Waterway:* A stream, canal or body of water, dedicated to public use, publicly owned, or used and available for public travel by boats, not including privately owned bodies of water or drainage ditches.

*Wayside Stand:* A structure designed and used for the sale or display of farm products produced on the premises on which said structure is located.

(Ord. No. 82-44, § 1, 8-13-82)

*Whip Antenna:* A cylindrical antenna that transmits signals in 360 degrees.

(Ord. No. 1998-35, § 3, 10-13-98)

*Wholesale store:* A commercial establishment primarily for the sale of merchandise directly to the ultimate consumer, but which also provides for the resale of new merchandise to other commercial enterprises as an accessory use.

(Ord. No. 1999-23, § 1, 5-11-99)

*Wildlife Pets:* Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

(Ord. No. 81-7, § 1, 2-13-81)

*Wireless Communication Facility:* An antenna, stealth facility or wireless communication tower.

(Ord. No. 1998-35, § 3, 10-13-98)

*Wireless Communication Tower:* A guyed, monopole or self-support/lattice tower, constructed as a free-standing structure, containing one or more antennas, used in the provision of personal wireless services, excluding radar towers, amateur radio support structures licensed by the Federal Communications Commission (FCC), private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable codes.

(Ord. No. 1998-35, § 3, 10-13-98)

*Yard:* A space on the same plot with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in the zoning ordinance. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines.

*Yard, Front:* A yard extending across the full width of the plot between the front plot line and the nearest line of the main use or main building on the plot.

*Yard, Rear:* A yard extending across the full width of the plot between the rear plot line and nearest line of the main building.

*Yard, Required:* Shall mean the minimum yard required by the zoning resolution. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard.

*Yard, Side:* A yard extending from the front yard to the rear yard, between the side plot line and the nearest line of any building or use on the plot. The width of a side yard shall be the shortest distance between the side plot line and the nearest use or building on the plot.

*Yard Sale:* The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building.

(Ord. No. 96-17, § 1, 5-28-96)

*Zoning Board:* The Zoning Board of Broward County.

*Zoning Official:* The director of the code and zoning enforcement division or his/her designee.

(Ord. No. 93-44, § 3, 11-23-93)

**Secs. 39-5—39-9. Reserved.**

### ARTICLE III. ADMINISTRATION AND LEGAL PROVISIONS\*

#### Sec. 39-10. Enforcement, interpretation, purpose and conflict.

(a) The county administrator shall designate county personnel who shall have the authority to enforce the provisions of this code.

\***Editor's note**—Section 2 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990, amended art. II as follows:

§§ 39-3—39-5 were amended.

§§ 39-6, 39-7 were repealed.

§§ 39-8, 39-9 were renumbered §§ 39-6, 39-7 and were amended.

§§ 39-10—39-16 were repealed.

(b) Where it is found that any of the provisions of this code are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable and any other person violating the provisions of this code. Any enforcement procedure authorized by the Broward County Code of Ordinances or state law may be used to enforce the provisions of this code. It shall be at the discretion of the county administrator or the designee of the county administrator as designated in the Broward County Administrative Code to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought.

(c) In addition to enforcement by the county administrator, the provisions of this code may be enforced by the Broward County Sheriff's Department as violations of a county ordinance and as such shall be punishable by § 125.69, F.S.

(d) Further, the county commission may direct the county attorney to bring an action for injunctive relief in appropriate circumstances.

(e) Where this code includes regulations on the same point as contained in any other law or ordinance, the provisions of this code shall govern; except that where the regulations of the other law or ordinance are more restrictive than those of this code, the other shall govern.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 3, 11-28-95)

#### **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 maps hereto attached and made a part of this code are hereby established, said 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 maps were fully described herein.

(b) Each district shall be subject to the regulations stipulated in this code.

(Ord. No. 95-50, § 3, 11-28-95; Ord. No. 2000-36, § 2, 8-22-00)

**Editor's note**—The maps referred to in this section are not printed herein but are on file in the county offices.

#### **Sec. 39-12. District boundaries.**

(a) Unless otherwise shown, the district boundaries are as defined in the resolutions and ordinances zoning the various properties in the unincorporated areas of Broward County or the subdividing or boundary lines of recorded plats, or the extensions thereof. Where the districts designated on maps accompanying and made a part of this ordinance are approximately bounded by expressways, highways, street lines or alley lines and expressway, highway, street or alley is a district boundary between two (2) or more different zoning districts, the district boundary line shall be the center line of such expressway, highway, street or alley.

(b) Where, due to the scale or illegibility of the district map, or due to the absence of an expressway, highway, street, alley or recorded subdividing or boundary line of a recorded plat, there is any uncertainty, contradiction or conflict as to intended location of any district boundary, the county commission shall have the authority and duty of interpreting the intent of said district maps so as to determine and designate the proper location of such district boundary in accordance with the spirit and purpose of this code.

(c) *Water areas.*

(1) The water surface and the land under the water surface, of all canals, rivers, waterways, ponds, lakes and other water areas in Broward County not otherwise zoned are hereby placed in the

---

§§ 39-17, 39-18 were renumbered §§ 39-8, 39-9 and were amended.

§ 39-10 was added.



same zoning district as the land which it abuts as shown on the zoning district maps. Where the zoning districts shown on the zoning district maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the center line or midpoint of the water area.

- (2) For convenience of mapping and clarity, the zoning of water areas is not shown on the zoning district maps but is determined by the provisions of this section.

(d) *Districting of vacated ways.* Where a street or alley shown on a zoning district map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the zoning district of adjoining property on either side of said vacated street or alley. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the former center line of such vacated street or alley.

(e) *Railroad rights-of-way.* Where not otherwise indicated on zoning district maps or specified in this code, railroad rights-of-way are hereby placed in the same zoning district as indicated or specified for abutting property, except that where the zoning districts are different on opposite sides of a railroad right-of-way, the railroad right-of-way is hereby placed in the more restricted district of the two zoning districts abutting the right-of-way.

(Ord. No. 95-50, § 4, 11-28-95; Ord. No. 2000-36, § 3, 8-22-00)

#### **Sec. 39-13. Regulation of unzoned property.**

Any property which has not been placed in a zoning district, has been deannexed from a municipality, or which has not otherwise been zoned, is hereby classified as the most restrictive zoning district classification consistent with the designation of the said unzoned lands as indicated in the Future Unincorporated Area Land Use Element Map Series.

(Ord. No. 90-12, § 4, 6-26-90; Ord. No. 95-50, § 5, 11-28-95; Ord. No. 2000-36, § 4, 8-22-00)

#### **Sec. 39-14. Consistency with the land use plan.**

Whenever the permitted uses or district regulations applicable to any zoning district permit some uses that are not permitted by the applicable land use plan designation for the property, the provisions of the land use plan shall operate to prohibit those uses on that property as if such restrictions were fully set forth in this code. Where an existing lawful use of land or a structure is no longer permitted by the applicable land use plan restrictions, such use of land or structures shall be considered nonconforming and subject to article VII, Nonconforming Uses and Structures of this code unless a contrary result is specifically provided for in the land use plan.

(Ord. No. 89-36, § 1, 9-26-89; Ord. No. 95-50, § 5, 11-28-95)

#### **Sec. 39-15. Permits required.**

(a) No building or structure, or part thereof, or land or water, shall be erected, altered, moved, or used unless a permit consistent with all applicable provisions of this code shall have been first obtained for such work.

(b) Any permit issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance or approval of a final inspection, whichever occurs first. Any expired permit which is not renewed within sixty (60) days of the date of expiration shall become void; and any new permit shall be subject to all current requirements of the Broward County Zoning Code.

(c) A permit card and a set of approved plans shall be available on the site where the construction is occurring at all times a scheduled inspection is being conducted to ensure compliance with such approved plans.

(d) A construction layout survey shall be submitted to the zoning official or designee prior to or at commencement of construction of any building or structure on undeveloped property to ensure compliance with the approved site plan. Such survey shall also indicate all easements and rights-of-way of record.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 93-44, § 1, 11-23-93; Ord. No. 95-50, § 6, 11-28-95)

**Sec. 39-16. Permits not to be issued.**

(a) No building permit shall be issued for the erection, or alteration of any building or structure or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of this code.

(b) No license, permit or certificate shall be issued by any department, agency or official of Broward County for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve, in any way, or constitute a violation of this code, or upon any premises where a violation of this code is pending or unresolved.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 7, 11-28-95)

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

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

- (1) A site plan in triplicate, drawn to a scale of a minimum one (1) inch equals fifty (50) feet, showing the actual dimensions of the plot involved in the application, the location of the structure proposed, yards and setbacks, easements and rights-of-way, as well as such other pertinent information as may be necessary for the enforcement of this code.
- (2) Three (3) sealed copies of a boundary survey. Such survey shall indicate all easements and rights-of-way of record.
- (3) Three (3) sets of floor plans drawn to a minimum scale of three-eighths ( $\frac{3}{8}$ ) inch equals one (1) foot and three (3) sets of elevation plans of all proposed buildings and structures drawn to a minimum scale of three-sixteenths ( $\frac{3}{16}$ ) inch equals one (1) foot.

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

- (1) A site plan in triplicate, drawn to a scale of a minimum one (1) inch equals fifty (50) feet, showing the actual dimensions of the plot involved in the application, all existing buildings and structures on the plot, and all proposed new construction, yards, setbacks, easements and rights-of-way, as well as such other pertinent information as may be necessary for the enforcement of this code.
- (2) Three (3) sealed copies of an as-built survey describing and depicting the plot involved in the application and indicating all easements and rights-of-way of record.
- (3) Three (3) sets of floor plans drawn to a minimum scale of three-eighths ( $\frac{3}{8}$ ) inch equals one (1) foot and three (3) sets of elevation plans of all proposed buildings and structures drawn to a minimum scale of three-sixteenths ( $\frac{3}{16}$ ) inch equals one (1) foot.

(c) Any permit application which is not approved due to lack of compliance with this section or with any requirement of this code, and for which corrected plans are not resubmitted within sixty (60) days from notification of such noncompliance shall be void.

(d) All plots shall be maintained in accordance with the approved site plan unless subsequent changes are approved by the appropriate governing agencies.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 8, 11-28-95; Ord. No. 2000-36, § 5, 8-22-00)

**Sec. 39-18. Administration.**

The Broward County Administrative Code shall set forth the authority of the various county departments and divisions for the administration of this code.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 10, 11-28-95)

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

(a) No commercially or industrially zoned building or structure, or part thereof, or premises zoned to permit any commercial or industrial use, or established as a legal nonconforming use, existing as of the effective date of this code, or which undergoes a change of occupant or upon which a new or different use is established, shall be occupied or used unless a certificate of use shall have been issued therefor. The original of the certificate shall be posted at the business location at all times.

(b) *Temporary Certificates of Use.* A temporary certificate of use may be issued for a maximum six (6) month period to a tenant in a shopping center or other multiple tenant nonresidential building in cases where the area of the building and property occupied by such tenant complies with this Code and all other applicable codes, but the remainder of the property has not yet complied with section 39-86, "nonconforming properties," section 39-226, "lighting," section 39-53, "nonconforming signs," and dumpster enclosure requirements of this Code, or where violations of this code exist that are the responsibility of other unrelated tenants. Such temporary certificates of use may only be issued if:

- (1) The notice of violation issued to the property owner advising noncompliance with the aforementioned code sections has not been pending for a period of time exceeding three (3) months prior to the issuance of any temporary certificate permitted by this subsection; and
- (2) There are no pending liens on the property relating to noncompliance with any provisions of this code;
- (3) The temporary certificate shall not be renewed or reissued.

(c) The zoning official shall notify the holder of any certificate of use, and the real property owner if different from the certificate holder, in writing, of the zoning official's intent to revoke a certificate of use for any of the following reasons:

- (1) The zoning official has reasonable grounds to believe that the premises is being used in a manner that is inconsistent with, or contrary to, the provisions of the zoning code or any other applicable code or statute;
- (2) Conviction of any owner, operator, manager, supervisor, or any employee acting at the direction or with the knowledge of the owner, operator, manager, or supervisor, by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the business operation;
- (3) It has been ascertained that the holder of the certificate of use falsified any information on the application for the certificate of use; or
- (4) The holder of the certificate of use, or the holder's designated manager, operator or supervisor refuses to permit an authorized law enforcement officer or code enforcement officer to inspect the premises during normal business hours for the purpose of investigating a complaint which has been filed against the business operation.

(d) All written notifications from the zoning official of the intent to revoke a certificate of use shall be in accordance with notice provisions in Chapter 162, F.S. The notice shall state the following:

THE HOLDER OF THIS CERTIFICATE OF USE SHALL HAVE TEN (10) DAYS FROM THE DATE OF THIS NOTIFICATION TO EITHER CEASE USE OF THE PREMISES OR TO REQUEST A HEARING, IN WRITING, BEFORE THE BROWARD COUNTY CODE ENFORCEMENT BOARD OR HEARING EXAMINER.

IF NO WRITTEN REQUEST FOR A HEARING IS RECEIVED BY THE ZONING OFFICIAL WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTIFICATION BY THE CERTIFICATE HOLDER, THE CERTIFICATE OF USE SHALL BE CONSIDERED REVOKED AND SHALL NOT BE REISSUED AT THE LOCATION.

(e) If the holder of the certificate of use requests a hearing before the Code Enforcement Board or Hearing Examiner, the certificate of use shall remain in effect during the pendency of the action before the Code Enforcement Board or Hearing Examiner.  
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 93-44, § 2, 11-23-93; Ord. No. 95-50, § 10, 11-28-95; Ord. No. 2000-36, § 6, 8-22-00)

**Sec. 39-20. Right of entry.**

For the purpose of enforcing the provisions of this code, officials and inspectors shall have a right of entry as provided by law whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under this code. The office of the county attorney is hereby authorized to seek inspection warrants as necessary.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 10, 11-28-95)

**Sec. 39-21. Validity.**

Should any article, section, paragraph, sentence, clause, phrase, or other part of this code be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the code as a whole, or any part thereof, other than the part so declared to be invalid.

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 10, 11-28-95)

**Secs. 39-22, 39-23. Reserved.**

**ARTICLE IV. DISTRICT AND REGULATION CHANGES\***

**Sec. 39-24. Board of County Commissioners to amend zoning regulations.**

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Board of County Commissioners may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Code or amendments thereto.

(Ord. No. 1998-08, § 1, 4-28-98)

**Sec. 39-25. Establishment and duties of zoning board.**

(a) The Board of County Commissioners of Broward County shall appoint a zoning board which shall act in an advisory capacity to the Board of County Commissioners and recommend the boundaries of the various districts and appropriate regulations to be adopted and enforced therein and which shall review and make appropriate recommendations relating to developments of regional impact.

(b) The zoning board shall consist of eight (8) members, who shall serve at the pleasure of the County Commissioners representing districts in which there are unincorporated areas, in compliance with Section 1-233, Broward County Code of Ordinances. Each County Commissioner representing a district which has unincorporated area within that Commissioner's district shall appoint one (1) member who is either a resident of the unincorporated area of that district or who owns real property in the unincorporated area of that district. When a Commission district no longer includes unincorporated area, the term of the member of that district shall terminate. As the number of Commissioners representing districts with unincorporated areas decreases, so shall the number of members on this board. Once the number of board members is three (3) or less, the zoning board shall be automatically dissolved. Once the board is dissolved, the duties of the zoning board shall be vested in the Board of County Commissioners and all applications for rezonings and all text amendments shall be addressed by the Board of County Commissioners. If a member of the zoning board ceases to meet the residency or real property ownership requirements for any reason except annexation, he or she shall notify the appointing Commissioner, the chair of the zoning board, and the County Administrator, and he or she shall cease to be a member of the zoning board. If a member ceases to meet the residency or real property ownership requirement by reason of annexation, so long as the district continues to include unincorporated area, he or she shall be permitted to complete his or her term consistent with Section 1-233 of the Broward County Code of Ordinances. A replacement member shall be designated pursuant to Section 1-233, Broward County Code of Ordinances. Members shall serve without compensation but, to the extent permitted by law, shall be paid actual expenses incurred in performance of their duties.

(c) Such zoning board shall hold a public hearing before submitting its final report and recommendations, and the Board of County Commissioners shall not hold its public hearing or take any action until it has received the final recommendation of such zoning board, or as otherwise provided in section 39-29(b), (c) and 39-30(c).

\***Editor's note**—Ord. No. 1998-08, §§ 1—12, adopted April 28, 1998 amended former Art. IV, §§ 39-48—39-51 in its entirety to read as herein set out. Former Art. IV pertained to the Zoning Board and derived from the following ordinances:

Ord. No.	Sec.	Date	Ord. No.	Section	Date
75-5	6	3-18-75	90-12	5, 6	6-26-90
76-70	1, 2	12-28-76	94-20	1	2-22-94
79-21	1	4-18-79	95-48	2-4	11-28-95
79-36	2	6-20-79	96-32	1	9-24-96
87-24	1	5-26-87			

(d) The zoning board shall adopt reasonable rules of procedure to govern the conduct of its hearings, consistent with the provisions of this Code or other ordinances adopted by the Board of County Commissioners and with state law. Such rules shall provide for the election of officers and for the conduct of hearings.

(e) The zoning board shall meet as determined by the Code and Zoning Enforcement Division. Special meetings must be requested in writing and approved by a majority of the zoning board at a regularly scheduled public hearing.

(Ord. No. 1998-08, § 2, 4-28-98; Ord. No. 2000-36, § 7, 8-22-00; Ord. No. 2001-13, § 1, 5-8-01)

### **Sec. 39-26. Applications for rezoning and amendments.**

(a) A request for rezoning or an amendment to the Zoning Code may be initiated by the Board of County Commissioners, by the Department of Planning and Environmental Protection, or by a petition of the owner of property requested for rezoning or, in the case of an amendment to the Zoning Code, any citizen of the unincorporated area of Broward County.

(b) All applicants for rezoning, code amendments, or developments of regional impact shall complete an application on forms prepared by the Department of Planning and Environmental Protection. A fee, as approved by the Board of County Commissioners, shall be charged for all applications other than those initiated by the Board of County Commissioners or the Department of Planning and Environmental Protection. A public hearing shall be scheduled no later than forty-five (45) days, or as soon thereafter as practicable, after acceptance of an application for rezoning or request for an amendment to the Zoning Code or a development of regional impact by any citizen of the unincorporated area of Broward County. (Ord. No. 1998-08, § 3, 4-28-98; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 1999-55, § 1, 10-12-99)

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

(a) All notices of public hearing for rezonings, amendments to the Zoning Code, and developments of regional impact shall be in accordance with Chapter 125, Florida Statutes.

(b) In addition to the requirements of state law, written notice of a public hearing for any rezoning request or development of regional impact shall be mailed via regular first class mail at least ten (10) days prior to the public hearing in accordance with the following:

- (1) For all County-initiated petitions for rezoning, notice shall be sent to all property owners within the petitioned area and all property owners and the mayor and city manager of any municipality within a radius of three hundred (300) feet from the perimeter of the petitioned area; or
- (2) For all owner-initiated petitions for rezoning, all property owners, the mayor and city manager of any municipality within a radius of five hundred (500) feet of the perimeter of the petitioned area, except that such radius shall be extended to one thousand (1,000) feet when any such request is in or contiguous to any rural, estate, agricultural district or any Wellfield zone of influence, as depicted in the adopted Wellfield Protection Zones of Influence maps; and
- (3) Such notices, including sign notices, shall include the location and description of the subject property, the date, time, and place of the hearing, a phone number for the Zoning Code Services Division and an explanation of the request; and
- (4) Property owners and addresses for notice shall be determined in accordance with the current tax roll of Broward County, Florida, unless there is actual knowledge of a subsequent property owner; and
- (5) In the event the notification area includes land declared to be a condominium under Chapter 718, F.S., then notice to the condominium association shall constitute notice; and

- (6) At least ten (10) days prior to the hearing, the County shall post a sign upon the property so as to face, and be visible from, the street upon which the property is located, said sign to be a minimum of three (3) feet by four (4) feet in size and shall state the following:

"NOTICE OF PUBLIC HEARING"  
"REZONING"

and shall include the information required by subsection (b)(3) above. The Zoning Code Services Division shall provide a notarized affidavit to the zoning board stating that the sign was posted on the appropriate date. No permit shall be required for such sign.

- (7) The applicant shall state at the hearing before the zoning board whether the sign remained posted for the duration of the time required for posting.

(c) No public hearing shall be commenced by the zoning board or the Board of County Commissioners unless an affidavit of proof of required notice publications, posting and mailing (if applicable) is presented to the zoning board or Board of County Commissioners for review, and subsequently submitted to the County Administrator, or his or her designee, for filing with the minutes of the meeting.

(Ord. No. 1998-08, § 4, 4-28-98; Ord. No. 2000-36, § 8, 8-22-00; Ord. No. 2001-14, § 1, 5-8-01; Ord. No. 2002-12, § 1, 4-9-02)

**Sec. 39-28. Basis for recommendations.**

In formulating a recommendation, the Zoning Board shall consider the following:

- (a) Whether there exists an error or ambiguity which must be corrected;
- (b) Whether there exists changed or changing conditions which make approval of the request appropriate;
- (c) The testimony of any applicants, their agents or representatives;
- (d) The recommendation of staff;
- (e) The testimony of the public;
- (f) Whether the request is consistent with the goals, objectives, policies, and intent of the Broward County Comprehensive Plan;
- (g) Whether the request is consistent with the densities, intensities, and general uses set forth in the Broward County Comprehensive Plan and the Land Use Element Map;
- (h) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;
- (i) Whether the request will place an undue burden on existing infrastructure and whether capacity exists for any projected increase that may be generated;
- (j) Whether the permitted uses in a requested rezoning are compatible with existing and proposed uses in the general vicinity; except, however, nonconforming uses of neighboring lands, structures, or buildings shall not be considered as support for approval of any request; and
- (k) Whether, for oceanfront properties, the following goals would be supported:
  - (1) The need to protect and restore beaches, particularly dunes and vegetation, through techniques such as conservation, easements, revegetation, elevated walkways, and clustering of development;
  - (2) The need to ensure the protection and enhancement of sea turtle nesting;

(3) The extent to which the regulations regarding construction seaward of the coastal construction line would affect a property owner's ability to develop the uses in a requested zoning district; and

(4) The location of marinas, boat ramps, and other water-dependent uses in a manner which protects manatees in those areas which they frequent.

(Ord. No. 1998-08, § 5, 4-28-98)

**Sec. 39-29. Zoning board recommendations.**

(a) At the conclusion of any public hearing relating to a development of regional impact, the zoning board shall deliberate and render a recommendation on the request.

(b) At the conclusion of any public hearing relating to a rezoning request, the board shall deliberate and take one of the following actions:

(1) Defer the matter to a future date; provided, however, that the zoning board shall be required to provide its recommendation within three (3) months of the originally scheduled hearing unless the petitioner requests a further period of time. No rezoning shall be deferred for a period of time in excess of six (6) months from the originally scheduled hearing.

(2) Recommend amendment of the request to a less intensive zoning district classification within the same land use category.

a. A petitioner may request amendment of the rezoning petition to a more restrictive zoning district within the same land use category prior to the vote on the petition by the zoning board. For purposes of this section, land use categories are defined in the 1989 Broward County Land Use Plan, provided that a conservation district shall always be considered more restrictive than any other land use category. If such a request is made subsequent to a vote by the zoning board recommending denial of the rezoning originally petitioned, a new public hearing shall be required.

b. If a petitioner requests an amendment to a more restrictive zoning district in a different category of land use as defined above, other than conservation, a new public hearing shall be required.

c. If a petitioner requests an amendment to a more intensive zoning district classification in either the same land use category or a different land use category, a new public hearing shall be required.

(3) Recommend approval of the request;

(4) Recommend denial of the request;

(5) A favorable recommendation shall require the concurring vote a majority of the board members in attendance at the public hearing provided, however, the concurring vote of not less than four (4) members shall be required.

(c) At the conclusion of any public hearing relating to an amendment to the zoning code, the zoning board shall take one of the following actions:

(1) Defer consideration of the amendment to a future date; provided, however, that the zoning board shall be required to make a recommendation within three (3) months of the originally scheduled hearing; and further provided that if the director of the Department of Planning and Environmental Protection certifies to the zoning board that such revisions are necessary in order to bring the Zoning Code into compliance with the Broward County Comprehensive Plan by a date specified in the plan or by law, the zoning board shall act upon the amendment at the originally scheduled public hearing.



- (2) Recommend approval of the amendment;
  - (3) Recommend approval of the amendment with amendments;
  - (4) Recommend denial of the amendment;
  - (5) A favorable recommendation shall require the concurring vote of a majority of the board members in attendance at the public hearing provided, however, the concurring vote of not less than four (4) members shall be required.
- (Ord. No. 1998-08, § 6, 4-28-98; Ord. No. 1999-55, § 1, 10-12-99)

**Sec. 39-30. County Commission public hearings.**

(a) *Rezoning requests and developments of regional impact.* Subsequent to a public hearing by the zoning board, the Board of County Commissioners shall hold a quasi-judicial public hearing (or, if required by state law, two public hearings) on any rezoning or development of regional impact. Such hearings shall conform to procedure in Chapter 1, Article XVII, Quasi-Judicial Proceedings, Broward County Code of Ordinances.

- (1) *Denials and resubmission.* A denial by the Board of County Commissioners of a requested rezoning is a denial with prejudice. If an application is denied:
  - a. No application for the same district classification on any part of the same property shall be heard by the zoning board for a period of twelve (12) months from the date of denial by the Board of County Commissioners.
  - b. No application for any kind of rezoning on any part of the same property shall be heard by the zoning board for a period of six (6) months from the date of denial by the Board of County Commissioners.
- (2) Any proposed rezoning or development of regional impact shall be in the form of an ordinance.

(b) *Zoning Code amendments.* Subsequent to consideration by the zoning board, the Board of County Commissioners shall hold a public hearing(s) as provided by Chapter 125, F.S. on any proposed amendment to the Zoning Code.

- (1) Any proposed amendment to the Zoning Code shall be in the form of an ordinance.
- (2) The Board of County Commissioners shall consider public input, the recommendations of the zoning board, if applicable, and the recommendations of staff in considering any ordinance amending the Zoning Code.
- (3) At the conclusion of the public hearing, the Board of County Commissioners shall:
  - a. Adopt the ordinance as proposed;
  - b. Adopt the ordinance in part or with amendments consistent with the advertised notice of public hearing;
  - c. Defer the proposed ordinance to a future date; or
  - d. Reject the proposed ordinance.
  - e. Any amendments proffered which are not consistent with the advertised notice of public hearing shall be considered as a recommendation for initiation of a new amendment, requiring compliance with all provisions of this article.

(c) If the Board of County Commissioners does not receive a recommendation from the zoning board as provided in this article, the Board of County Commissioners may consider the rezoning(s), development of regional impact or text amendment(s) without a recommendation from the zoning board.

(d) *Notices.* All notices of public hearings by the Board of County Commissioners shall be in accordance with state law and with section 39-27 of this article.  
(Ord. No. 1998-08, § 7, 4-28-98)

**Sec. 39-31. Authority to withhold permits and approvals; zoning in progress.**

When a change of text of the Zoning Code relating specifically to residential densities and permitted land uses or a change of zoning district classification is being considered by the Board of County Commissioners, no permit or development order shall be issued by the County for a period of time not to exceed six (6) months after notice of public hearing before the Board of County Commissioners for such change has been published where the issuance of such permit or development order would result in the nonconforming or unlawful use of property should such proposed change be adopted; provided that, if final action by the Board of County Commissioners is not taken on the proposed change within six (6) months from the date of such publication, the permit or development order shall be issued if it is consistent with existing permitted land uses or zoning district requirements.  
(Ord. No. 1998-08, § 8, 4-28-98)

**Sec. 39-32. Appeals.**

Appeal of a decision of the Board of County Commissioners concerning any rezoning, development of regional impact, or amendment to the Zoning Code subject to this article shall be by writ of certiorari to the circuit court pursuant to Florida Rules of Civil Procedure, within thirty (30) days of the adoption of any ordinance amending the Zoning Code, rezoning property, or approving a development of regional impact.  
(Ord. No. 1998-08, § 9, 4-28-98)

**Secs. 39-33, 39-34. Reserved.**

**ARTICLE V. VARIANCES, ADMINISTRATIVE DETERMINATIONS AND APPEALS\***

**Sec. 39-35. Establishment and duties of board of adjustment.**

(a) *Appointments and qualifications:* The Board of County Commissioners shall appoint a board of adjustment to hear and decide requests for variances and appeals to administrative decisions relating to provisions of the Broward County Zoning Code ("Code"). The board of adjustment shall be comprised of eight (8) members who shall serve at the pleasure of the County Commissioners representing districts in which there are unincorporated areas, in compliance with Section 1-233, Broward County Code of Ordinances. Each County Commissioner representing a district which has unincorporated area within that Commissioner's district shall appoint a member who is either a resident of the unincorporated area of that district or who owns real property in the unincorporated area of that district. When a Commission

\***Editor's note**—Ord. No. 1998-09, §§ 1, 2, adopted April 28, 1998, repealed former Art. V, §§ 39-62—39-68, in its entirety and enacted new provisions as herein set out. Former Art. V pertained to the Board of Adjustment and derived from the following ordinances:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
75-5	7	6-14-74	90-12	7	6-26-90
76-42	1, 2	3-18-75	94-20	3	2-22-94
78-38	1	8-31-76	95-50	16	11-28-95
79-36	2	8-16-78	96-32	2	9-24-96
		6-20-79			

district no longer includes unincorporated area, the term of the member of that district shall terminate. As the number of Commissioners representing unincorporated areas decreases, so shall the number of members on this board. Once the number of board members is three (3) or less, the board of adjustment shall be automatically dissolved. All matters pending before the board of adjustment, and any new matters relating thereto, shall be referred to a hearing officer. All duties of the board shall be vested in the hearing officer who shall be appointed in accordance with subsection (e). If a member of the board of adjustment ceases to meet the residency or real property ownership requirements for any reason except annexation, he or she shall notify the appointing Commissioner, the Chair of the board of adjustment, and the County Administrator, and he or she shall cease to be a member of the board of adjustment. If a member ceases to meet the residency or real property ownership requirements by reason of annexation, so long as the district continues to include unincorporated area, he or she shall be permitted to complete his or her term consistent with Section 1-233 of the Broward County Code of Ordinances. A replacement shall be designated pursuant to Section 1-233 of the Broward County Code of Ordinances. Members shall serve without compensation but, to the extent permitted by law, may be paid actual expenses incurred in the performance of their duties.

(b) *Duties:* The board of adjustment shall conduct public hearings, take testimony, and review documentary evidence submitted by parties requesting a variance from the terms of the Code as set forth herein, and by parties concerning appeals from an administrative decision rendered by the zoning official relating to any provision of the Code. Such hearings shall be quasi-judicial and shall be conducted in accordance with Chapter 1, Article XVII, Quasi-Judicial Proceedings, of the Broward County Code of Ordinances.

(c) *Rules and procedures:* The board of adjustment shall hold a quasi-judicial public hearing on all matters before the board in accordance with procedures in Chapter 1, Article XVII, Quasi-Judicial Proceedings, Broward County Code of Ordinances, and shall adopt reasonable rules of procedure to govern the conduct of its hearings and for the election of officers, consistent with the provisions of this Code and state law.

(d) *Findings:* Subsequent to a public hearing, the board of adjustment shall:

- (1) Defer the matter to a subsequent public hearing to be held not more than sixty (60) days after the originally scheduled hearing; or
- (2) Act upon the matter, either denying the petitioner's request or approving the petitioner's request; and
- (3) Render a written finding of fact on all matters heard. Such findings shall be rendered within ten (10) days after the public hearing, with copies provided to all parties of record. Findings relating to variances shall be in the form of a resolution. Upon verification that all conditions and limitations of a variance approval have been satisfied, including permits, certificates, or licenses, and if no appeal has been filed with the Board of County Commissioners, the resolution approving a variance shall also be signed by the zoning official, or designee, and recorded in the public records of Broward County, Florida.

(4) The concurring vote of a majority of members of the board of adjustment present at the hearing shall be required to approve any request for variance or overrule any administrative decision rendered by the zoning official.

(e) *Duties of hearing Officer(s) once board of adjustment is dissolved.*

- (1) Once the board of adjustment is dissolved there is hereby created, for the purpose of hearing and deciding requests for variances and appeals to administrative decisions pursuant to this article, the position of hearing officer. The hearing officer shall be selected by the County Administrator, or his or her designee, from a list of candidates approved by the Board of County Commissioners.

- (2) The hearing officer shall be a member in good standing with The Florida Bar and shall also be a resident of Broward County.
  - (3) The County shall provide clerical and administrative personnel as may be necessary for each hearing officer.
- (Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2000-36, § 9, 8-22-00; Ord. No. 2001-13, § 2, 5-8-01; Ord. No. 2001-14, § 2, 5-8-01; Ord. No. 2002-12, § 2, 4-9-02)

### **Sec. 39-36. Applications for hearings.**

(a) Any person desiring a quasi-judicial hearings before the board of adjustment shall make application to the Code and Zoning Enforcement Division, on forms prepared by the Department of Planning and Environmental Protection, to provide the board of adjustment with the information necessary to render a decision on any matter requested for hearing. The petitioner shall be responsible for the payment of costs in connection with the application as may be determined by the Board of County Commissioners through action in setting fees to be charged.

(b) All applications for a variance shall also include the following:

- (1) A current as-built survey, sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property for which the variance is requested, indicating all improvements on the property, including setbacks from property boundaries, and all easements and rights-of-way of record;
- (2) A site plan indicating the proposed construction and indicating the areas for which the variance is requested; and
- (3) Any other information necessary to explain the request.

(c) All appeals to an administrative decision shall include the following:

- (1) The code section(s) being appealed;
- (2) The decision(s) being appealed;
- (3) The decision(s) being requested;
- (4) Supporting statements, documents, etc.; and
- (5) If the appeal relates to specific property, an as-built survey sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property in question, all improvements on the property, including setbacks, and all easements and rights-of-way of record.

(d) The County shall schedule a public hearing on any request for variance or appeal to an administrative decision within forty-five (45) days of acceptance of any application or as soon thereafter as possible.

(Ord. No. 1998-09, § 2, 4-28-98; 1999-55, § 1, 10-12-99; Ord. No. 2002-12, § 3, 4-9-02)

### **Sec. 39-37. Staff review.**

The appropriate divisions within Broward County shall review all requests for variances and submit written comments relative thereto, whereupon a recommendation shall be presented to the board of adjustment at the public hearing.

(Ord. No. 1998-09, § 2, 4-28-98)

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

(a) *Publication of agenda:* All matters to be considered and hearings to be held by the board of adjustment shall be published in a newspaper of general circulation in Broward County at least ten (10) days prior to any hearing.

(b) *Notice to surrounding properties:*

- (1) All owners of property, the mayor and city manager of any municipality within a radius of five hundred (500) feet of the property line of any property for which a variance is requested or which is the subject of an appeal of an administrative decision shall be notified of the hearing by regular first class mail at least ten (10) days prior to any hearing. In the event a requested variance is for the waiver of a distance separation between uses which is greater than five hundred (500) feet, all property owners, the mayor and city manager of any municipality within the radius of the greater distance shall be notified of the hearing; or
- (2) All owners of property and the mayor and city manager of any municipality within a radius of one thousand (1,000) feet of the property line of any property which is in or is contiguous to any rural, estate, or agricultural district or the next two (2) properties, whichever distance is greater, for which a variance is requested or which is the subject of an appeal of an administrative decision shall be notified of the hearing by regular first class mail at least ten (10) days prior to any hearing; and
- (3) In the event a requested variance involving commercial or industrial property is within one thousand (1,000) feet of a Wellfield zone of influence, as depicted in the adopted Wellfield Protection Zone of Influence maps, the operator of such wellfield shall be notified by certified mail, return receipt requested; and
- (4) In the event the notification area includes land declared to be a condominium under Chapter 718, F.S., then notice to the condominium association shall constitute notice; and
- (5) At least ten (10) days prior to the hearing, the County shall post a sign upon the property so as to face, and be visible from, the street upon which the property is located, said sign to be a minimum of three (3) feet by four (4) feet in size and shall state the following:

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

and shall include the information required by subsection (c) below. The Zoning Code Services Division shall provide a notarized affidavit to the board of adjustment stating that the sign was posted on the appropriate date. No permit shall be required for such sign; and

- (6) The applicant shall testify at the hearing before the board of adjustment whether the sign remained posted for the duration of the time required for posting.
- (7) At least thirty (30) days prior to the hearing before the board of adjustment, notice of the hearing shall be given in writing to each County Commissioner and to the County Administrator.

(c) *Content:* All required notices, including sign notices, shall contain the petitioner's name, location and description of the property in question, the nature of the request, the Code sections involved, the time, date, and place of the hearing, and the phone number of the Zoning Code Services Division.

(d) *Determination of ownership:* Property owners for purposes of providing notice shall be determined to be the person, persons, or legal entity shown on the current tax roll of Broward County, unless there is actual knowledge of a subsequent owner.

(Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2000-42, § 1, 9-26-00; Ord. No. 2001-14, § 4, 5-8-01)

**Sec. 39-39. Authority.**

(a) The board of adjustment shall have the authority to grant a variance to provisions of the Code relating to the following:

- (1) height
- (2) yards
- (3) offstreet parking and loading
- (4) landscaping and buffers
- (5) separation of uses
- (6) plot coverage
- (7) such other provisions of the Code which do not specifically prohibit such requests

No request may be acted upon by the board of adjustment to allow a use which is specifically or by inference prohibited in any zoning district classification, including an increase in density, or any provisions which are specifically prohibited to be waived. For purposes of this section, a request for an increase in density shall be determined to be a density which would not be permitted by the Future Unincorporated Area Land Use Element.

(b) An appeal from any order, requirement, decision, or determination made by the zoning official must be filed within thirty (30) days after rendition of the order, requirement, decision or determination, whereupon the board of adjustment shall have the authority to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination made by the zoning official in the interpretation or enforcement of any provision of the Code. The board of adjustment shall have all the powers of the official from whose decision the appeal is taken.

(Ord. No. 1998-09, § 2, 4-28-98)

**Sec. 39-40. Considerations for variances.**

(a) When granting any variance from the terms of the Code, the board of adjustment shall determine whether the applicant has met the following criteria:

- (1) That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district;
- (2) That any alleged hardship is not self-created by any person having an interest in the property or is the result of mere disregard for, or ignorance of, the provisions of the Code;
- (3) That strict application of the provisions of the Code would deprive the petitioner of reasonable use of the property for which the variance is sought;
- (4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property;
- (5) That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (6) That there exists changed or changing conditions which make approval of the variance appropriate.

(b) Relevant matters:

- (1) The testimony and submittals of any applicants, their agents, or representatives provided, however, that sworn testimony shall be given greater weight than unsworn testimony; and
- (2) The recommendations of staff; and
- (3) The testimony and submittals of the public.

(c) Matters not relevant:

- (1) The nonconforming use of neighboring lands, structures, or buildings or other nonconformities of neighboring lands, structures, or buildings; and
  - (2) Testimony that is not directly relevant to the matter at hand.
- (Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2002-12, § 5, 4-9-02)

**Sec. 39-41. Considerations for appeals from an administrative decision.**

In rendering a decision relating to an appeal from an administrative decision, the board of adjustment shall consider the following:

- (a) Whether there exists an error or ambiguity which must be corrected;
  - (b) The general intent of the section of the Code which is the subject of the appeal;
  - (c) The impact of any finding on the surrounding community;
  - (d) The testimony and submittals of any appellants, their counsel, agents, representatives, or witnesses;
  - (e) The testimony and submittals of the zoning official, his or her counsel, representatives, or witnesses; and
  - (f) The testimony and submittals of the public relevant to the matter at hand.
- (Ord. No. 1998-09, § 2, 4-28-98)

**Sec. 39-42. Conditions, limitations and notice to Board of County Commissioners.**

(a) In authorizing any variance, the board of adjustment may prescribe reasonable conditions and limitations in conformity with the Code and other applicable laws. A violation of any condition or limitation, when made a part of the terms under which the variance is authorized, shall be cause for termination of the variance. A hearing to show cause for termination of a variance shall be subject to the notice requirements of this article.

(b) In rendering a decision on any appeal from an administrative decision, the board of adjustment may modify or reverse any interpretation of the zoning official. A violation of any modification, when made a part of the findings, shall be considered a violation of the section of the Code which was the subject of the appeal, and shall be subject to enforcement procedures in section 39-10 and chapter 8½ of the Broward County Code of Ordinances.

(c) Within seven (7) days from the final finding and determination on any variance or appeal of an administrative decision, the board of adjustment shall forward a copy of any decision authorizing or denying a variance or any decision approving, modifying or reversing any interpretation of the zoning official to each member of the Board of County Commissioners and to the County Administrator.

(Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2001-14, § 4, 5-8-01; Ord. No. 2002-12, § 6, 4-9-02)

**Sec. 39-43. Time limits.**

(a) Unless appealed to the Board of County Commissioners, any variance authorized by the board of adjustment which relates to a structure or use requiring a permit, shall expire one hundred eighty (180) days after the date of the final finding and determination by the board of adjustment if:

- (1) No zoning permit, certificate of use, or other required license has been issued based upon and incorporating the variance, and
- (2) If all conditions and limitations of the variance have not been satisfied.

(b) The petitioner shall be notified of the expiration of any variance at least thirty (30) days prior to the expiration.

(c) Whenever the board of adjustment has taken action to reject a variance, the board of adjustment shall not consider any further request for the same variance on any part of the same property for a period of twelve (12) months from the date of such action.

(d) Whenever the board of adjustment has taken action to reject a variance, the board of adjustment shall not consider any further request for any other variance on any part of the same property for a period of six (6) months from the date of such action.

(e) The one hundred eighty (180) days shall begin running the day after the final finding and determination by the board of adjustment and shall be tolled during the pendency of any appeal to Circuit Court or upon the filing of a request for relief pursuant to the dispute resolution provisions of Chapter 70, Florida Statutes.

(Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2002-12, § 7, 4-9-02)

**Sec. 39-44. Appeals to decisions of the board of adjustment.**

(a) *Appeals to County Commission:* Within thirty (30) days of notification by the board of adjustment to the Board of County Commissioners and the County Administrator of any decision authorizing or denying a variance or any decision approving, modifying or reversing any interpretation of the zoning official, the district commissioner, the chair or the vice-chair of the County Commission shall have the right to appeal the decision of the Board of adjustment to the County Commission. Such request shall be in writing to the Chair of the County Commission specifying the decision of the board of adjustment being appealed from but no particular form shall be required. The appeal shall be placed on the next available agenda for consideration of the appeal by the Commission. The County Commission shall sit as the board of appeals to consider whether the decision of the board of adjustment was based upon competent and substantial evidence and was in accordance with applicable ordinances. The decision of the County Commission shall be based upon the record as established before the board of adjustment.

(b) Notice of the appeal to the Board of County Commissioners shall be the same as set forth within Section 39-38.

(c) *Decision of County Commission:* Based upon the record as established before the board of adjustment, the County Commission shall have the power to confirm the action of the board of adjustment, to reject, overrule or change any action of the board of adjustment, or to remand the matter back to the board of adjustment for further proceeding to address issues set forth by the County Commission. Upon verification that all conditions and limitations of a variance approval have been satisfied, including permits, certificates, or licenses, a resolution approving the variance shall be recorded in the public records of Broward County, Florida.

(d) *Decision of the board of adjustment:* Unless appealed to the Board of County Commissioners, the decision of the board of adjustment shall be final forty (40) days after the date of the final finding and vote by the board of adjustment.



(e) *Appeal*: Appeal of the board of adjustment's decision or the County Commission's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Civil Procedure, within thirty (30) days of the final finding and determination of the board of adjustment or within thirty (30) days of the final determination of the Board of County Commissioners.

(f) All references to the board of adjustment within Article V shall mean the hearing officer once the board of adjustment is dissolved.

(Ord. No. 1998-09, § 2, 4-28-98; Ord. No. 2001-14, § 5, 5-8-01; Ord. No. 2002-12, § 8, 4-9-02)

#### **Sec. 39-45. Administrative farm claim determinations.**

(a) Any person who has not been granted an agricultural classification pursuant to Section 193.461, F.S., and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make application for an administrative determination. Requests for such a determination may be made to either the building official or the zoning official on forms provided by either the Building Code Services Division or the Zoning Code Services Division.

(b) Whichever official receives the written request shall forward a copy of the application to the other official. Both officials shall jointly review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria set forth within Section 39-46 of the Broward County Zoning Code and 5-46 of the Broward County Zoning Code and the definitions set forth within Section 39-4 of the Broward County Zoning Code and Section 5-43 of the Code of Ordinances. Within forty-five (45) calendar days after the receipt of a complete and sufficient application, the officials shall jointly either grant the application or respond to the applicant in writing the reason or reasons for denial. If the zoning official and the building official cannot agree as to whether the application should be granted, the decision shall be deemed to be a denial. The decision shall be mailed by U.S. Mail to the address indicated on the application, return receipt requested.

(c) If the applicant disagrees with the determination of the officials, the decision may be appealed by notifying either official in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is "rendered." If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this section, the term "rendered" means the date the applicant initials or otherwise indicates receipt of the decision. However, in the event the decision is not accepted or is returned, the term "rendered" means ten (10) calendar days after the date the decision was mailed. The time frame to seek an appeal shall be stayed until the final determination by the Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property.

(d) Upon receipt of a timely notice of appeal, the appeal shall be assigned to a Hearing Officer. The procedures for conducting hearings shall be approved by a Resolution of the County Commission and incorporated in the Administrative Code. The hearing shall be set no later than sixty (60) days from the date of the notice of appeal unless an extension of time is requested or agreed to by the applicant.

(e) The Office of the County Attorney shall represent the County in the administrative hearing. The Hearing Officer shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria set forth within Section 39-46 and the definitions set forth within Section 39-4 of the Broward County Zoning Code and Section 5-43 of the Code of Ordinances, applicable statutes, or established case law.

(f) Nothing in this Section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any time prior to the start of the hearing before the Hearing Officer.

(g) The Hearing Officer shall, within forty-five (45) days of the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.

(h) The decision of the hearing officer is final. Appeal of the hearing officer's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the hearing officer's findings.  
(Ord. No. 2001-18, § 3, 5-22-01)

#### **Sec. 39-46. Criteria for farm claims.**

The criteria set forth below shall be considered in both the administrative determination and in the hearing by the hearing officer. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show that the applicant meets a sufficient number of the criteria under the particular circumstances for the officials or the hearing officer to determine that the applicant's property is a farm.

- (a) The general intent of the "Right to Farm Act" is to preserve productive land for agricultural purposes and to protect established farmers from the demands of sprawling urban development.
  - (b) The applicant can demonstrate that there are clearly identifiable farm products as defined in Section 39-4 of the Broward County Zoning Code and Section 5-43 of the Broward County Code of Ordinances resulting from the farm operation.
  - (c) The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other non-agricultural uses which are also present on the land.
  - (d) Whether the parcel in question is comparable to similar farm operations of the same type in the community which are classified as agriculture pursuant to Section 193.461, F.S., or which have been determined to be a farm pursuant to Section 5.45 of the Broward County Code of Ordinances.
  - (e) Whether a Schedule "F" or other Federal Income Tax return has been filed in connection with any farm income and expenditures.
  - (f) The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.
  - (g) The amount of time, effort and capitalization invested in the agricultural use of the land.
  - (h) Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.
- (Ord. No. 2001-18, § 3, 5-22-01)

#### **Secs. 39-47—39-49. Reserved.**

### **ARTICLE VI. SIGNS**

#### **Sec. 39-50. Purpose, intent and scope.**

The purpose of this article is to create the framework for a comprehensive but balanced system of sign control for the unincorporated areas of Broward County, Florida, thereby facilitating clear and pleasant

communications. It is the belief of the Board of County Commissioners that the nature of signs is to provide an index to needed goods and services. It is the intention of this article to develop specific sign criteria which:

- (1) Are compatible with their surroundings;



### **Sec. 39-50. Purpose, intent and scope.**

The purpose of this article is to create the framework for a comprehensive but balanced system of sign control for the unincorporated areas of Broward County, Florida, thereby facilitating clear and pleasant communications. It is the belief of the Board of County Commissioners that the nature of signs is to provide an index to needed goods and services. It is the intention of this article to develop specific sign criteria which:

- (1) Are compatible with their surroundings;
- (2) Are legible under circumstances in which they are seen;
- (3) Are expressive of the identity of individual businesses or organizations or the community as a whole;
- (4) Promote the aesthetic appearance of the community; and
- (5) Effectively and efficiently communicate the intent and nature of the business.

(Ord. No. 1998-27, § 2, 9-8-98)



## Sec. 39-51. Definitions.

In addition to terms defined in article II of this chapter, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Abandoned sign:* Any sign, except a billboard sign, which no longer pertains to any person, organization, product, service, activity or business located on or available at the premises where such sign is displayed; any sign, except a billboard sign, which no longer contains a message; and/or any sign in a state of disrepair.

*Aggregate frontage:*

- (1) *Interior plots:* The actual lineal street frontage;
- (2) *Through plots:* The total actual lineal street frontage on both streets;
- (3) *Corner plots:* The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;
- (4) *Interrupted corner plots:* The sum of the actual street frontages exclusive of outparcels.

*Animated sign:* A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages or moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs, as defined herein.

*Area of sign:* The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

*Awning or umbrella:* A shelter made of fabric, plastic, vinyl or other non-rigid material supported by a metal frame.

*Awning sign:* A sign that is painted, stitched, stamped, perforated, painted or otherwise affixed to an awning or umbrella.

*Balloon sign:* A temporary, 3-dimensional sign of non-rigid material, inflated by air or other means to a point of semi-rigidity and used for advertising purposes, with or without copy.

*Banner or pennant sign:* A sign, with or without a frame and with or without characters, letters, symbols or illustrations, made of cloth, fabric, paper, vinyl, plastic or other non-rigid material for the purpose of gaining the attention of persons.

*Bench sign:* Any sign painted on or affixed to a bench or to a shelter for persons awaiting public transportation.

*Billboard sign:* A sign which directs attention to a business, commodity, service, product, activity or ideology not conducted, sold, offered, available or propounded on the premises where such sign is located and the copy of which is intended to be changed periodically.

*Box or cabinet sign:* Any sign, other than a banner or pennant sign, the sign face of which is enclosed, bordered or contained within a boxlike structure or cabinet, frame or other similar device.

*Building frontage:* The wall extending the length of the building or lease lines of any building, the legal use of which is one of commercial or industrial enterprise and including the location of public entrance(s) to the establishment.

*Building identification sign:* A sign listing at least the numerical prefix of the street address and, in certain cases, the bay, suite or unit number, and/or the name of a building or complex.

*Building wall sign:* A sign where its entire area is displayed upon or attached to any part of the exterior of a building wall, facade or parapet, approximately parallel to and not more than twelve (12) inches from the face of the wall upon which it is displayed or attached.





*Canopy or marquee:* A permanent, unenclosed shelter attached to and extending from a building or a free-standing permanent shelter.

*Canopy sign:* A sign that is painted on or otherwise affixed to the fascia of a canopy, marquee or mansard roof.

*Changeable copy sign:* A sign upon which the copy can be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts which can change the visual message without altering the sign face.

*Contractor sign:* A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

*Copy:* The linguistic or graphic content of a sign, either in permanent or removable form.

*Directional sign:* An identification sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.

*Directory sign:* A sign consisting of an index containing the names of tenants in an office building, shopping center or other multi-tenant complex.

*Disrepair (sign):* A state of neglect or dilapidation to the extent that: (1) the message of the sign has become obliterated, unreadable or indiscernible and has remained in such a state for at least one hundred twenty (120) days; or (2) approximately twenty-five (25) percent or more of the structural components of the sign are in a visibly bent, broken, leaning or otherwise dilapidated condition.

*Double-faced sign:* A sign with two (2) sign faces which are parallel to each other and back to back.

*Election sign:* A sign indicating the name, cause or affiliation of any person seeking office or which indicates any issue or referendum question for which any election is scheduled to be held. This includes, but is not limited to, signs advertising candidates, referendums or any campaign information.

*Embellishment:* An extension of the sign face which contains a portion of the message or informative content and which is added, modified or removed when the message is changed.

*Facade:* That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

*Fascia:* The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

*Fence or free-standing wall sign:* A sign attached to and erected parallel to the face of or painted on a fence or free-standing wall and supported solely by such fence or free-standing wall.

*Flag:* A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

*Free-standing sign:* Any self-supported sign not attached or affixed in any way to a building or other structure.

*Frontage:* The total distance along any plot line abutting a street.

*Garage sale sign:* A sign to indicate the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

*Gasoline price rate sign:* A sign indicating current gasoline and/or petroleum product prices.

*General information sign:* A sign providing information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

*Graphic sign:* A sign which is an integral part of the building facade in that it is carved in, or otherwise permanently embedded in the facade.

*Grand opening sign:* A temporary sign announcing the opening of a newly licensed business not previously conducted at the location by the same person(s).



*Contractor sign:* A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

*Copy:* The linguistic or graphic content of a sign, either in permanent or removable form.

*Directional sign:* An identification sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.

*Directory sign:* A sign consisting of an index containing the names of tenants in an office building, shopping center or other multi-tenant complex.

*Disrepair (sign):* A state of neglect or dilapidation to the extent that: (1) the message of the sign has become obliterated, unreadable or indiscernible and has remained in such a state for at least one hundred twenty (120) days; or (2) approximately twenty-five (25) percent or more of the structural components of the sign are in a visibly bent, broken, leaning or otherwise dilapidated condition.

*Double-faced sign:* A sign with two (2) sign faces which are parallel to each other and back to back.

*Election sign:* A sign indicating the name, cause or affiliation of any person seeking office or which indicates any issue or referendum question for which any election is scheduled to be held. This includes, but is not limited to, signs advertising candidates, referendums or any campaign information.

*Embellishment:* An extension of the sign face which contains a portion of the message or informative content and which is added, modified or removed when the message is changed.

*Facade:* That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

*Fascia:* The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

*Fence or free-standing wall sign:* A sign attached to and erected parallel to the face of or painted on a fence or free-standing wall and supported solely by such fence or free-standing wall.

*Flag:* A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

*Free-standing sign:* Any self-supported sign not attached or affixed in any way to a building or other structure.

*Frontage:* The total distance along any plot line abutting a street.

*Garage sale sign:* A sign to indicate the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

*Gasoline price rate sign:* A sign indicating current gasoline and/or petroleum product prices.

*General information sign:* A sign providing information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

*Graphic sign:* A sign which is an integral part of the building facade in that it is carved in, or otherwise permanently embedded in the facade.

*Grand opening sign:* A temporary sign announcing the opening of a newly licensed business not previously conducted at the location by the same person(s).

*Hanging sign:* A sign hung or suspended from a free-standing wood or metal frame, such frame being not higher than five (5) feet, nor wider than three (3) feet.

*Height of sign:*

- (1) *Billboard signs:* The top of any billboard, excluding authorized embellishments, shall not be higher than thirty-five (35) feet above the crown of the right-of-way along the property frontage which the sign serves.
- (2) All other free-standing signs: Height shall be measured from the elevation of the sidewalk adjacent to the sign location to the top of the sign. In the event no sidewalk exists, height shall be measured from the crown of the right-of-way at its closest point to the sign location.

*Holiday or seasonal sign:* Temporary lighting, garlands, wreaths or other decorations relating to a particular regional or nationally recognized holiday and containing no advertising.

*Identification sign:* A sign indicating the name, owner, address, use, and/or service of a particular activity located on the premises where such sign is displayed.

*Illuminated sign:* Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

*Individual letter sign:* A sign made of self-contained letters that are mounted on the face of a building, parapet, canopy, marquee or secured to a free-standing wall, fence or other structure.

*Interior sign:* Any sign inside a building which is not clearly visible from and not intended to be seen from the exterior of the building.

*Internal illumination:* A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

*Item of information:* Each syllable, symbol, abbreviation, broken plane or discontinued odd shape located in any one sign, excluding logos or religious signs.

*Logo:* A sign consisting only of a symbol used to signify or represent an organization, corporation, business, service or product, whether registered or not.

*Mansard roof (or wall):* A false roof projecting over the front of a building; a sloping section of an exterior wall above the roof line of a building at an angle with the exterior wall from which it extends. It may be covered with roofing material to simulate a roof, but serves as an aesthetic rather than functional purpose.

*Menu sign:* A sign indicating food items, products, services or activities provided on the premises. Such signs are commonly, but not necessarily, associated with fast-food restaurants at the entrance to drive-through facilities.

*Model sign:* A sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of a similar design that are for sale.

*Monument:* A free-standing, self-supporting structure, other than a pole, which is placed directly on the ground, with no visible means of support, the primary purpose of which is to display a sign.

*Monument sign:* A sign attached to, painted on, or otherwise made part of a monument.

*Mural:* A graphic, artistic representation painted on a wall, not including graffiti, which contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

*Nameplate sign:* A sign indicating the name, profession, and/or address of a person or persons residing on the premise or legally occupying the premises.

*Neon sign:* A sign formed by luminous or gaseous tubes in any configuration.

*Nonconforming sign:* A sign or advertising structure which was lawfully erected and maintained prior to the current provisions of this code regulating signs, which by its height, type, square foot area, location, use or structural support does not conform to the requirements of this article.

*Nonilluminated sign:* A sign which has no source of artificial or person-made illumination either directly or indirectly.

*Off-premises sign:* A sign, other than a billboard, which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located.

*Opinion sign:* A sign containing language, wording or an expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature; or a sign indicating belief concerning an issue, name, cause or affiliation which is not scheduled for an election including, but not limited to, signs advertising political parties or any political information.

*Outdoor event sign:* A temporary sign identifying an outdoor event which is of general interest to the community.

*Panel sign:* A sign having the sign face or faces supported between two columns or poles, with no open area between such columns or poles and the sign face(s).

*Parapet:* A false front or wall extension above the roof line of a building.

*Pennant sign:* (see banner or pennant sign).

*Permanent sign:* Any sign which, when installed, is intended for permanent use. For the purposes of this article, any sign with an intended use in excess of six (6) months from the date of installation shall be deemed a permanent sign.

*Pole sign:* A free-standing sign erected upon a pole or poles which are visible and wholly independent of any building or other structure for support.

*Primary or principal frontage:* That building frontage designated by the owner/occupant to be the primary use when the business frontage is on more than one street.

*Project sign:* A temporary sign announcing a project to be under construction or an intended use of the premises, upon which such sign is located, in the immediate future.

*Projecting sign:* A sign attached to and supported by a building or other structure and which extends at any angle therefrom.

*Public service sign:* A sign erected by a governmental authority, within or immediately adjacent to a right-of-way, indicating the location of public or governmentally owned facilities, such as airports, public transportation, hospitals, schools, parks or indicating street names or other messages of public concern.

*Pylon:* An enclosed, tower-like structure which is erected as an extension above or an addition to a building primarily for non-functional or decorative purposes.

*Pylon sign:* A sign affixed to a pylon.

*Real estate sign:* A temporary sign erected by the owner or his or her agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

*Religious sign:* A shape symbolizing a religion or religious belief.

*Roof sign:* A sign erected or placed over or on a roof which is dependent upon the roof, parapet or upper walls of any building for support and which does not extend above the roof line.

*Sales office sign:* A sign identifying a construction project sales office.

*Sandwich or sidewalk sign:* A movable sign not permanently secured or attached to the ground or to a structure and which may have two faces, usually hinged at the top.

*Sign:* Every device, frame, letter, figure, graphic, character, mark, permanently fixed object, ornamentation, plane, point, design, picture, logo, stroke, stripe, symbol, trademark, reading matter or other representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

*Sign face:* The part of a sign encompassed within a border, frame or cabinet and pertaining to a specific topic, visible from one direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or other object, or other sign upon, beside, beneath, above or against which it is placed.

*Sign label:* A label issued by the Code and Zoning Enforcement Division bearing the number of the permit issued for a specifically identified sign.

*Sign width:* The horizontal distance, in lineal feet, measured along the lower edge of a sign cabinet, box, frame or other surface containing a sign face.

*Sign structure:* Any structure erected for the purpose of supporting a sign, including decorative cover and/or frame.

*Snipe sign:* A sign of any material, including paper, cardboard, wood or metal, which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree, stake, fence, structure, building, trailer, dumpster or other object, with the message thereon not applicable to the present use of the premises upon which the sign is located.

*Strip lighting:* Lighting in the form of luminous or gaseous tubes used to draw attention to a building or structure, usually outlining a building, or portion thereof, or a sign.

*Subdivision sign:* A sign indicating the name of a subdivision, neighborhood, cluster of buildings or other subdivision of real property.

*Temporary sign:* Any sign, other than a snipe sign, with an intended use of six (6) months or less.

*Traffic control sign:* Any sign used to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.

*Trailer sign:* A sign which is designed to be transported, as a trailer is transported, on its own wheels, even though the wheels of such signs may be removed and the remaining chassis placed on or attached to the ground.

*Under canopy sign:* A sign permanently affixed to and suspended from the underside of a canopy or marquee.

*Use-related informational sign:* A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located, but which are incidental to the main activities therein, including a credit card insignia.

*Vehicle sign:* A sign affixed to or painted on a transportation vehicle including automobiles, trucks, boats, trailers, and campers for the purpose of identification or advertisement. Vehicle signs required by law signifying licensing information shall not be included in this definition.

*Window sign:* A sign located on a window, door or other transparent surface, or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the public. This term shall not include merchandise located in a window or interior signs.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-36, § 10, 8-22-00)

### **Sec. 39-52. Prohibited signs.**

Any sign not specifically permitted is prohibited, including, but not limited to the following signs:

- (1) Animated signs;
- (2) Banner or pennant signs, except as permitted by section 39-242;
- (3) Balloon signs, except as permitted by section 39-242;
- (4) Bench signs on privately owned property;
- (5) Billboard signs within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts, except for any lawfully erected billboard sign existing on the effective date of this ordinance along any portion of the interstate or federal-aid primary highway system. For the purposes of this ordinance, the interstate and the federal-aid primary highway system shall mean U.S. 27, I-75, Sawgrass Expressway, Flamingo Road from the Miami-Dade County line to I-595, University Drive from the Miami-Dade County line to Sample Road, Florida Turnpike and the Turnpike Extension, U.S. 441 (S.R. 7), I-95, U.S. 1, I-595, Sample Road from University Drive to U.S. 1;
- (6) Flags, except as permitted by sections 39-242 and 39-60;
- (7) Pole signs, except as expressly permitted;
- (8) Projecting signs;
- (9) Roof signs, extending above the roof line;
- (10) Sandwich or sidewalk signs, except as permitted by section 39-242;
- (11) Snipe signs;
- (12) Trailer signs, except as permitted by section 39-242; and
- (13) Vehicle signs.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-22, § 1, 5-16-00)

### **Sec. 39-53. Nonconforming signs.**

(1) Any legally erected permanent sign, except billboards, which does not conform to all of the provisions of this article may remain for five (5) years after the date such sign fails to conform to this article, or until any of the following events transpire, whichever occurs first.

- (a) Any change of copy on a sign pertaining to a single entity or a change of more than fifty (50) percent of copy on a directory sign or other multi-tenant sign within a ninety (90) day period;

- (b) Abandonment of a sign, as defined in section 39-51;
- (c) Repair or reconstruction of a sign in disrepair, regardless of the reason for the deteriorated condition of the sign;
- (d) Relocation of any sign for any reason; or
- (e) Expiration of any temporary sign permit.

(2) At the end of the five (5) year period, all signs other than billboard signs, shall comply with the provisions of this code, including the master sign plan requirements in section 39-59, "Master Sign Plans."

(3) Nonconforming signs, other than billboard signs, may be refurbished or repaired, provided no structural alterations are involved.

(4) Signs or sign structures which were never lawfully permitted shall not be determined as legally nonconforming signs and shall be subject to immediate removal without the benefit of any amortization period.

(5) Billboard signs within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts, except for any lawfully erected sign along any portion of the interstate or federal-aid primary highway system shall be determined to be a nonconforming use after the effective date of this ordinance.

- (a) Any billboard sign within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts, except for any lawfully erected sign along any portion of the interstate or federal-aid primary highway system existing on the effective date of this ordinance shall be removed as follows:

1. Billboard signs for which a permit was issued more than two (2) years prior to the effective date of this ordinance shall be removed within five (5) years of the effective date of this ordinance [Ord. No. 2000-22].
2. Billboard signs for which a permit was issued two (2) years prior to the effective date of this ordinance or less shall be removed within seven (7) years of the effective date of this ordinance.

- (b) No variance may be granted from the provisions of this section to allow a billboard sign which is within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts along any portion of the interstate or federal-aid primary highway system to be enlarged, extended, reconstructed or structurally altered. No variance may be granted from the provisions of this section to allow a nonconforming billboard sign to be enlarged, extended, reconstructed or structurally altered or to remain for longer than the applicable amortization period. However, repairs, maintenance, and improvements may be carried out in any one calendar year in an amount not to exceed fifty (50) percent of the market value of the sign for that year and, provided, that such work does not increase the height, size or setback deficiency of the nonconforming sign. Changeable copy signs and embellishments shall be prohibited on all nonconforming billboard signs.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-22, § 2, 5-16-00)



**Sec. 39-54. Sign permits.**

(1) *Permit applications.* No permanent sign, other than those specified in subsection (3) herein or as specifically provided for billboard signs, shall be placed or altered on any plot, nor any existing sign copy changed, until a certificate of use as required by section 39-19 has been issued and until a permit as required by section 39-15 has been obtained. In addition to the requirements of section 39-17, sign permit applications shall contain and be accompanied by the following:

- (a) The name, address, and telephone number of the owner of the proposed sign;
- (b) An indication of the specific type of sign and sign structure;
- (c) The address and legal description or tax folio number of the plot where the sign will be located;
- (d) A plan or design of the sign, drawn to a scale of not less than three-eighths ( $\frac{3}{8}$ ) inch equals one (1) foot, showing the dimensions, square foot area, sign face, copy, height of letters, colors, lighting, and the sign structure;
- (e) The location and type of all other signs on the same plot;
- (f) For free-standing signs, the overall height of the sign;
- (g) For building, wall, parapet, facade, graphic, individual letter, pylon, and roof signs, the building frontage and height of the building wall, parapet, facade or pylon, or silhouette of the building;
- (h) For window signs, the building frontage and height of the building wall, parapet, facade or pylon, the area of all windows, and the area of such windows to be used for signs; and
- (i) For strip lighting, an elevation indicating the location and lineal feet of all such lighting; and
- (j) New billboards shall be subject to subsections (a) through (f) and section 39-15, except that the sign plan shall not be required to indicate the sign copy and no permit shall be required for change of copy. For change of copy, which includes an embellishment, the owner of a billboard shall submit within twenty (20) days the following:
  1. A certificate that the embellishment complies with the provisions of this section; and
  2. A copy of the artistic rendering of the copy containing the embellishment with dimensions indicated.

(2) A licensed sign contractor, or licensed sign painter for painted wall signs, shall be required for all signs, except that permits for painted wall signs existing as of September 8, 1998 may be issued to the property owner.

(3) *Exempt signs.* Permits shall not be required for the following signs, provided the sign area is six (6) square feet or less and the sign is non-illuminated:

- (a) Building identification signs;
- (b) On-premises directional signs;
- (c) Flags, as permitted by section 39-60;
- (d) Garage sale signs;
- (e) General information signs;
- (f) Hanging signs;
- (g) Interior signs;
- (h) Model signs;
- (i) Nameplate signs;

- (j) Real estate signs;
  - (k) Religious signs;
  - (l) Use-related informational signs; and
  - (m) Window signs.
- (4) Permits shall not be required for the following signs:
- (a) Holiday or seasonal signs;
  - (b) Murals;
  - (c) Opinion signs;
  - (d) Public service signs; and
- (3) Traffic control signs.

(5) Permit issuance and sign label. If, upon review, it is determined that an application is in accordance with the provisions of this article, a permit shall be issued in accordance with section 39-15. Fees for permits and sign labels shall be in accordance with the schedule adopted by the Board of County Commissioners by resolution. The permit holder shall also be issued a sign label, indicating the sign permit number, which shall be affixed to the sign prior to final permit inspections for the sign, in a manner so that the sign label will be readily visible for inspection purposes but does not deface the sign. All owners of lawfully erected signs existing at the effective date of this article shall make application for a sign label within ninety (90) days of the effective date of this article. The absence of a sign label on any sign shall be considered prima facie evidence of noncompliance with this article.

(6) Permit renewal.

- (a) All signs existing at the effective date of this article shall be inspected and cataloged by the Code and Zoning Enforcement Division to ascertain whether such signs comply with the provisions of this article. A written notice shall be served upon the sign owner advising of the status of the sign and the necessary procedure for obtaining a sign label.
  - 1. Signs that were lawfully permitted but do not comply with the provisions of this article shall be determined to be nonconforming and may remain, subject to section 39-53, and provided a sign label is obtained within thirty (30) days from the date notice from the Code and Zoning Enforcement Division is received. A renewal permit shall be obtained annually thereafter.
  - 2. Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from the Code and Zoning Enforcement Division.
  - 3. Signs that were not lawfully permitted but which comply fully with this article shall require a permit within thirty (30) days from receipt of notice from the Code and Zoning Enforcement Division.
- (b) Whenever any business is sold, transferred or otherwise changes ownership and said business has a permitted sign and a valid sign label, at the time of the change of ownership or transfer of business, the new owner(s) shall file an application with the Code and Zoning Enforcement Division which reflects the change of ownership, the existing sign permit number, the name(s), address(es), and telephone number(s) of the new owner or person(s) in possession of the business, and shall pay all appropriate transfer and renewal fees.
- (c) All sign permits, except billboard signs, shall be renewed annually no later than the date of initial permit issuance. Billboard signs shall be renewed in January of each year. Each sign face of a billboard sign shall be considered a separate sign.

- (d) Any owner of a nonconforming sign which fails to renew the sign permit shall be considered to have forfeited the nonconforming status of the sign and the owner shall cause such sign to be removed or made to conform within thirty (30) days from the expiration date of the sign permit.

(6) Permit revocation. Permits for signs may be revoked by the zoning official, or designee, if it is determined that any sign fails to comply with the terms of this article and the owner of such sign fails to bring the sign into conformity within thirty (30) days from receipt of any written notice of noncompliance.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-36, § 11, 8-22-00)

#### **Sec. 39-55. Maintenance and removal.**

(1) All permitted signs and sign structures shall be maintained in good condition and not allowed to remain in a state of disrepair. Any such sign shall either be removed or repaired within thirty (30) days of notice to the sign owner and/or property owner.

(2) Any abandoned sign shall be removed by the sign owner or by the property owner, if the sign owner cannot be verified or located, within thirty (30) days of notice to the sign owner and/or property owner. (Ord. No. 1998-27, § 2, 9-8-98)

#### **Sec. 39-56. General sign requirements for permanent signs.**

(1) *Changeable copy signs.* Such signs shall not exceed fifty (50) percent of the maximum permitted area of a sign, except billboard signs which are subject to provisions of section 39-58(2)(h).

(2) *Directional and general information signs.* Directional and general information signs. Such signs may be double-faced, may be monument, pole or building wall signs, shall be adjacent to paths of vehicular or pedestrian traffic, and shall be no larger than six (6) square feet in sign area and four (4) feet in height, except for building wall signs which may be incorporated into the aggregate permitted sign area for such signs. Such signs may be off-premises signs, provided they are not located more than five hundred (500) feet from the facilities referenced on the sign and are not less than five hundred (500) feet apart; except that directional signs for shopping center outparcels shall not be subject to distance limitations. Off-premises directional and general information signs are subject to permit requirements.

(3) *Illumination of signs:* Where permitted, sign illumination shall be provided by one of the following methods:

- (a) *Internally illuminated message.* The sign face is made of an opaque material and the copy is cut out of the material and replaced with translucent material. The sign's light source is inside the sign.
- (b) *Internally illuminated sign.* The sign face is made of translucent material with an internal light source.
- (c) *Back lighting.* The copy is raised beyond the sign face and the lighting illuminates the copy from behind in the form of back lighting or reversed channel lighting.
- (d) *Shielded spotlight.* The sign face and copy are lighted by spotlights specifically directed at it. Such spotlights shall be fully shielded so that they are not visible from streets or adjoining property and so that there is no light spillage beyond the sign face.
- (e) *Neon.* The copy is conveyed through the use of neon tubing or the sign face is outlined by neon tubing.

(4) *Landscaping.* All developed nonresidential properties shall provide landscaping at the base of any free-standing sign on the plot in accordance with article VIII, "Functional Landscaping and Xeriscaping."

(5) *Logos and religious signs.* Logos and religious signs shall not exceed fifty percent (50%) of any sign area.

(6) *Monument signs.*

(a) *Sign structure.* The supporting structure of a monument sign shall not be less in width than twenty percent (20%) of the width of the sign face, inclusive of any box, cabinet or frame. The supporting structure for sign faces, inclusive of any box, cabinet or frame, which are less than nine (9) feet in width, may be less than twenty percent (20%) of the width of the sign face but not less than eighteen (18) inches. No copy shall be permitted on the supporting structure other than the building address.

(b) *Minimum clearance.* All monument signs having a supporting structure less in width than the sign face, inclusive of any box, cabinet, border or frame, shall maintain a minimum vertical clearance of eight (8) feet, except that such signs eight (8) feet in height or less shall maintain a maximum vertical clearance of three (3) feet. Vertical clearance shall be measured from the sidewalk adjacent to the sign or, in the absence of sidewalks, measured from the crown of the right-of-way adjacent to the sign, to the bottom of the box, cabinet, border or frame of the sign face.

(7) *Opinion signs.* Opinion signs may constitute all or any part of the total area of any sign permitted in this article. Such signs may only be illuminated in business, commercial or industrial districts.

(8) *Setbacks.* Free-standing signs of any type shall not be subject to front yard or street side setbacks specified in any zoning district, but shall be located no closer than five (5) feet from any dedicated right-of-way or recorded road easement and shall not be closer than three (3) feet from any other privately owned property and, in nonresidential districts, not closer than twenty-five (25) feet from any residentially zoned property. Setbacks shall be measured from the edge of the sign face, cabinet, border or the outermost portion of the sign structure, whichever is closer to the plot line.

(9) *Sight distance triangle.* No sign structure of any type shall be located within twenty-five (25) feet of the intersection of any two public or private streets or within an area of property on both sides of an access way or driveway formed by the intersection of each side of the access way and the public right-of-way line with both sides of the triangle being fifteen (15) feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides. The sign face of a monument sign may extend into the sight triangle to the minimum setback.

(10) *Strip lighting.* Strip lighting shall be permitted solely to outline a building, window or door area of commercial and industrial establishments, hotels and motels, and shall be limited to a total footage equivalent to twice the building frontage. The size of the tubing shall not exceed forty (40) millimeters and transformers for strip lighting shall not be larger than thirty (30) milliamperes. Strip lighting shall not extend above the roof line of any building.

(11) *Under canopy signs.* Such signs shall have a minimum vertical clearance of eight (8) feet and shall not exceed six (6) square feet in sign area. Copy shall be limited to the name or the main character of the establishment the sign serves.

(12) *Use-related informational signs.* Such signs shall not exceed fifty percent (50%) of the total permitted sign area, except that they may constitute one hundred percent (100%) of any changeable copy sign.

(13) *Window signs.* Window signs, including neon signs, shall not cover more than twenty (20) percent of any individual window or door area.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-36, § 12, 8-22-00)

**Sec. 39-57. Basic design schedule for nonresidential signs.**

All permitted permanent signs shall comply with the following limitations and requirements unless otherwise specified.

- (1) *Building wall signs, graphic signs, canopy signs, marquee signs, pylon signs or roof signs.*
  - (a) Letters, cabinets or borders shall not exceed the height of any canopy or marquee upon which the sign is affixed;
  - (b) The maximum length shall not exceed eighty percent (80%) of the building frontage; and
  - (c) The total area of any building wall sign, graphic sign, pylon sign or roof sign shall not exceed twenty percent (20%) of the building frontage.

(2) *Awning or umbrella signs.* The sign copy may only be located on the portion of the awning or umbrella which is parallel to the building to which it is affixed or at a ninety (90) degree angle to the ground.

(3) *Directory signs, fence or free-standing wall signs, free-standing signs, identification signs, monument signs, panel signs.* The maximum height of all such signs shall be in accordance with the following, unless otherwise specified in section 39-58:

<i>Right-of-Way Width (in Feet)</i>	<i>Maximum Height of Sign (in Feet)</i>
0—50	8
51—80	10
81—100	14
101—120	18
Over 120	25

- (a) Where a sign is proposed to be erected within one hundred (100) feet of the intersection of two (2) streets where the right-of-way widths differ, and will be visible from both such streets, the maximum height of the sign shall be determined using the narrower of the two (2) rights-of-way.
- (b) The maximum area of any such sign shall be in accordance with the following:

<i>Aggregate Frontage (in Feet)</i>	<i>*Maximum Area of Sign (in Square Feet)</i>
100 feet or less	32**
101—250	48**
251—500	60
501—1,000	80
Over 1,000 feet	120

\*The maximum areas specified apply to each sign face of a double-faced sign.

\*\*The maximum height of these signs shall not exceed fourteen (14) feet.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-36, § 13, 8-22-00)

**Sec. 39-58. Permitted permanent signs.**

Signs specified in Figure 1 shall be permitted subject to limitations contained in section 39-57 and subject to the following additional limitations and requirements:

- (1) *Agricultural uses.* The following non-illuminated signs shall be permitted for agricultural uses such as farms, fish breeding, ranches, equestrian operations, groves or plant nurseries:
  - (a) One free-standing identification sign which shall be either a monument sign or a fence or free-standing wall sign or a panel sign, not larger than thirty-two (32) square feet in area. Such signs may include changeable copy to indicate the currently available products or services or may be an opinion sign; and

(b) Directional and general information signs.

(2) *Billboard signs.* Billboards shall be permitted in agricultural, business, industrial and transportation districts and shall be subject to the limitations and requirements set forth below, provided that any such signs shall be located at least 1,500 feet from any other billboard sign or at least 1,500 feet from any public school or residentially zoned district other than agricultural zoning districts. Any lawfully erected billboard sign along any portion of the interstate or federal-aid primary highway system which is within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts shall be subject to the limitation and requirements set forth below, however, the above shall not be construed to require any lawfully erected billboard to be altered to meet the criteria set forth below. Any non-conforming billboard sign existing lawfully on the effective date of this ordinance [Ord. No. 2000-22] or which becomes nonconforming as of the effective date of this ordinance shall be subject to the limitations and requirements set forth below for the remainder of the amortization period.

(a) *Height.* The top of any billboard, excluding authorized embellishments, shall not be higher than thirty-five (35) feet above the crown of the right-of-way along the property frontage which the sign serves.

(b) *Sign Area.* No billboard sign shall exceed fifty (50) feet in overall length, excluding authorized extensions, and six hundred seventy-two (672) square feet in sign area, excluding authorized embellishments.

1. Embellishments shall be permitted, not to exceed twenty (20) percent of the total sign area. No embellishment shall extend into a required yard or setback nor extend above or beyond the permitted sign face more than five (5) feet.

(c) *Sign faces.* A maximum of two (2) sign faces may be erected on one (1) sign structure, back to back, side to side or in single "V," having an interior angle not greater than thirty (30) degrees. The aggregate area of such signs at a single location facing the same direction shall not exceed six hundred seventy two (672) square feet and any such grouping of sign faces shall not exceed fifty (50) feet in length.

(d) *Identification.* The name of the owner of the billboard sign shall be attached to each sign structure and shall be legible from the nearest right-of-way.

(e) *Spacing.*

1. No billboard shall be closer than 1,500 feet from any other billboard sign along the same side of a common right-of-way. Any billboard less than one hundred (100) feet from the intersection of any two (2) rights-of-way shall be subject to spacing along both rights-of-way.

2. No billboard sign shall be located within two hundred (200) feet of a plot occupied by a public park or playground, conservation area or building for which a certificate of use has been issued as a place of worship.

(f) *Setbacks.*

1. No billboard sign shall be erected to extend closer than twenty-five (25) feet from any right-of-way or closer to any right-of-way than any part of a building on any other property having frontage on the same right-of-way, and which building is located within one hundred (100) feet of the billboard sign.

2. No billboard sign shall be closer than five (5) feet from any contiguous property.

(g) *Illumination.* Billboard signs shall be illuminated only by means of shielded spotlights or internal illumination. The use of strip lighting is prohibited.

- (h) Changeable copy. Billboard signs which conform to all requirements of this code may be changeable copy signs, provided:
  - 1. The static display time for each message is a minimum of six (6) seconds;
  - 2. The time to completely change from one message to the next is a maximum of two (2) seconds;
  - 3. The change of message occurs simultaneously for the entire sign face;
  - 4. The billboard sign contains a default design that will freeze the changeable copy in one position should a malfunction occur; and
  - 5. The billboard sign is in compliance with all provisions of this article and is not a nonconforming use.
- (3) *Gasoline stations and convenience stores.* The following signs, which may include logos, shall be permitted for gasoline stations and convenience stores:
  - (a) One (1) free-standing identification sign in the form of a panel sign, monument sign or fence or free-standing wall sign;
  - (b) Canopy signs;
  - (c) One (1) building wall sign, which may include a logo and use-related informational sign on a maximum of two (2) building walls. If an additional business is located within the principal building, one (1) additional building wall sign may be utilized provided the aggregate sign area of both signs does not exceed twenty percent (20%) of the building frontage.
  - (d) Directional or general information signs, which shall be building wall signs and incorporated into the maximum sign size;
  - (e) Gasoline price rate signs shall be incorporated into the sign area of the free-standing identification sign, not to exceed twenty percent (20%) of the sign area, but not smaller than fifteen (15) square feet;
  - (f) Gasoline price rate signs placed on gasoline pumps shall not exceed six (6) square feet in total area per pump unit dispenser;
  - (g) Window signs, any or all of which may be use-related informational signs;
  - (h) Building identification signs;
  - (i) Changeable copy signs incorporated into a free-standing or building wall sign; and
  - (j) Signs for gasoline stations and convenience stores may be illuminated by any of the methods specified in section 39-56(3).
- (4) *Hotels and motels.* The following signs, which may include logos, shall be permitted for hotels and motels:
  - (a) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign along the primary frontage. One (1) additional such sign shall be permitted on a secondary frontage not to exceed three-quarters ( $\frac{3}{4}$ ) of the permissible height and one-half ( $\frac{1}{2}$ ) of the permissible area of the primary sign;
  - (b) Changeable copy signs incorporated into the sign area of a free-standing sign or as a marquee sign;
  - (c) One (1) building wall sign or one pylon sign on each building frontage;
  - (d) Directional or general information signs;
  - (e) Strip lighting;

- (f) One (1) additional building wall sign shall be permitted for identification of a restaurant or lounge accessory to the hotel or motel, not to exceed twenty-five (25) percent of the maximum permissible area for such signs;
  - (g) Canopy signs; and
  - (h) Signs may be illuminated by any means specified in section 39-56(3).
- (5) *Multiple family residences.* The following signs shall be permitted for all multiple family residences:
- (a) Two (2) building identification signs for each building on a multiple family plot, which shall be building wall signs, monument signs or hanging signs, and which shall not exceed five (5) square feet in sign area per sign. Monument signs shall not be higher than five (5) feet;
  - (b) One (1) nameplate sign per dwelling unit, not to exceed one and one-half (1½) square feet in sign area;
  - (c) Directional and general information signs;
  - (d) Opinion signs, not larger than five (5) square feet in sign area;
  - (e) Garage sale signs, subject to section 39-241, "yard sales"; and
  - (f) Building identifications may be illuminated by shielded spotlights or internal illumination.
- (6) *Open space, conservation and outdoor recreational uses.* The following signs shall be permitted for open space, conservation, and recreational uses and properties:
- (a) One (1) nonilluminated building identification sign for each individual building, not to exceed five (5) square feet in sign area. Such signs shall be building wall signs or monument signs. Monument signs shall not be higher than six (6) feet in height;
  - (b) One (1) free-standing identification sign at each entrance, not to exceed fifty (50) square feet in sign area. Such signs may include changeable copy. Such signs may be illuminated by any means specified in section 39-56(3), except that illumination shall be prohibited in conservation districts; and
  - (c) Nonilluminated directional and general information signs.
- (7) *Free-standing schools, places of worship, community facilities, and hospitals.* The following identification signs, which may include logos or religious signs, shall be permitted for free-standing schools, places of worship, community facilities, and hospitals:
- (a) One (1) free-standing identification sign, which may be double-faced and which may be a monument sign, fence or free-standing wall sign or panel sign along the frontage. If there is frontage on more than one street, one (1) sign shall be permitted along the primary or principal frontage, and one (1) additional sign shall be permitted along one additional frontage, not larger than three-quarters (¾) the permissible height and one-half (½) the permissible area of the primary frontage sign. Box or cabinet signs may be internally illuminated. Painted or graphic signs may be illuminated by shielded spotlights. Individual letter signs may be illuminated either by internal illumination or by shielded spotlights;
  - (b) One (1) identification sign in the form of a building wall sign, graphic sign, canopy sign, marquee sign or pylon sign on each building frontage. Such signs may be box or cabinet or individual letter signs. Signs may be illuminated by internal illumination or shielded spotlights;
  - (c) Changeable copy signs and use-related information signs;
  - (d) Directional and general information signs;



- (e) Building identification signs;
  - (f) Opinion signs; and
  - (g) Outdoor event signs as permitted by section 39-245.
- (8) *Shopping centers, office parks, industrial complexes, major employment centers, and other multiple tenant buildings.* The following signs, which may include logos and religious signs, shall be permitted for shopping centers, office parks, industrial complexes, major employment centers, and other multiple tenant buildings:
- (a) One (1) free-standing identification sign in the form of a monument sign, panel sign, fence or free-standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters ( $\frac{3}{4}$ ) of the permissible height and one-half ( $\frac{1}{2}$ ) the permissible area of the primary sign. Such signs may include any of the following:
    - 1. Directory signs;
    - 2. Changeable copy signs; and
    - 3. Building identification signs.
  - (b) Building wall signs, and graphic signs, or one canopy sign, awning sign, or pylon sign for identification of each tenant, which may include use-related informational signs and which may be illuminated by any means specified in section 39-56(3), "General Requirement for Permanent Signs." Individual letter signs may only be internally illuminated.
  - (c) One (1) under canopy sign for each tenant;
  - (d) Directional and general information signs;
  - (e) Opinion signs;
  - (f) Strip lighting;
  - (g) Window signs, any or all of which may be use-related informational signs;
  - (h) One (1) nameplate for each tenant in an office complex, not to exceed six (6) square feet in sign area;
  - (i) Building identification signs; and
  - (j) Menu signs adjacent to a drive-through facility not visible from a street or other thoroughfare and not higher than eight (8) feet. A logo may be affixed to any side of the sign, not to exceed three (3) square feet in area.
- (9) *Single and two-occupant commercial and industrial properties, shopping center outparcels, and other nonresidential uses not specifically mentioned.* The following signs, which may include logos and religious signs and use-related informational signs, shall be permitted for single and two-occupant commercial and industrial properties, including shopping center outparcels:
- (a) One (1) free-standing identification sign, which may be a panel sign, monument sign or a fence or free-standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters ( $\frac{3}{4}$ ) the height and one-half ( $\frac{1}{2}$ ) the permissible area of the primary sign. Such sign may include one (1) or both occupants of the property and may include changeable copy signs;
  - (b) One (1) of the following for each occupant:
    - 1. Canopy sign
    - 2. Marquee sign
    - 3. Pylon sign

4. Awning sign
- (c) Directional and general information signs;
  - (d) Opinion signs;
  - (e) Window signs, any or all of which may be use-related signs;
  - (f) Strip lighting;
  - (g) Building identification signs;
  - (h) Menu signs adjacent to a drive-through facility, not visible from a street or other thoroughfare, and not higher than eight (8) feet. A logo may be affixed to any side of the sign not containing menu information, not to exceed three (3) square feet in sign area;
  - (i) One (1) building wall sign, graphic sign, canopy sign, awning sign or pylon for identification of the tenant(s) on a maximum of three (3) walls of the building; and
  - (j) Signs may be illuminated by any means specified in section 39-56(3).
- (10) *Single family residences.* The following signs shall be permitted for all single family residences:
- (a) One (1) identification sign or nameplate or religious sign, not larger than three (3) square feet in area, which shall be a building wall sign, a fence or free-standing wall sign or a hanging sign;
  - (b) Opinion sign;
  - (c) General information signs not exceeding a total of three (3) square feet in area for all such signs;
  - (d) Garage sale signs subject to section 39-241; and
  - (e) No sign shall be illuminated.
- (11) *Subdivision signs.* Subdivision signs shall be permitted in all residential zoning districts subject to the following limitations:
- (a) Two (2) signs shall be permitted at the primary entrance to a subdivision, neighborhood or multiple family complex, a maximum of thirty-two (32) square feet in sign area per sign and not exceeding eight (8) feet in height. One (1) additional sign shall be permitted at any other entrance, one-half ( $\frac{1}{2}$ ) the permissible area and three-fourths ( $\frac{3}{4}$ ) the permissible height of a primary sign;
  - (b) Subdivision signs shall be monument signs or fence or free-standing wall signs; and
  - (c) Signs may be illuminated by any means specified in section 39-56(3).
- (12) *Theaters.* The following signs, which may include logos, shall be permitted for theaters:
- (a) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign;
  - (b) One (1) identification sign which may be a building wall sign;
  - (c) A changeable copy sign, limited to sign copy indicating the title of the performance or activity, the MPAA rating, the hours and date of the event, the name of the production company or sponsor, and/or the major star. Such sign may either be incorporated into the free-standing identification sign or may be a canopy or marquee sign. Multiple screen theaters may be permitted additional changeable copy area, not to exceed twenty-five (25) square feet per additional screen, over and above the maximum permitted sign area;
  - (d) Directional and general information signs;
  - (e) Strip lighting; and

(f) All signs shall be internally illuminated.

(13) *Flags and banners.* All flags on nonresidentially used property shall be displayed on a flag pole and shall be maintained in accordance with section 39-55. Flags shall not be displayed on vehicles for sale or lease at an automobile, truck, recreational vehicle or boat dealership. A permit in accordance with sections 39-15 and 39-17 shall be required for any flag pole.

(Ord. No. 1998-27, § 2, 9-8-98; Ord. No. 2000-22, § 3, 5-16-00; Ord. No. 2000-22, § 3, 5-16-00; Ord. No. 2000-36, § 14, 8-22-00)

Figure 1.

Key to Zoning Districts

Agri	Agricultural Districts	MH	Mobile Home Districts
Rural	Rural Districts	PEC	Planned Employment Center
Est	Estate Districts	Transp	Transportation
RS	Detached One-Family Residential District	CF	Community Facility District
RM	Mutiple-Family Residential Districts	CR	Commercial Recreation
Bus	Business and Commercial Districts	OSR	Open Space Recreation
Ind	Industrial Districts	Con	Conservation Districts

Sign Type / Function Permissibility by Zoning Category

X = Affirmative <input type="checkbox"/> Negative C = Conditional	Zoning Categories													
	Agri	Rural	Est	R6	RM	Bus	Ind	MH	PEC	Transp	CF	CR	OSR	Con
<b>FUNCTIONAL SIGNS</b>														
Billboard Sign	X					X	X			X				
Building Identification Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Changeable Copy Sign	X	X	X	X	X	X	X		X	X	X	X	X	
Contractor Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Directional Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Directory Sign						X	X		X	X	X			
Election Sign	X	X	X	X	X	X	X	X	X		X	X		
Flags	X	X	X	X	X	X	X	X	X	X	X	X	X	
Garage Sale Sign	C	C	C	C	C			C						
Gasoline Price Rate Sign						X	X		X	X				
General Information Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Grand Opening Sign					C	C	C		C	C		C		
Holiday or Seasonal Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Identification Sign	X	X	X		X	X	X		X	X	X	X	X	
Logo	X	X	X		X	X	X		X	X		X	X	
Menu Sign						X	X		X			X		
Model Sign	X	X	X	X	X			X						
Nameplate Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Off-premises Sign						X	X		X					
Opinion Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Outdoor Event Sign	C	C	C	C	C	C	C	C	C	C	C	C	C	
Project Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Service Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X

X = Affirmative □ Negative C = Conditional	Zoning Categories													
	Agri	Rural	Est	R6	RM	Bus	Ind	MH	PEC	Transp	CF	CR	OSR	Con
Real Estate Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Religious Sign	X	X	X	X	X	X	X	X			X			
Sales Office Sign	X	X	X	X	X	X	X	X	X					
Subdivision Sign	X	X	X	X	X	X	X	X	X					
Traffic Control Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Use-related Informational Sign						X	X		X	X	X	X	X	
<b>STRUCTURAL SIGNS</b>														
Animated Sign														
Balloon Sign						C	C		C			C	C	
Banner or Pennant Sign						C	C		C			C	C	
Bench Sign						X	X		X	X	X			
Box or Cabinet Sign						X	X		X	X	X	X		
Building Wall Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Canopy Sign						X	X		X			X	X	
Double-faced Sign					X	X	X		X	X	X	X		
Fence or Free-standing Wall Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Free-standing Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Graphic Sign					X	X	X		X		X			
Hanging Sign	X	X	X	X	X			X						
Illuminated Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Individual Letter Sign						X	X		X	X	X	X		
Marquee Sign						X	X		X					
Monument Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Neon Sign						X	X		X					
Nonilluminated Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Panel Sign						X	X		X	X	X	X		
Pole Sign														
Projecting Sign														
Pylon Sign					X	X	X		X	X	X			
Roof Sign						X	X		X					
Sandwich or Sidewalk Sign						C	C		C		C	C		
Snipe Sign														
Strip Lighting					X	X	X		X	X		X		
Trailer Sign						C	C		C		C	C		
Under Canopy Sign						X	X		X	X	X	X		
Vehicle Sign														
Window Sign						X	X		X					

**Sec. 39-59. Master sign plans.**

- (1) For all plots having more than two (2) tenants displaying signs, a master sign plan shall be approved by the Zoning Code Services Division.
- (2) No sign permits shall be issued contrary to the master sign plan.
- (3) The master sign plan shall meet all of the provisions of this article and shall include the following:
  - (a) An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the plot;

- (b) A site plan, drawn to scale, indicating the location of all free-standing signs erected or to be erected on the plot, including setbacks;
- (c) A scale drawing of all free-standing signs depicting the sign type, height, dimensions and sign area, including the sign structures;
- (d) For directory signs or other signs providing for more than one tenant, the amount of sign area allocated for each tenant shall be indicated;
- (e) The standards for letter styles, letter colors, letter heights, and background colors to be used for the various types of signs on the plot. The size and type of items of information may be varied for major or anchor tenants in a shopping center;
- (f) The types of illumination to be used for each type of sign;
- (g) A statement indicating how many anchor tenants will be on the site and sign criteria for same insofar as letter styles, colors, letter heights.

(4) For new projects, the master sign plan shall be submitted at the time of final site plan submittal.

(5) For existing buildings, the property owner(s) or their agent shall submit a master sign plan which complies with all of the provisions of this article within five (5) years of the effective date of this article. If a master sign plan has not been approved within the five (5) year period, no sign permits shall be issued until such master plan has been submitted and approved.

(6) Once the master sign plan has been approved for a plot, the criteria shall apply to the entire plot shown on the master sign plan, as well as each individual tenant or occupant, and shall remain as long as the building(s) exist, regardless of change of ownership, management or occupancy, or until a complete new master sign plan has been submitted and approved.

(7) No part of an approved master sign plan may be waived by the Board of Adjustment.

(8) All existing signs on the plot must conform to the master sign plan within a period of one (1) year from approval of the plan.

(Ord. No. Ord. No. 1992-27, § 9-8-98)

#### **Sec. 39-60. Temporary signs.**

(1) The provisions of this section shall pertain to the erection, placement, and maintenance of all temporary signs, other than those specified in Article XIII, Conditional Uses, of this Code.

(2) Temporary signs shall be permitted in addition to any other permitted sign on private property and shall be exempt from all other provisions of this Article, provided such signs fully comply with this section.

(3) The following types of signs may be erected as temporary signs:

- (a) Contractor signs
- (b) Election signs
- (c) Model signs
- (d) Project signs
- (e) Real estate signs
- (f) Sales office signs

(4) A permit as required in Section 39-15, "Permits Required," shall be obtained for any temporary sign six (6) square feet or larger in size.

(5) Temporary signs on developed plots shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.

(6) Temporary signs on undeveloped plots shall not exceed the following:

- (a) For parcels less than one (1) acre in area, a maximum of twelve (12) square feet in sign area and six (6) feet in height above the ground;
- (b) For parcels between one (1) and ten (10) acres in area, a maximum of sixteen (16) square feet in area and six (6) feet in height above the ground; and
- (c) For parcels over ten (10) acres in area, a maximum of twenty-four (24) [square] feet in sign area and eight (8) feet in height above the ground.

(7) Temporary signs shall be limited to one (1) sign of each type specified herein for each one thousand (1,000) lineal feet of street or waterway frontage of a plot, except that:

- (a) one model sign shall be permitted at the location of each model on a residential development under construction not to exceed three (3) square feet in sign area per sign and three (3) feet in height above the ground; and
- (b) one election sign shall be permitted for each street frontage per plot for each candidate and issue.

Such signs may be double-faced and may be a hanging sign, a building wall sign, pole sign or window sign. All free-standing signs shall be set back a minimum of five (5) feet from any plot line.

(8) Where two or more types of temporary signs are combined on one sign face or sign structure, then the sign area may be increased by twenty (20) percent.

(9) No temporary sign shall be placed on public property or property owned or used by Broward County or any other governmental entity. Signs placed in violation of this provision shall be subject to removal without notice by Broward County.

(10) A real estate sign in a residential area may be increased in size by a maximum of fifty (50) percent of the permitted sign size to accommodate additional information such as "By Appointment Only," "Sold" or "Open House." "Open House" signs:

- (a) May only be displayed while the premises are actually available for inspection by a prospective buyer or tenant;
- (b) May be off-premises signs, provided they are not less than four hundred (400) feet apart, are not more than three (3) square feet in area, are not more than three (3) feet in height; and
- (c) May only be displayed on private property.
- (d) Information boxes shall not be considered a sign.

(11) All temporary signs shall be removed within ten (10) days after the conclusion of the election, to which any temporary sign pertains, or the development, construction or sale of any building or property to which any temporary sign pertains, or shall be removed after the expiration of six (6) months from the erection of the sign, whichever occurs first.

(Ord. No. Ord. No. 1992-27, § 9-8-98)

**Secs. 39-61—39-68. Reserved.**

**ARTICLE VII. NONCONFORMING USES AND STRUCTURES****Sec. 39-69. Establishment of nonconforming use.**

(a) *Existing uses.* Any lawful use of land or structures existing prior to the effective date of any zoning resolution or ordinance effecting the plot which precluded such use is hereby declared not to be in violation of this code and may be continued, except as provided in subsection (b) of this section. Such a nonconforming use shall be subject to all of the provisions of this article pertaining to its continuance, change and discontinuance as well as all other provisions in this Code relating to nonconforming uses.

(b) Where a period of time is specified in this article, or in any other article of this Code, for the removal or discontinuance of nonconforming buildings, structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

(c) *Establishment of nonconforming uses.* In order to establish a nonconforming use, existing at the effective date of this article, or any use which thereafter becomes nonconforming, the property owner shall apply for and be issued a Certificate of Legal Nonconformity. The applicant shall submit at least two (2) of the following:

- (1) A sealed survey dated prior to the effective date of the resolution or ordinance which precluded the use, indicating that the use and buildings and structures accessory thereto were in existence;
- (2) Three (3) sworn affidavits from persons having personal knowledge of the existence of the use and any accessory buildings and structures prior to the effective date of the resolution or ordinance which precluded the use;
- (3) Verifiable photographs indicating the existence of the use and any accessory buildings and structures prior to the effective date of the resolution or ordinance which precluded the use;
- (4) Copies of building permits issued prior to the effective date of the resolution or ordinance which precluded the use, indicating the proposed use and the size and location of any accessory buildings or structures.
- (5) If, after review the use is determined to have met all requirements of this article, a certificate of legal nonconformity shall be issued by the zoning official, or designee.

(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

**Sec. 39-70. Repair, expansion and reconstruction of nonconforming uses.**

(a) *Nonconforming use of buildings.* The nonconforming use of a building may be extended throughout any part of the building clearly designed for such use but not so used at the effective date of the resolution or ordinance which created the nonconforming use. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building or any other building or structure on the plot.

(b) *Nonconforming use of land.* A nonconforming use may not be extended to any land outside of a building. The nonconforming use of land shall not be extended to any additional area on the plot not so used at the effective date of the resolution or ordinance which created the nonconforming use.

(c) *Repair, alteration, enlargement of buildings and structures used for nonconforming uses.* No structure utilized for a nonconforming use shall be enlarged, extended or structurally altered, unless the use is changed to one which complies with the provisions of this code, provided, that repairs and maintenance may be carried out in any one year period in an amount not to exceed twenty-five percent (25%) of the assessed value of the structure for that year, and further provided that such work does not increase the cubical content of the building nor the floor area devoted to the nonconforming use, nor increases the number of dwelling units. Improvements required by Article VI, "Signs," Article VIII,

"Functional Landscaping and Xeriscaping," Article XVII, "Commercial Districts," or Article XVIII, "Industrial Districts," shall be exempt from this subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a building occupied by a nonconforming use.

(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

**Sec. 39-71. Change of nonconforming use.**

(a) There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change of use as defined in section 39-215(d), "Offstreet parking required," except as may be permitted by this section.

(b) Any change of a nonconforming use shall be to a conforming use.

(Eff. 8-22-75; eff. 11-28-77; Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

**Sec. 39-72. Discontinuance, destruction or abandonment of a nonconforming use.**

(a) *Nonconforming use of land.* If for any reason a nonconforming use of land ceases or is discontinued for a period of more than sixty (60) days, the land shall not thereafter be used for a nonconforming use.

(b) *Nonconforming use of building or structure.* If for any reason the nonconforming use of a building or structure ceases or is discontinued for a period of six (6) months or more, the building or structure shall not thereafter be used for a nonconforming use.

(c) *Reconstruction after catastrophe.* If any nonconforming building or structure in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of rebuilding, repair and reconstruction will exceed fifty-one percent (51%) of the replacement cost of the same building or structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located. For purposes of this subsection, multiple-family residential buildings in multiple-family residential districts which are nonconforming insofar as maximum density, shall be exempt from this subsection and may be reconstructed to the same density, height, setbacks, plot coverage and amount of off-street parking as was originally provided, subject to compliance with the Land Development Code and subject to availability and allocation of reserve units.

(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

**Sec. 39-73. Unlawful use not authorized.**

(a) Nothing in this article shall be interpreted as authorization for, or approval of the continuation of the use of a structure or premises in violation of any ordinance or resolution in effect at the time the use was initially begun at the premises.

(b) The casual, temporary or illegal use of land or a building or structure, or part thereof, shall not be sufficient to establish the existence of a nonconforming use or to create any vested rights in the continuance of such a use.

(Ord. No. 2000-30, § 1, 6-13-00)

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

(a) The foregoing provisions of this article are intended to apply only to nonconforming uses, and are not intended to apply to uses permitted in the zoning district in which they are located in existing buildings and structures, and their plots, which do not conform to this code insofar as height, yards, plot size, plot area, coverage, separation or other similar dimensional requirements or amount of off-street parking. Any additions, extensions or alterations to such existing buildings or structures shall comply



with all applicable provisions of this code. In the event any such building or structure is damaged or destroyed by fire, flood, explosion, collapse, wind, war or other catastrophe, such building or structure may be reconstructed with the same dimensional requirements and amount of off-street parking as the original building or structure, provided there is no change of use as defined in section 39-215(d), "Off-street parking required."

(b) If the occupancy of a building, or part thereof, by any nonresidential use permitted in the zoning district in which it is located, but which does not comply with this code insofar as dimensional requirements, separations or amount of off-street parking, ceases for any reason for a period of six (6) months, such use shall not thereafter be permitted to occupy the building, or part thereof, unless the building, or part thereof, and plot thereon are in full compliance with this Code.

(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

## ARTICLE VIII. FUNCTIONAL LANDSCAPING AND XERISCAPING

### Sec. 39-75. Purpose and intent.

The general purposes of this Article are as follows:

- (a) To promote the establishment of a functional landscape in the unincorporated area of Broward County;
- (b) To protect and enhance the aesthetic character of Broward County;
- (c) To provide the physical benefits of using plant material as a function and integral part of Broward County's development;
- (d) To provide minimum standards for landscaping new developments or for redevelopment; and
- (e) To promote water conservation and vegetation protection objectives by providing for:
  - (1) The preservation of existing plant communities pursuant to the requirements of Broward County's Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV;
  - (2) The reestablishment of native plant communities;
  - (3) The use of site-specific plant materials; and
  - (4) The implementation of xeriscape principles as identified in *South Florida Water Management District's Xeriscape Plant Guide II*, as amended, and as provided by law.

The provisions of this Article shall be a minimum standard and shall apply to the unincorporated areas of Broward County.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 1, 5-11-99)

### Sec. 39-76. Definitions.

In addition to the definitions set forth under Article II, section 39-4, the following definitions shall apply to this article:

- (a) *Accessway*: A private vehicular roadway intersecting a public right-of-way.
- (b) *Applicant*: The owner or the authorized agent of the subject property.
- (c) *Berm*: A linear earthen mound.

(d) *CPTED*: Acronym for Crime Prevention Through Environmental Design; design approach to reduce crime and fear of crime by creating a safe climate within a building environment.

- (e) *Canopy*: The upper portion of a tree consisting of limbs, branches and leaves.
- (f) *Clear Trunk*: The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.
- (g) *Clear Wood ("Gray Wood")*: The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.
- (h) *County*: The department or division of Broward County government that the County Administrator has designated to enforce this functional landscape code.
- (i) *Diameter Breast Height (DBH)*: The diameter of the tree trunk(s) measured at four and one-half (4½) feet above grade.
- (j) *Disturbed land/ground*: Any land where the original natural vegetation has been removed, displaced, overtaken or raked.
- (k) *Ecological Community*: Any one of the native vegetative plant communities as same may be determined pursuant to Chapter 5, Article XII, "Natural Resource Areas," § 5-279 et seq., Broward County Code of Ordinances, as same may be amended from time to time.
- (l) *Functional Landscaping*: The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.
- (m) *Groundcover*: A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.
- (n) *Hedge*: A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.
- (o) *Irrigation*: The method of supplying plant materials with water other than by natural rainfall.
- (p) *Landscape/Landscaping*:
- (1) When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.
  - (2) When used as a verb, this term shall mean the process of installing or planting materials commonly used in landscaping or environmental design.
- (q) *Mulch*: Organic material such as wood chips, pinestraw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.
- (r) *Native Plant Species*: For the purpose of this Article, native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by Broward County, or that can be scientifically documented to be native to South Florida.
- (s) *Nonvehicular Use Open Space*: All areas, excluding areas defined as vehicular use areas, areas preserved as ecological communities, required landscaping adjacent to public rights-of-way and abutting property, existing structures to remain, and proposed structures. This definition includes areas permanently covered with water.
- (t) *Planting Soil*: A medium composed of thirty (30) percent muck or horticulturally acceptable organic material, including solid waste compost.
- (u) *Shrub*: A woody plant with several stems produced from the base which could be maintained in a healthy state at approximately a 10- to 12-foot height.

(v) *Site-Specific Plant Materials*: The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(w) *Tree*: A self-supporting, woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(x) *Turf*: The upper layer of soil matted with roots of grass and covered by viable grass blades.

(y) *Vegetation*: Angiosperms, gymnosperms, ferns and mosses.

(z) *Vehicular Encroachment*: Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(aa) *Vehicular Use Area*: Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(bb) *Vine*: Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(cc) *Xeriscape*: A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 2, 5-11-99)

### **Sec. 39-77. Landscape plans.**

(a) All buildings, structures and changes of use requiring a Development Order in accordance with Chapter 5, Article IX of the Broward County Code of Ordinances shall require submittal of a landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to Chapter 481, pt. II, F.S. (§ 481.201, F.S. et seq.), as amended. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property. The landscape plan shall meet the following requirements:

- (1) A minimum scale of one (1) inch equals fifty (50) feet.
- (2) Location of all trees, vegetation, or ecological communities to be preserved, or tree survey as approved by the Broward County Department of Planning and Environmental Protection, if applicable.
- (3) Location and outline of existing buildings and site improvements to remain.
- (4) Location and outline of proposed buildings, site improvements, and water bodies.
- (5) Location of all landscape material to be used.
- (6) Landscape material schedule listing all plants being used with their botanical and common name, their quantity and size, and degree of drought tolerance (as determined by the *South Florida Water Management District Xeriscape Plant Guide II*, as amended) and indication of whether native to South Florida.
- (7) Spacing of plant material (where appropriate).

(b) The irrigation plan shall meet the following requirements:

- (1) A minimum scale of one (1) inch equals fifty (50) feet.
- (2) Location of existing trees, vegetation and ecological communities to remain, if applicable.
- (3) Location of existing buildings, paving, and site improvements to remain.
- (4) Location of proposed buildings, paving, site improvements, and water bodies.

- (5) Main location, size and specifications.
  - (6) Valve location, size and specifications.
  - (7) Pump location, size and specifications or water source.
  - (8) Backflow prevention device type and specifications.
  - (9) Controller locations and specifications.
  - (10) Zone layout plan (minimum scale 1" = 20'):
    - a. Indicating headtype, specifications and spacing; and
    - b. Indicating methods used to achieve compliance with xeriscape principles as required by § 125.568, F.S.
- (Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 3, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99)

**Sec. 39-78. Installation of landscaping and irrigation.**

All landscaping and irrigation shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described.

(a) Topsoil shall be of the minimum quality as specified in the plant materials section of this Article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of six (6) inches of topsoil around and beneath the root ball. A minimum of three (3) inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of eighteen (18) inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub planting. The use of mulch obtained from *Melaleuca*, *Eucalyptus*, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(b) All trees shall be properly guyed and staked at the time of planting until establishment. The use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.

(c) All parking islands and landscape strips shall be installed with continuous curbing or landscape timbers to prevent damage to the plant material and the displacement of topsoil and mulch.

(d) All landscape areas, excluding single-family residences and duplex dwellings, shall be provided with an automatically operating, underground irrigation system designed to have one hundred (100) percent coverage with one hundred (100) percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.

- (1) Pursuant to § 373.62, F.S., any irrigation system installed after May 1, 1991, shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
- (2) Use of nonpotable water, including, but not limited to, water from a canal, lake or a treated water source, in the irrigation of landscaped areas is required when determined to be available and safe.
- (3) Automatic controlling devices shall be used on all irrigation systems.
- (4) Preserved ecological communities shall not be irrigated unless required by the Broward County Department of Planning and Environmental Protection.
- (5) On non-conforming lots under five thousand (5,000) square feet in size requiring landscape upgrades, irrigation may be accomplished by the installation and use of hose bibs.

(e) Inspections of site for landscape installation:

(1) A pre-inspection of the site will be required to determine site conditions and appropriate use and selection of landscape material prior to installation.

(2) A final landscape inspection will be required upon completion.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 4, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99)

#### **Sec. 39-79. Maintenance of landscaped areas.**

(a) An owner of land subject to this Article shall be responsible for the maintenance of said land and landscaping so as to present a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(b) Three inches of clean, weed-free, organic mulch shall be maintained over all areas originally mulched at all times. Turfgrass shall be mowed regularly.

(c) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(d) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(e) An owner is responsible to ensure that landscaping that has been required to be planted pursuant to this Article, or installed in compliance with the landscape requirements previously in effect, be maintained in Florida Grade One condition, including but not limited to single-family residences, multifamily, commercial or industrial sites. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article shall be used. If any preserved vegetation dies which is being used to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, 5-11-99)

#### **Sec. 39-80. Plant material.**

(a) *Quality*: Plant materials used in accordance with this Article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of *Grades and Standards for Nursery Plants*, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.

(b) *Native Vegetation*: The following percentage of all vegetation, excluding all turfgrass, required to be planted by this code shall be indigenous to South Florida. In order to facilitate growers who may need to reassess field stock, the following dates are established to institute minimum percentages:

(1) Forty (40) percent as of June 1, 1999;

(2) Fifty (50) percent as of January 1, 2001.

(c) *Preserved / Created Ecological Communities*: Ecological communities shall be preserved or created as required by Chapter 5, Article XII, Broward County Code of Ordinances. Sites which consist of five acres or more, where there is no viable ecological community, the applicant shall show on the landscape plan an area or areas equivalent to two and one-half (2½) percent of the site to be planted and preserved as an ecological community, pursuant to the conservation goals, objectives and policies of the 1989

Broward County Comprehensive Plan, Volume 2, Adopted Components. Sites which consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For sites of five acres or more, this shall constitute an additional requirement.

(d) *Trees:*

- (1) Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunk(s) which can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty (20)-foot crown spread. Such a grouping shall count as one tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than twenty (20) percent of the total tree requirements for any provision herein, and shall have a minimum of six (6) feet of clear wood. On projects requiring more than ten (10) trees, a minimum of two (2) species shall be used.
- (2) Non-conforming sites with lots under three thousand (3000) square feet or with less than five (5) feet of nonvehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot maturity, with canopy equivalent at such height.
- (3) Trees used in the required landscaping adjacent to a public street are subject to approval by Broward County so that the character of the public street can be maintained.
- (4) The following plant species shall not be planted as required or optional landscaping and, in addition, these species shall be removed from the construction sites:

<i>Botanical Name</i>	<i>Common Name</i>
<i>Acasia auriculiformis</i>	Earleaf Acasia Ficus
<i>Ficus spp.</i>	Ficus
<i>Bischofia javanica</i>	Bischofia, Toog
<i>Casuarina spp.</i>	Australian Pine
<i>Melaleuca quinquenervia</i>	Melaleuca, Punk Tree, Paperbark
<i>Schinus terebinthifolius</i>	Brazilian Pepper, Florida Holly
<i>Rhodomyrtus tomentosa</i>	Downy Rose Myrtle
<i>Leucaena leucocephala</i>	Lead Tree, Jumbie Bean
<i>Ardisia solanacea</i>	Shoebuttan Ardisia

- (5) The following species shall not be used as required landscaping, and shall not, in the aggregate, constitute more than ten (10) percent of the total number of trees to be installed.

a. Brittle Species List.

<i>Botanical Name</i>	<i>Common Name</i>
<i>Araucaria heterophylla</i>	Norfolk Island Pine
<i>Dalbergia sissoo</i>	Indian Rosewood
<i>Grevillea robusta</i>	Silk Oak

- b. *Species with invasive root systems list:* The following, and other species whose roots are known to cause damage to pavement or utilities, shall not be planted closer than twenty-five (25) feet to a public right-of-way, public easement or public improvement, or any structure:

<i>Botanical Name</i>	<i>Common Name</i>
<i>Brassaia actinophylla</i>	Schefflera

- (6) The County shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this Article.
  - (7) Tree species shall be a minimum overall height of ten (10) to twelve (12) feet, Florida Grade One material, with a minimum trunk diameter at breast height (DBH) of two and one-half (2½) inches and a minimum of four and one-half (4½) feet of clear trunk immediately after installation. Minimum canopy spread shall be characteristic of the species at such height and DBH requirements. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this Article. No credit shall be granted for preserved trees which are in extremely poor condition or declining health.
  - (8) No more than thirty percent (30%) of required trees shall be of the same species.
- (e) *Shrubs and Hedges.*
- (1) Shrubs shall be a minimum of two (2) feet, full to base, and planted two (2) feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two (2) feet in height above the vehicular open space pavement surface that directly abuts the shrubs at time of planting.
  - (2) Required buffer hedges shall be planted and maintained so as to form a continuous, unbroken solid, visual screen, with a maximum height of three (3) feet, to be attained within one (1) year after planting.
  - (3) *Ficus* spp., when planted as a hedge, may be used to meet the requirements of dumpster enclosure, mechanical equipment and electrical transformer screening only.
- (f) *Vines.* Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, planted at ten (10)-foot intervals, to meet landscape buffer requirements as specified.
- (g) *Groundcover.* Groundcovers shall be planted with a minimum of fifty percent (50%) coverage with one hundred percent (100%) coverage occurring within six (6) months of installation.
- (h) *Turf:*
- (1) All turf areas shall be sodded using species suitable as permanent lawns in Broward County, including St. Augustine, Bahia, and their cultivars. Large turf areas not subject to erosion, such as playfields, may be grassed with methods other than sod using permanent species suitable for Broward County.
  - (2) Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape and shall be placed so that it can be irrigated separately from planting beds.
  - (3) Turfgrass areas shall be consolidated and limited to those areas on the site that require pedestrian traffic, provide for recreation use or provide soil erosion control such as on slopes or in swales, or surface water management areas, and where turf is used as a design unifier, or other similar practice use. Turf areas shall be identified on the landscape plan.
  - (4) The following percentages shall apply to turf areas:
    - a. No more than eighty (80) percent of the required landscape area for single-family and duplex dwellings may be in turfgrass.
    - b. No more than sixty (60) percent of the required landscape area for multifamily dwellings may be in turfgrass.

- c. No more than fifty (50) percent of the required landscape area for other development uses may be in turfgrass.

(i) *Xeriscape*.

- (1) A minimum of twenty (20) percent of the pervious area on single family and duplex dwellings must be in xeriscape landscape, with the exception of Agricultural, Rural and Estate zoning districts (See section 39-85 for these requirements).
- (2) A minimum of forty (40) percent of the pervious area of multifamily dwellings must be in xeriscape landscape.
- (3) A minimum of fifty (50) percent of the pervious area of all other development uses must be in xeriscape landscape.

(j) *Topsoil*: Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a minimum of thirty (30) percent muck or horticulturally acceptable organic material.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 6, 5-11-99)

**Sec. 39-81. Landscape requirements for vehicular use areas.**

(a) *Applicability*: All vehicular use areas serving nonresidential uses shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other vehicular uses on, under or within buildings and parking areas serving single- or two-family dwellings.

(b) *Required Landscaping Adjacent to Streets and Abutting Properties*: On the site of a building or open lot providing a vehicular use area for a nonresidential use where such area will not be entirely screened visually by an intervening building or structure from any abutting street(s) and property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

- (1) Except for Office Park "OP" Districts, a strip of land at least five (5) feet in depth, located between the abutting street(s) and the vehicular use area; and between the abutting property line(s) and vehicular use area shall be landscaped. Office Park "OP" Districts shall require at least ten (10) feet to be landscaped. Such landscaping shall include one (1) tree for each thirty (30) lineal feet or fraction thereof. The first tree shall be set back ten (10) feet from the intersection of the ingress/egress and the street, which setback shall be limited to groundcover only. Such tree shall be between the abutting street and the abutting property lines and vehicular use areas. In addition, a hedge, berm, wall or other durable landscape barrier, to begin after the first ten (10) feet shall be placed along the inside perimeter of such landscape strip and shall be maintained at a maximum height of three (3) feet, if contiguous to a pedestrian walkway, to meet Crime Prevention Through Environmental Design (CPTED) principles. If such durable barrier is of nonliving material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted along the street side of such barrier. The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving, turfgrass not to exceed the maximum amount allowable in the xeriscape requirements. This buffer may not be counted toward meeting the interior landscape requirements.
- (2) All property other than the required landscaped strip lying between the street and vehicular use areas shall be landscaped with turfgrass or other groundcover; if turfgrass is used, it shall not exceed the xeriscape requirements.



- (3) Necessary accessways from the public street through all such landscaping shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

(c) *Parking Area Interior Landscaping.* An area, or a combination of areas, equal to ten (10) percent of the total vehicular use area exclusive of perimeter landscape buffers required under this subsection shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this section shall be counted as part of the interior landscaping requirements, as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection. All parking areas shall be so arranged so that if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five (5) feet in width. Other suitable solutions or innovative designs may be substituted when approved by the Development Management Division and Zoning Code Services Division. In addition, there shall be a minimum of one (1) tree planted for every landscaped area, and in no instance shall there be less than one (1) tree and three (3) shrubs for each two hundred (200) square feet, or fraction thereof, of required interior landscaped areas of the parking stalls in that aisle. In addition, all approved grass parking areas will meet the same requirements as paved parking, and will not be calculated in the pervious space requirements. Landscaped areas, walls, structures and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs located a minimum of two and one-half (2- ) feet from any landscaped area.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 7, 5-11-99; Ord. No. 2000-36, § 16, 8-22-00)

**Sec. 39-82. Sight distance for landscaping adjacent to street intersections and points of access.**

When the subject property abuts the intersection of two (2) or more streets, all landscaping within the triangular area located within twenty-five (25) feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between thirty (30) inches and eight (8) feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five (5) feet from the edge of any roadway and three (3) feet from the edge of any alley or pavement.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 8, 5-11-99)

**Sec. 39-83. Nonvehicular open space.**

All nonvehicular open space on any site shall conform to the following requirements:

(a) *General Landscape Treatment:*

- (1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular open space areas not covered by paving or structures, using the required percentages specified in Section 39-80(h)(4) above. No substance which prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.
- (2) Each structure shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of twenty (20) percent of the front of the structure being planted with shrubs at a minimum of two (2) feet in height.

(b) *Shrub and Tree Requirements:* Shrubs and trees shall be planted in the nonvehicular open spaces to meet the following requirements:

<i>Percent of Site in Nonvehicular Open Space (NOS)</i>	<i>Tree and Shrub Requirements</i>
Less than 30%	1 tree and 10 shrubs per 2,000 square feet
30—39%	1 tree and 8 shrubs per 2,500 square feet
40—49%	1 tree and 6 shrubs per 3,000 square feet
50% or more	1 tree and 6 shrubs per 3,500 square feet

(c) *Screening of Equipment:* Dumpsters, mechanical equipment and electrical transformers shall be screened on at least three (3) sides by landscape material that is a minimum of thirty (30) inches in height. Such screening shall not interfere with normal operation of equipment. In addition, bus shelters which are located within property lines shall be screened with plant material a minimum of two (2) feet in height on three (3) sides, and one canopy tree, ten (10) feet in height.

(d) *Signs:* All freestanding sign installations require the installation and establishment of plant material to enhance the structure, at a minimum of one shrub for every two (2) feet of lineal width of the sign structure on each side; and ground cover, a minimum of five (5) feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(e) *Billboard signs:* All billboards require the installation and establishment of plant material to enhance the structure at a minimum of four (4) trees, chosen from a list of trees that will attain a height of not more than fifteen (15) feet, and a minimum of one shrub for every two (2) feet of lineal width of the sign structure on each side of tree line.

(f) *Minimum Landscape Credits and Adjustments:* An owner shall receive credit against the minimum landscape code requirements of this Article for preservation, replacement or relocation of existing trees as set forth under in the Broward County Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV, other than preserved ecological communities, on a one-for-one basis.  
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 9, 5-11-99)

**Sec. 39-84. Buffers between residential and nonresidential properties.**

(a) Where any plot zoned or used for nonresidential uses, except industrial uses, is separated by a street, alley, canal or public open space from a residential plot, any such nonresidential plot adjacent to such separator shall be provided with a landscape buffer at least ten (10) feet in depth. Any plot zoned or used for industrial uses shall provide a landscape buffer at least fifteen (15) feet in depth. The landscape buffer shall meet the landscaping requirements for vehicular use areas or general open space, whichever is applicable in total or in part.

(b) Where a plot zoned or used for nonresidential uses, except industrial uses, is contiguous to a residentially zoned or used plot, any such nonresidential plot shall be provided with a landscape buffer at least ten (10) feet in depth adjacent to the residential district or use.

(c) Where any plot zoned or used for industrial purposes is contiguous to a residentially zoned or used plot, any such industrial plot shall be provided with a landscape buffer at least twenty (20) feet in depth adjacent to the residential district or use.

(d) Where any plot zoned or used for business, nonresidential or industrial purposes, is contiguous to a park, environmentally sensitive land site (ESL), or urban wilderness area, whether directly or separated by a street, alley, canal or public open space, a minimum of twenty-five (25) feet of landscape buffer shall be provided along such street or property line.

(e) Where any plot zoned for Office Park (OP) is adjacent to any of the above uses, the buffer shall be double the size required in subsections (a), (b), (c) or (d) above.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 10, 5-11-99)

**Sec. 39-85. Single-family and two-family dwellings landscape requirements.**

All new single-family and duplex dwellings shall conform to the following minimum landscaping requirements:

- (a) *Landscape Plans:* Detached single-family residences and duplex dwellings may submit landscape plans in the form of a landscape permit application, which includes acceptable plant material choices, to be chosen by the applicant, from a list provided by Broward County, stating quantity, size, and quality of plant material, including planting specifications, as required by this Article. Actual landscape drawings are not required for single family and duplex dwellings.
- (b) *General Landscape Treatment:* Trees, turfgrass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving; with xeriscape to be a minimum of twenty (20) percent of the open space of the site.
  - (1) For single-family residences in Agricultural, Rural, and Estate Districts, xeriscape requirements shall be based on the immediate one acre of property surrounding the principal building with seven thousand five hundred (7,500) square feet of xeriscape landscape being required to meet the xeriscape requirements. In addition, sod/turf may be used in the front yard but may not extend past the first one acre of property in the rear of the principal building. The remainder of the property must be maintained, either in its natural state, in pasture land or other approved open space. This area, however, may not contain any invasive species (Melaleuca, Brazilian Pepper, Australian Pine, etc.), which must be removed from the site.
- (c) *Shrub and Tree Requirements:*
  - (1) A minimum of three (3) trees of two (2) different species and ten (10) shrubs shall be planted per lot. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of one (1) tree and three (3) shrubs per three thousand (3,000) square feet of lot area; however, there shall be no more than ten (10) trees and thirty (30) shrubs required per acre.
  - (2) Where possible, a minimum of two (2) trees shall be required in the front of the lot. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.
  - (3) Trees required in this subsection shall have a minimum overall height of ten (10) feet to twelve (12) feet with a minimum canopy spread characteristic of the species at such height and DBH requirements.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 11, 5-11-99)

**Sec. 39-86. Nonconforming properties.**

(a) Any property developed prior to November 23, 1993, regardless of the use, which was not brought into compliance with at least fifty (50) percent compliance with Ordinance No. 93-43 within the required five-year period, shall meet at least fifty (50) percent of the requirements of this Article by October 1, 1999. Any property developed prior to November 23, 1993, which was brought into compliance with Ordinance No. 93-43 shall meet at least fifty (50) percent of this Article by October 1, 2004. In order to encourage compliance with this Article, if a vehicular use area cannot be redesigned and the owner is

unable to meet this fifty (50) percent requirement, the owner, after demonstrating the maximum extent to which the vehicular use area can be brought into compliance with this Article, shall be permitted to:

- (1) Reduce the number of required parking spaces by a maximum of twenty (20) percent to accommodate the additional landscaping. Sites with limited pervious area shall install only native plant material to assist in achieving the fifty (50) percent compliance; or
  - (2) Where it is determined by Broward County on properties used for commercial, industrial and multiple family dwelling purposes, that conditions are unfavorable for full landscape compliance due to plot size or other environmental conditions, payment may be made to a landscape fund which shall be maintained by the Code and Zoning Enforcement Division to assist property owners who prove a financial hardship exists in complying with this Article. Payment for such exemptions shall be based on twenty (20) percent of the amount of landscaping required for the square footage of the property, plus administrative fees. Such payment amounts and administrative fees shall be set by resolution of the County Commission. In cases of financial hardship on properties used for single family purposes, Code and Zoning Enforcement Division shall have the authority to grant extensions of time for compliance with this Article.
  - (3) Permits issued to attain compliance to the landscape code requirements, including parking lot reconfiguration, will be valid for ninety (90) days from date of issuance.
- (Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 12, 5-11-99; Ord. No. 2000-36, § 17, 8-22-00)

**Sec. 39-87. Landscape manual and materials.**

Broward County shall prepare and, from time to time, revise a landscape manual and informational materials which shall provide an illustration of the requirements of this Article. Said manual and materials shall be made available to the public.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 13, 5-11-99)

**Secs. 39-88—39-99. Reserved.**

**ARTICLE IX. GENERAL PROVISIONS\***

**Sec. 39-100. Applicability.**

The provisions of this article shall apply to all zoning districts.

(Ord. No. 2000-17, § 1, 4-25-00)

**Sec. 39-101. Reduction of required areas prohibited.**

No plot area, yard, setback, clearance, separation, parking area, landscape area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this code; and if already less than the minimum required by this code for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided for any building, structure or use for the purpose of complying with the

\*Editor's note—Ord. No. 2000-17, adopted April 25, 2000, amended and renumbered the provisions of former Art. IX, §§ 39-144—39-151, 39-153—19-155, 39-157, 39-159, 39-163, 39-164, 39-166—39-168, 39-173, 39-183—39-185, 39-187, 39-188. Sections 1, 4—6, 12, 16, 17 of Ord. No. 2000-17 created a new Art. IX as herein set out. See the Zoning Ordinance Comparative Table at the end of this volume for a listing of ordinances which amended the former Art. IX.

provisions of this code, shall be included as part of a yard, setback, clearance, parking area or other space required under this code for another building, structure, or use, unless specifically permitted under this code.

(Ord. No. 2000-17, § 4, 4-25-00)

**Sec. 39-102. Wireless communication facilities.**

- (1) *Intent.* The regulations and requirements of this Ordinance are intended to:
  - (a) Promote the health, safety and general welfare of the citizens by regulating the siting of wireless communication facilities;
  - (b) Accommodate the growing needs and demand for wireless communication facilities;
  - (c) Provide for the appropriate location and development of wireless communication towers and antennas within the unincorporated area of the County;
  - (d) Minimize adverse visual effects of wireless communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
  - (e) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower and monopole structures;
  - (f) Protect residential areas and land uses from potential adverse impacts of wireless communication facilities and antennas by maximizing uses of any new or existing wireless communication towers through shared use, i.e., collocation, to reduce the number of facilities needed;
  - (g) Prevent possible impacts to airspace in the area surrounding airports and eliminate potential interference with radio communications and navigational aids;
- (2) *Permitted Facilities.*
  - (a) Only stealth facilities shall be permitted as a principal use in the following zoning districts:
    1. Agricultural Estate District
    2. General Agricultural District
    3. Estate District
    4. Estate District
    5. Rural Estates District
    6. Rural Ranches District
    7. Single family residential Planned Unit Development (PUD) and single-family residential Planned Development District (PDD)
    8. RM-17 to RM-25 High Density Residential - only roof top stealth antennas permitted.
  - (b) Wireless communication towers may be permitted as a principal use in Conservation Districts with proper permits as follows:
    1. Any wireless communication tower in a Conservation District shall be constructed to accommodate no less than three (3) wireless communication providers.
    2. For lands lying west of U.S. 27 or up to five hundred (500) feet east of the easterly right-of-way line of U.S. 27, wireless communication towers may be erected up to one mile north and one mile south of the right-of-way line of Interstate 75 (Alligator Alley). The maximum height of any such tower shall be two hundred fifty (250) feet.
    3. Wireless communication towers in all other Conservation Districts shall be subject to the minimum standards set forth in subsection (d) below.

- (c) Except as otherwise provided, wireless communication facilities may be permitted as a principal use in all nonresidential zoning districts.
- (d) Minimum standards. Every wireless communication tower must meet the following minimum standards:
  - 1. Height/setbacks and related location requirements.
    - a. The height of a wireless communication tower shall not exceed one hundred and fifty (150) feet unless the zoning district in which the proposed wireless communication tower is to be located or subsection (b) above allows a greater height. The height of a roof top wireless communication tower shall comply with subsection (3) of this section. Height shall be measured from the crown of the road of the nearest public street.
    - b. All wireless communication towers up to one hundred (100) feet in height shall not be located in a required landscape buffer and shall be set back on all sides a distance equal to either the underlying setback requirement in the applicable zoning district or as provided in this section, whichever is greater; towers in excess of one hundred (100) feet in height shall be set back one additional foot per each foot of tower height in excess of one hundred (100) feet.
    - c. All non-stealth wireless communication towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.
    - d. Non-stealth wireless communication towers shall not be located within seven hundred and fifty (750) feet of any existing non-stealth wireless communication facility.
    - e. All buildings and other structures to be located on the same property as a wireless communication tower shall conform with the setbacks established for the underlying zoning district.
    - f. All towers located within twenty thousand (20,000) feet of an airport shall be reviewed for possible impacts to airspace or potential interference with radio communications or navigational aids; and, in addition, shall be reviewed for compliance with all applicable Federal Aviation rules and regulations, including but not limited to, height, lighting, permitting, licensing.
  - 2. Buffering.
    - a. An eight (8) foot fence shall be required around the base of any tower, as measured from the finished grade of the site.
    - b. Plant material consistent with Article VIII, Functional Landscaping and Xeriscaping, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties.
    - c. Landscaping consistent with Article VIII, Functional Landscaping and Xeriscaping, shall be installed around any accessory buildings or structures.
  - 3. High voltage and "No Trespassing" warning signs. Notwithstanding the requirements of Article VI, "Signs," the following minimum sign standards shall apply:
    - a. If high voltage is necessary for the operation of the wireless communication tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.
    - b. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

- c. The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.
  - d. The warning signs may be attached to free standing poles if the content of the signs may be obstructed by landscaping.
4. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the wireless communication tower, unless repairs to the tower are being made.
  5. Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including, but not limited to, company name, banners, streamers, shall be strictly prohibited.
  6. Colors. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over wireless communication towers, wireless communication towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as non-contrasting gray.
  7. Lighting. No signals, lights or illumination shall be permitted on a wireless communication tower unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusiveness to the surrounding community.
- (3) *Antennas not located on wireless communication towers.*
- (a) Antennas shall be permitted as follows:
    1. Stealth roof top or building mounted antennas not exceeding twenty (20) feet above roof line shall be permitted in all zoning districts.
    2. Non-stealth roof top or building mounted antennas shall only be permitted not exceeding fifteen (15) feet above roof line of the subject building.
  - (b) Minimum standards. Building roof top antennas shall be subject to the following minimum standards.
    1. No commercial advertising shall be allowed on an antenna;
    2. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
    3. Any related unattended equipment building shall not contain more than seven hundred and fifty (750) square feet of gross floor area or be more than twelve (12) feet in height; and
    4. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent (25%) of the roof area;
    5. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices;
    6. If located within twenty thousand (20,000) feet of an airport, each application shall be reviewed for possible impacts to airspace or potential interference with radio communications or navigational aids; and, in addition, shall be reviewed for compliance with all applicable Federal Aviation rules and regulations, including but not limited to, height, lighting, permitting, licensing.

(4) *Existing wireless communication facilities.*

- (a) Existing wireless communication facilities shall not be rendered non-conforming uses by this ordinance. The use of existing facilities for purposes of collocating additional antennas shall be encouraged.
- (b) Increases in height of an existing tower or conversion of an existing tower to a stealth or other design shall be treated as a new tower and shall be subject to all the requirements of this ordinance, except separations required between towers.
- (c) Owners of existing facilities shall be required to comply with this ordinance to replace or relocate an existing facility.
- (d) Wireless communication antennas may be placed on existing towers.

(5) *Abandoned wireless communication facilities.*

- (a) The County may require removal of an abandoned wireless communication facility within thirty (30) days after notice of abandonment has been provided to the owner of the wireless communication tower and the real property owner.
- (b) A wireless communication facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.
- (c) Where a wireless communication facility is abandoned but not removed within the specified time frame, the County may remove the facility and place a lien on the property following the procedures (but not the criteria) for demolition of an unsafe building/structure in the South Florida Building Code, Broward Edition.
- (d) Where a facility is removed by the owner, said owner shall restore the area to as good as condition prior to the placement of the facility, unless otherwise instructed by the County.
- (e) Where a facility is utilized for other purposes, including but not limited to light standards and power poles, it shall not be considered to be abandoned.

(6) *Collocation of antennae and facilities.* To encourage a reduction in the number of wireless communication towers that may be required to meet the increasing demand for wireless service the following collocation standards shall be required:

- (a) Any owner of a wireless communications tower shall permit other wireless communication providers to install or collocate antennae or facilities on such towers, if available space and structural capacity exists.
- (b) Wireless communication towers shall be structurally designed to accommodate the collocation of antennae and facilities as follows:
  - 1. All wireless communication towers, except for stealth towers, over eighty (80) feet and up to and including one hundred and fifty (150) feet in height shall be structurally designed to accommodate at least two (2) providers.
  - 2. All wireless communication towers, except for stealth towers, exceeding one hundred and fifty (150) feet in height shall be structurally designed to accommodate at least three (3) providers.



(7) *Criteria for wireless communications facilities modifications.* In addition to the authority granted to the Board of Adjustment in Section 39-39 of this Code, modifications to certain wireless communication facility requirements provided in this Section may be approved by the Board of Adjustment as a special exception where the conditions of this ordinance hinder transmission, subject to the hearing procedures in Article V, "Variances and Appeals" and in accordance with the following:

- (a) A request for modification shall include the following:
  - 1. A description of how the modification addresses any adverse impact which might occur as a result of approving the modification.
  - 2. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
  - 3. A technical study which documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by a qualified radio frequency engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
  - 4. For a modification of the setback requirement, the application shall identify all property where the proposed facility, tower or antenna could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation and the result of such attempts.
- (b) The Board of Adjustment shall consider the request for modification based on the following criteria:
  - 1. The facility, tower or antenna as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
  - 2. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
  - 3. In the case of a request for modification to setback requirements, the applicant must demonstrate with written evidence that the setback requirement cannot be met on the property and that the alternative site is closer in proximity to residentially zoned property or that a modification to the setback requirement will reduce the visual impact of the facility, tower or antenna.
  - 4. In the case of a request for modification to separation or buffer requirements, the applicant must provide written technical evidence from a qualified radio frequency engineer that the proposed facility, tower or antenna must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and the applicant is willing to provide approved landscaping and other buffers to screen the tower from being visible to residentially zoned property.
  - 5. In the case of a request for modification of maximum height for towers and telecommunications facilities, that the modification is necessary to:
    - Facilitate collocation of wireless communications facilities in order to avoid construction of a new tower; or
    - Meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from a qualified radio frequency engineer that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily.
- (c) The Board may include conditions on the site where the facility, tower or antenna is to be located to mitigate any adverse impacts which arise in connection with the approval of the modification.

- (d) Any decision by the Board of Adjustment to deny a request for a special exception as set forth above shall be in writing and supported by substantial evidence contained in a written record.
- (e) Any decision by the Board of Adjustment granting a request for a special exception as set forth above, shall be in writing in the form of a resolution, supported by substantial evidence contained in a written record.

(Ord. No. 2000-17, § 5, 4-25-00)

#### **Sec. 39-103. Exclusions from height limits.**

Scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at maximum horizontal section, thirty percent (30%) of the roof area, and flagpoles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five percent (25%). Parapet walls may extend not more than five (5) feet above the allowable height of a building.

(Ord. No. 2000-17, § 6, 4-25-00)

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

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

(Ord. No. 2000-17, § 12, 4-25-00)

#### **Sec. 39-105. Temporary wayside stands.**

It shall be unlawful in the unincorporated area of Broward County for any person, firm, corporation, business or enterprise to sell, dispense, offer for sale or distribute any item or items from temporary wayside stands except as permitted for farm products in the agricultural, estate and rural zoning districts.

(Ord. No. 2000-17, § 16, 4-25-00)

#### **Sec. 39-106. Separations and other measurements.**

Any separation, distance limitation or setback required by this Chapter shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such separations, distance limitations or setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.

(Ord. No. 2000-17, § 17, 4-25-00)

#### **Sec. 39-107. Beach area lighting restrictions.**

(a) *Definitions:* For purposes of interpreting this section, the following terms shall be defined as herein prescribed:

*Beach* shall mean the zone of unconsolidated sandy material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

*Beachfront lighting* shall mean lighting located within two hundred (200) feet of the beach. For fixtures within multistory structures, this distance shall be measured from the window.

*Directly visible* shall mean the sight of any portion of a light fixture's lamp from any location on the beach while the light fixture is lighted.

*Footcandle* shall mean a measure of light intensity equal to one lumen per square foot.

*Illumination* shall mean greater than five-tenths (0.5) footcandle of artificial light.

*Lighting* or *lights* shall mean any source of light from a manufactured device.

*Low-profile lighting* shall mean a light fixture that places the source of light at a height no greater than forty-eight (48) inches from the ground, and is designed in such a way that light is directed downward from a hooded light source.

*New development* shall mean new construction and alteration of existing structures that includes modification of exterior lighting.

*Turtle nesting season* shall mean May 1 through October 1 of each year.

*Window treatment* shall mean window tinting with a shading coefficient (the percent of incident radiation passing through a window) of forty-five hundredths (0.45) or less, blackout draperies, shadescreens, verticals, or blinds.

(b) *Existing Development:*

- (1) Existing beachfront lighting shall comply with the following provisions by October 1, 1989.
  - a. Lights illuminating buildings or property shall be shielded or screened in such a manner that light does not also illuminate the beach, or shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., during turtle nesting season. However, low-pressure sodium or other light fixtures that do not emit wavelengths shorter than five hundred thirty (530) nanometers, and low-profile lighting shall not be restricted by this section.
  - b. Lights located within the interior of multistory structures shall be screened by window treatments on windows facing the ocean, or shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., during turtle nesting season.
  - c. Where possible, public street lights shall be shielded and aimed so as to minimize backlighting and so that the bulk of illumination is directed away from the beach.

(c) *New Development:*

- (1) Applicants for site plan approval for new development within two hundred (200) feet of the beach shall submit a lighting plan. No light shall be constructed or installed that illuminates or is otherwise directly visible from the beach. However, lighting fixtures may be installed with hoods or shields, screened with vegetation or other permanent physical objects, aimed away from the beach area, or located in any other manner that the applicant demonstrates will prevent beach illumination or direct visibility of light fixtures.
- (2) Applicants for site plan approval for new development of multistory structures shall be required to record restrictive covenants or otherwise require compliance with subsection (b)(1)(b) above, as a condition of site plan approval.
- (3) This section shall not restrict or prohibit the use of low-pressure sodium or other light fixtures that do not emit wavelengths shorter than five hundred thirty (530) nanometers, or low-profile lighting.

(d) *Violations, Penalty and Enforcement:* Any private property owner, occupant, or other person who violates this section may be punished in accordance with § 125.69, F.S. Each day the violation continues shall be deemed a separate offense. In addition, violations of this section may be enforced by the Broward County Code Enforcement Board, restrained by injunction, or abated by any other means provided by law.

(Ord. No. 2000-17, § 19, 4-25-00)

**Sec. 39-108. Filling operations and fill materials.**

(a) The following requirements shall apply to filling operations conducted pursuant to a license issued by Broward County pursuant to Section 27-216 of the Broward County Code of Ordinances:

- (1) Where fill materials are stored within one thousand (1,000) feet of residentially zoned district(s), open air storage of said materials shall not exceed thirty (30) consecutive days.
- (2) In the event the United States Weather Bureau declares a hurricane watch for Broward County, and before the advent of the storm, all fill materials and unsecured items shall be stored in buildings, removed, properly disposed of or otherwise secured.
- (3) Fill materials shall be deemed to be stored within one thousand (1,000) feet of a residentially zoned district if any part of the fill material is within one thousand (1,000) feet of the district boundary line of a residentially zoned district, as measured by an actual or imaginary straight line upon the ground or in the air.

(b) Violation of the foregoing provisions shall constitute an offense and a violation of a county ordinance. Enforcement may include, but shall not be limited to, corrective action being taken by the county and the assessment of costs pursuant to Chapter 162, F.S. (Ord. No. 2001-02, § 2, 1-9-01)

**Secs. 39-109—39-129. Reserved.****ARTICLE X. PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY****Sec. 39-130. Purpose and intent.**

(a) It shall be the purpose and intent of this article to:

- (1) Establish and define minimum standards for the proper care and maintenance of public and private properties within the unincorporated areas of Broward County, and the swale areas contiguous to such lands, to provide an environment free of junk vehicles and vessels, derelict aircraft, junk, litter, garbage, debris, trash, overgrown groundcover and hedges, and unmaintained buildings, to preserve the public health and safety, protect and enhance property values and enhance the quality of life in Broward County;
- (2) Establish procedures for the abatement of unsanitary and unsafe conditions created by the accumulation of junk, litter, garbage, debris, trash, overgrown groundcover and hedges, and unmaintained buildings on lands;
- (3) Encourage the use of approved landfill and resource recovery sites by clarifying the duty of property owners to take reasonable precautions to prevent, discourage or eliminate unauthorized dumping of junk, litter, garbage, debris or trash upon lands; and
- (4) Require owners of real and personal property to be responsible for the costs of removal of junk vehicles, items, and vessels, derelict aircraft, litter, garbage, debris, trash, and overgrown groundcover and hedges.

(b) This article shall not be construed to:

- (1) Discourage property owners from planting, preserving or maintaining native vegetation in its natural state upon their land;

- (2) Prohibit the collection of garbage or recyclable materials in authorized receptacles for collection by authorized garbage and trash collectors or authorized collectors of recyclable materials; nor the placement of debris in the swale area for a reasonable time, not to exceed two (2) days prior to the date for a special bulk collection by an authorized garbage or trash collector; or
- (3) Require clearing activities in violation of chapter 5, article XII, Broward County Code of Ordinances, "Natural Resource Areas."

(c) In order to restore, enhance, and maintain the health, safety, and welfare of properties in the unincorporated areas of Broward County and promote an attractive community in which people may reside and do business, this article is intended to apply to all existing buildings and structures on developed properties in unincorporated Broward County and to all undeveloped properties within unincorporated Broward County.

(Ord. No. 1999-45, § 1, 8-24-99)

### **Sec. 39-131. Definitions.**

In addition to the terms defined in article II of this chapter, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

*Airport property:* Property owned or controlled by Broward County as a public-use airport having regularly scheduled international passenger service.

*Debris:* Waste materials resulting from the construction or demolition of structures or buildings or waste accumulation of lawn, grass, shrubbery, tree trimmings, fruit or other matter usually created as refuse in connection with trees or other landscape plants.

*Derelict aircraft:* Aircraft stored in the open to which one or more of the following applies:

- a. An aircraft that does not hold a current and valid airworthiness certificate issued by the Federal Aviation Administration, or other appropriate aircraft certifying authority, together with necessary endorsement by an appropriately rated certificate holder that the aircraft is in airworthy condition;
- b. An aircraft which has been issued a condition notice by the Federal Aviation Administration that specifies that the aircraft has one or more conditions which causes it to be not airworthy;
- c. An aircraft which has had major components, accessories, flight controls, portions of the airframe or engines removed so as to render the aircraft not airworthy.

*Developed area:* Any quarter section of land which is approximately seventy-five (75) percent developed.

*Garbage:* Every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other organic matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as a breeding or feeding material for flies, insects or animals.

*Junk items:* Wrecked, dismantled, partially dismantled or discarded items including, but not limited to, tires, machinery, appliances, plumbing fixtures, household items, unusable construction materials, and other similar items which are inoperable, unusable or in deteriorated condition.

*Junk property:* Junk items, junk vehicles, junk vessels and derelict aircraft, as those terms are defined herein.

*Junk vehicles and vessels:* Vehicles, trailers or vessels which are wrecked, dismantled, partially dismantled or discarded, and which are inoperable or in a severely deteriorated condition.

*Litter:* Discarded paper, paper or plastic products, and containers of any kind.

*Overgrown groundcover:* Grass, weeds, and other low-growing plants, except native vegetation that, by the nature of their own horizontal growth habits, cover the ground and which are not regularly cared for and maintained and grow in an uncontrolled manner exceeding six (6) inches in height in developed areas, and exceeding eighteen (18) inches in height in developed agricultural, estate and rural areas.

*Swale:* That portion of a public right-of-way intended to provide drainage which lies between private property and the actual pavement of the public right-of-way.

*Trash:* Every waste accumulation of sweepings, dust, rags, cartons or any other such discarded material, except garbage, junk, and litter.  
(Ord. No. 1999-45, § 2, 8-24-99)

### **Sec. 39-132. Public nuisances.**

(a) The open storage or discarding of junk vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash, and litter, except in facilities approved by Broward County for storage or discarding of such items or materials, the maintenance of overgrown groundcover or vegetation, and unmaintained buildings within unincorporated Broward County are prohibited. Such storage and discarding has been determined by the Board of County Commissioners to constitute a public nuisance in that such items create an eyesore to the community, become a breeding ground for rats and other vermin, create an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash, litter, and debris, and contribute to the deterioration of both residential and nonresidential areas.

(b) The Board of County Commissioners has determined that the removal of overgrown groundcover and hedges, junk items, trash, garbage, litter and debris after providing notice to the property owner and a reasonable period of time in which to remove the items is an appropriate means of furthering the health, safety and welfare of the citizens of Broward County.

(c) The Board of County Commissioners has determined that the removal and destruction of junk vehicles and vessels and derelict aircraft from private property and the removal and sale of junk vehicles, items, vessels and derelict aircraft from airport property after the reasonable opportunity for a hearing is an appropriate means of furthering the health, safety, and welfare of the citizens Broward County.  
(Ord. No. 1999-45, § 9, 8-24-99)

### **Sec. 39-133. Duty to maintain property.**

(a) It shall be the responsibility of all property owners in the unincorporated area of Broward County to maintain their property and contiguous swale free of junk vehicles and vessels, junk items, garbage, trash, litter, debris and unmaintained buildings.

(b) The open storage of debris, garbage, trash, litter, junk vehicles and vessels or derelict aircraft shall be permitted only on property where such storage is a permitted use or a valid nonconforming use and the property is maintained and operated in accordance with all applicable zoning, health, and environmental regulations.

(c) Junk vehicles and vessels and junk items may be stored on residential property only within a completely enclosed building in a manner so that the junk is not visible from other public or private property and does not create a health hazard. Such storage shall only be permitted as an accessory use.

(d) In developed areas, it shall be the responsibility of all owners of undeveloped parcels of land one (1) net acre or less and developed parcels of land to maintain such lands and contiguous swales free of overgrown hedges and groundcover. This provision shall not apply to land or parcels of land located in rural, estate and agricultural districts.

(e) It shall be the responsibility of all property owners of developed land to maintain buildings or structures on their property in a state of good repair. "State of good repair" shall mean:

- (1) *Building color.* All buildings shall be maintained free of chipping paint, graffiti or other discoloration.
- (2) *Doors and windows.* All door and window openings on occupied buildings shall be covered by windows and doors in working order with no cracks, holes or other signs of disrepair. Any door and window coverings shall be painted to match the remainder of the building.
- (3) *Accessory structures.* Any accessory structure on a plot, including attached or detached carports and garages, awnings, screen porches, utility buildings, and wood decks shall be maintained free of visual disrepair, including bent, broken or missing fence posts, slats or other fencing materials, cut or missing mesh screening or broken or missing decking materials. Concrete fences shall be finished with stucco on both sides and painted in a color compatible with the principal and accessory buildings on the plot. The use of shipping containers shall not be permitted as accessory buildings on residentially-used property. Truck bodies shall be prohibited in all zoning districts as accessory buildings. Signs shall be maintained in accordance with requirements of section 39-55 of this Code.

(f) It shall be the responsibility of any property owner and the authorized occupant of public property to maintain the premises free of any junk vehicles, items, and vessels, derelict aircraft, debris, trash, garbage, and litter, except for junk vehicles, vessels or derelict aircraft stored within a building or other facility approved by the governmental authority having jurisdiction over such public property.

(Ord. No. 1999-45, § 3, 8-24-99)

**Sec. 39-134. Procedure for violations; notices.**

(a) *Private property.*

- (1) Whenever a code enforcement officer ascertains that a junk vehicle, vessel or derelict aircraft is stored or discarded on private property in violation of this article, the officer shall, to the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:  
THIS PROPERTY TO WIT:

(setting forth brief description)

LOCATED AT (setting forth brief description of location) IS:

IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES, WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK VEHICLES, VESSELS OR DERELICT AIRCRAFT ON PRIVATE PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE, OR THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_. YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY FILING AN APPEAL WITH THE ZONING CODE SERVICES DIVISION, 115 SOUTH ANDREWS AVENUE ANNEX,

SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301. CONTESTS TO THE DETERMINATION OF BROWARD COUNTY MUST BE RECEIVED BY THE DIVISION NO LATER THAN THE DATE SET FORTH ABOVE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE ABOVE-REFERENCED PROPERTY OR FILE A CONTEST BY THE DATE SET FORTH ABOVE, THE PROPERTY SHALL BE REMOVED AND DESTROYED BY BROWARD COUNTY.

IF YOU FILE A CONTEST TO THE DETERMINATION OF BROWARD COUNTY WITH THE ZONING CODE SERVICES DIVISION, A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_. AT

\_\_\_\_\_  
\_\_\_\_\_

(address and phone number of Division)

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH ABOVE-REFERENCED ITEM(S) WHO FAIL TO REMOVE OR PROPERLY STORE SUCH PROPERTY SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE PROPERTY, INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THE PROPERTY IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER, PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER.

THIS NOTICE DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

SIGNED: \_\_\_\_\_

(name, title)

\_\_\_\_\_  
(employment address and employment telephone number)

- (2) Whenever a code enforcement officer determines that overgrown groundcover or hedges, junk items, debris, garbage, litter or trash are being stored on private property or in the swale in violation of this article, the officer shall cause a notice to be provided to the property owner of the real property upon which the overgrown groundcover or hedges, junk items, debris, garbage, litter or trash are located. If the junk items, overgrown groundcover or hedges, debris, garbage, litter or trash are located in the swale, the notice shall be provided to the owner of the real property contiguous to the swale. The owner shall be determined in accordance with the tax rolls of Broward County, unless the code enforcement officer has actual knowledge of a subsequent property owner. The notice shall be in substantially the following form:

NOTICE OF VIOLATION

NOTICE IS HEREBY PROVIDED TO:

(Property owner)

(Property owner mailing address)

THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39, ARTICLE X, "PROPERTY MAINTENANCE," FOR THE REASON(S) SPECIFIED:

\_\_\_\_\_ Groundcover exceeding 6" in height

\_\_\_\_\_ Groundcover exceeding 18" in height (agricultural, estate or rural areas)



\_\_\_\_\_ Overgrown shrubs or other such vegetation

\_\_\_\_\_ Storage of junk items, debris, garbage, litter or trash

\_\_\_\_\_ Other-describe: \_\_\_\_\_  
\_\_\_\_\_

SECTION(S) VIOLATED: \_\_\_\_\_  
\_\_\_\_\_

LOCATION: (Property Address)

LEGALLY DESCRIBED AS: (Legal Description)

YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE WITH ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY" OF THE BROWARD COUNTY CODE OF ORDINANCES WITHIN:

\_\_\_\_\_ TEN (10) DAYS, IF ON PRIVATE PROPERTY

\_\_\_\_\_ FIVE (5) DAYS, IF ON SWALE

FROM THE DATE OF THIS NOTICE.

TO BRING THE PROPERTY INTO COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work required to correct the violation and general explanation of any debris that must be cleared, if applicable) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FAILURE TO CORRECT THE VIOLATION AND CALL FOR A REINSPECTION WITHIN THE TIME SPECIFIED MAY RESULT IN BROWARD COUNTY CORRECTING THE VIOLATION OR CAUSING IT TO BE CORRECTED AND ASSESSING THE PROPERTY OWNER FOR THE COSTS AND EXPENSES OF CLEARING THE PROPERTY.

THE ESTIMATED COST FOR THE COUNTY TO CLEAR THE PROPERTY IS \$ (indicate amount) . IF BROWARD COUNTY IS REQUIRED TO CLEAR THE PROPERTY AND THE COSTS AND EXPENSES ARE NOT PAID BY THE PROPERTY OWNER WITHIN THIRTY (30) DAYS, A SPECIAL ASSESSMENT LIEN MAY BE RECORDED AGAINST THE PROPERTY. A SPECIAL ASSESSMENT LIEN SHALL BE A FIRST LIEN SUPERIOR TO ALL OTHER LIENS ON THE PROPERTY AND SHALL BE EQUAL TO THE LIEN OF ALL STATE, COUNTY, DISTRICT, AND MUNICIPAL TAXES UNTIL PAID.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL \_\_\_\_\_ AT (954) \_\_\_\_\_, BROWARD COUNTY ZONING CODE SERVICES DIVISION.

Notice provided by \_\_\_\_\_  
Code Enforcement Officer

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

(b) *Airport property.* Whenever a code enforcement officer ascertains that a junk vehicle, vessel, item or derelict aircraft ("junk property") is stored or discarded on airport property in violation of this article, the officer shall, to the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

THIS PROPERTY TO WIT:

(setting forth brief description)

LOCATED AT

(setting forth brief description of location) IS:

IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK VEHICLES, VESSELS, ITEMS OR DERELICT AIRCRAFT ON AIRPORT PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE, OR ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY FILING AN APPEAL WITH THE ZONING CODE SERVICES DIVISION, 115 S. ANDREWS AVENUE ANNEX, SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301. CONTESTS TO THE DETERMINATION OF BROWARD COUNTY MUST BE RECEIVED BY THE DIVISION NO LATER THAN THE DATE SET FORTH ABOVE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE JUNK PROPERTY, OR FILE A CONTEST BY THE DATE SET FORTH ABOVE, THE PROPERTY SHALL BE REMOVED AND SOLD BY BROWARD COUNTY BY PUBLIC OUTCRY. THE PROPERTY MAY BE RECLAIMED AT ANY TIME PRIOR TO SALE BY CONTACTING THE BROWARD ZONING CODE SERVICES DIVISION, 115 S. ANDREWS AVENUE ANNEX, SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301.

IF YOU FILE A CONTEST TO THE DETERMINATION OF BROWARD COUNTY WITH THE ZONING CODE SERVICES DIVISION, A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, AT \_\_\_\_\_

\_\_\_\_\_  
(address and phone number of Division)

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH JUNK PROPERTY WHO FAIL TO REMOVE OR PROPERLY STORE SUCH ITEM(S) SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE JUNK PROPERTY INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THIS PROPERTY IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER, PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER.

THIS NOTICE DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

SIGNED: \_\_\_\_\_

(name, title)

\_\_\_\_\_  
(employment address and employment telephone number)

(c) If the junk vehicle, vessel or derelict aircraft is on private property, the code enforcement officer shall cause a copy of the notice, or a notice in substantially the same form as the notice described in section (a) above, to be mailed by certified mail, return receipt requested, to the owner of the real property upon which the junk vehicle, vessel, or derelict aircraft is located, the owner to be determined in accordance with the tax rolls of Broward County, unless the enforcement officer has actual knowledge of a subsequent property owner.

(d) If the junk vehicle, vessel, item or derelict aircraft is on airport property, the code enforcement officer shall cause a copy of the notice, or a notice in substantially the same form as the notice described in subsection (b) above, to be mailed by certified mail, return receipt requested, to the lessor of the property, with a copy forwarded to the Director of the Broward County Aviation Department. If the item is derelict aircraft, as that term is defined herein, notice shall be sent to the owner of the aircraft, as reflected in the most recent airworthiness certificate issued by the Federal Aviation Administration. A copy of the notice shall also be sent to the Director of the Broward County Aviation Department.

(e) If the item is a motor vehicle or boat, the officer shall obtain from the Department of Highway Safety and Motor Vehicles or from the Department of Environmental Protection, as appropriate, the name and address of the owner of the item and, in addition to the notice requirements set forth in subsections (c) and (d) above, shall cause a notice to be mailed to the owner by certified mail, return receipt requested, which notice shall be in substantially the same form as that provided for by subsection (a) or (b) above.

(f) Pursuant to Chapter 162, F.S., in addition to notice as provided by subsections (a) and (b), notice may be provided by posting. Such notice shall be posted for at least ten (10) days in at least two (2) locations, one of which shall be the property upon which the junk property is alleged to exist and the other shall be at the front door of the courthouse of Broward County. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting. Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by mail as required by subsections (c), (d) and (e).

(g) If a contest is filed with the Zoning Code Services Division pursuant to subsection (a) or (b), a pre-taking hearing shall be held no more than twenty (20) days after the date the notice of violation is issued.

(h) *Unmaintained buildings and structures.* If a code enforcement officer determines that any building or structure is being maintained in a state of disrepair, a notice of violation shall be sent to the property owner in accordance with the notice procedures specified in Chapter 162, F.S. as incorporated by Chapter 8½, article I, of the Broward County Code of Ordinances. The notice shall be in substantially the following form:

## NOTICE OF VIOLATION

NOTICE IS HEREBY PROVIDED TO:

(Property owner)

(Property owner mailing address)

THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39, ARTICLE X, "PROPERTY MAINTENANCE," FOR THE REASON(S) SPECIFIED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: (Property Address)

LEGALLY DESCRIBED AS: (Legal Description)

SECTION(S) VIOLATED: \_\_\_\_\_

\_\_\_\_\_

YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE WITH ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY" OF THE BROWARD COUNTY CODE OF ORDINANCES WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE OR THE \_\_\_\_\_ DAY OF: \_\_\_\_\_, \_\_\_\_\_. TO BRING THE PROPERTY INTO COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work required to correct the violation)\_

\_\_\_\_\_  
\_\_\_\_\_

FAILURE TO CORRECT THE VIOLATION AND CALL FOR A REINSPECTION WITHIN THE TIME SPECIFIED MAY RESULT IN FURTHER ENFORCEMENT ACTION BEING TAKEN AGAINST YOU INCLUDING THE IMPOSITION OF A LIEN AGAINST YOUR PROPERTY.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL \_\_\_\_\_ AT (954) \_\_\_\_\_, BROWARD COUNTY ZONING CODE SERVICES DIVISION.

Notice provided by \_\_\_\_\_ Code Enforcement Officer

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Ord. No. 1999-45, § 2, 8-24-99)

**Sec. 39-135. Abatement of violations.**

(a) *Abatement of violations relating to land clearance.* If the land-clearing violation is not corrected following notice as set forth in section 39-134(a), Broward County may correct the violation by clearing the property or causing it to be cleared, removing or causing the removal of litter, debris, garbage, overgrown groundcover or hedges, junk items or conducting such other activity necessary to bring the property into compliance with this article. Broward County shall send notice by mail to the responsible party specifying the costs of removal, administrative costs, including the cost of prosecution, and requesting payment within thirty (30) days of the mailing.

(b) *Abatement of violations relating to unmaintained buildings and structures.* Any building or structure which is not brought into compliance with this article within thirty (30) days from the date of notice shall be enforced pursuant to the provisions contained in Chapter 162, F.S., as incorporated in

Chapter 8½ of the Broward County Code of Ordinances. If authorized pursuant to § 162.09, F.S., Broward County may make all reasonable repairs to bring the property into compliance and charge the property owner for the reasonable cost of the repairs.

(Ord. No. 1999-45, § 5, 8-24-99)

**Sec. 39-136. Pre-taking hearings for junk vehicles, vessels, items, and derelict aircraft.**

(a) There is hereby created the position of hearing officer for the purpose of conducting hearings pursuant to this article. The hearing officer shall be selected by the County Administrator from a list of candidates approved by the Board of County Commissioners. The hearing officer shall be a resident of Broward County and a member in good standing with The Florida Bar engaged in the practice of law in Broward County.

(b) *Pre-taking hearings for junk vehicles and vessels, derelict aircraft; junk items on airport property.* If a contest has been filed with the Zoning Code Services Division to any notice of violation issued pursuant to the requirements of section 39-134, the hearing officer shall conduct a hearing and make a determination as to whether the vehicle, vessel, item or aircraft is in violation of the provisions of this article. The hearing officer shall receive evidence and testimony from the person(s) contesting the charge, if present, or his or her representative; from anyone claiming an interest in the vehicle, vessel, aircraft or junk item; from any witness(es) the owner(s) of the vehicle, vessel, aircraft or junk item wish to present; from any witness(es) presented by Broward County; and those members of the public the hearing officer determines have relevant evidence or testimony. Hearsay evidence shall be admissible to support other testimony but shall not be sufficient alone to support a finding. Sworn testimony shall be given greater weight than unsworn testimony. Following a hearing, the hearing officer shall make findings of fact and conclusion of law determining whether the junk property cited with a notice of violation is in violation of the provisions of this article. In addition, the hearing officer shall prescribe a date by which the junk property must be removed or properly stored by the property owner. The date shall be at least five (5) business days after the hearing. If the junk property is not removed or properly stored by the date set by the hearing officer, Broward County may remove and destroy the junk property. If the junk property is on airport property, the item(s) shall be ordered sold at public outcry pursuant to § 705.18, F.S. after giving notice of the time and place of sale in a publication of general circulation within the County where the airport is located and written notice to the owner, if known. Such auction shall be held no sooner than thirty (30) days after the notice of violation is issued. The rightful owner of such property may reclaim same at any time prior to sale.

(c) Any person who intends to appeal a decision of the hearing officer relating to a junk property shall file a notice with the Director of the Zoning Code Services Division no later than two (2) business days prior to the date set by the hearing officer for removal of the junk property. Such notice shall advise the Division that an appeal will be filed and that the junk property should not be removed. If such notice is received, the Zoning Code Services Division shall not authorize the removal of such junk property until a determination is made whether an appeal has been filed in a timely manner. If an appeal has not been filed within the time prescribed, the junk property may be removed immediately, or following the date set by the hearing officer for removal, whichever is later. If an appeal has been filed, the junk property shall not be removed until after the appeal is decided unless removal is authorized by the court.

(d) All appeals to the decisions of the hearing officer shall be writ of certiorari to the Seventeenth Judicial Circuit within thirty (30) days after rendition of the decision.  
(Ord. No. 1999-45, § 10, 8-24-99)

**Sec. 39-137. Responsibility for costs of junk property removal.**

(a) *Private property.* If the junk property removed by Broward County pursuant to this article is a boat or motor vehicle located on private property, the last registered owner of the boat or motor vehicle and/or the owner of the property on which the boat or motor vehicle is located shall have the obligation to pay

the costs of removal, including an administrative fee, which shall be set by the Board of County Commissioners to offset the costs of administering and enforcing this article. If the junk property is other than a boat or motor vehicle and is located on private property, the owner of the property upon which the item is located shall be responsible for the costs of removal.

(b) *Airport property.* If the junk property removed by Broward County pursuant to this article is a boat, motor vehicle or derelict aircraft located on airport property, Broward County shall be entitled to recover its costs of storage, transportation, and publication of notice from any moneys realized from the sale of the item. Any moneys remaining after recovery of Broward County's costs shall, unless another use is required by federal law, be deposited in the state school fund. If the moneys realized from the sale of the item are insufficient to reimburse Broward County for its costs of storage, transportation, and publication of notice, the last registered owner of the boat, motor vehicle or aircraft shall be responsible for the costs.

(c) Broward County shall send notice by mail to the responsible party specifying the costs of removal, administrative costs, including the cost of prosecution, and requesting payment within thirty (30) days of the notice. If payment is not made, Broward County may seek recovery of its costs by appropriate civil action or as provided by law.

(Ord. No. 1999-45, § 11, 8-24-99)

**Sec. 39-138. Pre-assessment and special assessment hearings relating to land clearance.**

(a) If any owner whose property has been cleared by Broward County fails to pay the bill sent pursuant to section 39-135 within 30 days, the Board of County Commissioners may, by resolution, levy a special assessment on behalf of Broward County against the property for costs of clearance, together with interest thereon from the date such costs became due at the maximum rate allowed by law for special assessments, plus all costs related to assessment and recording of the lien as provided by resolution of the Board. The Board may levy the total costs incurred or any mitigated or reduced amount recommended by the Director of the Finance and Administrative Services Department at the conclusion of the pre-assessment hearing specified in subsection (c) or may levy any amount less than the total costs which the Board finds appropriate and equitable.

(b) *Notice.* At least fifteen (15) days before the Board of County Commissioners shall consider levying the costs and recording a special assessment lien, notice of the date and place when such consideration will be made shall be published in a newspaper of general circulation in the county and shall also be sent by certified mail, return receipt requested, to the property owner as shown on the current tax roll of Broward County, unless the code enforcement officer has actual knowledge of a subsequent property owner. Evidence that notice has been mailed as provided in this section, together with proof of publication, shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the property owner actually received such notice. Both notices shall contain the following:

- (1) A statement that, prior to the date set for the public hearing before the Board of County Commissioners, the property owner or his, her or its authorized representative may contest any of the costs, fees or expenses described in the notice at an informal hearing before the Director of the Broward County Finance and Administrative Services Department, or the director's designee (hereinafter collectively referred to as "director");
- (2) The name, address, and telephone number of a Broward County employee to contact to request an informal hearing as specified in subsection (c);
- (3) A statement that the informal hearing will be held at a time and place to be set by the director;

- (4) A statement that the property owner, or his, her or its authorized agent or representative (hereinafter collectively referred to as "property owner") should bring any witness, pictures, records, receipts or other documentation to the informal hearing which the property owner feels are relevant to the violation;
- (5) A statement that, in lieu of attending the informal hearing, the property owner may submit written documentation pertaining to the violation to the director for consideration at the informal hearing; and
- (6) A statement that the property owner shall have the right to appear at the public hearing before the Board of County Commissioners to discuss the violation regardless of whether or not the property owner requests or participates in an informal hearing procedure.

(c) At the informal pre-assessment hearing, the director may consider the statements of the property owner and other persons with personal knowledge pertaining to the violation, and any documentation or information submitted which pertains to the violation.

(d) At the conclusion of the informal hearing, based on the amount of costs and administrative fees incurred by the county in clearing the property and any statements and documentation presented at the informal hearing, the director may recommend settlement, adjustment, or otherwise compromise the violation pursuant to the provisions of Section 1-51.3, "Claims against or on behalf of the county; limit, rules and regulations; role of county attorney," Broward County Code of Ordinances ("Code"). Recommended settlements, adjustments, or compromises of land clearance costs and fees up to twenty-five hundred dollars (\$2,500.00) may be forwarded to the chair of the Board of County Commissioners pursuant to the provisions of section 1-51.3(A) of the Code. Recommended settlements, adjustments, or compromises of land clearance costs and fees in excess of twenty-five hundred dollars (\$2,500.00) shall be approved by the Board of County Commissioners pursuant to section 1-51.3(E)(1) of the Code.

(e) Nothing contained herein shall prohibit Broward County from seeking recovery of its costs by appropriate civil action or as provided by law.

(f) *Priority of special assessment lien.* The special assessment lien levied pursuant to this section shall be a first lien superior to all other liens on the property and shall be equal to the lien of all state, county, district and municipal taxes until paid.  
(Ord. No. 1999-45, §§ 6, 7, 8-24-99)

**Secs. 39-139—39-194. Reserved.**

## **ARTICLE XI. ALCOHOLIC BEVERAGE AND ADULT ENTERTAINMENT ESTABLISHMENTS\***

### **Sec. 39-195. Alcoholic beverage establishments in general.**

The following regulations shall apply to the location, design, construction, operation and maintenance of all alcoholic beverage establishments and shall be in addition to other requirements or limitations of this code.

(Ord. No. 1999-44, § 2, 8-24-99)

\***Editor's note**—Ord. No. 1999-44, §§ 2—14, adopted Aug. 24, 1999, renumbered and amended the provisions of former Art. XI, §§ 39-125—39-137. Former Art. XI pertained to similar subject matter and derived from an Ord. effective 10-9-78; Ord. No. 93-3, §§ 2—7, 1-26-93; Ord. No. 95-50, §§ 14, 16, 11-28-95.

**Sec. 39-196. Separation requirements for alcoholic beverage establishments.**

Alcoholic beverage establishments shall be located at least five hundred (500) lineal feet from any other such establishment and at least one thousand (1,000) lineal feet from any educational center, place of worship or child care center.

- (a) The required five hundred (500)-foot distance shall be measured and computed by following a straight line from the nearest point of the existing building or structure, or part thereof, in which an alcoholic beverage establishment is located to the nearest point of the building or structure in which an alcoholic beverage establishment is proposed to be located.
- (b) The required one thousand (1,000)-foot distance shall be measured and computed by following a straight line from the nearest point of the plot or property line of the educational center, place of worship or child care center to the nearest point of the building or structure, or part thereof, in which the alcoholic beverage establishment is proposed to be located.
- (c) Distance separation requirements shall not apply if one (1) or both of the two (2) establishments is:
  - (1) An alcoholic beverage establishment within a hotel, motel, resort or convention center; or
  - (2) An alcoholic beverage establishment operated as part of a permitted outdoor event.
- (d) For the purpose of determining the distance between alcoholic beverage establishments and places of worship, educational centers, child care centers, and other alcoholic beverage establishments, the applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any place of worship, education center, child care center and any existing alcoholic beverage establishment. The survey shall indicate the shortest distance as measured and computed in the manner set forth herein. In case there are no places of worship, educational centers, child care centers or existing alcoholic beverage establishments within the distances set forth herein, the survey shall so certify.
- (e) If the proposed establishment is to be located within a single building or structure containing multiple tenants, which includes an existing alcoholic beverage establishment, educational center, place of worship or child care center, the required distances shall be measured and computed by utilizing the main entrances of the proposed establishment and the existing alcoholic beverage establishment, educational center, place of worship or child care center therein.

(Ord. No. 1999-44, § 3, 8-24-99)

**Sec. 39-197. Alcoholic beverage establishments; application to new educational centers, places of worship or child care centers.**

Where an alcoholic beverage establishment is located in conformity with the provisions of this article, the subsequent locating of a place of worship, educational center or child care center within one thousand (1,000) lineal feet of the existing alcoholic beverage establishment shall not be construed to cause such establishment to be in violation of this article or to be considered a non-conforming use.

(Ord. No. 1999-44, § 6, 8-24-99)

**Sec. 39-198. Existing alcoholic beverage establishments.**

Except as provided in section 39-197, any existing alcoholic beverage establishment which does not conform to the provisions of this Article but which conformed to the regulations in effect when such



establishment began operating and which was approved by Broward County through the issuance of a zoning certificate or certificate of use shall be considered a legal nonconforming use, subject to the provisions of Article VII, "Nonconforming Uses and Structures," of this code.  
(Ord. No. 1999-44, § 8, 8-24-99)

**Sec. 39-199. Adult entertainment establishments; findings and purpose.**

In the development, enforcement and amendment of this code, it is recognized that there are uses and accessory uses which because of their very nature are recognized as having serious objectionable characteristics particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. Further, it is recognized that the location of even one such use near a residential area of other incompatible use causes such deleterious effects on the neighborhood and on the businesses that serve the neighborhood. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.  
(Ord. No. 1999-44, § 9, 8-24-99)

**Sec. 39-200. Distance limitations for adult entertainment establishments.**

(a) No adult entertainment establishment shall be located or operated nearer to any other adult entertainment establishment nor nearer than one thousand (1,000) feet to any place of worship, child care center or educational center, except vocational and technical schools, colleges and universities. Measurement of the one thousand (1,000) feet shall be made in accordance with subsection (c) below.

(b) No adult entertainment establishment shall be located or operated nearer than five hundred (500) feet to a residentially zoned district. Measurement of the five hundred (500) feet shall be made in accordance with subsection (c) below.

(c) For the purposes of this article, an adult entertainment establishment shall be deemed to be within one thousand (1,000) feet of another adult entertainment establishment, place of worship, child care center or educational center, excluding vocational and technical schools, colleges and universities, or within five hundred (500) feet of a residentially zoned district, as defined in section 39-4, "Terms defined," of this code, if any part of the building in which an adult entertainment establishment is proposed to be located is within one thousand (1,000) feet of the plot where another adult entertainment establishment is located; or is within one thousand (1,000) feet of the plot of land upon which a place of worship, child care center or educational center, excluding vocational and technical schools, colleges and universities, is located; or within five hundred (500) feet of the district boundary line of a residentially zoned district, as measured by an actual or imaginary straight line upon the ground or in the air. To determine the distances regulated by this article, the person seeking to establish or operate an adult entertainment establishment shall furnish to the County a survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed adult entertainment establishment and any other adult entertainment establishment, residentially zoned district, place of worship, child care center, or educational center, excluding vocational and technical schools, colleges and universities in the manner set forth herein.

(Ord. No. 1999-44, § 10, 8-24-99)

**Sec. 39-201. Adult entertainment establishments; application to new places of worship, educational centers, child care centers or residentially zoned districts.**

Where an adult entertainment establishment licensed in accordance with Chapter 20, Article XVI, "Adult Entertainment Code," is located in conformity with the provisions of this code, the subsequent locating of a place of worship, educational center or child care center within one thousand (1,000) feet, or

a residentially zoned district within five hundred (500) feet, of the adult entertainment establishment shall not be construed to cause the establishment to be in violation of this code or to be classified as a nonconforming use.

(Ord. No. 1999-44, § 12, 8-24-99)

**Sec. 39-202. Nonconforming adult entertainment establishments.**

Except as provided in section 39-201, any existing adult entertainment establishment licensed in accordance with chapter 20, Article XVI, "Adult Entertainment Code," which conformed to the regulations in effect when such adult entertainment establishment was established, that becomes nonconforming by the enactment of this article shall be removed or discontinued within five (5) years of the effective date of this article.

(Ord. No. 1999-44, § 13, 8-24-99)

**Sec. 39-203. Penalty.**

Any person convicted of a violation of this article shall be punished as provided by law.

(Ord. No. 1999-44, § 14, 8-24-99)

**Secs. 39-204—39-214. Reserved.**

**ARTICLE XII. OFF-STREET PARKING  
AND LOADING**

**Sec. 39-215. Off-street parking required.**

(a) Every building, use or structure instituted or erected after the effective date of this article shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

(b) All existing off-street parking facilities and all off-street parking facilities instituted after the effective date of this article shall be maintained and continued as an accessory use as long as the building with which the off-street parking facilities are associated continues to exist.

(c) When any building is modernized, altered or repaired, and provided there is no increase in floor area, capacity, density or change of occupancy, no additional parking space shall be required.

(d) When any building or use, either existing prior to the effective date of this article or constructed or instituted subsequent to the effective date of this article is changed in use or occupancy, or is increased in capacity, floor area or density, the minimum amount of off-street parking spaces required by this article shall be provided for the gross floor area occupied by any new use or occupancy and for any increased floor area or capacity or overall density. Any such change in use or occupancy or increase in floor area, capacity or density shall also comply with requirements of article VIII, Functional Landscaping and Xeriscaping, Broward County Zoning Code, and shall also comply with chapter 5, article IX, Broward County Land Development Code. For the purpose of this section, a change of use or occupancy shall mean a change from one category of off-street parking requirements to another such category under section 39-228.

(e) Any change of use or occupancy or any increase in floor area, capacity or density which would result in more than a fifty percent (50%) increase of parking spaces to the existing off-street parking facilities shall require the entire premises to be brought into full conformance with the requirements of this article, as a condition of the issuance of any site plan approval or permit required for such changes.

(f) *Maintenance:* It shall be unlawful for any owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with the required parking facilities, apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to occupy such building, or structure, for any purpose without providing the off-street parking facilities to meet the requirements of and be in compliance with this article. Failure to maintain the required off-street parking facilities in accordance with this article shall constitute grounds for revocation of any certificate of use issued for use of the premises.

(g) It shall be unlawful to use any part of private or public property for off-street parking or storage of vehicles which is not constructed, designated and maintained in compliance with this article, except that in one-family detached dwelling residential zoning districts the temporary parking of operable, currently licensed private passenger vehicles shall be permitted in the swale area of rights-of-way 60 feet or less in width which are not designated as a collector or arterial by the Broward County Trafficways Plan or non-trafficway collector roads.

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 1, 11-28-95; Ord. No. 2000-36, § 18, 8-22-00)

#### **Sec. 39-216. Nonconforming uses.**

In cases of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where repairs, alterations or refurbishing are carried out in accordance with article VII, Nonconforming Uses and Structures, the existing off-street parking facilities shall also be repaired and refurbished and landscaping installed to the maximum extent possible without reducing the amount of existing parking spaces on site by more than 20 percent.

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 2, 11-28-95)

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

(a) *Location:* The off-street parking facilities required by this article shall be located on the same plot or parcel of land such facilities are intended to service, except as provided in section 39-240, "off-site parking lots," of this Code. All off-street parking facilities shall be designed, developed and maintained in accordance with all applicable provisions of this article. When the required off-street parking is to be provided upon an additional plot of land, the owner of such additional plot of land and the owner of the land intended to be served by such off-street parking facilities shall enter into an agreement with the county, whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional parking area serves, so long as such parking facilities are required; and said agreement shall be approved by the Office of the County Attorney for Broward County, and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land, and shall bind the heirs, successors and assigns of said owner; however, another additional plot or plots, complying with the provisions of the Zoning Code, and subject to a recorded agreement as above specified may be substituted for the additional plot of land. In the case of a new or substitute agreement for the use of a plot of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

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

(c) *Access:* All required parking spaces shall be directly accessible from a public or private street, alley or recorded ingress and egress easement. All off-street parking areas shall be designed to permit safe maneuvering of vehicles, and each space shall be accessible without driving over or through any other parking space, except for one-family detached dwellings, two-family dwellings and townhouses having a carport or garage as part of the dwelling unit. No parking space shall be designed to permit backout parking onto a street or alley, nor shall parking spaces be located so as to require backing onto or across a sidewalk, pedestrian crosswalk or other area of high pedestrian concentration except for one-family detached and two-family dwellings and townhouses which have an attached carport or garage as part of the townhouse unit. Backout parking shall not be permitted in any case, on any street or highway designated on the Broward County Trafficways Plan or as a non-trafficway collector road.

(d) *Parking space designation:* All required off-street parking spaces shall be clearly delineated by four-inch wide, yellow or white, painted striping, except for one-family detached and two-family dwellings and townhouse dwellings which have an attached carport or garage as part of the townhouse unit, and except for nonresidential uses in rural and agricultural districts which shall require bumper guards or wheel stops in lieu of striping. Parking stalls which abut landscaped areas, sidewalks, structures or property lines shall be designed with bumper guards, wheel stops or contiguous curbing. The required bumper guards, wheel stops or curbing shall be located a minimum of two and one-half (2½) feet from any landscaped area, sidewalk or property line.

(e) *Overhead garage doors:* No required off-street parking space may be located in front of any overhead garage door or other loading area in a nonresidential building, except self-storage warehouses. Such area may, however, be used to satisfy the requirements of section 39-229, off-street loading, providing sufficient driveway or aisle width according to Table I is provided adjacent to such off-street loading area.

(f) *Composition:* Unless otherwise specifically permitted herein the required off-street parking areas, access aisles and driveways shall be constructed of at least a six-inch course of native limerock, surfaced with asphaltic concrete or portland concrete. Brick or interlocking pavers may be utilized for one-family and two-family dwellings, and townhouses with attached carports or garages as parking and driveway facilities. The permitted paving surface shall be maintained in a smooth and well-graded condition. Off-street parking areas shall be designed to ensure safe and efficient traffic circulation. The parking facilities shall be of sufficient size to allow necessary functions for loading, unloading and parking maneuvers to be carried out on private property, and completely off the street right-of-way.

(g) *Grass parking:* 25 percent of the required off-street parking facilities may be provided through the use of grass parking for the following specific uses:

- (1) Theaters and convention centers
- (2) Schools
- (3) Religious facilities
- (4) Hospitals

50 percent of the required off-street parking facilities may be provided through the use of grass parking for the following specified uses:

- (1) Stadiums and sports arenas
- (2) Racetracks, fairgrounds, circus grounds
- (3) Outdoor recreation establishments
- (4) Funeral homes, mortuaries, cemeteries
- (5) Outdoor flea market or swap meet

Required off-street parking facilities for buildings and uses in agricultural, estate and rural zoning districts may be provided through the use of grass parking.

Grass parking surfaces shall conform to county specifications, which includes at least a six (6) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use. All requirements for landscaping vehicular use areas shall be met as well as all required interior landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by article VIII of this chapter or pervious area requirement of chapter 5, article IX of the Broward County Land Development Code.

(h) *Setbacks:*

(1) *Nonresidential uses:*

- a. Pedestrian walkways shall be at least ten (10) feet from any building wall which provides less than 20 percent visibility at eye level, from the interior to the exterior of the building, through windows or doors. Pedestrian walkways shall remain free of obstructions, including but not limited to tables and chairs, displays of merchandise, and vending machines.
- b. All driveways and parking aisles shall be at least five (5) feet from any main or accessory building or structure.

39-217(h)(2)  
 (2) *Residential uses:* All driveways and parking spaces for one-family attached and detached dwellings on separate plots or lots of record shall be set back at least two and one-half (2½) feet from any side property line.

(i) *Drainage:* All off-street parking facilities required by this article shall be drained so as not to cause any nuisances on adjacent or public property and shall be in accordance with the requirements of the appropriate enforcing agency.

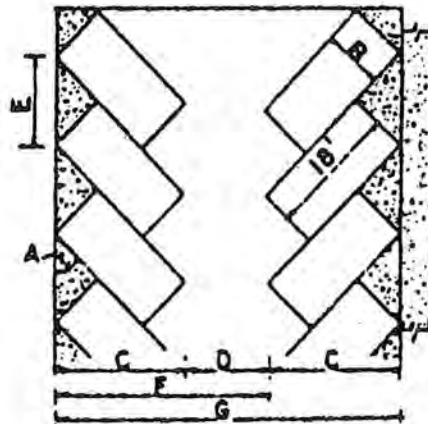
(j) *Identification of parking lots:* All off-street parking areas required by this article shall be provided with identification as to purpose and location in the form of signage visible to vehicular traffic when such parking areas are not clearly evident from a street or alley. Signage shall comply with all requirements of this chapter for location, size and permitting.

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-23, § 1.01, 6-6-95; Ord. No. 95-49, § 3, 11-28-95; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 2000-36, § 19, 8-22-00)

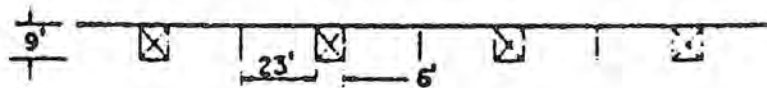
TABLE I  
MINIMUM SPACE REQUIREMENTS VARIOUS PARKING  
ANGLES FOR SELF PARKING FACILITIES

A	B	C	D	E	F	G
PARKING ANGLE	STALL WIDTH	STALL DEPTH	AISLE WIDTH	CURB LENGTH	HALF BAY	FULL BAY
†0°	9.0'	9.0'	12.0'	23.0'	21.0'	30.0'
20°	9.0'	14.6'	11.0'	26.3'	25.6'	40.2'
22.5°	9.0'	15.2'	11.0'	23.5'	26.2'	41.4'
30°	9.0'	16.8'	12.0'	18.0'	28.8'	45.6'
40°	9.0'	18.5'	12.0'	14.0'	30.5'	49.0'
45°	9.0'	19.1'	15.0'	12.7'	34.1'	53.2'
50°	9.0'	19.6'	15.0'	11.7'	34.6'	54.2'
60°	9.0'	20.1'	18.0'	10.4'	38.1'	58.2'
70°	9.0'	20.0'	19.0'	9.6'	39.0'	59.0'
75°	9.0'	19.7'	22.0'	9.3'	41.7'	61.4'
80°	9.0'	19.3'	24.0'	9.1'	43.3'	62.6'
90°	9.0'	18.0'	24.0'	9.0'	42.0'	60.0'

NOTE: °D — Dimensions are for one-way direction movement. Two-way direction movement requires a minimum of 24 feet wide regardless of parking angle and dimensions given in Table I of the above.



†0° — Parallel parking shall be designed according to the following diagram:



**Sec. 39-218. Additional and overflow parking.**

Every building, use or structure which complies with the off-street parking requirements of this article may provide additional parking spaces. Such parking spaces may be designed as tandem if attendant parking is utilized.

(Ord. No. 95-49, § 4, 11-28-95)

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

(a) Businesses that provide a drive-through service are required to provide drive-through service lanes or stacking spaces for stacking or queuing, as separate and distinct lanes from the circulation lanes necessary for entering or exiting the plot.

(b) Each drive-through lane or stacking space shall be separated from other on-site lanes or aisles. Each such drive-through lane or stacking space shall be curbed, striped, marked or otherwise distinctly delineated.

(c) Drive-through lanes leading to or from gasoline pumps or pump islands shall provide a minimum width of 12 feet for one-way entrance and exit. All drive-through lanes which lead to 2 gasoline pump islands shall provide a minimum of 24 feet from curb to curb, between pumps or pump islands.

(d) All drive-in bank facilities shall provide a minimum 8 feet wide vehicular service position between each drive-in teller facility.

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

(f) Drive-through lanes or stacking spaces shall not conflict or otherwise hamper access to or from any parking space.

(g) Pedestrian walkways shall be clearly separated from drive-through lanes or stacking spaces.

(h) Except for drive-in teller facilities at banks and gasoline pump island drive-through lanes as specified above, any other drive-through lane or stacking space is hereby defined as being nine (9) feet wide by 22 feet in length.

(i) Inbound drive-through lanes or stacking spaces shall be counted from the first stopping point. Outbound drive-through lanes or stacking spaces shall be counted from the last stopping point.

(j) The required amount of stacking spaces shall be as described in section 39-228(f) of this article. Any business not listed in section 39-228(f) shall have the same requirements as the most similar use described therein as determined by the zoning official.

(Ord. No. 95-49, § 5, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97)

**Sec. 39-220. Plans.**

Plans as required by section 39-17, Site Plans and Surveys, and chapter 5, article IX of the Broward County Land Development Code, shall be submitted with every application for a permit or development order for a new building, an addition to an existing building, or for a change in the use of any existing building or plot of land required to provide off-street parking under this article, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. An off-street parking data box

on the site plan shall list the project's off-street parking provided in reference to the satisfaction of all off-street parking regulations of this article including proposed building and site usage and parking totals showing required versus provided.

(Ord. No. 95-49, § 6, 11-28-95)

**Sec. 39-221. Calculating required parking.**

(a) *Uses not specifically mentioned.* The parking requirements for uses not specifically mentioned shall be the same as provided in this article for the most similar use as determined by the zoning official.

(b) *Fractional spaces.* When units or measurements determining the total number of required off-street parking spaces result in a fractional space, any such fraction shall require a full off-street parking space.

(c) *Mixed uses.*

(1) In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the various uses computed separately and off-street parking for any other use, except for shopping centers, general industrial complexes and storage or distribution warehouses as specified in section 39-228(b)(42), 39-228(c)(2) and 39-228(c)(8).

(2) Shared usage: Section 39-222 designates the requirements for time of operation differences between uses.

(d) *Measurements.* Gross floor area shall mean the gross floor area inside the exterior walls. In stadiums, sports arenas, religious facilities, bars and other places of assembly in which occupants utilize benches, pews, stools or other similar seating facilities, every twenty (20) lineal inches of such seating shall be counted as one seat for the purpose of computing off-street parking requirements.

(e) *Open air seating.* Open air seating shall mean any seating area without a heating or cooling system and where a minimum of two (2) sides are open and unenclosed by walls other than canvas or mesh screening.

(f) *Full service restaurant.* A full service restaurant shall mean a restaurant which functions for the purpose of serving complete meals, prepared and cooked in a kitchen within the restaurant to people seated at tables on the premises, and within which no entertainment is provided other than recorded or live music during the service of meals.

(g) *Fast food restaurant.* A fast food restaurant shall mean a restaurant which functions for the purpose of serving either meals or individual food items, prepared and cooked in a kitchen within the restaurant to people either seated at tables on the premises or for consumption off the premises.

(Ord. No. 95-49, § 7, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97; Ord. No. 2000-36, § 20, 8-22-00)

**Sec. 39-222. Shared usage.**

Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) separate permitted uses when it is clearly established by the applicant that the two (2) uses will utilize the spaces at different times of the day, week, month or year, such as a church sharing spaces with a retail store. A recordable covenant, with the correct legal description, shall be submitted by the owners of the property and the two (2) businesses or tenants involved in a form acceptable to the office of the county attorney. The covenant shall be recorded in the public records of Broward County at the applicant's expense, and shall run with the land. The covenant shall provide that the use or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses, shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and no nonresidential use may be



made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the county may collect attorneys' fees if litigation is necessary to enforce the requirements of this section.

(Ord. No. 95-49, § 8, 11-28-95)

**Sec. 39-223. Combined off-street parking.**

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by 2 or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article. In such cases, a recorded agreement shall be executed in the same manner as provided for in section 39-217(a). (Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 9, 11-28-95)

**Sec. 39-224. Use of off-street parking facilities.**

Parking spaces approved in conformance with this article may be used only for parking of vehicles of owners, tenants, employees and customers utilizing the building or site served by such required parking space. The following uses and activities shall not be permitted in required off-street parking facilities:

- (1) Parking to serve an off-site building;
  - (2) Storage, repair or commercial display of any vehicles, equipment or merchandise;
  - (3) Parking or storage of commercial vehicles owned, operated or used in the business of a commercial occupant of a building between the hours of 8:00 a.m. and 5:00 p.m.;
  - (4) Parking of recreational vehicles, boats and accessory equipment on nonresidentially zoned or used property; and
  - (5) Parking of any vehicle, which due to its size, shape, contents or location, creates an obstruction or public safety hazard or which cannot be contained within a single designated parking space.
- (Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 10, 11-28-95)

**Sec. 39-225. Storage lots for vehicles, boats and equipment.**

All open air storage lots for vehicles, boats or trucks located in a commercial zoning district shall be surfaced with asphalt or concrete. All open air storage lots for commercial vehicles, heavy equipment or other motor-driven equipment in an industrial zoning district may be on a non-paved surface, provided same is compacted, stabilized and dust-free.

(Ord. No. 95-49, § 11, 11-28-95)

**Sec. 39-226. Lighting.**

All off-street parking facilities serving multiple-family residential developments containing eight (8) or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards within five (5) years from the effective date of this article.

- (a) For the purpose of this section, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.
- (b) Intensity of illumination:
  - (1) Open-air parking areas shall provide an average illumination intensity of 1 footcandle equal to 1 lumen per square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than 1/4 footcandle.

- (2) Enclosed parking areas shall provide an average illumination intensity of 50 footcandles at the entrance, 10 footcandles in traffic lanes and 5 footcandles in vehicle parking areas.
- (3) Automatic teller machines (ATM) shall be provided with a maintained minimum of 3 footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the 3 footcandle standard.
- (4) The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.
- (5) Overspill of lighting onto adjacent properties or rights-of-way shall not exceed 3 footcandles vertical and shall not exceed 1 footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to minimize offensiveness to persons on neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.
- (6) All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with  $\frac{1}{2}$  light levels permitted from midnight to dawn. Enclosed parking areas shall maintain the lighting levels specified in this section 24 hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.

(c) Compliance requirements:

- (1) A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this section.
- (2) Subsequent construction must comply with the lighting plan.
- (3) As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the zoning official or designee stating that the installation has been field checked and meets the requirements of this section.

- (d) Maintenance requirements: All lighting installations required by this article shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

(Ord. No. 95-49, § 12, 11-28-95)

**Sec. 39-227. Parking for disabled persons.**

All applicable state and federal laws relating to parking spaces for certain disabled persons in all public and private parking areas, including minimum dimensions, requirements, location and posting of signs shall be adhered to on all proposed developments and parking facilities which require revisions.

(Ord. No. 95-49, § 13, 11-28-95)

**Sec. 39-228. Amount of off-street parking.**

(a) The following minimum amounts of off-street parking shall be provided for all residential buildings and uses:

Types of Buildings and Uses	Min. Number of Parking Spaces Required per Indicated Unit	Unit of Measure
(1) One-family detached dwelling	2.0	Per each dwelling unit
(2) Two-family dwelling	2.0	Per each dwelling unit
(3) Townhouse or villa	2.0	Per each dwelling unit located on a single lot of record
Plus	1.0	Per each 5 dwelling units for guests
(4) Multiple-family dwelling	1.5	Per each efficiency or one-bedroom apartment unit
	2.0	Per each two-bedroom apartment unit
	2.5	Per each three- or more bedroom apartment unit
Plus	1.0	Per each 5 dwelling units for guests
(5) Group dwelling	1.0	Per each room
Plus	2.0	For owner or manager
(6) Dormitory, fraternity	1.0	Per each 2 beds
Plus	1.0	For owner or manager
(7) Community residential facility	1.0	Per each 2 bedrooms
Plus	1.0	Per each 4 bedrooms for owner and staff
(8) Time-share apartment	1.5	Per each apartment unit
Plus	1.0	Per each 10 apartments for guests and staff
(9) Mobile home park	2.0	Per each mobile home
(10) Clubhouse or recreation building for residential development	1.0	Per each 200 square feet of gross floor area

(b) The following minimum amounts of off-street parking shall be supplied for all business and commercial buildings and uses:

(1) Hotel, bed and breakfast	3.0	Per 4 sleeping rooms
------------------------------	-----	----------------------

	Plus		65% of the required amount of parking specified in this section for other uses when operated in conjunction with and as part of a hotel
(2) Motel		1.0	Per each guest room
	Plus	5.0	For manager and staff
	Plus		65% of the required amount of parking specified in this section for other uses when operated in conjunction with and as part of a motel
(3) Sports arena, auditorium		1.0	Per 4 fixed seats
	Plus	1.0	Per 200 square feet of assembly area not having fixed seating
(4) Bowling center		5.0	Per bowling lane
	Plus	1.0	Per 200 square feet of gross floor area of the remainder of the building
(5) Amusement center, game room, pool or billiard center		1.0	Per 200 square feet of gross floor area
(6) Bingo hall		1.0	Per 70 square feet of gross floor area
(7) Private club, lodge, union hall		1.0	Per 100 square feet of gross floor area
(8) Gym, fitness center		1.0	Per 150 square feet of gross floor area
(9) Skating rink, dance hall		1.0	Per 100 square feet of gross floor area minus restrooms, storage rooms, offices and other areas prohibited to the general public
(10) Theater		1.0	Per each 4 seats
(11) Full-service restaurant, dinner theater		1.0	Per 100 square feet of gross floor area
	Plus	1.0	Per 200 square feet of open air seating area
(12) Fast food restaurant		1.0	Per 50 square feet of customer service area and seating
	Plus	1.0	Per 200 square feet of remaining floor areas
	Plus	1.0	Per 200 square feet of open air seating area
(13) Bar, lounge, tavern, pub, nightclub, bottle club		1.0	Per 30 square feet of customer service area

	Plus	1.0	Per 250 square feet of remaining floor area
	Plus	1.0	Per 2 lineal feet of bar seating
(14)	Take-out restaurant, delicatessen, bakery	1.0	Per 50 square feet of customer service area
(15)	Mobile food unit	1.0	For the food unit
	Plus	2.0	For customers
(16)	Food catering, food delivery	1.0	Per 400 square feet of gross floor area
(17)	Business and professional office	1.0	Per 250 square feet of gross floor area
	Or	1.0	Per individual business, whichever results in a greater required amount
(18)	Medical, dental, psychiatric, chiropractic, veterinary office or clinic	2.0	Per each patient examination room
	Plus	1.0	Per 250 square feet of remaining floor area
(19)	Government office, bank, financial institution	1.0	Per 200 square feet of gross floor area
(20)	Post office, courier service	1.0	Per 50 square feet of customer service area
	Plus	1.0	Per 200 square feet of remaining floor area
(21)	Retail store, personal service shop, not otherwise specified	1.0	Per 300 square feet of gross floor area
	Or	1.0	Minimum for each individual retailer
(22)	Wholesale store, home improvement center	1.0	Per 500 square feet of gross floor area in buildings less than 20,000 square feet
		1.0	Per 1,000 square feet of gross floor area in buildings 20,000 square feet or more
(23)	Retail furniture, flooring, appliance store	1.0	Per 500 square feet of gross floor area
(24)	Supermarket, department store	1.0	Per 150 square feet of retail sales area
	Plus	1.0	Per 500 square feet of warehouse storage area

	Plus	1.0	Per 200 square feet of remaining floor area
(25)	Convenience store	1.0	Per 150 square feet of gross floor area
	Plus		Stacking spaces as required for gasoline pumps
(26)	Beauty salon, nail salon, barber shop	1.0	Per 250 square feet of gross floor area
(27)	Photocopy or printing shop	1.0	Per 500 square feet of gross floor area
(28)	Repair shops for household and personal items	1.0	Per 250 square feet of gross floor area
	Or	1.0	Minimum if less than 250 square feet
(29)	Dry cleaning or laundry drop-off and pick-up	1.0	Per 250 square feet of gross floor area
(30)	Coin laundry	1.0	Per 500 square feet of gross floor area
(31)	Mobile collection center	2.0	Per trailer unit
(32)	Auto cleaning, detailing	4.0	Minimum
	Plus	1.0	Per 400 square feet of washing area
(33)	Self-service or automated car wash		See stacking spaces in sec. 39-228(f)
(34)	Auto repair garage, auto paint or body shop	3.0	Per service bay
	Plus	1.0	Per outside storage area (no wrecked or junk vehicles may be stored outside building)
	Plus	1.0	Per 600 square feet of separate parts storage floor area
(35)	Indoor flea market	1.0	Per 300 square feet of vendor area
(36)	Outdoor flea market, swap meet	1.0	Per 500 square feet of vendor area
(37)	Auction house	1.0	Per 4 fixed seats
	Plus	1.0	Per 40 square feet of non-fixed-seat assembly area
	Plus	1.0	Per 500 square feet of remaining floor area

(38) Auto sales, rental or leasing (wholesale or retail)	1.0	Per 200 square feet of gross floor area of office/showrooms
Plus	1.0	Per 2,000 square feet of outside ve- hicular display
Plus		Parking as required in (34) above for accessory repair and body shop
(39) Truck, boat, equipment sales or rental	1.0	Per 400 square feet of gross floor area
Plus	1.0	Per 2,000 square feet of outside dis- play or storage area
(40) Plant nursery, tree farm or other crops	3.0	Minimum
(41) Retail plant nursery, open air produce market or other open air display areas not other- wise specified	1.0	Per each 1,000 square feet of display area open to the public
(42) Boarding and breeding kennel	1.0	Per 600 square feet of gross floor area
(43) Shopping center:		If gross aggregate floor area is less than 10,000 square feet, all uses shall be calculated separately
10,000 to 40,000 square feet of gross floor area	1.0	Per 200 square feet (limited to 5% of total floor area for restaurants, bars, theaters or clubs)
40,000 to 200,000 square feet of gross floor area	1.0	Per 250 square feet (limited to 10% of total floor area for restaurants, bars, theaters or clubs)
Over 200,000 square feet of gross floor area	1.0	Per 300 square feet (limited to 20% of total floor area for restaurants, bars, theaters or clubs if restau- rants, bars, theaters or clubs exceed percentages as limited above, such facilities shall be calculated as would be required if such uses were sepa- rate and distinct)

(c) The following minimum amounts of off-street parking shall be provided for all industrial uses of buildings and properties:

(1) Each individual business in a building	1.0	Minimum or parking as required fol- lowing, whichever results in a greater amount of off-street parking
(2) Manufacturing, assembly, gen- eral industrial	1.0	Per 500 square feet of gross floor area (first 10,000 square feet)

	Plus	1.0	Per 1,000 square feet over 10,000 square feet
	Accessory offices and show-rooms less than 10% of gross floor area of building	0.0	No additional spaces required
	Accessory offices and show-rooms more than 10% of gross floor area	1.0	Per 300 square feet of office or show-room area of building
(3)	Research or testing laboratory	1.0	Per 500 square feet of gross floor area
(4)	Contractor shop, storage yard and salvage yard	1.0	Per 400 square feet of gross floor area
	Plus	1.0	Per 5,000 square feet of outside storage area
	Plus	1.0	Per truck, trailer, etc. used in conjunction with the business
(5)	Fuel distributor	1.0	Per truck, trailer, etc. used in conjunction with the business
	Plus	1.0	Per each 2 employees and executives
(6)	Food processing, bottling establishment	1.0	Per 500 square feet of gross floor area
(7)	Self-storage warehouse	1.0	Per 200 storage units
	Plus	2.0	For office and manager's quarters
	Plus		A 10-foot wide parking lane on either side of any driveway which provides access to storage units. Such parking lanes shall be delineated along the entire length of the building or buildings which the parking lane serves.
(8)	Storage and distribution warehouse:		
	Under 20,000 square feet	1.0	Per 500 square feet of gross floor area
	20,000 to 40,000 square feet	1.0	Per 1,000 square feet of gross floor area
	Over 40,000 square feet of gross floor area	1.0	Per 2,000 square feet of gross floor area
	Accessory offices and show-rooms less than 10% of gross floor area of building	0.0	No additional spaces required



Accessory offices and show-rooms more than 10% of gross floor area of building	1.0	Per 300 square feet of office area
(9) Penal institution	1.0	Per employee calculated per largest work shift

(d) The following minimum amounts of off-street parking shall be provided for all outdoor recreational uses and properties:

(1) Recreational vehicle park, tent camp	1.0	Per each site
(2) Skateboard park	1.0	Per 200 lineal feet of ramp
Plus	1.0	Per 250 square feet of gross floor area of buildings used for accessory uses such as snack bars, game rooms, retail, etc.
(3) Waterslide	25.0	Per first flume (slide)
Plus	10.0	Per each additional flume
Plus		Parking as required for other uses
(4) Commercial pool	1.0	Per 50 square feet of water area
Plus		Parking as required for other uses such as bars, restaurants, etc.
(5) Marina, charter boat	1.0	Per boat slip
Plus		Parking as required for other uses such as bars, restaurants, retail, etc.
(6) Golf course	4.0	Per golf green
Plus	1.0	Per 250 square feet of gross floor area of clubhouse, pro shop, restaurant, etc.
(7) Miniature golf course	2.0	Per hole
Plus	4.0	For employees
Plus		Parking as required for other uses on site
(8) Target range, batting cage	1.5	Per target position
Plus	2.0	For employees
Plus		Parking as required for other uses on site
(9) Sports court	2.0	Per court
Plus		Parking as required for other uses on site

(10) Stadium, racetrack, arena, fairground	1.0	Per each 5 seats
Plus	1.0	Per 250 square feet of gross floor area of buildings on site
(11) Outdoor recreation club, re- treat	10.0	Per net acre of plot designated for such use
Plus		Parking as required for other uses on site
(12) Equine riding or boarding sta- ble	1.0	Per each 4 stalls
Plus	1.0	For the owner
(13) Public parks and public recre- ation areas, other than county owned or operated facilities		Determined by the agency facilitat- ing and maintaining the use
(14) Nonprofit community centers (i.e. child or adolescent activ- ity centers, athletic facilities, etc.)	1.0	Per 400 sq. ft. of assembly areas
Plus	1.0	Per each staff member

(e) The following minimum amounts of parking shall be provided for uses of buildings or property specified below:

(1) Hospital	1.0	Per patient bed
Plus	1.0	Per 1,000 square feet of gross floor area
(2) Animal hospital	1.0	Per 200 square feet of gross floor area in waiting and treatment rooms and offices
(3) Nursing home, sanitarium, convalescent or rehabilitation home	1.0	Per each 2 beds
Plus	1.0	Per each 200 square feet of office and administration area
(4) Library, museum, art gallery	1.0	Per each 200 square feet of gross floor area
(5) Places of worship	1.0	Per each 4 seats
Or	1.0	Per 50 square feet of worship area, whichever results in a greater amount of required parking
(6) Funeral home, mortuary	1.0	Per each 4 seats

	25.0	Minimum spaces
(7) Cemetery	1.0	Per each 20 grave sites
(8) Child care center, preschool	1.0	Per 400 square feet of gross floor area
Plus		Stacking spaces as specified in section 39-228(f)
(9) Elementary and middle schools	1.0	Per classroom
Plus	1.0	Per 400 square feet of auditorium or other assembly area
Plus		Stacking spaces as specified in Section 39-228(f)
(10) Senior high school	1.0	Per classroom
Plus	1.0	Per each 5 students
Plus	1.0	Per 400 square feet of gross floor area of administration, office and assembly areas
(11) College or university	1.0	Per classroom
Plus	1.0	Per each 3 students
Plus	1.0	Per 200 square feet of gross floor area of administration, office and assembly areas
(12) Art, music, theatrical school	1.0	Per 250 square feet of gross floor area
(13) Business, trade and vocational school	1.0	Per 60 square feet of classrooms
Plus	1.0	Per 200 square feet of remaining areas
(14) Telephone exchange, other buildings housing automatic or special equipment where no customers or patrons visit or are served	1.0	Per 500 square feet of gross floor area
(15) Terminal (air, bus, train, etc.)	1.0	Per each 4 seats in waiting rooms, lounges, restaurants, etc.
Plus	1.0	Per each 2 employees

(f) Stacking spaces necessary per service position or drop-off point for the provisions of this section shall be determined using the following table:

<i>Type of Facility</i>	<i>Inbound Vehicles</i>	<i>Outbound Vehicles</i>
Bank	6	1
Beverage, food	6	1
Dry cleaning	3	1
Attendant car wash	10	6
Automatic car wash	6	4
Automatic car wash as accessory use	3	2
Gasoline/diesel fuel pump island	4	1
Day care center	3	3
Skating rink	3	3
Elementary, middle or high school	6	4
All other facilities	4	2

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-23, § 1.02, 6-6-95; Ord. No. 95-49, § 14, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97; Ord. No. 1998-06, § 2, 3-24-98; Ord. No. 2000-36, § 21, 8-22-00)

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

(a) On the same plot with every structure or use specified herein which is hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, so that vehicles for these services may use this space without interfering with the public use of streets, alleys and off-street parking areas by pedestrians and vehicles.

(b) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

(c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least twelve (12) feet wide by forty-five (45) feet long with a 14-foot vertical clearance, except that for plots containing an aggregate amount of less than 10,000 square feet of gross floor area of buildings, and except for office buildings and banks, an off-street loading space may be ten (10) feet in width by twenty-five (25) feet long. Each off-street loading space shall be directly accessible from a street, alley or driveway without crossing or entering any other required off-street loading space, shall be clearly marked as to purpose, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Off-street loading spaces shall not be located in a parking aisle and shall not be more than thirty (30) feet from the building which the off-street loading space serves. Any pedestrian walkway crossing ingress and egress to an off-street loading space shall be clearly marked.

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

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

Over 2,000 sq. ft. but not over 20,000 sq. ft.....	1 space
Over 20,000 sq. ft. but not over 60,000 sq. ft.....	2 spaces
Over 60,000 sq. ft. but not over 120,000 sq. ft.....	3 spaces
Over 120,000 sq. ft. but not over 200,000 sq. ft.....	4 spaces
Over 200,000 sq. ft. but not over 290,000 sq. ft.....	5 spaces
Plus, for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof	1 space
- (2) For each auditorium, convention hall, exhibition hall, museum, hotel, sports arena, stadium, hospital, or similar use which has an aggregate gross floor area of:
 

Over 20,000 sq. ft. but not over 40,000 sq. ft.....	1 space
Plus, for each additional 40,000 sq. ft. over 40,000 sq. ft. or major fraction thereof	1 space
- (3) For any use not specifically mentioned in this section, the requirements for off-street parking for a use which is so mentioned and to which the unmentioned use is similar shall apply. One-family and two-family dwellings and multiple-family dwellings shall not require off-street loading facilities.

(e) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting off-street loading needs of any other use.

(f) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.

(g) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two or more buildings or uses on the same site, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(h) Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

(i) All off-street loading facilities shall be located on the plot which they are intended to serve. (Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 17, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97)

**Secs. 39-230—39-234. Reserved.**

**ARTICLE XIII. CONDITIONAL USES**

**Sec. 39-235. Purpose and intent.**

Certain uses may be harmonious under special conditions and in specific locations within a zoning district, but may not be appropriate under the general conditions of the zoning district regulations as

stated. These uses are set forth in this article subject to specific limitations intended to protect the health, safety, and welfare of adjacent properties, contribute to the community as a whole, comply with the policies and objectives of the Broward County Land Use Plan, and provide flexibility of design.  
(Ord. No. 96-16, § 2, 5-28-96)

**Sec. 39-236. Compliance with conditions.**

The permitted conditional uses listed in this article shall not be subject to waiver of any provision of this article by the Board of Adjustment or Board of County Commissioners.  
(Ord. No. 96-16, § 2, 5-28-96)

**Sec. 39-237. Home offices.**

*Home offices.* Home offices as defined in section 39-4 shall be permitted in all residential zoning districts subject to the following limitations:

- (1) Not more than ten percent (10%) of any dwelling unit may be used for a home office.
- (2) No merchandise or equipment related to the home office shall be stored at, delivered to or dispensed from the dwelling unit, or from any accessory building or structure on the property, except office equipment or supplies required for daily office operations.
- (3) Commercial vehicles associated with the home office in all residential districts except A-1 and A-2 shall be subject to section 39-275(7), General Provisions, residential zoning districts. Commercial vehicles in A-1 and A-2 districts shall be subject to section 39-245(3)(d).
- (4) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.
- (5) A certificate of use shall be obtained for any home office. In addition to the requirements of section 39-19, certificates of use for home offices shall comply with the following:
  - a. A floor plan of the dwelling unit, drawn to scale, shall be submitted with an application for a certificate of use for a home office, designating the room or rooms to be occupied by the home business.
  - b. Any certificate of use issued for a home office shall be renewed one year after initial issuance, and each subsequent year thereafter.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-31, § 2, 9-8-98)

**Sec. 39-238. Outdoor event permits.**

Permits for certain outdoor events may be issued subject to compliance with this section. The following outdoor events may be permitted in the zoning districts designated:

<i>Event</i>	<i>Permitted Zoning Districts</i>
(a) Carnival or circus	Commercial, industrial, and commercial recreation. Residential, rural, agricultural, and institutional if sponsored by non-profit organization
(b) Concerts, festivals	Commercial, industrial, and commercial recreation
(c) Commercial promotions, shows, sales, events	Commercial and industrial

- (1) *Minimum site requirements.* All outdoor events shall require a minimum of one net acre of open space with not less than two hundred (200) feet of street frontage on a public street having a right-of-way width of at least seventy (70) feet.
- (2) *Setbacks.* No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than one hundred (100) feet from a public or private street line, and not less than three hundred (300) feet from any privately owned property in agricultural, estate, and rural districts.
- (3) *Access.* Vehicular access onto any plot used for an outdoor event shall be from a public street which provides the minimum required street frontage specified above. No vehicular traffic shall be allowed ingress to or from the plot through any other residential street.
- (4) *Parking.* Off-street parking shall comply with requirements of Article XII insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.
- (5) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street or other vehicular use area.
- (6) *Temporary structures, exhibits, and mechanical riding devices.* Temporary structures, exhibits, and mechanical riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within seven (7) days after the conclusion of the event.
- (7) *Signs.* One temporary sign advertising the event may be erected on the plot where the event will be held not more than fourteen (14) days prior to the event. Such signs shall be no larger than twenty-four (24) square feet in sign area and no higher than ten (10) feet above the ground. The sign shall be set back at least ten (10) feet from the front plot line and shall not be located within twenty-five (25) feet of the intersection of any two (2) public or private streets. The sign shall be removed by the permit holder at the conclusion of the outdoor event.
- (8) *Frequency and duration.* No outdoor event shall be permitted for a period of time exceeding seven (7) consecutive days. No more than two (2) of each category of outdoor event permits shall be issued on any plot during a calendar year. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday.
- (9) *Liability insurance.* Before any permit for an outdoor event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of three hundred thousand dollars (\$300,000.00). The policy must name Broward County as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Broward County Risk Management Division prior to issuance of any outdoor event permit.
- (10) *Performance bond.* Before any permit for an outdoor event is issued, a performance bond or similar security acceptable to the county and naming Broward County as beneficiary in the sum of one thousand dollars (\$1,000.00), shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States

Treasury. Such security must be approved by the Office of the County Attorney, and shall be in effect for the duration of the outdoor event and for six (6) months subsequent to the end of the event. The security shall be released at the conclusion of the six-month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

- a. The applicant shall comply fully with all the provisions of the Broward County Code of Ordinances and all other applicable county, state or federal laws regarding the sale of goods as permitted;
  - b. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and
  - c. The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.
- (11) *Plans.* A plan, drawn to scale, shall be submitted to the zoning official, or designee, at the time of permit application indicating the following:
- a. Plot dimensions;
  - b. Adjoining streets and points of access to the plot;
  - c. Location of all activities and temporary structures and setbacks from plot lines;
  - d. Location and use of any permanent buildings and uses existing on the plot;
  - e. Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.
- (12) *Permit applications.* A permit application shall be submitted to the Zoning Official, or designee, at least thirty (30) days prior to the outdoor event. The permit application shall include the following:
- a. The name and address of the applicant;
  - b. The address and legal description of the plot where the event will be held;
  - c. The date or dates of the event;
  - d. The type of event and sponsor, if any;
  - e. The plan required by subsection (11) above;
  - f. An executed performance bond as required in sub-section (10) above;
  - g. Proof of insurance as required in subsection (9) above;
  - h. Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;
  - i. A notarized affidavit of proof of posting the notice sign required by Section 39-238(16) herein; and
  - j. The applicable processing and inspection fee, in accordance with the fee schedule in effect.
- (13) *Agency reviews.* Prior to issuance of a permit for an outdoor event, the following agencies shall review and approve the event in accordance with applicable statutes, ordinances and codes:
- a. Broward County Traffic Engineering Division;
  - b. Broward County Risk Management Division;
  - c. Broward County Engineering Division;



- d. Health Department (State of Florida) if approval is required;
  - e. Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;
  - f. Broward County Fire Rescue Division;
  - g. Broward County Building and Permitting Division;
  - h. Broward County Sheriff's Office; and
  - i. Department of Planning and Environmental Protection.
- (14) *Permit issuance.* Within twenty (20) days subsequent to filing of the application, Broward County shall review the application, inspect the plot, and either issue or reject the permit. Reasons for rejection shall be in writing to the applicant. If the application and plot are in compliance with this section and any other applicable code, statute or ordinance, the zoning official, or designee, shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of two hundred fifty dollars (\$250.00) to Broward County to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.
- (15) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the county. The cleanup deposit shall be used for restoration of the location.
- (16) *Posting of notice.* The applicant must post a sign of sufficient size at least thirty (30) days prior to the beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.
- (17) *Not-for-profit corporations holding events on their own property.*
- a. Not-for profit corporations which abut or are adjacent to agricultural, estate, and rural districts which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond (subsection (10)) and a cleanup deposit (subsection (14)). However the not-for-profit corporation shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event.
  - b. Not-for-profit corporations which abut or are adjacent to other residentially zoned districts which hold outdoor events on their own property shall be subject to the following requirements:
    - 1) The property shall consist of a minimum of one net acre of open space with not less than two hundred (200) feet of street frontage on a public street having a right-of-way width of at least fifty (50) feet.
    - 2) No mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from any residentially zoned plot. No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from a public or private street line.
    - 3) The not-for-profit corporation shall comply with the following provisions of Section 39-238: access (subsection (3)), parking (subsection (4)), lighting (subsection (5)), temporary structures (subsection (6)), signs (subsection (7)), frequency and duration (subsection (8)), liability insurance (subsection (9)), plans (subsection (11)), permit applications (subsection (12)), agency reviews (subsection (13)), permit issuance

(subsection (14)) except for the requirement for a clean up deposit, site restoration (subsection (15)), and posting of notice (subsection (16)) provisions of Section 39-238 of the Broward County Zoning Code.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1997-52, § 2, 12-9-97; Ord. No. 1999-55, § 1, 10-12-99)

**Sec. 39-239. Holiday wayside stands.**

(1) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

<i>Holiday</i>	<i>Maximum Time Period</i>
Independence Day (July 4)	10 days preceding July 4
Halloween (October 31)	30 days preceding October 31
Christmas(December 25)	30 days preceding December 25

An application, signed by the applicant, for a holiday wayside stand permit shall be filed with the zoning official, or designee, at least thirty (30) days prior to commencement of the sales period for Halloween and Christmas and at least sixty (60) days prior to commencement of the sales period for Independence Day. The application shall contain the following:

- (a) The notarized signature of the applicant;
- (b) The names and permanent addresses of all persons responsible for the management or supervision of the holiday wayside stand; the local address of such person or persons while engaged in such business; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise);
- (c) The name and address of the person, firm or corporation for whose account the business will be conducted, if any; and if a corporation, under the laws of that state in which it is incorporated and the name and address of its registered agent in the State of Florida; and the federal employer's identification number (EIN) or social security number of the business owner;
- (d) The exact address and legal description of the property where the holiday wayside stand will be located;
- (e) Proof of a State of Florida sales tax number;
- (f) For vendors of pyrotechnical items who are required to register with the Division of the State Fire Marshal of the Department of Insurance under Chapter 791, F.S., proof of a completed registration form. Proof of actual registration shall be submitted prior to permit issuance;
- (g) Written, notarized permission from all owners of record of the property, or authorized agent of the owner, where the holiday wayside stand will be located;
- (h) Proof of a public premises liability insurance policy that provides coverage in the amount of three hundred thousand dollars (\$300,000.00) at each sales location, naming Broward County as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Risk Management Division;
- (i) A performance bond or similar security acceptable to the county naming Broward County as beneficiary in the sum of one thousand dollars (\$1,000.00) executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the Office of the County Attorney, and shall be in effect for the duration of the sales period and for six (6) months subsequent to the end

of the sales period. The security shall be released at the conclusion of the six-month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

1. The applicant shall comply fully with all the provisions of the Broward County Code of Ordinances and all other applicable county, state, or federal laws regarding the sale of goods as permitted;
  2. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and
  3. The applicant will pay all judgments and costs that may be recovered against the applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.
- (j) *Not-for-profit corporations having holiday wayside stands on their own property.* Not-for-profit corporations which have holiday wayside stands on their own property, for other than the sale of pyrotechnical items, shall not be subject to the requirements for obtaining a performance bond and a cleanup deposit. However, the not-for-profit corporation shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the sales period for the holiday wayside stand.

(2) *Number of permits.* No permittee shall be issued more than ten (10) permits. For the purpose of this subsection, permittee shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity. At any given location permitted under this section, there shall be a maximum of one (1) holiday wayside stand. Each individual sales location shall require a separate permit.

(3) *Permitted locations:* Locations for sales of merchandise permitted under this section are subject to the following restrictions:

- (a) Pyrotechnical items may only be sold at locations within a commercial or industrial zoning district. Such sales shall not be permitted in areas located within fifty (50) feet of:
  1. Any fuel storage facility of any kind; and
  2. Any area required to provide parking in connection with a restaurant or lounge.
- (b) Pyrotechnical items may be sold only if each sales location has been approved by the Broward County Fire Marshal.
- (c) Halloween and Christmas items may be sold at locations within a commercial or industrial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.
- (d) There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) locations permitted under this section. For purposes of determining which permit application of two or more applications proposing sites within one thousand five hundred (1,500) feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.

(4) *Conditions of permits.*

- (a) A permittee must, at the time the permit is issued, pay to the county a cleanup deposit fee of two hundred fifty dollars (\$250.00). The deposit will be returned if the permittee restores the

permitted location to its original presale condition within one (1) week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the county and used to restore the location.

- (b) The permit issued pursuant to this section shall be posted conspicuously at the sales location.
- (c) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold pursuant to Chapter 791, F.S.
- (d) One (1) temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one (1) week after the end of the sales period.

(5) *Signs.* One 4 foot by 8 foot sign on each side of the plot abutting a public street shall be permitted in connection with an approved holiday wayside stand during the sales period. Such signs shall comply with all applicable codes, including permitting requirements.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-06, § 3, 3-24-98)

#### **Sec. 39-240. Off-site parking lots.**

As permitted by section 39-217, Location, Character and Size, for off-street parking facilities, a plot within five hundred (500) feet of a nonresidentially used plot may be used to supply twenty-five percent (25%) of the required off-street parking for the nonresidentially used plot. Such off-site facilities shall be permitted in all zoning districts except open space and conservation districts subject to the following conditions.

- (1) Except as provided in paragraph (8) of this section, the minimum plot size for off-site parking lots shall be ten thousand (10,000) square feet of net area with a minimum street frontage of one hundred (100) feet on a public right-of-way at least sixty (60) feet in width which is designated as a collector or arterial road on the Broward County Trafficways Plan.
- (2) Except as provided in paragraph (8) of this section, access to the parking lot shall only be from the designated collector or arterial road.
- (3) A landscape buffer at least ten (10) feet in depth shall be provided on all sides of the plot in accordance with Article VIII, Functional Landscaping and Xeriscaping.
- (4) A decorative, translucent visual barrier shall be provided at least two and one-half (2½) feet inside the perimeter of the required landscape buffer on any side which is contiguous to a residential district. The minimum height of such visual barrier shall be four (4) feet and the maximum height shall be eight (8) feet measured from the established grade. The visual barrier shall be in one of the following forms:
  - a. A translucent fence or wall; or
  - b. Landscape material dense enough to provide only translucent visibility.
- (5) The off-site parking facility must comply with all requirements of Article XII, Off-Street Parking and Loading.
- (6) No signs shall be permitted except entrance or exit signs or signs identifying the purpose of the off-site parking lot. Such signs shall be no larger than six (6) square feet and not higher than four (4) feet above the ground unless affixed flush on the required visual barrier. No exterior illumination of such signs shall be permitted.

- (7) Off-site parking lots shall be used only for the temporary parking of operable, currently licensed private passenger vehicles of patrons of the nonresidentially used property which the parking lot serves.
  - (8) Where a residentially zoned plot used for off-site parking is contiguous to or separated from the nonresidentially used property it serves by a dedicated alley, such plot may be used for all or any portion of required parking for the nonresidentially used plot it serves. The provisions of paragraphs (1) and (2) of this section shall not be applicable, provided the off-site parking is accessed only from the dedicated alley or from the nonresidential plot it serves.
- (Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-06, § 4, 3-24-98; Ord. No. 2000-36, § 22, 8-22-00)

**Sec. 39-241. Yard sales.**

On any plot used for residential purposes two (2) yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three (3) consecutive days.

Signs may not exceed two (2) square feet in size and shall be exempt from permit requirements. The signs may not be displayed more than one (1) day prior to the yard sale. Signs must be removed at the end of the yard sale.

(Ord. No. 96-16, § 2, 5-28-96)

**Sec. 39-242. Temporary promotional signs.**

(a) Any commercial enterprise, other than a home office, which has been issued a certificate of use, may make application for a temporary sign permit for any of the following purposes:

- (1) Grand opening
- (2) Holiday or post-holiday sale
- (3) Change of management
- (4) Special promotions

(b) Permits shall be limited as follows:

- (1) No more than six (6) such permits shall be issued to any one commercial enterprise in any one calendar year.
- (2) No permit shall be issued for a period exceeding fourteen (14) consecutive days.
- (3) No permit shall be issued for temporary promotional signs within forty-five (45) days of the issuance of any previous temporary sign permit for the same commercial enterprise on the same plot.

(c) Notwithstanding the provisions of section 39-52, "prohibited signs," temporary signs, which may be permitted on the premises of the commercial enterprise are as follows:

- (1) Banners, flags and pennants
- (2) Balloon signs
- (3) Sidewalk signs
- (4) Trailer signs without animation

(d) All signs shall be placed on the private property occupied by the commercial enterprise. No trailer sign or sidewalk sign shall block or interfere with any pedestrian or vehicular areas.

(e) *Maximum size and number of signs:* Temporary signs permitted in subsection (c) above shall be limited as follows:

- (1) Banners, flags and pennants shall not be limited.
- (2) Balloon signs shall be limited to one per commercial enterprise.
- (3) Balloon signs shall not be elevated to a height exceeding 25 feet from the ground, and shall be a maximum of 24 feet wide.
- (4) Balloon signs and trailer signs shall not be placed in any landscaped area, shall not be located less than ten (10) feet from any right-of-way line or other private property line and shall not be located within any district boundary line separation or setback area.
- (5) Sidewalk signs shall be limited to two (2) signs a maximum 24 inches by 30 inches in size per sign.
- (6) Trailer signs shall be limited to one per commercial enterprise, a maximum 24 square feet in area.

(f) Any commercial enterprise which is found to be in violation of this section by the code enforcement board or a hearing examiner, shall not be issued a temporary promotional sign permit for one year after the expiration of the last such permit issued to the commercial enterprise or after the adjudication of the violation by either the code enforcement board or a hearing examiner.

(Ord. No. 1997-43, § 1, 10-14-97; Ord. No. 1998-27, § 6, 9-8-98)

**Secs. 39-243—39-244. Reserved.**

#### **ARTICLE XIV. AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS**

##### **Sec. 39-245. General provisions.**

The following general requirements shall apply in all agricultural districts.

(1) *Fences, walls and hedges:* Fences, walls and hedges, not including entrance features, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall or hedge shall be placed or maintained within 25 feet of the intersection of the two public or private streets. Fences and walls along any plot line not adjacent to a street or within any required yard shall be limited to a height of six (6) feet above the established grade; however, hedges and all natural vegetation shall not be subject to height limits. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height. Any such lighting must be shaded, hooded or translucent fixtures.

(2) *Vehicle and equipment repair:* Mechanical repairs to vehicles and boats owned by the resident shall be permitted inside a building or carport. Mechanical repairs to agricultural equipment used on the plot to maintain a permissible agricultural use being conducted on the property, or equipment used to maintain the property, such as lawn tractors, shall be permitted outside.

(3) *Storage:* The following may be stored in all agricultural districts:

- (a) Equipment and materials required for construction of a building or structure on the same site for which all required permits have been obtained and remain valid for the duration of the project.
- (b) Outside storage of household items of the resident designed and intended for outdoor use.
- (c) Operable vehicles and equipment necessary for conducting a permissible agricultural use.

- (d) One non-agricultural commercial vehicle may be parked or stored on a plot inside a carport or other roofed structure, excluding vehicles equipped with a bucket lift, and excluding semi-trailers, truck-tractors, dump trucks, tow trucks and moving vans, any of which may only be parked or stored inside a completely enclosed building.
- (e) Outside storage of a maximum two (2) boats and two (2) recreational vehicles, as an accessory use to a permanent dwelling on the premises. Recreational vehicles shall not be used for living purposes and may not maintain water or sewage connections.
- (f) The open air storage of junk and debris shall be subject to removal as provided in Article X, Property Maintenance and Junk or Abandoned Property, Broward County Zoning Code.
- (g) Storage and parking of private passenger vehicles shall be in accordance with Article XII, Offstreet Parking and Loading.

(4) *Swimming pools and spas:* Swimming pools and spas must be enclosed either by a screen enclosure or fence at least five (5) feet high of materials which will preclude unauthorized access to the pool or spa area. All screen doors and fence gates shall be equipped with self-closing, self-latching mechanisms.

(5) *Animals:* Breeding, raising or keeping of animals in A-1 districts shall be permitted as follows:

(a) In all A-1 Districts:

1. Livestock, limited to 4 animals for each net acre of plot area, 2 animals for each half acre of plot area and one animal for each quarter acre of plot area, on plots less than 10 acres. There shall be no limit on the number of livestock on plots more than 10 net acres in size.
2. In addition to the animals in paragraph (1) above, the following may be kept on a plot containing a permanent dwelling:
  - a. Birds, fowl and poultry.
  - b. Dogs, cats and other household pets.
  - c. Wildlife pets as permitted and licensed by the State of Florida.
3. Commercial breeding of animals, limited to livestock and fish.
4. Swine of any type are prohibited.
5. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.
6. On plots 3.5 acres or more in net area, the number of animals specified in paragraph (1) above may be doubled, provided all animals are sheltered.

(b) The number and type of animals in A-2 districts shall not be restricted.

(6) *Minimum space and basic facility requirements for dwellings.* No person shall occupy or allow occupancy of any dwelling which does not comply with the minimum standards specified herein.

(a) Requirements for space.

1. Each dwelling shall have a minimum gross floor area of not less than 250 square feet for the first occupant and not less than 160 square feet for each additional occupant, of which 60 square feet shall be bedroom area, 40 square feet shall be dining area, and 60 square feet shall be living area.
2. Every room in a dwelling occupied by more than one occupant, shall have a gross floor area of at least 60 square feet for each occupant. Every room shall have a minimum width of 9 feet.

3. Gross area shall be calculated on the basis of total habitable room area as defined in section 39-4 of this code.
4. Every dwelling unit shall have a minimum of 12 square feet of floor area as closet space for the first bedroom and 6 square feet of floor area as closet space for each additional bedroom. Kitchen closet space shall not be considered as meeting this requirement.

(b) Basic sanitary facility requirements:

1. Each dwelling shall have not less than one flush water closet, one lavatory basin and one bathtub or shower for each 6 persons, or fraction thereof, residing in the dwelling.
2. Urinals shall not be substituted for water closets.
3. All toilet and bath facilities shall be accessible from the interior of the dwelling unit.

(7) *Mobile homes and construction trailers.*

- (a) One mobile home may be placed on a plot in an agricultural district for a period of time not to exceed one year during active construction of a permanent dwelling. No mobile home shall be placed upon any such property until a development order for construction of the dwelling and a zoning permit have been issued. The zoning permit shall be posted in such a manner that it can be observed from the exterior of the mobile home. Actual construction of the dwelling must commence within 4 months after issuance of the zoning permit and be actively carried forward. The mobile home must be removed from the property upon completion of the permanent dwelling or at the end of the one year period, whichever occurs first. The board of adjustment may grant one extension of a maximum 12 months, upon petition from the property owner, subject to requirements of Article V of this code.
- (b) On plots 10 acres or more in net area, used solely for farm homesteads or livestock, one mobile home may be maintained for housing of the property owner or persons employed by the owner to care for crops or livestock on the property. Such mobile home must meet the minimum floor area required by this article, must be constructed with wooden or masonite siding or residential lapped siding that is non-metallic in appearance and must be underskirted at the time of set-up. Roofs must be shingled with asphalt or fiberglass shingles.

(8) *Easements:* No permanent structure except a wood or chain link fence, or similar type of open fencing, shall encroach upon or into any easement of record. No structure or use of any type shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes to adjacent properties without the written concurrence of all property owners whose access would be restricted by such encroachment or obstruction.

(9) *Limitations for nonresidential, nonagricultural uses.* Although nonresidential and nonagricultural uses are permitted on a limited basis to serve the surrounding neighborhood, in order to promote and protect the primary purpose of agricultural districts, the following limitations are hereby established:

- (a) There shall be a minimum distance of one thousand (1,000) feet between all plots upon which a development order has been issued for construction or erection of a permitted nonresidential and nonagricultural use, except wireless communication facilities, or upon which a building or structure has been constructed for and is used primarily for a permitted nonresidential and nonagricultural use, except wireless communication facilities. Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of one permitted nonresidential and nonagricultural use to the nearest property line of any other proposed nonresidential and nonagricultural use.



- (b) Any person wishing to establish a permitted nonresidential and nonagricultural use, except wireless communication facilities, shall furnish to the county a special purpose survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed use and any other existing nonresidential and nonagricultural use.
- (c) As of September 1, 1999, in addition to limitations specified in subsections (a) and (b) above, all permitted nonresidential and nonagricultural uses, except wireless communication facilities, shall be located only on plots contiguous to an expressway or arterial.
- (d) Wireless communication facilities shall be subject to requirements of section 39-102, "wireless communication facilities," of this Code.

(10) *Landscaping*: Installation and maintenance of landscaping shall be subject to compliance with Article VIII, Functional Landscaping and Xeriscaping, of this code.

(11) *Signs*: Installation and maintenance of permitted signs shall be subject to compliance with Article VI, Signs, of this code.

(12) *Definitions*: Terms used within this article are defined in Article II, Definitions, of this code.

(13) *Nonconforming uses*: Any use which has been established as a legal nonconforming use, or which becomes a legal nonconforming use, shall be subject to provisions of Article VII, Nonconforming Uses and Structures, of this code.

(14) *Parking of private passenger vehicles*. Parking shall be subject to requirements of article XII, Offstreet Parking and Loading, of this Code.

(15) *Property maintenance*. The maintenance of buildings and structures, the storage of junk vehicles, junk items, trash, debris, garbage and overgrowth shall be subject to requirements of article X, Property Maintenance, of this Code.

(16) *Miscellaneous provisions*. In addition to general provisions provided in this section, agricultural districts shall be subject to general provisions specified in Article IX, "General Provisions," of this Code. (Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 1998-27, § 4, 9-8-98; Ord. No. 1999-39, § 2, 6-22-99; Ord. No. 2000-36, § 23, 8-22-00)

**Sec. 39-246. Purpose of districts.**

The A-1 Agricultural Estate, and A-1 General Agricultural Districts are intended to apply to those areas of unincorporated Broward County, the present or prospective use of which is primarily rural, estate or agricultural. The regulations of these districts are intended to protect, preserve and enhance the rural character and lifestyle of existing low density areas and agricultural uses and comply with the Agricultural, Estate and Rural Ranches land use designations of the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan with limited community facilities and utility facilities permitted to serve the neighborhood. (Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 2000-36, § 24, 8-22-00)

**Sec. 39-247. Agricultural zoning districts.**

The following shall constitute agricultural zoning districts for the purposes of this code:

<i>District</i>	<i>Title</i>
A-1	Agricultural Estate
A-2	General Agricultural

(Ord. No. 1997-29, § 1, 7-8-97)

**Sec. 39-248. Density.**

No agricultural zoning district shall be developed to a density exceeding 1 dwelling unit per 2 net acres of plot area, except as provided in Section 39-251 of this article.  
(Ord. No. 1997-29, § 1, 7-8-97)

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

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

*Key to abbreviations:*

- P = Permitted
- NP = Not Permitted
- C = Conditional

*Permitted Uses*

	A-1	A-2
1-family detached dwellings	P	P
Nonprofit neighborhood social and recreational facilities	P	P
Places of worship and accessory schools and day care centers	P	P
Community residential facilities	P	P
Crop raising and plant nurseries (commercial and noncommercial) with on-premises sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales	P	P
Essential services	P	P
Fish breeding (commercial and noncommercial)	P	P
Outdoor events (subject to Section 39-238)	C	C
Animals (subject to Section 39-245)	P	P
Veterinary clinics (no overnight stay or animal runs)	P	P
Veterinary hospitals	NP	P
Kennels, commercial boarding and breeding	NP	P

*Permitted accessory uses to a 1-family dwelling*

Detached guest house or servants' quarters (no kitchen)	P	P
Yard sales	C	C
Home offices	C	C
Family day care homes	P	P
Horse boarding stable	P	P
Commercial equestrian operations	P	P

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

(Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 1999-39, § 3, 6-22-99)

**Sec. 39-250. Uses prohibited.**

Any use not expressly permitted in section 39-249 of this article is prohibited.  
(Ord. No. 1997-29, § 1, 7-8-97)

**Sec. 39-251. Minimum plot dimensions.**

(1) Any plot in an agricultural district shall have at least one dimension of 250 feet.

(2) Any plot recorded as a single plot in the public records of Broward County, Florida, as of December 31, 1992, or which becomes undersized or oversized due to a district or regulation change or due to any easement or right-of-way dedication or vacation, may be used for a permitted use subject to all other limitations and requirements of this code.

(3) Any plot occupied or to be occupied for a permitted nonagricultural, nonresidential use shall be a minimum of two (2) net acres, except for wireless communication facilities.  
(Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 2000-36, § 25, 8-22-00)

**Sec. 39-252. Maximum plot size for nonresidential and nonagricultural uses.**

All permitted nonresidential and nonagricultural uses shall be limited to plots a maximum of five (5) acres in net area.

(Ord. No. 1997-29, § 1, 7-8-97)

**Sec. 39-253. Plot coverage.**

The combined area occupied by all buildings and roofed structures shall not exceed 20 percent of the plot area.

(Ord. No. 1997-29, § 1, 7-8-97)

**Sec. 39-254. Height.**

No building or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five (35) feet, except as permitted by section 39-103, exclusions from height limits, and section 39-102, wireless communication facilities.

(Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 2000-36, § 26, 8-22-00)

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

All plots in agricultural districts shall maintain yard setbacks for all buildings and roofed structures and accessory uses not less than the following:

(1) Any building or roofed structure, pen or coop or fish breeding tank used for the shelter, housing or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line.

(2) *Front yard:* A front yard of at least fifty (50) feet must be provided. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private street or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac.

(3) *All other yards:*

(a) On all remaining sides of any agriculturally or residentially used plot there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory buildings and uses, except permitted fences and signs, and except as required by paragraph (1) of this section.

(b) On all nonresidential and nonagricultural plots there shall be a yard of at least fifty (50) feet between any plot line and any building or structure, except permitted fences and signs.

(4) There shall be a minimum separation between all detached buildings on a single plot of at least ten (10) feet.

(Ord. No. 1997-29, § 1, 7-8-97)

**Sec. 39-255.1. Minimum floor area for dwellings.**

The minimum floor area of a one-family dwelling shall be 1,500 square feet.

(Ord. No. 1997-29, § 1, 7-8-97)

**Secs. 39-256—39-259. Reserved.**

**ARTICLE XV. RURAL AND ESTATE DISTRICTS\***

**Sec. 39-260. General provisions.**

The following general requirements shall apply in all rural and estate districts.

- (1) *Fences, walls and hedges:* Fences, walls and hedges, not including entrance features, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall or hedge shall be placed or maintained within twenty-five (25) feet of the intersection of the two public or private streets. Fences and walls along any plot line not adjacent to a street or within any required yard shall be limited to a height of six (6) feet above the established grade; however, hedges and all natural vegetation shall not be subject to height limits. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height. Any such lighting must be shaded, hooded or translucent fixtures.
- (2) *Vehicle and equipment repair:* Mechanical repairs to vehicles and boats owned by the resident shall be permitted inside a building. Mechanical repairs to agricultural equipment used on the plot to maintain a permitted agricultural use being conducted on the property, or equipment used to maintain the property, such as lawn tractors, shall be permitted outside.
- (3) *Storage:* The following may be stored in all Rural and Estate districts:
  - (a) Equipment and materials required for construction of a building or structure on the same site for which all required permits have been obtained and remain valid for the duration of the project.
  - (b) Outside storage of household items of the resident designed and intended for outdoor use.
  - (c) Operable vehicles and equipment necessary for conducting a permitted agricultural use.
  - (d) One non-agricultural commercial vehicle may be parked or stored on a plot inside a carport or other roofed structure, excluding any vehicle equipped with a bucket lift, and excluding semi-trailers, truck-tractors, dump trucks, tow trucks and moving vans, any of which may be parked or stored inside a completely enclosed building.
  - (e) Outside storage of a maximum of one boat and one recreational vehicle, not including park trailers, as an accessory use to a permanent dwelling on the premises. Recreational vehicles shall not be used for living purposes and may not maintain water or sewage connections.

\***Editor's note**—Ord. No. 1999-40, §§ 1, 2, adopted June 22, 1999, repealed former Art. XV, §§ 39-256, 39-257, in its entirety and enacted new provisions as herein set out. Former Art. XV pertained to special district regulations and derived from amendments eff. 9-13-73; eff. 8-10-77; eff. 11-28-77; eff. 8-10-77; Ord. No. 95-50, § 16, 11-28-95; Ord. No. 96-17, § 4, 5-28-96; Ord. No. 1998-06, § 5, 3-24-98.

- (f) The storage of junk and debris shall be subject to removal as provided in Article X, Property Maintenance, of this Chapter.
- (g) Storage and parking of private passenger vehicles shall be in accordance with Article XII, Offstreet Parking and Loading, of this Chapter.
- (4) *Swimming pools and spas*: Swimming pools and spas must be enclosed either by a screen enclosure or fence at least five (5) feet high of materials which will preclude unauthorized access to the pool or spa area. All screen doors and fence gates shall be equipped with self-closing, self-latching mechanisms.
- (5) *Animals*: Breeding, raising or keeping of animals in estate districts shall be permitted as follows:
  - (a) In all Rural and Estate districts:
    - 1. One animal for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in Article II of this Code.
    - 2. In addition to the animals in paragraph (1) above, the following may be kept on a plot containing a permanent dwelling:
      - a. A total of twenty-five (25) birds, fowl or poultry, provided such birds, fowl or poultry are kept in an enclosure which is at least fifty (50) feet from any plot line.
    - 3. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.
    - 4. On plots exceeding 4.5 acres in net area one additional animal shall be permitted for each ten thousand (10,000) square feet of plot area, if all animals are sheltered, not including hogs and household pets.
- (6) *Mobile homes and construction trailers*. One mobile home may be placed on a plot in a Rural or Estate district for a period of time not to exceed one year during active construction of a permanent dwelling. No mobile home shall be placed upon any such property until a development order for construction of the dwelling and a zoning permit have been issued. The zoning permit shall be posted in such a manner that it can be observed from the exterior of the mobile home. Actual construction of the dwelling must commence within four (4) months after issuance of the zoning permit and be actively carried forward. The mobile home must be removed from the property upon completion of the permanent dwelling or at the end of the one year period, whichever occurs first. The board of adjustment may grant one extension of a maximum twelve (12) months, upon petition from the property owner, subject to requirements of Article V of this Chapter.
- (7) *Easements*: No permanent structure except a wood or chain link fence, or similar type of open fencing, shall encroach upon or into any easement of record. No structure or use of any type shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes to adjacent properties without the written concurrence of all property owners whose access would be restricted by such encroachment or obstruction.
- (8) *Landscaping*: Installation and maintenance of landscaping shall be subject to compliance with Article VIII, Functional Landscaping and Xeriscaping, of this Chapter.
- (9) Installation and maintenance of permitted signs shall be subject to compliance with Article VI, Signs, of this Chapter.
- (10) *Definitions*: Terms used within this article are defined in Article II, Definitions, of this code.

- (11) *Nonconforming uses:* Any use which has been established as a legal nonconforming use, or which becomes a legal nonconforming use, shall be subject to provisions of Article VII, Nonconforming Uses and Structures, of this code.
  - (12) *Wireless communication facilities:* Wireless communication facilities shall comply with requirements of section 39-102, Wireless communication facilities, of this Code.
  - (13) *Off-street parking.* Off-street parking of private passenger vehicles shall comply with Article XII, "Off-Street Parking and Loading," of this Code.
  - (14) *Property Maintenance.* The open storage of junk, trash, debris, junk vehicles and vessels or aircraft, and the maintenance of buildings and structures shall comply with Article X, "Property Maintenance and Junk and Abandoned Property," of this Code.
  - (15) *Miscellaneous provisions.* Rural and estate districts shall also be subject to Article IX, "General Provisions," of this Code.
- (Ord. No. 1999-40, § 2, 6-22-99; Ord. No. 2000-36, § 27, 8-22-00)

**Sec. 39-261. Purpose of districts.**

(a) Estate E-1 and E-2 Districts are intended to apply to areas which are primarily residential estates and vocational agricultural uses, including horse boarding, with keeping of animals permitted incidental to residential dwellings. The regulations of these districts are intended to protect, preserve and enhance the character and lifestyle of existing low density areas in compliance with the Agricultural, Estate and Rural land use designations of the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan with limited community facilities permitted to serve the neighborhood.

(b) Rural Estate and Rural Ranches districts are intended to apply to areas designated as Agricultural, Rural Estates or Rural Ranches in the Future Unincorporated Area Land Use Plan, and are intended to protect, preserve and enhance the rural character and lifestyle of existing low-density neighborhoods predominately for one family dwellings, with ranches and related agricultural uses, including horse boarding.

(Ord. No. 1999-40, § 2, 6-22-99; Ord. No. 2000-36, § 28, 8-22-00)

**Sec. 39-262. Rural and estate zoning districts.**

The following shall constitute rural and estate zoning districts for the purposes of this code:

<i>District</i>	<i>Title</i>
E-1	1-Acre Estate
E-2	2-Acre Estate
Rural Estate	Rural Estate
Rural Ranches	Rural Ranches

(Ord. No. 1999-40, § 2, 6-22-99)

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

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

Key to abbreviations:

P = Permitted

NP = Not Permitted

C = Conditional Use

<i>Permitted Uses</i>	<i>E-1</i>	<i>E-2</i>	<i>Rural Estate</i>	<i>Rural Ranches</i>
1-family detached dwellings	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Places of worship and accessory schools and day care centers	P	P	P	P
Community residential facilities	P	P	P	P
Essential services	P	P	P	P
Outdoor events (subject to section 39-238)	C	C	C	C
Animals (subject to Section 39-260)	P	P	P	P
Wireless communication facilities (subject to section 39-102)	P	P	P	P

Permitted accessory uses to a 1-family dwelling

Detached guest house or servants' quarters (no kitchen)	P	P	P	P
Yard sales (subject to sec. 39-241)	C	C	C	C
Home offices (subject to sec. 39-237)	C	C	C	C
Family day care homes	P	P	P	P
Crop raising and plant nurseries (commercial and noncommercial) with on-premises sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales	P*	P	P*	P
Fish breeding (commercial and non-NP commercial)	P**	NP	P**	
Private riding instruction, training or breeding of horses, riding and boarding stables	P*	P**	P*	P**

\*On plots exceeding 2.3 acres in net area

\*\*On plots exceeding 4.5 acres in net area

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

(Ord. No. 1999-40, § 2, 6-22-99; Ord. No. 2000-36, § 29, 8-22-00)

**Sec. 39-264. Uses prohibited.**

Any use not expressly permitted in section 39-263 of this article is prohibited.

(Ord. No. 1999-40, § 2, 6-22-99)

**Sec. 39-265. Size of plot.**

(a) Every plot in a Rural Estate or E-1 district shall be not less than one hundred twenty-five (125) feet in width and contain not less than one net acre. One-family dwellings may be permitted on smaller plots which:

- (1) Contain thirty-five thousand (35,000) square feet or more in net area and are not less than one hundred twenty-five (125) feet in width; and
- (2) Were of public record prior to September 18, 1979; and
- (3) Have not been at any time since September 18, 1979, contiguous with another plot or plots in common ownership which could be combined into a single plot of at least one gross acre; or
- (4) Are included within an approved plat in which the average density is not more than one dwelling unit per gross acre, as defined in the Future Unincorporated Area Land Use Plan; or
- (5) Comply with requirements of exemptions for developed areas specified in the Future Unincorporated Area Land Use Plan.
- (6) When a plot which was recorded prior to January 1, 1973, and contained thirty-five thousand (35,000) square feet or more in area was reduced in size due to dedication for right-of-way, the resulting plot need be no larger than one hundred twenty-five (125) feet in width and thirty thousand (30,000) square feet in net area. Said plot shall not be further subdivided.
- (7) It shall be the responsibility of the applicant to provide evidence of compliance with the above exceptions.

(b) Every plot in a Rural Ranches or E-2 district shall be not less than one hundred twenty-five (125) feet in width and contain not less than two (2) net acres, or two and one-half (2½) gross acres, as defined in the Future Unincorporated Area Land Use Plan, except that a plot having a minimum area of eighty thousand (80,000) square feet in net area, which was a plot of record as of February 8, 1993, or having at least thirty-five thousand (35,000) square feet and a minimum width of one hundred twenty-five (125) feet, established as a matter of record prior to November 18, 1977, may be used for a one-family dwelling. (Ord. No. 1999-40, § 2, 6-22-99; Ord. No. 1999-50, § 1, 9-28-99)

**Sec. 39-266. Limitations for nonresidential and nonagricultural uses.**

(a) Although nonresidential and nonagricultural uses are permitted on a limited basis to serve the surrounding community, in order to promote and protect the primary purpose of rural and estate districts, the following limitations are hereby established:

- (1) Separation between nonresidential, nonagricultural uses: There shall be a minimum distance of one thousand (1,000) feet between all plots upon which a building has been constructed for and is used primarily for a permitted nonresidential and nonagricultural use. Measurement of the one thousand (1,000) feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of one permitted nonresidential and nonagricultural use to the nearest property line of any other permitted nonresidential and nonagricultural use.
  - a. Any person or entity seeking to establish a permitted nonresidential and nonagricultural use shall furnish to the county a special purpose survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed use and any existing nonresidential and nonagricultural use.

(b) *Location of permitted nonresidential and nonagricultural uses.* Any nonresidential and nonagricultural use shall be on a plot contiguous to an expressway or arterial as defined in the Broward County Trafficways Plan.



(c) *Maximum plot size for permitted nonresidential and nonagricultural uses.* The maximum plot size for any nonresidential and nonagricultural use shall be five (5) net acres.  
(Ord. No. 1999-40, § 2, 6-22-99)

**Sec. 39-267. Plot coverage.**

The combined area occupied by all buildings and roofed structures shall not exceed twenty percent (20%) of the plot area in Rural Estate and E-1 districts and ten percent (10%) of the plot area in Rural Ranches and E-2 districts.  
(Ord. No. 1999-40, § 2, 6-22-99)

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

(a) No building or structure, or part thereof, in an E-1 district shall be erected or maintained to a height exceeding forty (40) feet, except as permitted by section 39-103, exclusions from height limits, and section 39-102, wireless communication facilities.

(b) No building or structure, or part thereof, in a Rural Estate, Rural Ranches or E-2 district shall be erected or maintained to a height exceeding two (2) stories, except as permitted by section 39-103, exclusions from height limits, and section 39-102, wireless communication facilities.  
(Ord. No. 1999-40, § 2, 6-22-99; Ord. No. 2000-36, § 30, 8-22-00)

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

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

- (1) Any building or roofed structure, pen or coop or fish breeding tank used for the shelter, housing or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line.
  - (2) *Front yard:* A front yard of at least 50 feet must be provided. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private street or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac.
  - (3) *All other yards:*
    - (a) On all remaining sides of any agriculturally or residentially used plot there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory buildings and uses, except permitted fences and signs, and except as required by paragraph (1) of this section.
    - (b) On all nonresidential and nonagricultural plots there shall be a yard of at least fifty (50) feet between any plot line and any building or structure, except permitted fences and signs.
  - (4) There shall be a minimum separation between all detached buildings on a single plot of at least ten (10) feet.
- (Ord. No. 1999-40, § 2, 6-22-99)

**Sec. 39-270. Minimum floor area for dwellings.**

The minimum floor area of a one-family dwelling shall be 1,500 square feet.  
(Ord. No. 1999-40, § 2, 6-22-99)

**Secs. 39-271—39-274. Reserved.**

**ARTICLE XVI. RESIDENTIAL ZONING DISTRICTS\*****Sec. 39-275. General provisions.**

(1) *Easements.* No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes.

(2) *Double frontage.* Where a plot is bounded on two (2) opposite sides by public or private rights-of-way or streets with no platted nonvehicular access line or landscape easement on one of the two (2) sides, front yards shall be provided on both such sides. Accessory buildings shall not be located in either front yard.

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

- (a) Sills, columns, ornamental features, chimneys, eaves, and awnings may project thirty-six (36) inches into a required yard.
- (b) Fire escapes, stairways, balconies or canopies which are unenclosed, and air conditioning units may project three feet eight inches (3' 8") into a required side or rear yard.
- (c) An unenclosed and unroofed patio or deck not higher than the first floor level of the principal building may be located in any required yard which is not contiguous to a street to within five (5) feet of a plot line. A ground-level slab or patio may be located within fifteen (15) feet of a front plot line.
- (d) On a plot containing a one-family detached or two family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings.
- (e) Accessory buildings may not exceed one story on any plot containing a one-family detached dwelling.
- (f) Accessory buildings shall not exceed half the height of any principal building on plots containing two-family or multiple-family dwellings. On any plot containing grouped dwellings of varying heights, accessory buildings shall not exceed half the height of the lowest building on the plot.
- (g) One-story accessory buildings shall be at least ten (10) feet from any other accessory building and from any principal building on the same plot. The distance between any principal and accessory buildings on the same plot, where the accessory building is higher than one-story, shall be half the height of the highest principal building.
- (h) The aggregate floor area of all accessory buildings shall not exceed five percent (5%) of the plot area.
- (i) No accessory building shall contain more than fifty percent (50%) of the floor area of the principal building.

(4) *Fences, walls and hedges.* Fences, walls, or hedges may be erected, planted, and maintained upon any plot line and in required yards of residentially-zoned property to a maximum height of six (6) feet, except as follows:

- (a) On a lot line not at a corner, where a residential plot abuts commercial or industrially-zoned property, a fence, wall, or hedge may be a maximum height of eight (8) feet.

\*Editor's note—Ord. No. 96-15, § 1, adopted May 28, 1996, added a new Art. XVI, §§ 39-275—39-288 to Ch. 39. Formerly Art. XVI was reserved.

- (b) On a corner lot, no opaque fence, wall or hedge may exceed thirty (30) inches within twenty-five (25) feet of the intersection of the front and side street property lines.
- (c) Barbed wire, electrified or razor wire fences, or barbed, electrified or razor wire-topped fences or walls are prohibited on any residentially-zoned property.
- (d) Fence height shall be measured from the established grade.

(5) *Swimming pools and spas.* All residential swimming pools and spas shall be constructed in conformity with the following requirements:

- (a) All swimming pools and spas shall be completely enclosed by either an open-mesh screen enclosure or a fence or wall a minimum five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates must be equipped with self-closing, self-latching mechanisms.
- (b) On plots containing a one or two-family dwelling, swimming pools and spas may be placed in required side or rear yards subject to the limitations of section 39-275, subsection (3)(d). For purposes of this subsection, the minimum setback from a plot line shall be measured beginning three (3) feet from the outermost edge of the waterline of the swimming pool or spa for fenced pools and spas, and from the exterior of the screen enclosure for screen enclosed swimming pools and spas.
- (c) Swimming pools or spas on plots which directly abut a waterway or other water area shall not require enclosure along such waterway or water area.

(6) *Storage on residential property.*

- (a) Residentially-zoned land shall not be used for the storage of building materials or construction equipment except during active construction on the plot where the materials or equipment are located, and provided that a valid permit is in effect for the construction project, and the materials and equipment stored on the plot are necessary for the permitted construction project.
- (b) The open air storage of any item is prohibited in residential zoning districts with the exception of usable lawn, garden or pool furniture or equipment, barbecues, toys, bicycles, or trash cans being used by the residents of the dwelling on the plot where such items are stored.
- (c) The open air storage of junk, debris, junk vehicles or vessels, or any other item which is not specified in section 39-275, subsection (6)(b), shall be subject to removal as provided in Article X, "Property Maintenance and Junk and Abandoned Property," of this Code.
- (d) Storage or parking of private passenger vehicles in residential zoning districts shall be in accordance with Article XII, Off-street Parking and Loading, and Article X, Property Maintenance and Junk Property.

(7) *Commercial vehicles.*

- (a) It shall be unlawful to park or store any commercial vehicle or equipment on public or private property in all residential zoning districts, except for the following:
  - 1. One (1) commercial vehicle weighing five thousand (5,000) pounds or less may be parked or stored in a carport or garage, or in a side or rear yard if completely hidden from view of all adjacent properties.

2. Nothing shall prohibit the temporary parking of any commercial vehicle or equipment while its owner or operator is performing lawful and authorized public or private work as follows:
  - a. Tradesmen performing service or construction work or making deliveries of merchandise or household items;
  - b. Public utility service work or emergency vehicles, including law enforcement vehicles.

(8) *Dumpsters and dumpster enclosures.*

- (a) Dumpsters and dumpster enclosures shall be required on all residential plots containing four (4) or more dwelling units unless:
  1. There is a carport, garage, or other enclosed area suitable for storage of waste containers, attached to each individual dwelling unit on the plot; and
  2. That such carport, garage, or other enclosed area is used by the residents of the dwelling to store their waste containers when not being made available for trash pick-up.
- (b) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (c) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow.
- (d) Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances, except during a scheduled bulk pick-up by a licensed collector.
- (e) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the enclosure to prevent the dumpster from striking the enclosure during collection.
- (f) The dumpster, dumpster enclosure, and all surrounding areas shall be maintained by the property owner in accordance with this section, and shall be kept free of overflowing refuse at all times, except on a scheduled pick-up date. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (g) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (h) Dumpsters may be placed in the ground, provided the floor and walls of the enclosure are constructed of an impervious material. Any portion of the dumpster which is visible above the ground shall be screened with landscape material.
- (i) Dumpsters not placed in the ground shall be stored on a concrete pad, in accordance with the South Florida Building Code, at all times except twelve (12) hours before or after scheduled refuse collection and twenty-four (24) hours before or after special bulk waste collection.
- (j) The perimeter of the dumpster pad shall be enclosed on three (3) sides by an enclosure no less than the height of the dumpster plus six (6) inches. The enclosure shall be of translucent material allowing the detection of movement from one side to the other side of the enclosure. The remaining side of the dumpster enclosure shall be enclosed with gates constructed in accordance with section 39-275, subsection (8)(k) below.
- (k) The gates of the enclosure shall be constructed of a frame with translucent walls affixed thereto, and shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

- (l) All dumpster enclosures consisting of living plants shall conform to the requirements of Article VIII, Functional Landscaping and Xeriscaping.
  - (m) On residential plots developed prior to June 16, 1995, where no other suitable location exists, upon application and receipt of a permit from Broward County, a residential dumpster and dumpster enclosure may be located within a required parking space or yard area.
- (9) *Recreational vehicles and boats.* In all residential zoning districts currently licensed recreational vehicles and boats may be parked or stored on plots containing a dwelling, subject to the following:
- (a) Parking or storage of recreational vehicles or boats shall be limited to vehicles or boats owned by the occupants of the property or their guests.
  - (b) Maintenance of recreational vehicles or boats shall not be permitted in a residential zoning district with the exception of cleaning or replacement of tires, batteries, spark plugs or other minor repairs which do not involve the exchange of engine parts or paint or body work.
  - (c) At no time while parked or stored in a residential zoning district shall sewer or electrical service connections be attached to a recreational vehicle or boat, except that electrical service connections may be attached for a maximum of forty-eight (48) hours prior to and in preparation for departure from the property.
  - (d) All boats, except canoes and boats less than twelve (12) feet in length, must be on a currently licensed boat trailer.
  - (e) In addition to the limitations in section 39-275, sub-sections (9)(a), (b), (c) and (d) above, on a plot containing a one or two-family dwelling:
    - 1. Not more than one (1) boat and one (1) recreational vehicle may be parked or stored outside of a carport or fully enclosed building.
    - 2. No recreational vehicle or boat shall be parked or stored in a location which causes the recreational vehicle or boat to encroach onto a street or in any location which visually obstructs vehicle egress from contiguous properties.
  - (f) In addition to the limitations in section 39-275, subsections (9)(a), (b), (c), (d) and (e) above, on a plot containing three (3) or more dwelling units:
    - 1. One recreational vehicle and one boat per dwelling unit may be parked or stored on the plot outside of a carport or fully enclosed building, if an area specifically designated for such use is provided.
    - 2. No part of any required off-street parking facility or required landscape area may be used for parking or storage of recreational vehicles or boats.
- (10) *Repair and maintenance of vehicles.*
- (a) Mechanical repairs to private passenger vehicles belonging to occupants of a dwelling shall be permitted inside a residential garage.
  - (b) Only minor repairs limited to tire, battery, sparkplug, or oil replacement may be performed in a carport or in the open air.
  - (c) No storage of parts or equipment shall be permitted at any time outside of a garage.
  - (d) Auto body work and painting shall be prohibited in any residential area.
  - (e) Any repair or maintenance of vehicles conducted pursuant to this section shall conform to all other provisions of the Broward County Code.

(11) *Boathouses, boat slips and boat lifts.* The following regulations shall apply to boathouses, boat slips and boat lifts in residential districts:

- (a) No boathouse or boat lift shall exceed a height of fifteen (15) feet.
- (b) No boathouse shall be built less than five (5) feet from the established bulkhead or waterway line or less than ten (10) feet from any side plot line.
- (c) No boathouse shall exceed twenty (20) feet in width and forty (40) feet in depth.
- (d) No boathouse, boat slip or boat lift shall be constructed or altered to be less than ten (10) feet from any side plot line.
- (e) No ~~boathouse~~, boat slip or boat lift may extend more than thirty-three percent (33%) of the width of the waterway, or twenty-five (25) feet into the waterway, whichever is less, as measured from the recorded property line along the waterway.
- (f) Nighttime reflectors shall be affixed to any ~~boathouse~~ or boat lift extending more than five (5) feet into any waterway.

(12) *Docks and moorings.* Docks and moorings for pleasure boats, yachts and other noncommercial watercraft shall be permitted in residential zoning districts on any waterway or water area as an accessory use to a permitted residential occupancy of a plot, subject to the following:

- (a) **No dock shall project more than five (5) feet into any waterway beyond the property line along the waterway or the established bulkhead line.** No dock shall extend closer than ten (10) feet to the plot line of any other residentially-zoned property.
- (b) Mooring pilings shall be permitted, provided they do not project into any waterway more than thirty-three percent (33%) of the width of the waterway, or twenty-five (25) feet, whichever is less, as measured from the recorded property line. No mooring piling shall be situated closer than ten (10) feet to any lot line of contiguous property.
- (c) Nighttime reflectors shall be affixed to any mooring piling extending more than five (5) feet into any waterway.
- (d) Vessels docked at or moored to private docks or by mooring pilings shall not extend into a waterway more than thirty-three percent (33%) of the width of the waterway measured from the recorded property line.
- (e) No vessel of any kind shall dock at, moor to, or tie up to a private seawall, dock or mooring piling or be beached upon private property without the permission of the owner or legal occupant of the residence immediately adjacent to the private seawall, dock, mooring piling, or beach. Nothing, however, shall prohibit vessels or persons in distress from mooring to, tying up to, or beaching on private property, in an emergency situation, for a maximum of seventy-two (72) hours from the time the vessel is initially moored, docked, tied up to, or beached on the private property. At the end of the seventy-two (72) hour period, the owner or occupant of such private property may request Broward County to initiate the appropriate procedures to remove the vessel.
- (f) The owner of the property or person in charge of or occupying a vessel shall at all times keep the docks, seawalls and premises adjacent to such vessel in a neat and orderly manner and free from litter, repair parts, machinery, equipment and debris of any kind.
- (g) No vessel shall be docked, moored or anchored adjacent to residential property in such a manner that it extends across the property line of contiguous property.

(13) *Groins, seawalls and breakwaters.*

- (a) The approval of the U.S. Army Corp of Engineers must be obtained for any encroachment into the waters of the Atlantic Ocean or any other navigable waterway.
- (b) Seawalls shall be of the sloping, high energy-absorbing type, or of a vertical type with high energy-absorbing, rubble mound on the ocean or waterway side of the vertical wall. The toe or bottom of a sloping seawall shall not be located closer than one hundred (100) feet from mean low water shoreline.

(14) *Household pets.* Livestock such as horses, cattle, sheep, goats, hogs, pigs, and poultry shall not be permitted as pets.

(15) *Grouped housing.* Where two (2) or more separate buildings for dwelling purposes are erected on the same plot, minimum front, side and rear yards shall be provided around the perimeter of the plot as required by this code. The distance between such buildings shall be at least half the height of the higher of the two (2) buildings, but not less than ten (10) feet.

(16) *Minimum space and basic facility requirements for dwelling units.* No person shall occupy or allow occupancy of any dwelling unit which does not comply with the minimum standards specified herein.

(a) *Requirements for space.*

1. Each dwelling unit shall have a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and not less than one hundred twenty (120) square feet for each additional occupant, of which forty (40) square feet shall be bedroom area, thirty (30) square feet shall be dining area, and fifty (50) square feet shall be living area.
2. Every room in a dwelling unit shall have a gross floor area of not less than seventy (70) square feet and, when occupied by more than one occupant, shall have a gross floor area of at least (50) square feet for each occupant. Every room shall have a minimum width of eight (8) feet.
3. Gross area shall be calculated on the basis of total habitable room area as defined in section 39-4 of this code.
4. Every dwelling unit shall have a minimum of twelve (12) square feet of floor area of closet space for the first bedroom and six (6) square feet of floor area for closet space for each additional bedroom. Kitchen closet space shall not be considered as meeting this requirement. All clothes closets must have a shelf and rod.

(b) *Basic sanitary facility requirements.*

1. Each dwelling unit shall have not less than one flush water closet, one lavatory basin, and one bathtub or shower for each six (6) persons, or fraction thereof, residing in the dwelling unit.
2. Urinals shall not be substituted for water closets.
3. All toilet and bath facilities shall be accessible from the interior of the dwelling unit.

(17) *Temporary sales offices.*

- (a) A temporary sales office may be erected and used on the plot of a residential development during construction of the dwelling units in the project. The sales office shall be removed upon completion of the phase of the project utilizing the sales office, or three (3) years from the date of issuance of the Development Order for Building Permit for the first dwelling unit, whichever occurs first.

- (b) In no case shall any temporary sales office be permitted to remain on the plot of the residential development if the Development Order or any permit for construction of the dwelling units in the project becomes invalid for more than a thirty (30) day time period.
- (c) Any permit application for a temporary sales office shall be accompanied by a copy of an approved plat or site plan specifically delineating the boundaries of the phase of the project the sales office is to serve.
- (d) Only one sales office shall be permitted to serve the area delineated in the project area.
- (18) *Signs.* Signs in any residential zoning district shall be subject to Article VI, "Signs," of this Code.
- (19) *Definitions.* Terms used in this article are defined in Article II, "Definitions," of this Code.
- (20) *Property Maintenance.* All buildings and properties in residential zoning districts shall be maintained in accordance with Article X, "Property Maintenance and Junk and Abandoned Property," of this Code.
- (21) *Landscaping.* All properties  
(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-25, § 2, 6-10-97; Ord. No. 2000-36, § 31, 8-22-00)

**Sec. 39-276. Purpose of districts.**

The provisions of these districts are intended to provide a variety of residences and complimentary uses which conform to the density requirements, policies, and objectives of the Broward County Land Use Plan.  
(Ord. No. 96-15, § 1, 5-28-96)

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

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

<i>District</i>	<i>Title</i>
RS-2 through RS-6	One-family detached dwelling districts
RD-4 through RD-10	Duplex and attached one-family dwelling districts
RM-5 through RM-25	Multiple-family dwelling districts

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 3, 9-8-98)

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

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

*Density Limits:*

<i>District</i>	<i>Permitted Dwelling Units per Net Acre</i>	
	<i>1-Family detached</i>	<i>All others</i>
RS-2.....	2.0	



<i>District</i>	<i>Permitted Dwelling Units per Net Acre</i>	
	<i>1-Family detached</i>	<i>All others</i>
RS-3.....	3.0	
RS-4.....	4.0	
RS-5.....	5.0	
RS-6.....	6.0	
RD-4.....	4.0	4.0
RD-5.....	5.0	5.0
RD-6.....	6.0	6.0
RD-7.....	7.0	7.0
RD-8.....	8.0	8.0
RD-9.....	9.0	9.0
RD-10.....	9.0	10.0
RM-5.....	5.0	5.0
RM-6.....	6.0	6.0
RM-7.....	7.0	7.0
RM-8.....	8.0	8.0
RM-9.....	9.0	9.0
RM-10.....	9.0	10.0
RM-11.....	9.0	11.0
RM-12.....	9.0	12.0
RM-13.....	9.0	13.0
RM-14.....	9.0	14.0
RM-15.....	9.0	15.0
RM-16.....	9.0	16.0
RM-17.....	9.0	17.0
RM-18.....	9.0	18.0
RM-19.....	9.0	19.0
RM-20.....	9.0	20.0
RM-21.....	9.0	21.0
RM-22.....	9.0	22.0
RM-23.....	9.0	23.0
RM-24.....	9.0	24.0
RM-25.....	9.0	25.0

- (a) Maximum density for hotel and motel rooms shall be calculated as double the maximum number of dwelling units permitted in the zoning district in which the property is located.
  - (b) Maximum density for nursing homes, community residential facilities, and convalescent or rehabilitation homes shall be calculated as two (2) bedrooms equals one dwelling unit.
- (Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 4, 9-8-98)

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

Buildings, structures, land or water in residential zoning districts may only be used for one or more of the uses as designated in the following table:

<i>Use</i>	<i>District</i>			
	<i>RS-2 to 6</i>	<i>RD-4 to 10</i>	<i>RM-5 to 16</i>	<i>RM-17 to 25</i>
1-family detached dwelling	P	P	P	P
2-family dwelling	NP	P	P	P
Townhouse or villa	NP	P	P	
Multi-family dwelling (3 or more dwelling units)	NP	NP	P	P
Community residential facility with adult day care permitted as an accessory use	P	P	P	P
Nursing home, convalescent or rehabilitation home	NP	NP	NP	P
Hotel, motel, or timeshare apt.	NP	NP	NP	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Golf course	P	P	P	P
Places of worship	P	P	P	P
Family day care home	P	P	P	P
Home office subject to sec. 39-237	C	C	C	C
Child care facility	NP	NP	P	P
Temporary sales offices	P	P	P	P
Yard sales	C	C	C	C
Accessory uses and structures	P	P	P	P
Essential services	P	P	P	P
Bed and breakfast	NP	NP	P*	P
Off-site parking lots subject to sec. 39-240	C	C	C	C
Outdoor event, subject to sec. 39-238	C	C	C	C
Wireless communication facilities subject to sec. 39-102	P	P	P	P

\*Not permitted in RM-5 thru RM-10  
 (Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 5, 9-8-98; Ord. No. 2000-36, § 32, 8-22-00)

**Sec. 39-280. Uses prohibited.**

Any use not expressly permitted in section 39-279 of the Broward County Code of Ordinances is prohibited.  
 (Ord. No. 96-15, § 1, 5-28-96)

**Sec. 39-281. Plot size.**

(1) The minimum plot area per dwelling unit in residential zoning districts shall be as follows, provided common open space is provided in compliance with section 39-283 of this Code:

<i>Min. plot area per unit</i>	
<i>District</i>	<i>in square feet</i>
RS-2 .....	15,000
RS-3 .....	10,000
RS-4 .....	7,500
RS-5 .....	6,000
RS-6 .....	5,000

<i>Min. plot area per unit</i>	
<i>District</i>	<i>in square feet</i>
RD-4 .....	7,500
RD-5 .....	6,000
RD-6 .....	5,000
RD-7 .....	4,300
RD-8 .....	3,800
RD-9 .....	3,300
RD-10 .....	3,300
RM-5 .....	6,000
RM-6 .....	5,000
RM-7 .....	4,300
RM-8 .....	3,800
RM-9 .....	3,300
RM-10 .....	3,300
RM-11 .....	3,300
RM-12 .....	3,300
RM-13 .....	3,300
RM-14 .....	3,300 (1-family detached)
	3,111 (all others)
RM-15 .....	3,300 (1-family detached)
	2,904 (all others)
RM-16 .....	3,300 (1-family detached)
	2,722 (all others)
RM-17 .....	3,300 (1-family detached)
	2,562 (all others)
RM-18 .....	3,300 (1-family detached)
	2,420 (all others)
RM-19 .....	3,300 (1-family detached)
	2,292 (all others)
RM-20 .....	3,300 (1-family detached)
	2,178 (all others)
RM-21 .....	3,300 (1-family detached)
	2,074 (all others)
RM-22 .....	3,300 (1-family detached)
	1,980 (all others)
RM-23 .....	3,300 (1-family detached)
	1,894 (all others)
RM-24 .....	3,300 (1-family detached)
	1,815 (all others)
RM-25 .....	3,300 (1-family detached)
	1,742 (all others)

Every individual plot shall have at least one side which has a minimum dimension of sixty (60) feet. The plot line which provides access to the plot must be a minimum of nineteen (19) feet.

(2) The minimum plot size for all permitted nonresidential uses shall be one net acre, with a minimum street frontage of one hundred fifty (150) feet, except that existing nonresidential buildings on plots which are less than one net acre may be expanded provided the expansion meets all requirements for setbacks, off-street parking, landscaping, and all other development standards in effect at the time of site plan submittal for the expansion.

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 6, 9-8-98)

**Sec. 39-282. Plot coverage.**

The combined area occupied by all buildings and roofed structures shall not exceed the following maximum percentages of any individual plot:

<i>District</i>	<i>Maximum Coverage</i>
RS-2 .....	20%
RS-3 to RS-6 .....	40%
RD-4 to RD-6, RM-5 and RM-6 .....	50%
RD-7 to RD-10, RM-7 to RM-25 .....	.65% for 1-family detached 40% for all other uses

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 7, 9-8-98)

**Sec. 39-283. Common open space.**

(1) For each net acre of property reflected in a subdivision plat or site plan for construction of one-family, two family or townhouse dwellings in RS-2 to RS-6 and RM-5 to RM-25 submitted for plat review after the effective date of this article, common open space for active or passive recreation areas or water retention areas shall be reserved and supplied as follows:

- (a) For each net acre of property reflected in a subdivision plat or site plan, a minimum of thirteen thousand five hundred sixty (13,560) square feet of plot area;
- (b) For plots containing less than one net acre, a minimum of twenty percent (20%) of the plot area;
- (c) For lots platted prior to the effective date of this article or recorded in the public records as an individual plot, no common open space shall be required, provided the lots are not further subdivided.

(2) A reduction in the size of such reserved areas shall be permitted for one-family, two-family or townhouse dwelling developments if one or more individual plots are increased above minimum plot area at a ratio of one square foot increase in residential plot area to one square foot decrease in common open space area.

(3) Such areas must be specifically delineated on the recorded subdivision plat or approved site plan and shall be conveyed by any of the following procedures:

- (a) The acceptance of a deed to such land by the Board of County Commissioners of Broward County;
- (b) The sale, lease or other disposition of such property to a nonprofit corporation, such as a homeowners association, chartered under the laws of Florida, to administer and maintain the facilities and land or water areas.

(c) The inclusion of a portion of said property in the deeded lots or descriptions of individual purchasers subject to an acceptable deed restriction limiting that portion to the use outlined in the approved site plan and recorded in the public records. Access rights for all residents within the development shall be guaranteed.

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 2000-36, § 33, 8-22-00)

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

No building or structure, or part thereof, shall be erected or altered to exceed the maximum heights specified as follows, except structures specifically permitted in accordance with section 39-103 of this code, titled "exclusions from height limits":

<i>District</i>	<i>Number of stories</i>
RS-2 to RS-6 .....	2
RD-4 to RD-10 .....	2
RM-5 to RM-6 .....	2
RM-7 to RM-8 .....	3
RM-9 to RM-15 .....	4
RM-16 to RM-20 .....	6
RM-21 to RM-23 .....	10
RM-24 to RM-25 .....	15

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 8, 9-8-97; Ord. No. 2000-36, § 34, 8-22-00)

**Sec. 39-285. Front yard.**

(1) Every individual plot used for one-family or two-family dwellings shall maintain a front yard as follows:

<i>District</i>	<i>Front Yard</i>
RS-2 .....	50 feet
RS-3 to RS-6 .....	25 feet
RD-4 to RD-6 .....	25 feet
RD-7 to RD-10 .....	18 feet
RM-5 to RM-25 .....	18 feet

(2) Every individual plot used for nonresidential uses shall maintain a setback along any street side of at least fifty (50) feet in RS-2 districts and at least thirty (30) feet in all other residential zoning districts.

(3) Every individual plot used for multiple-family dwellings consisting of three (3) or more dwelling units shall maintain a setback along all street sides of at least twenty-five (25) feet.

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 9, 9-8-98; Ord. No. 2000-36, § 35, 8-22-00)

**Sec. 39-286. Side yards.**

(1) Every individual plot used for one-family or two-family dwellings shall maintain side yards as follows:

<i>District</i>	<i>Side Yard</i>
-----------------	------------------

CD39:157

RESIDENTIAL

RS-2 .....	25 feet
RS-3 to RS-5, RD-4 to RD-5 .....	7.5 feet
RS-6, RD-6 to RD-10, RM-5 to RM-25 .....	5 feet

(a) Street side yards:

<i>District</i>	<i>Street Side Yard</i>
RS-2 .....	25 feet
RS-3 to RS-5, RD-4 to RD-5 .....	15 feet
RS-6, RD-6 to RD-10, RM-5 to RM-25 .....	10 feet

(b) Zero lot line developments:

1. On any two or more plots which meet the minimum area stated in this article, one-family detached dwellings and accessory buildings may be located on a side plot line, provided the sum of both required side yards exists on the opposite side plot line.
2. No openings of any kind shall be permitted on the side of any building directly abutting and running parallel to the zero yard side of the plot. No encroachments of any kind, including roof overhangs, shall be permitted on any adjoining property.
3. Zero lot line development shall require submission, approval and recordation of a subdivision plat indicating the area and dimension of each lot and specifically indicating that a minimum five (5) feet wide maintenance easement, in favor of the adjoining property owner, shall be provided on each lot adjacent to the zero lot line side of each lot. The subservient property owner shall not place any landscaping or other obstruction in the maintenance easement which would interfere with reasonable access to the easement for maintenance purposes. Such subdivision plats shall also meet all applicable requirements of the Broward County Land Development Code.
4. At no time shall a zero lot line development be approved which would allow a residential structure to be placed on a plot line that directly abuts land held in separate ownership, which is not developed or intended to be developed utilizing the zero lot line concept.

(c) Townhouses: Side yards shall not be required on any common party wall plot line.

(2) All individual plots used for multiple-family dwellings consisting of three (3) more dwelling units, or nonresidential uses shall maintain a side yard on each side of the plot not contiguous to a public or private street of at least twenty (20) feet.

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 10, 9-8-98)

**Sec. 39-287. Rear yard.**

(1) All individual plots used for one-family or two-family dwellings shall maintain a rear yard as follows:

<i>District</i>	<i>Rear Yard</i>
RS-2 .....	25 feet
RS-3 to RS-6, RD-4 to RD-5 .....	15 feet
RD-6 to RD-9, RM-5 to RM-9 .....	10 feet
RD-10, RM-10 to RM-25 .....	5 feet

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 11, 9-8-98)

**Sec. 39-288. Minimum floor area of dwelling units.**

The following minimum floor areas per dwelling unit shall be provided:

<i>District</i>	<i>Minimum Floor Area per Dwelling Unit</i>
RS-2	1,500 square feet
RS-3 to RS-6, RD-4 to RD-10	800 square feet
RM-5 to RM-25	800 square feet (1-family) 600 square feet (multiple-family) 400 square feet (efficiency apt.) 200 square feet (hotel and motel room)

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-12, § 1, 3-11-97; Ord. No. 1998-31, § 12, 9-8-98)

**Sec. 39-289. Permitted accessory uses for hotels, motels and community residential facilities.**

(a) Hotels, motels and community residential facilities having fifty (50) or more units may have restaurants, nightclubs, dining rooms or bars. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, dining room or bar.

(b) Hotels, motels and community residential facilities having one hundred (100) or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.

(c) The aggregate gross floor area of all permitted accessory uses shall not exceed thirty (30) percent of the gross floor area of the principal building(s) on the plot.

(Ord. No. 1998-31, § 13, 9-8-98)

**Secs. 39-290, 39-291. Reserved.**

**ARTICLE XVII. COMMERCIAL DISTRICTS****Sec. 39-292. Commercial zoning districts.**

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

B-1 Limited Commercial Business District

B-2 General Commercial Business District

B-3 Intense Commercial Business District

B-4 Commercial Redevelopment Overlay Districts

C-1 Commercial Warehouse District

CR Commercial Recreation District

OP Office Park District

(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 1, 4-11-00)

**Sec. 39-293. Purpose of districts.**

(a) The B-1 Limited Commercial Business District is intended to meet the personal service needs of the local neighborhood. Such districts are primarily located on a local collector road, contiguous to residentially-zoned properties, rather than a major thoroughfare. All activities of permitted uses are limited to the interior of a building, except as specifically permitted in section 39-300, "Limitations of uses."

(b) The B-2 General Commercial Business District is intended to meet the shopping and service needs of several residential neighborhoods or a substantial residential area. B-2 districts are primarily located on a major thoroughfare or arterial catering to vehicular traffic. All activities of permitted uses are limited to the interior of a building, except as specifically permitted in section 39-300, "Limitations of uses."

(c) The B-3 Intense Commercial Business District is intended primarily to accommodate establishments and services catering to the business and industrial community and for services not used by residents on a regular basis. Such districts are not appropriate for locations which are contiguous to residential properties. Due to the size of permissible items which may be sold or maintained, display and storage are permitted outside.

(d) The B-4 Commercial Redevelopment Overlay Districts are intended to provide incentives for redevelopment of older, commercial areas which have experienced a decline in occupancy, maintenance and economic viability.

(e) The C-1 Commercial Warehouse District is intended for certain repair and maintenance services, wholesale, storage and warehouse uses, and sales or rental of large or heavy machinery and equipment. Such districts serve a regional clientele or nearby industrial areas and do not cater to residential areas or pedestrian traffic.

(f) The CR Commercial Recreation District is intended to accommodate major public and private commercial recreation facilities which offer opportunities to residents and tourists.

(g) The OP Office Park District is intended to encourage the location of planned office complexes and corporate headquarters in a campus-like atmosphere with substantial buildings and ample open space, including limited services for employees such as shopping and food service establishments.  
(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 2, 4-11-00)

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

(a) *Alcoholic Beverage Establishments.* Any establishment selling or dispensing alcoholic beverages or allowing on-premises consumption of alcoholic beverages must comply with all requirements of Article XI of this Chapter, "Alcoholic Beverage and Adult Entertainment Establishments."

(b) *Display of products for sale.* Display of products for sale. In B-1, B-2, B-4, RO and OP districts, all products displayed for sale shall be located within a building, except that produce, plants and lawn and garden equipment may be displayed and stored outside in an area designated on an approved site plan, provided the display and storage is located at least fifty (50) feet from any residentially-zoned plot and is not within any required landscape buffer. Such outside display areas shall be enclosed with a fence at least six (6) feet in height. At least one side of the display and storage area shall be contiguous to the principal building to which it is accessory. Stocking of the produce or plants or pick-up by customers shall be done internally or through a single gate at the designated off-street loading area.



(c) *Dumpsters and dumpster enclosures.* Dumpsters located on any property in a commercial zoning district as of the effective date of this article and/or constructed subsequent to the effective date of this article shall comply with the following:

- (1) Dumpsters shall be kept within opaque or translucent enclosures and shall be located at least five (5) feet inside any plot line; however, no dumpster or dumpster enclosure shall be located in a required setback or buffer area, unless a street or dedicated alley separates the commercial plot from any adjacent residential property.
- (2) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (3) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (4) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.
- (5) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (6) The dumpster enclosure shall be constructed so as to accommodate recycling bins, if the recycling bins are over forty (40) gallons.
- (7) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- (8) The base of the enclosure must be poured concrete, in accordance with the requirements of the South Florida Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(d) *Landscaping.* All buildings and uses shall provide landscaping in accordance with Article VIII of this Chapter, "Functional Landscaping and Xeriscaping."

(e) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII of this Chapter, "Off-street Parking and Loading," except as provided for B-4 Commercial Redevelopment Overlay Districts.

(f) *Setbacks and buffers between commercial business and residential districts.*

- (1) Except for CR Commercial Recreation districts, the minimum setback for the construction or erection of any building or structure, except fences and walls, in any commercial zoning district which is contiguous to a residentially-zoned plot in separate ownership, shall be twenty-five (25) feet from such plot line, unless a greater setback is required for a specific use in this article. A landscape buffer as required by Article VIII, Functional Landscaping and Xeriscaping, shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge a minimum of six (6) feet in height, constructed or planted and maintained as provided in subsection (7) following.

- (2) Except for CR Commercial Recreation districts, the minimum setback for the construction or erection of any building or structure, except fences and walls, in any commercial zoning district which is separated from a residentially-zoned plot by a street, dedicated alley, canal, water area, railroad right-of-way or public open space, shall be ten (10) feet from any such plot line, unless a greater setback is required for a specific use in this Article. The entire setback area shall be a landscape buffer as required by Article VIII of this Chapter, "Functional Landscaping and Xeriscaping," crossed only by pedestrian walkways and driveways necessary for ingress and egress to and from the plot.
  - (3) No building or structure, except fences and walls, shall be erected or maintained in any CR Commercial Recreation district closer than one hundred (100) feet from any plot line.
  - (4) No building or structure shall be erected or maintained within twenty-five (25) feet of the intersection of two streets, nor within fifteen (15) feet of the intersection of any driveway and street, except as permitted in subsection (7) following.
  - (5) The setback areas in OP Office Park districts shall be double the sizes specified in subsections (1) and (2) above.
  - (6) The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.
  - (7) Fences, walls and hedges may be erected or planted and maintained within the setback to a maximum height of eight (8) feet, except in vehicular use areas. Fences and walls shall be translucent. Hedges used as a required visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach a height of at least six (6) feet within two years after planting. Open-weave or chain link fences may only be used if appropriate landscape material, in accordance with Article VIII, is planted along such fence, which, after planting, will obscure the fence and provide a translucent barrier within one year after planting. Within twenty-five (25) feet of the intersection of two streets or within fifteen (15) feet of the intersection of a private accessway and a street no fencing may be erected or maintained. The use of barbed wire, razor wire or electrified fencing shall be prohibited.
- (g) *Signs.* All buildings and uses shall be subject to provisions in Article VI, of this Chapter, "Signs," except as specified in section 39-301(d)(5) of this article.
- (h) *Use of residentially-zoned property for access.* No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a commercial district, except where a public street provides the sole access to the commercial property.
- (i) *Use of premises without buildings.* All permitted uses shall be conducted from a building on the plot which building shall be a minimum of one hundred fifty (150) square feet in floor area and which shall contain permanent sanitary facilities.
- (j) *Definitions.* Terms used herein are defined in Article II, "Definitions," of this Chapter.
- (k) *Nonconforming uses and structures.* Nonconforming uses and structures in commercial business districts shall be subject to Article VII, "Nonconforming Uses and Structures," of this Chapter.
- (l) *Property maintenance.* Buildings and properties in commercial business districts shall be maintained in accordance with Article X, "Property Maintenance and Junk and Abandoned-Property," of this Chapter.

(m) *Miscellaneous provisions.* In addition to general provisions herein, commercial business districts shall also be subject to Article IX, "General Provisions," of this Chapter. (Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-36, § 36, 8-22-00)

### Sec. 39-295. Permitted uses.

Permitted principal uses in all business districts shall be limited to those uses specified in the Master Business List. Any use not specifically listed herein, but which is commercial in nature, 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 39-300, "Limitations of uses." Specific subsection references are included in the following Master Business List.

#### Master Business List

*P = Permitted*

*C = Conditional*

*A = Accessory use only*

<i>Use</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>C-1</i>	<i>CR</i>	<i>OP</i>
Accessory dwellings [see section 39-300(a)]	A	A	A	A	A		
Adult entertainment establishments [see Article XI]			P		P		
Adult video store			P		P		
Amusement center (video arcade, games) [see section 39-300(c)]		P	P			A	
Amusement park [see section 39-300(b)]						P	
Appliance store (major)		P	P	P	P		
Auction house			P		P		
Auditorium						P	
Automobile, truck and recreational vehicle accessories; sales and installation [see section 39-300(d)]		P	P	P	P		
Automobile detailing or cleaning (other than automated car washes)			P		P		
Automobile repair garage (mechanical) [see section 39-300(e)]			P		P		
Automobile paint and/or body shop [see section 39-300(e)]					P		
Awning and canvas shop					P		
Bank or financial institution	P	P	P	P			P
Bar, lounge, tavern or pub		P	P		P	A	A
Barber shop, beauty salon, nail salon	P	P	P	P			A
Bakery, retail	P	P	P	P			A
Billiard center or pool hall [see section 39-300(c)]		P	P			A	
Bingo hall		P	P		P		
Blood bank			P		P		
Boarding or breeding kennel [see section 39-300(f)]			P		P		
Boat building, repair and dry storage [see section 39-300(g)]					P		
Boat sales			P		P		

Use	B-1	B-2	B-3	B-4	C-1	CR	OP
Bookstore, newsstand	P	P	P	P			A
Bottled gas storage, filling or distribution					P		
Bowling center		P	P	P	P	P	
Bus terminal [see section 39-300(h)]		P	P	P	P		
Cabinet or carpenter shop [see section 39-300(i)]					P		
Car wash, self-service or automated		P	P	P	P		
Catering or food delivery service	P	P	P	P	P		
Child care center, pre-school or adult day care [see section 39-300(j)]	P	P	P	P			A
Clothing store	P	P	P	P			
Club, private bottle			P		P		
Club, private fraternal or lodge			P		P		
Coin laundry	P	P	P				
Commercial vehicle storage yard (nonaccessory) [see section 39-300(k)]					P		
Contractor's shops [see section 39-300(l)]					P		
Convenience store [see section 39-300(p)]	P	P	P	P	P		
Courier service		P	P	P	P		A
Dance club			P				
Delicatessen	P	P	P	P			A
Department store		P	P	P			
Dinner theater		P	P	P			
Dry cleaning or laundry drop-off and pick-up	P	P	P	P	P		A
Electronics sales or repair	P	P	P	P	P		
Employment agency, business and professional		P	P	P			
Employment agency, day labor [see section 39-300(m)]			P		P		
Equipment sales and rental (construction, industrial, agricultural) [see section 39-300(n)]					P		
Escort or dating service			P				
Essential services and utilities	P	P	P	P	P	P	P
Fairground						P	
Flea market, indoor			P	P			
Flooring store (carpet, tile, etc.)		P	P	P	P		
Florist	P	P	P	P			A
Funeral home, mortuary [see section 39-300(o)]		P	P		P		
Furniture store		P	P	P			
Gasoline station [see section 39-300(p)]		P	P	P	P		
Glass and mirror shop			P		P		
Golf course						P	
Golf driving range [see section 39-300(b)]			P			P	
Golf, miniature			P			P	
Gym or fitness center		P	P	P		P	A

<i>Use</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>C-1</i>	<i>CR</i>	<i>OP</i>
Hardware store	P	P	P	P	P		
Hobby or craft store	P	P	P	P			
Holiday wayside stand (see section 39-239)		C	C	C	C		
Home improvement center			P	P	P		
Hotel or motel			P			A	A
Laboratory (medical, dental, research and development)		P	P		P		P
Lawn and garden shop	P	P	P	P	P		
Library, museum, art gallery and other such exhibitions		P	P	P			
Lumberyard					P		
Marina [see section 39-300(q)]			P		P	P	
Mobile collection center [see section 39-300(r)]		P	P		P		
Mobile food unit [see section 39-300(s)]			C	C	C	C	C
Nightclub		P	P	P			
Offices (business, professional or governmental)	P	P	P	P	P		P
Offices (medical, dental, psychiatric or chiropractic)	P	P	P	P			P
Outdoor event (see section 39-238)	C	C	C	C	C		
Outdoor recreation club [see section 39-300(b)]						P	
Package delivery service			P		P		
Package liquor, beer or wine		P	P		P		
Parts store, vehicles or boats [see section 39-300(t)]		P	P	P	P		
Pawnshop [see section 39-300(u)]			P		P		
Personal service shops (other than those specified herein)			P		P		
Pest control service			P		P		
Pharmacy	P	P	P	P			
Places of worship [see section 39-300(v)]	P	P	P				
Plant or produce sales		P	P	P	P		
Post office	P	P	P	P			P
Photocopy or small job printing shop		P	P	P	P		A
Racetrack [see section 39-300(b)]						P	
Recording or broadcasting studio (music, radio, television, film)		P	P	P	P		P
Recreational vehicle park, campground [see section 39-300(w)]						P	
Repair shop, household and personal items	P	P	P	P	P		
Restaurant, fast food [see section 39-300(x)]		P	P	P	P	A	A
Restaurant, full service	P	P	P	P	P	A	A
Restaurant, take-out	P	P	P	P	P	A	A
Retail store (other than those specified herein)		P	P	P		A	

<i>Use</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>C-1</i>	<i>CR</i>	<i>OP</i>
School, commercial (art, music, theatrical, business, technical)		P	P	P			A
School, trade or vocational [see section 39-300(aa)]			P		P		
Shopping center		P	P	P			
Skateboard facility [see sections 39-300(b) and (y)]		P	P			P	
Skating rink [see sections 39-300(b) and (y)]		P	P			P	
Soft drink bottling					P		
Sports arena						P	
Sports courts (tennis, batting cages, etc.) [see section 39-300(b)]						P	
Stadium [see section 39-300(b)]						P	
Supermarket		P	P	P			
Swap meet or outdoor flea market			P		P		
Swimming pool supplies [see section 39-300(z)]		P	P	P	P		
Target range [see section 39-300(b)]					P		
Tattoo shop			P		P		
Theater		P	P	P		A	
Tool rental (small tools and equipment)		P	P	P	P		
Upholstery shop		P	P	P	P		
Union hall			P		P		
Vehicle sales, rental or leasing (autos, trucks, recreational)			P		P		
Veterinary clinic		P	P	P	P		
Veterinary hospital [see section 39-300(bb)]			P	P	P		
Video store	P	P	P	P			
Warehouse, self-storage [see section 39-300(cc)]			P		P		
Water parks, commercial (water slides, pools, etc.) [see section 39-300(b)]						P	
Wholesale distribution warehouses					P		
Wholesale stores			P	P	P		
Wireless communication facilities [see section 39-102]	P	P	P	P	P	P	P

(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 3, 4-11-00; Ord. No. 2000-36, § 37, 8-22-00)

**Sec. 39-296. Prohibited uses.**

Any use which is not specifically listed, or which by inference is not listed, in section 39-295 shall be prohibited.

(Ord. No. 1999-23, § 3, 5-11-99)

**Sec. 39-297. Plot size.**

(a) There shall be no minimum plot size, except as specified in section 39-300, in B-1, B-2, B-3, B-4, and C-1 districts.

(b) There shall be a minimum plot size of five (5) acres in any CR Commercial Recreation district.

(c) There shall be a minimum plot size of ten (10) acres in any OP Office Park district.  
(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 4, 4-11-00)

**Sec. 39-298. Plot coverage.**

(a) In addition to pervious area requirements of the Broward County Land Development Code, the maximum plot coverage in any commercial zoning district, except OP Office Park, shall not exceed thirty-five percent (35%) of the net acreage, except as permitted in section 39-301, "Special regulations for overlay districts."

(b) The maximum plot coverage in any OP Office Park district shall not exceed twenty percent (20%) of the net acreage.  
(Ord. No. 1999-23, § 3, 5-11-99)

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

(a) No building or structure located within one hundred (100) feet of any plot zoned for detached one-family dwellings, two-family dwellings or townhouses shall be constructed to a height exceeding two stories.

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

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

(d) Scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at maximum horizontal section, thirty percent (30%) of the roof area, and flagpoles, airplane beacons, broadcasting towers and antenna for radio and television, chimneys, stacks, tanks, roof structures and parapets, used only for ornamental or mechanical purposes, may exceed the permissible height limit in the zoning district by not more than twenty-five percent (25%) or by twenty-five percent (25%) of the height of the building, whichever is less.  
(Ord. No. 1999-23, § 3, 5-11-99)

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

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

(b) *Amusement parks and other outdoor commercial recreation uses.* No race track, mechanical riding device, shooting range or other outdoor amusement activity in a CR Commercial Recreation district shall be located within five hundred (500) feet of any residentially-zoned plot.

(c) *Amusement centers, billiard centers.* Amusement centers and billiard centers in Commercial Recreation districts may be permitted only as an accessory use occupying not more than ten percent (10%) of the gross floor area of the principal use on the premises.

(d) *Automobile, truck and sports utility vehicle accessories; sales and installation.* All activities associated with facilities for the sale and installation of accessories such as stereos, trim, wheels, wheel covers, bedliners, etc. and including interior vehicle modifications, shall be conducted inside a building in B-2 and B-4 districts.

(e) *Auto repair garages.* Any building or open air area used for automobile repair, including paint and body shops, and any storage area for vehicles being or to be repaired, shall be located at least fifty (50) feet from any residentially-zoned district and shall be screened from the residentially-zoned district by a fence or hedge as specified in section 39-294(f)(7). Any open air areas used for repairs shall be considered as additional work bays which shall be delineated on the approved site plan and which shall require the appropriate amount of offstreet parking. In B-3 districts automobile paint and/or body shops shall only be permitted as an accessory use to new vehicle dealerships. Small dent repair not involving the use of paint, sanding, body fillers, chemicals or mechanical equipment shall be considered the same as auto repair garages and shall be permitted in B-3 districts.

(f) *Boarding or breeding kennels.* Boarding or breeding kennels shall not be permitted on any plot which is contiguous to any residentially-zoned district, or which is separated only by a street, alley, canal, or railroad right-of-way.

(g) *Boat building, repair and storage.* Any plot which is used for building or repairing boats shall be separated from any residentially-zoned district by three hundred (300) feet. Any plot used for dry storage of boats shall be at least one hundred (100) feet from any residentially-zoned district.

(h) *Bus terminals.* In B-2 districts, no maintenance of buses shall be permitted. Storage of buses shall be limited to an area designated on an approved site plan, which shall be buffered from adjoining plots through the use of translucent fencing or landscaping as specified in section 39-294(f)(7). No bus shall be stored within fifty (50) feet of any residentially-zoned plot.

(i) *Cabinet and carpenter shops.* Any plot upon which a cabinet or carpenter shop is located shall be at least one hundred (100) feet from any residentially-zoned plot.

(j) *Child care centers and pre-schools.* All child care centers and pre-schools shall be designed to accommodate an outdoor play area that is separated and buffered from off-street parking areas, drive aisles, streets and alleys. Such play areas shall be completely enclosed with a fence at least five (5) feet in height.

(k) *Commercial vehicle storage yards.* Commercial vehicle storage yards shall not include storage of heavy equipment, including but not limited to, backhoes, bobcats, cranes, tractors, or other such equipment which is not intended as a means of transportation on public streets. Commercial vehicle storage yards shall not be located within fifty (50) feet of any residentially-zoned plot.

(l) *Contractor shops.* Contractor shops shall be limited to office and warehouse storage and accessory equipment. Any storage of building materials shall be inside a building. Contractor shops shall not be located within two hundred (200) feet of any residentially-zoned district.

(m) *Day labor employment agencies.* All clients awaiting employment or transportation to a job-site must be accommodated inside the building.

(n) *Equipment sales.* Heavy equipment sales and rental facilities shall be located at least three hundred (300) feet from any residentially-zoned district.

(o) *Funeral homes and mortuaries.* A funeral home or mortuary may have a crematory as an accessory use thereto, provided the crematory is within the principal building.



(p) *Gasoline stations.*

- (1) The minimum plot size for any gasoline station shall be twenty-two thousand five hundred (22,500) square feet, with a minimum street frontage on each street of one hundred fifty (150) feet.
- (2) No gasoline pump island shall be closer than twenty-five (25) feet from any plot line.
- (3) Convenience stores, fast food restaurants, automatic drive-through car washes, and automotive repairs, excluding paint and body repairs, shall be permitted as accessory uses. If repairs are performed on the premises, any vehicular storage shall be in an area other than required parking spaces, and such area shall be screened from view of adjoining properties by a fence or landscaping as specified in section 39-294(f)(7).

(q) *Marinas.* Marinas desiring to provide for live-aboard boats shall be required to request allocation of reserve units, if available. Such use shall also demonstrate conformity with all applicable federal, state or local codes relating to sewage pump facilities or other equivalent facilities.

(r) *Mobile collection centers.*

- (1) No mobile collection center shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than fifty (50) feet from any street.
- (2) The minimum length of any trailer shall be twenty (20) feet and no trailer shall exceed forty (40) feet in length.
- (3) Only one trailer shall be located on a single plot.
- (4) One sign shall be permitted, mounted on the outside of the trailer. The sign may state the name of the business, address, telephone number and hours of operation.
- (5) All mobile collection centers, with the exception of mechanical depositories, shall be staffed by at least one employee during hours of operation.
- (6) There shall be a one thousand (1,000) foot separation between mobile collection centers. Such separation shall be measured by following a straight line between the points of each mobile collection center closest to each other.

(s) *Mobile food units.*

- (1) Mobile food units, and those limited to the preparation and sale of frankfurters, shall be permitted to remain on private property, with the written authorization of the property owner, for the purpose of selling food products. The owner of such mobile food units shall obtain a certificate of use, which shall be renewed on an annual basis for a period not to exceed five (5) years. At the time of initial application for the certificate of use, and for each subsequent renewal, the applicant shall submit proof of compliance with all applicable state laws and requirements, including but not limited to, occupational licensing, health and safety regulations and all county permitting and licensing requirements, together with proof of general liability insurance coverage in the minimum amount of three hundred thousand dollars (\$300,000.00), which includes product liability. Persons in compliance with all requirements of this subsection may make sales from vehicles temporarily stationary on a street to occupants of abutting property, providing no impediment or hazard to vehicular or pedestrian traffic is created.
- (2) Persons vending from mobile food units who are inappropriately attired shall be considered to cause a hazard or impediment to traffic. Inappropriate attire shall include clothing which shows any portion of the anal cleft, cleavage or buttocks of males or females such as G-strings, T-back bathing suits, thong bikinis or any other clothing or covering that does not completely and opaquely cover the anal cleft, cleavage or buttocks of males and females. Inappropriate attire

shall also include clothing which shows the portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering. This definition shall include the entire lower portion of the human female breast, including the areola and nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing, provided the areola is not exposed.

(t) *Parts stores, retail.* All storage and display of parts shall be inside a building. No vehicle parts salvage operations shall be permitted.

(u) *Pawnshops.* Pawnshops shall not be permitted on any plot which is contiguous to a residentially-zoned district or which is separated from a residentially-zoned district only by a street, alley, canal or railroad right-of-way.

(v) *Places of worship.* Places of worship shall be limited to free-standing buildings on plots having a minimum one net acre with one hundred fifty (150) feet of street frontage. No place of worship shall be located within one thousand (1,000) feet of any alcoholic beverage establishment.

(w) *Recreational vehicle parks.*

- (1) The maximum density for recreational vehicle parks shall be ten (10) sites per net acre, and shall be subject to availability and allocation of reserve units, if located on property designated nonresidential on the Future Unincorporated Area Land Use Element Map Series.
- (2) Recreational vehicle parks providing fifty (50) or more sites may have a retail store and a personal service shop for the convenience of the occupants. Such uses shall not exceed five percent (5%) of the plot area and shall be conducted from an enclosed building with no signs or displays visible from any street or adjacent private property.
- (3) A permanent detached one-family dwelling with a maximum of one thousand five hundred (1,500) square feet of floor area may be constructed for the park manager and immediate family.
- (4) Each site for a recreational vehicle shall be at least one thousand five hundred (1,500) square feet in area with at least one dimension of fifty (50) feet.
- (5) Each site shall provide a paved parking area of at least ten (10) feet by forty (40) feet extending to and abutting a road not less than thirty (30) feet in width with a paved surface not less than twenty-two (22) feet in width.
- (6) A twenty-five (25) foot wide buffer shall be established and maintained around the entire perimeter of the recreational vehicle park to provide visual and noise separation from adjacent property. Landscape and visual buffers shall be provided in accordance with Article VIII of this Chapter, "Functional Landscaping and Xeriscaping," and with section 39-294(f)(7) of this article.
- (7) Additions and temporary structures shall be permitted on recreational vehicles, subject to permitting requirements in section 39-15 of this Chapter, "Permits Required" and section 39-17, "Plans and Surveys." No part of any recreational vehicle or any addition thereto shall be closer than ten (10) feet side to side, eight (8) feet end to side, or six (6) feet end to end, from any other recreational vehicle.
- (8) All recreational vehicles and additions thereto shall be set back at least ten (10) feet from the adjoining road.
- (9) All recreational vehicle parks shall provide at least five percent (5%) of the plot area for recreational purposes of the temporary residents. If more than one recreation area is provided, no such area shall be less than ten thousand (10,000) square feet.

- (10) All recreational vehicle parks shall provide sanitary facilities in a permanent building located not more than three hundred (300) feet from any site.
- (11) Recreational vehicles may remain on a site indefinitely; however, residency is limited to six (6) months in any one year period.

(x) *Restaurants, fast food.* Outside play areas for children provided at fast food restaurants shall be in walled-in or fenced-in areas only. The wall or fence design must be compatible in design, materials and color with the main structure. Between any such area and adjoining sidewalks, parking spaces or other vehicular use areas, a landscape strip of no less than five (5) feet shall be provided containing trees and tall shrubs of three (3) feet minimum height. Play equipment shall be limited to a maximum height of ten (10) feet or the height of the fascia, whichever is lower. There shall be no access to or from the play area except through the interior of the restaurant.

(y) *Skateboard facilities and skating rinks.* Only indoor skateboard facilities and skating rinks shall be permitted in B-2 and B-3 zoning districts.

(z) *Swimming pool supplies.* Except for bulk quantities of sodium hypochlorite, all swimming pool chemicals, including pre-packaged chemicals, shall be dispensed strictly through retail sales and shall be stored within a completely enclosed structure.

(aa) *Trade or vocational schools.* Trade or vocational schools involving vehicle or equipment repair instruction shall be on a plot which is at least three hundred (300) feet from any residentially-zoned district.

(bb) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot which is contiguous to a residentially-zoned district or which is separated from a residentially-zoned district only by a street, alley or canal.

(cc) *Warehouses, self-storage.*

- (1) Self-storage warehouses shall only be used for self-service storage. No businesses shall be permitted to operate from, or be licensed at, the facility. No personal activities, such as but not limited to, hobbies, arts and crafts, woodworking, repair, restoration, or maintenance of vehicles, machinery or equipment, etc. shall be permitted.
- (2) Outside storage areas for boats, vehicles, etc. shall be located on the interior of the facility, not visible from any adjacent property or street.
- (3) Building height shall not exceed thirty-five (35) feet.
- (4) Storage bay doors on any perimeter building shall not face any abutting property located in a residentially-zoned district.
- (5) One accessory dwelling unit shall be permitted, subject to the availability and allocation of a reserve unit as provided in the Future Unincorporated Area Land Use Element. Such dwelling unit shall not exceed one thousand five hundred (1,500) square feet in floor area.

(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 5, 4-11-00; Ord. No. 2002-09, § 2, 2-26-02)

#### **Sec. 39-301. Special regulations for B-4 commercial redevelopment overlay districts.**

(a) *Applicability.* The B-4 commercial redevelopment overlay district is intended to apply to developed commercial areas identified by resolution of the County Commission as having at least seventy-five percent (75%) of the principal buildings in existence for ten (10) years or more and which meet the criteria set forth in subsection (b). District regulations are intended to reverse decline in the economic viability of the area, encourage enhancement of physical and functional characteristics of the buildings and

properties, encourage use of the area by neighboring residents as well as vehicular traffic, and deter crime. The B-4 district regulations shall be voluntary, and shall act as an alternative set of standards within the district.

(b) *Criteria.* No area shall be considered for the B-4 district classification which does not meet three (3) or more of the following criteria:

- (1) The area has a minimum of one-half ( $\frac{1}{2}$ ) mile of frontage on a major arterial.
- (2) The area has had a substantial decrease in offstreet parking due to road widening over the past twenty (20) years.
- (3) The area has maintained a substantial vacancy rate over the past five (5) years.
- (4) The area has deteriorated in overall appearance due to lack of maintenance.
- (5) The area has attracted occupants which are not compatible with the retail and service needs of the community, and which statistically attract criminal activities.
- (6) The area has encountered a steady increase in crime.
- (7) At least ten percent (10%) of the properties are occupied by nonconforming uses.

(c) *Application and administration.* Any property owner desiring to develop or redevelop property within a B-4 district shall submit an application to the Zoning Code Services, including an executed agreement encompassing both the redevelopment incentives and the redevelopment requirements specified in subsections (d) and (e) herein. The staff of the Zoning Code Services Division will forward the agreement to the Board of County Commissioners to be considered at a public hearing. Subsequent to approval by the Board of County Commissioners, the staff of the Zoning Code Services Division shall record the agreement in the Public Records of Broward County. The recorded agreement shall act as adoption of the overlay district regulations and subsequently be administered in the same manner as other zoning district regulations.

(d) *Redevelopment incentives.* To encourage upgrading, refurbishing and revitalization of existing commercial areas, the following redevelopment incentives have been established:

- (1) The amount of off-street parking and loading required by section 39-228 of this Code may be reduced by fifty percent (50%), provided a determination is made by the design review committee as specified in subsection (e)(6) following, that such reduction will not adversely affect the public safety or create unsafe traffic conditions; and further provided that no reduction of twenty-five percent (25%) or more shall be approved unless at least ten percent (10%) of the total amount of required parking is designated for bicycle parking as provided in this subsection.
  - a. Bicycle parking facilities shall be indicated on the site plan accompanying any redevelopment project. The number of bicycle parking spaces shall be indicated in the site data box.
  - b. Bicycle parking facilities may be in the form of:
    1. Racks that support the bicycle frame and wheels firmly and in a stable position; have cables, chains or movable parts that secure the frame and/or both wheels of the bicycle and which shall support the bicycle firmly and in a stable position;
    2. An area within a building where bicycles can be constantly observed;
    3. A bicycle storage locker; or
    4. Check-in parking systems where the bicycle is left with an attendant.

- c. Bicycle parking facilities shall be designed, constructed and maintained in accordance with the following standards:
  1. Bicycle parking areas shall be clearly labeled as available for bicycle parking and shall not be hidden from view of the public.



2. If a room or bicycle storage locker is not divided into individual spaces or rack space, one bicycle parking space shall consist of an area not less than twelve (12) square feet with locking devices.
  3. Parallel bicycle parking spaces shall provide an adjacent access aisle of four (4) feet in width. Head-in bicycle parking spaces shall provide a back-out aisle of six (6) feet in width.
- (2) The amount of pervious area required by the Broward County Land Development Code may be reduced to twenty percent (20%) without the need to supplement required landscaping.
  - (3) The location of required accessory structures such as dumpster enclosures, buffer fences, sign structures, etc. may encroach into any required yard or buffer to accomplish the redevelopment project, provided no hazard to pedestrian or vehicular traffic is created.
  - (4) Fees related to applications for development orders, as provided in the Broward County Land Development Code, and permits shall be reduced by fifty percent (50%) and such applications shall be given a review priority over other similar projects not in a B-4 district.
  - (5) Staff of the various divisions of Broward County may provide assistance to the property owner in locating sources for financing, architectural and engineering services.

(e) *Redevelopment requirements.* In addition to agreeing to be subject to the limitations on permitted uses in the B-4 district, any property owner desiring to develop or redevelop property within a B-4 district shall agree and be subject to the following, which shall be a recorded agreement, the form of which has been approved by the Office of the County Attorney, between the property owner and Broward County:

- (1) The development or redevelopment shall be subject to compliance with the principles of Crime Prevention Through Environmental Design (CPTED).
- (2) The development or redevelopment shall be aesthetically designed to compliment and enhance any other redevelopment in the same redevelopment area which used the B-4 overlay district regulations. All buildings and structures on the property shall present a unified architectural theme. The rear and sides of the building shall be finished with materials that, in texture and color, resemble the front of the building. Coloration of all buildings and structures shall be a natural blend with a maximum of three (3) colors, exclusive of the roof. The use of "earth tones," light pastel colors, white or gray shall be required for building walls. Decorative trim may be any color which compliments the primary building colors.
- (3) The property and building(s) will be maintained on a regular basis specified in the written agreement.
- (4) The property owner shall acknowledge that noncompliance with the redevelopment requirements may be considered as a cause for termination of the agreement and subject the property to the underlying district regulations.
- (5) The property owner shall agree to remove any billboard sign owned, and shall agree not to renew any existing lease for any billboard sign, upon execution of the agreement specified in section 39-301(e) of this article. No new billboard signs shall be permitted.
- (6) *Site plan review.* A design review committee is hereby established to review the conceptual architectural theme, building colors, Crime Prevention Through Environmental Design (CPTED) criteria and the conceptual site plan. Each member of the committee shall submit written comments to the Zoning Official, or designee, who shall review the comments and make final recommendations. The applicant shall agree to abide by any changes recommended or required

by the Zoning Official. The design review committee shall be comprised of one staff member from each of the following offices or divisions of Broward County, which shall be persons who are regularly involved in the review process for plats and/or site plans.

- a. Zoning Code Services Division. This member shall have completed at least forty (40) hours of CPTED training.
- b. Development Management Division;
- c. Engineering Division;
- d. Traffic Engineering Division;
- e. Fire Marshal's Office.

Within six (6) months following recordation of the written agreement, the property owner shall attend a pre-application conference with the design review committee and submit a conceptual site plan in the same form prescribed in section 5-192 of the Broward County Land Development Code. In addition to submittal requirements therein, the applicant shall also submit preliminary elevation and landscape plans, including colors and materials for building finishes, and at least four (4) different eight (8) inch by (10) inch color photographs of the property indicating its current condition. The application shall be reviewed by the design review committee within four (4) weeks following submittal of the application; and a written recommendation shall be forwarded to the applicant within five (5) days following the meeting of the design review committee, excluding week-ends and holidays. A copy of the application shall also be transmitted to the Community Development Division, the Office of Economic Development and the Office of Housing Finance to serve as notice that the applicant is authorized for and is interested in participating in any available programs relating to grants, funding or economic development incentives.

(Ord. No. 1999-23, § 3, 5-11-99)

**Sec. 39-302. Limitations of accessory uses in Office Park districts.**

The gross floor area occupied by permitted accessory uses shall not exceed twenty percent (20%) of the aggregate gross floor area of all buildings reflected on the approved site development plan for any plot in an Office Park zoning district.

(Ord. No. 1999-23, § 3, 5-11-99)

**Secs. 39-303, 39-304. Reserved.**

**ARTICLE XVIII. INDUSTRIAL DISTRICTS**

**Sec. 39-305. Industrial zoning districts.**

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

M-1 Limited Manufacturing and Industrial District

M-2 General Manufacturing and Industrial District

M-3 Intense Manufacturing and Industrial District

(Ord. No. 1999-24, § 2, 5-11-99)



**Sec. 39-306. Purpose of districts.**

(a) The M-1 Limited Manufacturing and Industrial District is intended for the manufacture of small articles and products not involving the use of any materials, processes or machinery which would pose a potential environmental or safety hazard for nearby commercial business districts or residential areas. M-1 districts are intended to act as a buffer between commercial business districts and heavier manufacturing and industrial districts or to provide for planned industrial parks located in close proximity to residential areas. All activities relating to permitted uses and the storage of products, equipment and materials is limited to location inside a building.

(b) The M-2 General Manufacturing and Industrial District is intended to meet the general industrial and manufacturing needs of the unincorporated areas, providing for uses which may require open air storage of equipment, materials and products. M-2 districts are not intended for locations in close proximity to residential areas, and are not intended to directly abut commercial business districts.

(c) The M-3 Intense Manufacturing and Industrial District is intended for the heaviest manufacturing and industrial uses, involving the use, handling and storage of hazardous materials, or industrial uses which require a substantial amount of open air storage area. M-3 districts are not intended to be within five hundred (500) feet of any residential area and are not appropriate in close proximity to commercial business districts. M-3 districts should be surrounded by M-2 and M-1 zoning districts.  
(Ord. No. 1999-24, § 2, 5-11-99)

**Sec. 39-307. General provisions.**

(a) *Display of products for sale.* In M-1 districts, all products displayed for sale shall be located within a building. Outside display and storage areas shall be permitted in all other manufacturing and industrial districts, provided such areas are designated on the approved site plan and provided that at least one side of the display and storage area shall be contiguous to the principal building to which it is accessory. Stocking or loading of products, materials or equipment shall be done internally on the premises or through a single gate at a designated off-street loading area.

(b) *Dumpsters and dumpster enclosures.* Dumpsters located on any property in a manufacturing and industrial zoning district as of the effective date of this article and/or which are constructed subsequent to the effective date of this article shall comply with the following:

- (1) Dumpsters, which are visible from any street or from contiguous property, shall be kept within opaque or translucent enclosures and shall be located at least five (5) feet inside any plot line, except that no dumpster or dumpster enclosure shall be located in a required setback area, unless a street or dedicated alley separates the industrial plot from any adjacent residential or commercial business zoned property.
- (2) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (3) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (4) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.

- (5) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (6) The dumpster enclosure shall be constructed so as to accommodate recycling bins, if over forty (40) gallons.
- (7) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- (8) The base of the enclosure must be poured concrete, in accordance with the requirements of the South Florida Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(c) *Landscaping.* All buildings and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Chapter.

(d) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII, "Off-street Parking and Loading," of this Chapter.

(e) *Setbacks and buffers between industrial and residential or commercial districts.*

- (1) The minimum setback for the construction or erection of any building or structure, except fences and walls, in any manufacturing and industrial zoning district shall be ten (10) feet from a street line, unless a greater setback is required in this article for a specific use or as follows. The setback shall be a landscape buffer as required by Article VIII of this Chapter.
- (2) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in an M-1 district, which is separated from a residentially-zoned plot or a commercial business zoned plot by a street, dedicated alley, canal, water area, railroad right-of-way or public open space, shall be fifteen (15) feet from any such plot line, unless a greater setback is required for a specific use in this article. The entire setback area shall be a landscape buffer as required by article VIII of this Chapter.
- (3) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in M-2 and M-3 districts, which is separated from a residentially-zoned plot or a commercial business zoned plot by a street, dedicated alley, canal, water area, railroad right-of-way or public open space, shall be thirty (30) feet from any such plot line, unless a greater setback is required for a specific use in this article. The first fifteen (15) feet of the setback from the street, alley, canal, water area, railroad right-of-way or public open space shall be a landscape buffer as required by article VIII of this Chapter.
- (4) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in an M-1 district, which is contiguous to any residentially-zoned plot or a commercial business zoned plot, shall be twenty-five (25) feet from such plot line, unless a greater setback is required for a specific use in this article. A landscape buffer as required by Article VIII, Functional Landscaping and Xeriscaping shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge constructed or planted and maintained as provided in subsection (8) following.
- (5) The minimum setback for the construction or erection of any building or structure, except fences and walls, or for the storage of any product, material or equipment, or for any activity, in M-2 and M-3 zoning districts, which is contiguous to a residentially-zoned plot, shall be one hundred (100) feet, or which is contiguous to a commercial business district, shall be twenty-five (25) feet. The

first fifteen (15) feet of the setback from the plot line contiguous to the residential or commercial business zoned plot shall be a landscape buffer in accordance with Article VIII, "Functional Landscaping and Xeriscaping". A visual barrier in the form of a fence, wall or hedge constructed or planted within the setback area as provided in subsection (8) following shall be located within the landscape buffer if the M-2 or M-3 zoned plot is contiguous to a residentially-zoned plot.

- (6) No building or structure shall be erected or maintained within twenty-five (25) feet of the intersection of two (2) streets, nor within fifteen (15) feet of the intersection of any driveway and street, except as permitted in subsection (8) following.
- (7) The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.
- (8) Fences, walls and hedges may be erected or planted and maintained within a required buffer to a maximum height of eight (8) feet. Fences or walls shall be translucent or opaque. Hedges used as a required visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach at least the maximum height of eight (8) feet within two (2) years after planting. Open-weave or chain-link type fences may only be used within a required buffer if appropriate landscape material, in accordance with Article VIII, is planted along such fence which, after planting, will obscure the fence and provide a translucent barrier within one year after planting. Within twenty-five (25) feet of the intersection of two (2) streets, or within fifteen (15) feet of the intersection of a private accessway and a street, only chain-link or other such open fencing may be erected or maintained. The use of barbed wire, razor wire or electrified fencing contiguous to commercial business zoning districts or residentially-zoned plots shall be prohibited.

(f) *Signs.* All buildings and uses shall be subject to provisions in Article VI, "Signs," of this Chapter.

(g) *Storage yards.* Unless otherwise specified in this article, any permitted open air storage area in an industrial district, which is visible from a residentially-zoned plot, shall be screened from view from such residential plot by an opaque or translucent wall at least six (6) feet in height, located consistent with requirements of subsection (e)(8) above. Open air storage areas shall be delineated on an approved site plan.

(h) *Use of premises without buildings.* Except for vehicle, equipment or bulk material storage yards, all permitted uses shall be conducted from a building on the plot which building shall be a minimum of one hundred fifty (150) square feet in area and which shall contain permanent sanitary facilities.

(i) *Use of residentially-zoned property for access.* No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a manufacturing and industrial district, except where a public street provides the sole access to the manufacturing and industrial property.

(j) *Wireless communication facilities.* Wireless communication facilities shall be subject to provisions in section 39-102, "Wireless communication facilities," of this Chapter.

(k) *Definitions.* Terms used herein are defined in Article II, "Definitions," of this Chapter.

(l) *Nonconforming uses and structures.* Nonconforming uses and structures are subject to Article VII, "Nonconforming Uses and Structures," of this Chapter.

(m) *Property maintenance.* Buildings and properties in manufacturing and industrial districts shall be in accordance with Article X, "Property Maintenance and Junk and Abandoned Property," of this Chapter.

(n) *Miscellaneous provisions.* In addition to general provisions herein, buildings and properties in manufacturing and industrial districts shall be subject to requirements of Article IX, "General Provisions," of this Chapter.

(Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 39, 8-22-00)

**Sec. 39-308. Permitted uses.**

Permitted principal 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." Specific 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	M-1	M-2	M-3
Accessory dwellings (caretaker or security quarters) [see section 39-313(a)]	A	A	A
Acid and corrosives manufacturing or storage			P
Airports, heliports and other transportation facilities			P
Ammunition reloading (handguns)		P	P
Assembly (pre-manufactured components)	P	P	P
Asphalt manufacturing from raw materials			P
Automobile, truck and equipment auctions		P	P
Automobile detailing or cleaning (other than car washes)	P	P	P
Automobile repair garage (mechanical, paint or body repairs) [see section 39-313(b)]	P	P	P
Automobile storage or transport facility (operable vehicles)	P	P	P
Automobile, truck and recreational vehicle salvage or wrecking yards [see section 39-313(c)]			P
Aviation related uses (sales of planes, parts, ground support equipment, repairs and maintenance)		P	P
Boarding or breeding kennel [see section 39-313(d)]		P	P
Boat sales	P	P	P
Boat building, repair and storage		P	P
Breweries and bottling facilities		P	P
Building and construction materials manufacturing and storage			P
Cabinet shops, woodworking shops	P	P	P
Catering or food delivery service	P	P	P
Chemical and acid manufacturing or storage and distribution			P
Clothing manufacturing	P	P	P
Concrete batching or mixing		P	P
Concrete products manufacturing		P	P
Contractors shops and storage yards		P	P
Cosmetics and pharmaceuticals manufacturing	P	P	P
Courier service	P	P	P
Crematory for human or animal remains (no medical wastes)		P	P
Dry-cleaning and laundry plant		P	P

<i>Use</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>
Electronics manufacturing and repair	P	P	P
Employment agency, day labor		P	P
Equipment rental and sales, commercial and contractor's [see section 39-313(e)]		P	P
Essential services (utilities and accessory structures)	P	P	P
Fabrics (canvas, textiles and vinyl) manufacturing		P	P
Fertilizer, compost and mulch compounding, storage and distribution		P	P
Fireworks, explosives, firearms and ammunition manufacturing, storage and distribution [see section 39-313(f)]			P
Food processing, packaging and distribution including meat packing (no slaughtering)	P	P	P
Furniture manufacturing	P	P	P
Glass and mirror shop	P	P	P
Hazardous materials storage, handling or manufacture not otherwise listed			P
Junkyards (other than auto wrecking or salvage)[see section 39-313(c)]			P
Laboratory (medical, dental, research and development)	P	P	P
Machine shop		P	P
Medical waste transfer station		P	P
Medical waste incineration or sterilization [see section 39-313(g)]			P
Metal manufacturing (from raw materials)			P
Mobile collection center [see section 39-313(h)]	P	P	P
Mobile food unit [see section 39-313(i)]	C	C	C
Motor freight terminal or moving and storage company		P	P
Offices and showrooms [see section 39-313(j)]	A	A	A
Outdoor events (see section 39-238)	C	C	C
Packaging and delivery service	P	P	P
Paint, sealant, coating or adhesive manufacturing		P	P
Paper and cardboard products manufacturing (from pre-manufactured paper or cardboard)	P	P	P
Paper, cardboard and plastic manufacturing (from raw materials)			P
Parts store, vehicles or boats [see section 39-313(k)]	P	P	P
Penal institutions [see section 39-313(l)]			P
Pest control service	P	P	P
Petroleum products and bottled gas bulk storage		P	P
Plastic and vinyl product manufacturing (from pre-manufactured plastic or vinyl)	P	P	P
Printing and engraving, bookbinding	P	P	P
Quarry [see section 39-313(m)]			P
Recording or broadcasting studio (music, radio, television, film)	P	P	P
Recycling facility [see section 39-313(n)]			P
Repair shop, household and personal items	P	P	P
Restaurant, fast food [see section 39-313(o)]	A	A	A
Restaurant, take-out [see section 39-313(o)]	A	A	A
Sanitation companies and waste haulers [see section 39-313(p)]			P
School, trade or vocational [see section 39-313(r)]	P	P	P
Septic tank service			P
Sign manufacturing and painting	P	P	P

<i>Use</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>
Storage yards (operable vehicles, usable equipment or other items)		P	P
Swimming pool chemicals [see section 39-313(q)]		P	P
Synthetic materials (not otherwise listed) manufacturing from raw material			P
Tool rental (small tools and equipment)	P	P	P
Transportation facilities (airports, heliports, shipping ports, etc.)		P	P
Trash transfer station		P	P
Upholstery shop	P	P	P
Vehicle sales, rental or leasing (autos, trucks, recreational)	P	P	P
Veterinary clinic	P	P	P
Veterinary hospital [see section 39-313(s)]		P	P
Warehouse, self-storage [see section 39-313(t)]	P	P	P
Warehouse, distribution	P	P	P
Welding and sheet metal shops, machine shops		P	P
Wholesale stores	P	P	P
Wireless communication facilities [see section 39-102]	P	P	P

(Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 40, 8-22-00)

**Sec. 39-309. Prohibited uses.**

Any use not specifically listed, or which by inference is not listed, in section 39-308 shall be prohibited.  
(Ord. No. 1999-24, § 2, 5-11-99)

**Sec. 39-310. Plot size.**

(a) The minimum plot size in M-1 and M-2 districts shall be five thousand (5,000) square feet, except as specified in section 39-313.

(b) There shall be a minimum plot size of ten thousand (10,000) square feet in M-3 districts, except as specified in section 39-313.

(c) The minimum plot size for the manufacture of any permitted product from raw materials shall be five (5) acres.

(Ord. No. 1999-24, § 2, 5-11-99)

**Sec. 39-311. Plot coverage.**

In addition to pervious area requirements in the Broward County Land Development Code, the maximum plot coverage in any industrial zoning district shall not exceed thirty-five (35) percent of the net acreage.

(Ord. No. 1999-24, § 2, 5-11-99)

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

(a) No building located within two hundred (200) feet of any plot zoned for detached one-family dwellings, two-family dwellings or townhouses shall be constructed to a height exceeding two (2) stories.

(b) A building may be constructed to a height of four (4) stories, provided the building is located more than two hundred (200) feet from any plot zoned for detached one-family dwellings, two-family dwellings or townhouses.

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

(d) Flagpoles, airplane beacons, broadcasting towers and antenna for radio and television, chimneys, stacks, tanks and roof structures, used only for ornamental or mechanical purposes, may exceed the permissible height limit by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building.

(Ord. No. 1999-24, § 2, 5-11-99)

### **Sec. 39-313. Limitations of uses.**

(a) *Accessory dwellings.* Accessory dwellings shall be permitted only for caretaker or security quarters for the property where the dwelling is located, subject to the availability and allocation of reserve units in accordance with the Future Unincorporated Area Land Use Element. Except as specified for self-storage warehouses in subsection (t) of this section, each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area, shall not be less than four hundred (400) square feet in gross floor area, and shall not exceed fifty percent (50%) of the gross floor area of the building where the unit is located, whichever is less. Such dwelling units shall be located within the building to which the dwelling is accessory, on an upper story of the building.

(b) *Auto repair garages.* Any building used for automobile repair, including paint and body shops, and any storage area for vehicles being or to be repaired, shall be located at least fifty (50) feet from any residentially-zoned property and shall be screened from the residentially-zoned property by a fence or hedge as specified in section 39-307(e)(8). Any outside areas used for repairs shall be considered additional work bays which shall be delineated on the approved site plan and which shall require the appropriate amount of offstreet parking.

(c) *Automobile, truck and recreational vehicle salvage or wrecking yards; junkyards.*

- (1) The minimum plot size for any salvage or wrecking yard or junkyard shall be one net acre.
- (2) All operations, activities, display and storage, with the exception of an office building or other enclosed building, shall be completely surrounded by an opaque wall at least six (6) feet in height, with openings only for ingress and egress of pedestrians and vehicles. Such openings shall be equipped with opaque or translucent gates the same height as the wall.
- (3) No salvaged vehicles or parts, or any other scrap or salvaged materials shall be stored in such a manner that exceeds the height of the enclosing wall.
- (4) Required off-street parking shall be maintained on the exterior of any area used for salvage operations, display or storage of parts, vehicles or scrap or salvaged materials and shall comply with all requirements of Article XII, "Off-street Parking and Loading" of this Chapter.
- (5) No salvage or wrecking yard or other junkyard shall be located within three hundred (300) feet of any residentially-zoned district.
- (6) All existing salvage or wrecking yards shall comply with all requirements of this article within two (2) years of the effective date of this article. All existing junkyards shall comply with the requirements of this article by December 31, 2002.

(d) *Boarding or breeding kennels.* Boarding or breeding kennels shall not be permitted on any plot which is contiguous to any residentially-zoned district, or which is separated only by a street, alley, canal, or railroad right-of-way.

(e) *Equipment rental and sales, commercial and contractors.* Any plot upon which an equipment rental business is located, which requires outside storage or display of contractor's equipment or tools, shall be at least three hundred (300) feet from any residentially-zoned plot.

(f) *Fireworks, explosives, firearms and ammunition manufacturing, storage or distribution.* Any plot upon which a facility for the manufacture, storage or distribution of fireworks, explosives, firearms and ammunition is located shall be within two thousand (2,000) feet of any residentially-zoned district. The minimum plot size for any such use shall be five (5) acres.

(g) *Medical waste incineration or sterilization.* Medical waste incinerators or sterilization facilities shall not be located within five hundred (500) feet of any residentially-zoned district.

(h) *Mobile collection centers.*

- (1) No mobile collection center shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than fifty (50) feet from any street.
- (2) The minimum length of any trailer shall be twenty (20) feet and no trailer shall exceed forty (40) feet in length.
- (3) Only one (1) trailer shall be located on a single plot.
- (4) One (1) sign shall be permitted, mounted on the outside of the trailer. The sign may state the name of the business, address, telephone number and hours of operation.
- (5) All mobile collection centers, with the exception of mechanical depositories, shall be staffed by at least one (1) employee during hours of operation.
- (6) There shall be a one thousand (1,000) foot separation between mobile collection centers. Such separation shall be measured by following a straight line between the points of each mobile collection center closest to each other.

(i) *Mobile food units.*

- (1) Mobile food units, other than those limited to the preparation and sale of frankfurters, shall be permitted to remain on private property for the purpose of selling food products for a maximum of one (1) hour, and shall not return to the same location more than three (3) times in any twelve (12) hour period. Persons in compliance with all requirements of this subsection may make sales from mobile food units temporarily stationary on a street to occupants of abutting property, providing no impediment or hazard to vehicular or pedestrian traffic is created.
- (2) Mobile food units limited to the preparation and sale of frankfurters may be permitted on private property, with the written authorization of the property owner. Such units may not remain at one location for more than eight (8) consecutive hours. Only one (1) unit shall be permitted on any individual plot.
- (3) The owner of a mobile food unit, or mobile food unit limited to the preparation and sale of frankfurters, shall obtain a certificate of use, which shall be renewable on an annual basis. At the time of application for the certificate of use, and for each subsequent renewal, the applicant shall submit proof of general liability insurance coverage in the minimum amount of \$300,000.00 which includes product liability coverage.

(j) *Offices and showrooms.* Offices and showrooms shall be permitted only as an accessory use. Office and showroom space shall not exceed thirty (30) percent of the gross floor area of the principal use. All office and showroom space shall be within the principal building.

(k) *Parts stores, vehicles and boats.* All storage and display of parts in M-1 districts shall be inside a building. No vehicle parts salvage operations shall be permitted except in a salvage or wrecking yard.



(l) *Penal institutions.* Penal institutions shall not be located within two thousand five hundred (2,500) feet of any residentially-zoned district.

(m) *Quarries.* Quarries shall only be permitted in an area designated as "Mining" on the Future Unincorporated Area Land Use Element Map Series.

(n) *Recycling facilities.* Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

(o) *Restaurants.*

(1) Restaurants shall only be permitted as an accessory use to an industrial complex and shall be located within the principal building on the premises occupying not more than ten (10) percent of the gross floor area.

(2) Such accessory uses shall comply with separation requirements specified in Article XI, "Alcoholic Beverage and Adult Entertainment Establishments" of this Chapter, if applicable, except that the separation between alcoholic beverage establishments in industrial districts shall not be less than one thousand (1,000) feet.

(3) Outside play areas for children shall not be permitted.

(p) *Sanitation companies.* Plots occupied by a sanitation company storing dumpsters or other waste containers and sanitation vehicles shall not be located closer than five hundred (500) feet to a residentially-zoned district. All dumpsters, waste containers and sanitation vehicles shall be emptied prior to storage on the plot.

(q) *Swimming pool chemicals.* All swimming pool chemicals, including pre-packaged chemicals, but except bulk quantities of sodium hypochlorite, shall be dispensed and stored within a structure or enclosure approved by the Department of Planning and Environmental Protection.

(r) *Trade or vocational schools.* Trade or vocational schools involving vehicle or equipment repair instruction shall be on a plot which is at least two hundred (200) feet from any residentially-zoned district.

(s) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot which is contiguous to a residentially-zoned district or which is separated from a residentially-zoned district only by a street, alley or canal.

(t) *Warehouses, self-storage.*

(1) Self-storage warehouses shall only be used for self-service storage. No businesses shall be permitted to operate from, or be licensed at, the facility. No personal activities, such as, but not limited to, hobbies, arts and crafts, woodworking, repair, restoration, or maintenance of vehicles, machinery or equipment, etc. shall be permitted.

(2) Outside storage areas for boats, vehicles, etc. shall be located on the interior of the facility, not visible from any adjacent property or street.

(3) Building height shall not exceed fifty (50) feet.

(4) Storage bay doors on any perimeter building shall not face any abutting property located in a residentially-zoned district.

- (5) One accessory dwelling unit shall be permitted, subject to the availability and allocation of a reserve unit as provided in the Future Unincorporated Area Land Use Element. Such dwelling unit shall not exceed one thousand five hundred (1,500) square feet in floor area, and shall not be less than four hundred (400) square feet in floor area.

(Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 41, 8-22-00)

**Secs. 39-314—39-319. Reserved.**

**ARTICLE XIX. MOBILE HOME DISTRICTS**

**Sec. 39-320. Mobile home zoning districts.**

The following shall constitute Mobile Home zoning districts within the unincorporated areas of Broward County, Florida:

<i>District</i>	<i>Title</i>
T-1	Mobile Home (Unsubdivided Lots) District
R-1T	Mobile Home (Subdivided Lots) District

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-321. Purpose of districts.**

(a) The T-1 Mobile Home (Unsubdivided Lots) District is intended to apply to existing mobile home developments wherein home sites are not subdivided by a plat of record and are rented or leased by the occupants thereof for a period of one year or more.

(b) The R-1T Mobile Home (Subdivided Lots) District is intended to apply to mobile home developments wherein the home sites have been subdivided by a plat of record.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-322. General provisions.**

(a) *Commercial vehicles.* Residents may park or store one (1) commercial vehicle weighing five thousand (5,000) pounds or less within a carport or enclosed building.

(b) *Easements.* No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes except that a security gate may be erected at the entrance of a mobile home community.

(c) *Fences and hedges.* Fences and hedges may be erected or maintained along any plot line or around an individual mobile home site to a maximum height of six (6) feet above the ground, except that on a corner, no fence or hedge other than chain link fences shall be erected or maintained to a height exceeding thirty (30) inches above the crown of the street within fifteen (15) feet of the intersection of the front and side home site or plot lines.

(d) *Household pets.* Livestock such as horses, cattle, sheep, goats, hogs, pigs and poultry shall not be permitted as pets.

(e) *Landscaping.* Installation and maintenance of landscaping shall be subject to compliance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.

(f) *Signs.* Installation and maintenance of permitted signs shall be subject to compliance with Article VI, "Signs," of this Code.

(g) *Parking of private passenger vehicles.* Parking shall be subject to requirements of Article XII, "Off-street Parking and Loading," of this Code.

(h) *Storage.*

(1) Outside storage shall be limited to usable household items of the residents designed and intended for outdoor use.

(2) Storage of junk, trash, overgrowth and inoperable vehicles shall be subject to Article X, Property Maintenance and Junk or Abandoned Property, of this Code.

(i) *Recreational vehicles and boats.* Residents may store one boat and one recreational vehicle at their residence, provided:

(1) Such vehicle or boat is stored in a location which does not encroach onto a street or visually obstruct vehicle egress from contiguous properties.

(2) All boats twelve (12) feet or more in length must be on a currently licensed boat trailer.

(3) Sewer or electrical service connections shall not be attached to a recreational vehicle except that electrical service connections may be maintained for a maximum of forty-eight (48) hours prior to and in preparation for departure from the property.

(4) Boats and recreational vehicles shall not be stored within a required parking space.

(j) *Swimming pools and spas.*

(1) All swimming pools and spas shall be completely enclosed by either an open-mesh screen enclosure or a fence or wall a minimum of five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates must be equipped with self-closing, self-latching mechanisms.

(k) *Vehicle maintenance and repairs.* Vehicle maintenance and repairs shall be limited to minor repairs involving tire, battery or sparkplug replacement or oil changes and cleaning of vehicles owned by the residents.

(l) *Wireless communication facilities.* Wireless communication facilities shall comply with requirements of section 39-150, "Wireless communication facilities," of this Code.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-323. Density.**

No Mobile Home District shall be developed to a density exceeding the following maximum limits:

<i>District</i>	<i>Density</i>	<i>Permitted Dwelling Units Per Net Acre</i>
T-1 .....		10
R-1T .....		10

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-324. Permitted uses.**

Buildings, structures, land or water in Mobile Home Districts may only be used for one or more of the uses as designated in the following table:

P = Permitted                      NP = Not Permitted                      C = Conditional

<i>Use</i>	<i>T-1</i>	<i>R-1T</i>
Mobile home dwelling	P	P
Nonprofit neighborhood social and recreational facilities	P	P
Golf course	P	P
Family day care home	P	P
Home Office	P	P
Yard sales	C	C
Essential services	P	P
Wireless communication facilities	P	P
Retail convenience stores and personal service shops (see section 39-331)	P	NP

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-325. Prohibited uses.**

Any use not expressly permitted in section 39-324 is prohibited.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-326. Plot size.**

No mobile home community shall be developed on less than five (5) contiguous acres.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-327. Lot requirements.**

Each lot or site for placement of a dwelling unit shall be at least forty (40) feet in width along the street line and eighty (80) feet in depth.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-328. Plot coverage.**

(a) Maximum lot coverage by buildings and roofed structures for each individual mobile home lot or site shall be sixty percent (60%).

(b) Maximum coverage by buildings and roofed structures for the entire plot occupied by the mobile home development shall be forty percent (40%).

(Ord. No. 2000-16, § 1, 4-25-00)

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

No building or structure shall be erected or altered to more than one story in height.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-330. Yards and separations.**

(a) Each lot in a platted subdivision shall provide yards as follows:

- (1) A front yard of at least six (6) feet in depth;

- (2) A side yard on each side adjacent to another lot of at least four (4) feet, except that a roofed carport, without enclosure of side walls, may be located not closer than two (2) feet to any interior side plot line.
- (3) A rear yard of at least eight (8) feet in depth;
- (4) A street side yard of at least six (6) feet in depth.

(b) No part of any mobile in an unsubdivided mobile home community shall be placed closer than ten (10) feet side-to-side, eight (8) feet end-to-side or six (6) feet end-to-end horizontally of any other mobile home or appurtenance thereto. No part of any mobile home shall be located within twenty-five (25) feet of any service building or structure used in connection with the mobile home community.

(c) All mobile home developments shall provide a perimeter yard at least twenty-five (25) feet in depth adjacent to the street which provides primary access to the community. Such yard shall be landscaped in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.  
(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-331. Special accessory uses.**

(a) Mobile home communities providing for fifty (50) or more residential dwelling units may provide retail and personal service facilities to residents subject to the following:

- (1) Such facilities shall:
  - a. Be located on the interior of the mobile home development;
  - b. Shall not have any signs visible from the exterior of the development;
  - c. Shall only be for the convenience of the residents of the development; and
  - d. Shall be conducted from an enclosed building with no outside display or storage.

(b) A permanent, detached one-family dwelling a maximum of one thousand five hundred (1,500) square feet may be constructed for the residing property manager and immediate family.

(c) Nonprofit neighborhood recreational and social centers to serve the development shall be permitted on a minimum ten thousand (10,000) square foot site within the community.

(d) Permanent additions and accessory buildings shall be permitted on each mobile home site or lot subject to the following:

- (1) Storage closets erected inside a carport shall only require the same setback as the carport.
- (2) Utility buildings or other detached accessory buildings not located inside a carport shall not be located less than ten (10) feet from any other detached accessory building on an adjacent lot or site or less than five (5) feet from any platted lot line.
- (3) Unroofed, raised wood decks and unroofed, raised concrete patios shall not be less than six (6) feet from a street line and not less than two (2) feet from a side or rear lot line. Such structures may only be enclosed with open mesh screening.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-332. Reserved.**

**ARTICLE XX. PLANNED DEVELOPMENT DISTRICTS**

**Sec. 39-333. Planned development districts.**

The following shall constitute Planned Development Districts for the purposes of this Code.

<i>District</i>	<i>Title</i>
PUD	Planned Unit Development District

PDD                      Planned Development District  
 (Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-334. Purpose of districts.**

(a) The Planned Unit Development (PUD) district is intended to apply to planned developments approved by Ordinance of the Board of County Commissioners prior to September 11, 1991.

(b) The Planned Development District (PDD) is intended to encourage the implementation of innovative land planning and site design which create enhanced living and working environments while concurrently discouraging urban sprawl through the enforcement of the concurrency management and levels of service standards specified within the Broward County Land Development Code. The PDD shall provide for density or intensity bonus incentives which promote compact urban areas and shall also be utilized to protect, preserve and enhance lands designated Agriculture by the certified Future Unincorporated Area Land Use Element Map Series of the Broward County Comprehensive Plan through the adoption and enforcement of creative land development regulations.  
 (Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-335. Definitions.**

(a) *Master Development Plan:* The ordinance rezoning land to a PDD or PUD, together with the site plan for the PDD or PUD drawn in conformity with the conceptual site plan requirements of Section 5-192 of the Broward County Land Development Code, a development schedule, provisions for the method of administration of all common open space, and a statement that appropriate covenants shall be included in all conveyances requiring the maintenance of private open space for the purposes intended.

(b) *Phase:* A specified portion of a planned development that may be developed as an individual component, as specified within the development schedule of a PDD or PUD.

(c) *Planned Development:* An area of land developed as a single entity or in phases in conformity with the Master Development Plan of a PDD or PUD.  
 (Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-336. Conformance to master development plan.**

(a) In addition to requirements herein all PUD districts shall be subject to general provisions specified in section 39-275 of this Code.

(b) After rezoning to a planned development district (PDD) or planned unit Development (PUD) district, no plat approval, final site plan approval or building permits shall be issued by the county and no development shall commence unless in conformity with the approved Master Development Plan, unless a change or deviation is approved by Broward County as provided in section 39-337.

(c) No zoning or building permit shall be issued for any phase of a residential PDD which was approved on the basis of a Master Development Plan which was subsequently platted as a boundary or perimeter plat, until a final site plan and Development Order for that particular phase reflecting the following is approved and issued.

- (1) All dedicated and private streets;
- (2) All proposed lots, parcels or tracts, including dimensions, lot, tract or parcel numbers and type of structures and uses;
- (3) Common open space and recreational areas;
- (4) Maximum plot coverage per lot, tract or parcel;
- (5) Minimum setbacks from individual lot, tract or parcel boundaries;
- (6) Minimum separation between any two buildings on the same lot, tract or parcel;
- (7) Maximum height of any proposed structure;
- (8) Minimum habitable floor area;
- (9) Maximum density;
- (10) All easements;
- (11) Amount of offstreet parking spaces;
- (12) Landscaping;
- (13) Common open space areas and method(s) of administration;
- (14) Master sign plan.

(d) All development shall be in conformity with the final site development plan.

(e) No zoning or building permit for any nonresidential PDD shall be issued for any phase which was approved based upon a Master Development Plan which was subsequently platted as a boundary or perimeter plat until a final site plan is approved and a development order issued. In addition to meeting requirements of the Broward County Land Development Code and applicable sections of this Code relating to offstreet parking, loading, lighting and landscaping, the final site plan shall include the following:

- (1) All dedicated and private streets;
- (2) All easements;
- (3) Minimum building setbacks;
- (4) Range of permitted uses.
- (5) Common open space and method(s) of administration.

(f) The Master Development Plan shall set forth the criteria for determining minor and major changes and deviations.

(g) The approval of a Master Development Plan shall not relieve an applicant from the requirement to comply with applicable provisions of the Broward County Land Development Code regarding final site plan approval.

(h) Subsequent to the approval of the Master Development Plan and any subsequent plat and final site plan, all development within a PDD or PUD shall be controlled by the final site plan.  
(Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-337. Major and minor deviations.**

(a) The director of the Department of Planning and Environmental Protection, or designee, may approve minor changes and deviations from the approved Master Development Plan which are in compliance with the applicable provisions and intent of the Broward County Land Development Code, and which do not depart from the principal concept of the approved Master Development Plan. Approved minor changes and deviations may become effective without formally amending the Master Development Plan, but shall be recorded in the Public Records of Broward County, Florida, as an addendum to the Master Development Plan.

(b) Should the director of the Department of Planning and Environmental Protection, or designee, determine that a requested change or deviation from the approved Master Development Plan does not comply with the applicable provisions and intent of the Broward County Land Development Code, or departs from the principal concept of the approved Master Development Plan or otherwise exceeds the criteria for determining minor changes contained in the Master Development Plan, the director shall refer such change to the zoning board for a public hearing and recommendation. The applicant may then request the County Commission to approve such change or deviation.

(c) Upon request for a change or deviation from the approved Master Development Plan, the County Commission may take such action as it deems appropriate. If the County Commission approves the change or deviation a new Master Development Plan shall be filed incorporating the changes or deviations, which shall subsequently be recorded in the Public Records of Broward County, Florida, as an Amended Master Development Plan.

(d) All hearings relating to major changes to a Master Development Plan shall proceed in accordance with requirements of article IV, "District and Regulation Changes," of this Code.

(e) Copies of the recorded Master Development Plan shall be filed with the Development Management Division and the Zoning Code Services Division.  
(Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-338. Common open space.**

(a) All common open space shall be preserved for its intended purpose as expressed in the Master Development Plan. The developer shall choose one or a combination of the following three (3) methods of administering common open space:

- (1) Dedication to the county of the common open space. This method is subject to formal acceptance by the county in its sole discretion.
- (2) Conveyance to one or more associations, nonprofit corporations or other appropriate entities provided all persons and entities owning property within the planned development are members of one or more of the associations, nonprofit corporations or other entities so that the common open space will be used as specified on the Master Development Plan and all common open space will be properly maintained.
- (3) Retention of ownership, control and maintenance of all common open space by the developer.
- (4) If the developer elects to administer common open space through one or more associations, nonprofit corporations or other entities, said organizations shall conform to the following requirements:
  - a. They shall be created prior to the sale of any property within any phase of the PDD or PUD.
  - b. Membership shall be mandatory for all property owners within the planned development.



- c. They shall:
1. Manage all common open space and recreational and cultural facilities that are not dedicated to the public; and
  2. Provide for the maintenance, administration and operation of said land and any other land within the planned development not publicly or privately owned.

(b) All privately owned open space shall conform to the intended use of and remain as expressed in the Master Development Plan through the inclusion of appropriate covenants in all conveyance of land within the PDD or PUD. The covenants shall run with the land and be for the benefit of present and future property owners.

(c) All common open space and public recreational and cultural facilities shall be specifically included in a development schedule to be included in the Master Development Plan and be completed by the developer in accordance with such schedule.

(Ord. No. 2000-03, § 3, 1-25-00)

### **Sec. 39-339. General land use regulations.**

(a) *Minimum Size:* All planned developments shall provide for a minimum of five (5) acres of contiguous land. The Planned Development District may be applied to any sized area within a development of regional impact.

(b) *Minimum Lot Area, Distance Between Structures, Frontage, Setbacks and Height Regulations:*

- (1) No minimum lot size shall be required within a planned development, except as specified by the Master Development Plan.
- (2) No minimum distance between structures shall be required within a planned development, except as specified by the Master Development Plan.
- (3) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach, private road, or other area dedicated to the public or private use or common easement guaranteeing access. The county shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the planned development.
- (4) There are no required setbacks or yards except as specified by the Master Development Plan, together with the following:
  - a. There shall be a setback or yard not less than twenty-five (25) feet in depth abutting all public road rights-of-way.
- (5) No maximum height limitations shall apply in a PDD or PUD except as specified in the Master Development Plan.

(c) *Landscaping:* Landscaping shall meet all requirements of Article VIII, "Functional Landscaping and Xeriscaping," Broward County Zoning Code.

(d) *Signs:* Signs within a PDD or PUD shall comply with the appropriate sections of Article VI, "Signs," according to the types of uses permitted by the Master Development Plan.

(e) *Density:* The density and intensity of land uses permitted within a PDD or PUD shall conform with the Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan, in accordance with the categories of planned developments set forth in section 39-340.

(f) *Offstreet parking, loading and lighting.* The amount and configuration of offstreet parking, loading areas and lighting within a PDD or PUD shall comply with Article XII, "Offstreet Parking and Loading," of this Code.

(g) *Alcoholic beverage and adult entertainment establishments:* In all planned commercial and industrial centers, alcoholic beverage and adult entertainment establishments shall comply with Article XI, "Alcoholic Beverage and Adult Entertainment Establishments," of this Code.

(h) *Property maintenance:* All planned developments shall be subject to Article X, "Property Maintenance and Junk and Abandoned Property," of this Code.

(Ord. No. 2000-03, § 3, 1-25-00)

### **Sec. 39-340. Planned agricultural centers.**

(1) *Purpose:* The planned agricultural center is intended to encourage the retention of agricultural uses on lands designated "agricultural" in the Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan. Agricultural uses, and the existing incentives for such uses, may feasibly be retained when incorporated within a planned development by the use of innovative land planning and site design techniques such as clustering of dwelling units and provision for a variety of permitted uses.

(2) *Permitted Uses:*

(a) Agricultural uses, which include the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities.

(b) Single-family residences of one dwelling unit per two net acres or greater or one dwelling unit per two and one-half gross acres or greater.

(c) The clustering of residential dwelling units within a designated planned agricultural center may be permitted in accordance with the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan if the following conditions are met:

1. The entire parcel is developed through the application of the PDD-Planned Development District;
2. The areas from which density is transferred are relinquished of all future development rights for the purpose of preserving agriculturally productive lands, environmentally sensitive lands, open space or any combination thereof;
3. The arrangement and location of the clustered dwelling units shall be depicted as part of the master development plan; and
4. The clustering of dwelling units shall not result in the establishment of attached single-family or multifamily dwelling units.

(d) Nonagricultural uses that are compatible with planned agricultural centers, limited to the following:

1. Neighborhood commercial and retail facilities to the extent permitted by the Broward County Land Use Plan.
2. Recreation and open space.
3. Special residential facilities, as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements of the Broward County Land Use Plan.

(Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-341. Planned residential communities.**

(a) *Purpose:* The planned residential community is intended to encourage the use of innovative land planning and site design techniques to create enhanced living and working environments. The regulations applicable to planned residential communities are intended to discourage urban sprawl and encourage the efficient use of land by providing for a variety of residential unit types, conservation of natural amenities as common open space; and providing for accessory and supporting nonresidential uses in accordance with the commercial flexibility provisions of the Broward County Land Use Plan.

(b) *Permitted Uses:*

- (1) Single-family and multifamily residences at a density in conformance with the certified Future Unincorporated Area Land Use Element Map Series of the Broward County Comprehensive Plan.
- (2) Special residential facilities, as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements of the Broward County Land Use Plan.
- (3) Accessory nonresidential uses that are compatible with planned residential communities, to the extent permitted by the flexibility provisions of the Broward County Land Use Plan, limited to the following:
  - a. Hotels and Motels.
  - b. Community facilities and utilities.
  - c. Open space, parks and recreation facilities.
  - d. Professional offices, personal service and retail sales, including automobile service stations with no on-site repairs.
  - e. Aviation and marine facilities.

(Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-342. Planned commercial centers.**

(a) *Purpose:* The planned commercial center is intended to encourage the use of innovative land planning and site design techniques to create enhanced working environments. The regulations applicable to planned commercial centers are intended to discourage urban sprawl and encourage the efficient use of land by providing for conservation of natural amenities as common open space; and providing for certain commercial uses in accordance with the Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan.

(b) *Permitted Uses:*

- (1) Hotels and motels and other public lodging establishments.
- (2) Professional offices, personal services, retail sales and automobile service stations.
- (3) Self-storage warehouses.
- (4) Noncommercial uses that are compatible with planned commercial centers, limited to the following:
  - a. Special residential facilities, as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements of the Broward County Land Use Plan.
  - b. Recreational vehicle park.

- c. Residential uses within the same structure as a commercial use, provided that flexibility or reserve units are applied, and the residential floor area does not exceed fifty percent (50%) of the total floor area of the building; with the first floor confined to commercial uses; other residential uses that are consistent with the Broward County Comprehensive Plan.
- d. Open space, parks and recreation facilities.
- e. Community facilities and utilities.

(5) Planned commercial centers shall also comply with requirements of sections 39-294 and 39-300 of this Code.

(Ord. No. 2000-03, § 3, 1-25-00; Ord. No. 2000-36, § 42, 8-22-00)

#### **Sec. 39-343. Planned industrial parks.**

(a) *Purpose:* The Planned Industrial Park is intended to encourage the use of innovative land planning and site design techniques to create enhanced working environments. The regulations applicable to Planned Industrial Parks are intended to discourage urban sprawl and encourage the efficient use of land by: providing for conservation of natural amenities as common open space and providing for a variety of uses in accordance with the flexibility provisions of the Broward County Land Use Plan, all in accordance with the Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan.

(b) *Permitted Uses:*

- (1) Warehouses and distribution centers.
- (2) Manufacturing and assembly.
- (3) Research and development facilities.
- (4) Automobile, truck, aviation and marine manufacturing and repair.
- (5) Aviation and marine facilities.
- (6) Business and professional offices.
- (7) Nonindustrial uses that are compatible with planned industrial parks, limited to the following:
  - a. Personal services and retail sales, in accordance with the flexibility rule provisions of the Broward County Land Use Plan.
  - b. Community facilities and utilities.
  - c. Open space, parks and recreation facilities.

(8) Planned industrial parks shall also comply with requirements of sections 39-307 and 39-313 of this Code.

(Ord. No. 2000-03, § 3, 1-25-00; Ord. No. 2000-36, § 43, 8-22-00)

#### **Sec. 39-344. Planned special complexes.**

(a) *Purpose:* The planned special complex is intended to encourage the use of innovative land planning and site design techniques to, within the permitted uses of the applicable land use designation, accommodate highly intensive uses, public facilities, or mixed use developments that may not be appropriately addressed by other planned developments. The flexibility provisions of the Broward County Land Use Plan may also be used to provide density and intensity bonuses within a Planned Special Complex that discourage urban sprawl and encourage the efficient use of land.

(b) *Permitted Uses:*

- (1) Cultural, recreation, amusement, exhibition and education centers.

- (2) Community facilities and utilities.
  - (3) Aviation and marine facilities.
  - (4) Nonspecial complex uses that are compatible with special complexes, limited to the following:
    - a. Multifamily residences.
    - b. Hotels and motels.
    - c. Professional offices, personal services and retail sales.
    - d. Warehouses and distribution facilities.
    - e. Open space, parks and recreation.
- (Ord. No. 2000-03, § 3, 1-25-00)

**Sec. 39-345. Mixed uses permitted.**

(a) This article is intended to permit within a single PDD Master Development Plan, a combination of the PDD types described in sections 39-340 through and including 39-343, provided such uses are permitted within the land use designations on the property within the PDD.

(b) When a combination of PDD types is included within a single Master Development Plan, conditions may be imposed on the development to ensure the compatibility of uses, to address access between such uses, and to address other issues of site development that may arise because of the combination of PDD types.

(Ord. No. 2000-03, § 3, 1-25-00)

**Secs. 39-346—39-357. Reserved.**

**ARTICLE XXI. RESERVED**

**Secs. 39-358, 39-359. Reserved.**

**ARTICLE XXII. COMMUNITY FACILITIES DISTRICTS**

**Sec. 39-360. Community facilities zoning districts.**

The following shall constitute Community Facilities zoning districts within the unincorporated areas of Broward County, Florida:

<i>District</i>	<i>Title</i>
1-1	Institutional and Educational District
CF	Community Facilities District
A-3	Agricultural and Utilities District

(Ord. No. 2000-15, § 1, 4-11-00)

**Sec. 39-361. Purpose of districts.**

(a) The I-1 Institutional and Educational District is intended to accommodate land uses providing governmentally owned or operated services and facilities, public or private educational and cultural facilities, health-related facilities and certain not-for-profit organizational services to meet the needs of a particular neighborhood.

(b) The CF Community Facilities District is intended to accommodate land uses providing governmentally owned or operated services and facilities, public or private health-related facilities, cemeteries, educational and cultural facilities, and certain not-for-profit organizational services of a regional nature rather than to meet the needs of a particular neighborhood.

(c) The A-3 Agricultural and Utilities District is intended to provide areas to serve the regional utility and nonresidential agricultural needs of Broward County. A-3 Districts are also intended for areas designated on the Future Unincorporated Area Land Use Plan Map Series as Utilities to ensure the availability of land necessary to provide adequate levels of utility service for Broward County. (Ord. No. 2000-15, § 1, 4-11-00)

### **Sec. 39-362. General provisions.**

(a) *Definitions.* Terms used within this Article are defined in Article II, "Definitions," of this Code.

(b) *Dumpsters and dumpster enclosures.* Dumpsters located in any Community Facilities District as of the effective date of this article and/or which are constructed subsequent to the effective date of this Article shall comply with the following:

- (1) Dumpsters which are visible from any street or from contiguous property, shall be kept within opaque or translucent enclosures. Dumpster enclosures shall not be located in a required setback area, unless a street or dedicated alley separates the plot from adjacent property.
- (2) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (3) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (4) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.
- (5) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (6) Dumpster enclosures shall be constructed so as to accommodate recycling bins, if over forty (40) gallons.
- (7) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- (8) The base of the enclosure must be poured concrete, in accordance with the requirements of the South Florida Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(c) *Landscaping.* All buildings and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.

(d) *Nonconforming uses and structures.* Any use or structure which has been established as a legal nonconforming use or structure, or which becomes a legal nonconforming use or structure, shall be subject to provisions of Article VII, "Nonconforming Uses and Structures," of this Code.

(e) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII, "Off-street Parking and Loading," of this Code.

(f) *Property maintenance.* All buildings and properties shall be maintained in accordance with standards provided in Article X, "Property Maintenance and Junk or Abandoned Property," of this Code.

(g) *Setbacks and buffers.*

- (1) The minimum setback for the construction or erection of any building or structure, except fences and walls, in any I-1 zoning district which is contiguous to a residentially-zoned plot shall be twenty-five (25) feet from such plot line, unless a greater setback is required for a specific use in this article. A landscape buffer as required by Article VIII, "Functional Landscaping and Xeriscaping," shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge a minimum of six (6) feet in height constructed or planted and maintained as provided in subsection (5) following.
- (2) The minimum setback for the construction or erection of any building or structure, except fences and walls, in any CF or A-3 zoning district which is contiguous to a residentially-zoned plot shall be one hundred (100) feet, unless a greater setback is required for a specific use in this article. A landscape buffer as required by Article VIII, "Functional Landscaping and Xeriscaping," shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge a minimum of six (6) feet in height constructed or planted and maintained as provided in subsection (5) following.
- (3) No building or structure shall be erected or maintained within twenty-five (25) feet of the intersection of two streets, nor within fifteen (15) feet of the intersection of any driveway and street, except as permitted in subsection (5) following.
- (4) The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.
- (5) Fences, walls and hedges may be erected or planted and maintained within the setback, not adjacent to a vehicular use area, to a maximum height of eight (8) feet. Fences and walls shall be translucent. Hedges used as a required visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach a height of at least six (6) feet within two years after planting. Open-weave or chain-link type fences may only be used if appropriate landscape material, in accordance with Article VIII, "Functional Landscaping and Xeriscaping," is planted along such fence which, after planting, will obscure the fence and provide a translucent barrier within one year after planting. Within twenty-five (25) feet of the intersection of two streets or within fifteen (15) feet of the intersection of a private accessway and a street no fencing may be erected or maintained. The use of barbed wire, razor wire or electrified fencing shall be prohibited .

(h) *Signs.* Signs shall be subject to provisions in Article VI, "Signs," of this Code.

(i) *Use of residentially-zoned property for access.* No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in an I-1, CF or A-3 District, except where a public street provides the sole access to the property.

(j) *Wireless communication facilities.* Wireless communication facilities shall be subject to provisions in section 39-102 "Wireless communication facilities," of this Code.

(k) *Miscellaneous provisions.* In addition to general provisions herein, all community facilities districts shall be subject to Article IX, "General Provisions," of this Code.  
(Ord. No. 2000-15, § 1, 4-11-00; Ord. No. 2000-36, § 45, 8-22-00)

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

Permitted uses in all Community Facilities Districts shall be limited to those uses specified in the Master Use List. In I-1 and CF Districts all permitted uses shall be governmentally owned or operated or not-for-profit unless otherwise specified. All uses shall be subject to section 39-368, "Limitations of uses." Specific subsection references are included in the following Master Use List.

*Master Use List*

P = Permitted                      C = Conditional Use      A = Accessory Use Only

<i>Use</i>	<i>I-1</i>	<i>C-F</i>	<i>A-3</i>
Accessory dwelling [see subsection 39-368(a)]	A	A	
Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see subsection 39-368(b)]			A
Auditoriums		P	
Cemeteries [see subsection 39-368(c)]		P	
Child care center, pre-school or adult day care, including commercial facilities [see subsection 39-368(d)]	P	P	
Civic and cultural centers	P	P	
Community residential facilities [see subsection 39-368(e)]	P	P	
Courts facilities		P	
Educational centers [see subsection (f)]	P	P	
Electrical power plants and substations			P
Essential services	P	P	P
Fire protection facilities	P	P	
Governmental administration offices	P	P	
Health clinics	P	P	
Hospitals		P	
Institutions for the homeless or indigent [see subsection (g)]		P	
Landfills or other solid waste disposal facilities [see subsection (h)]			P
Library, museum, art gallery and other such exhibitions	P	P	
Nursing homes [see subsection (e)]		P	
Outdoor events [see section 39-238]	C	C	
Parks, public	P	P	
Penal institutions [see subsection (i)]		P	
Places of worship	P	P	



<i>Use</i>	<i>I-1</i>	<i>C-F</i>	<i>A-3</i>
Police protection facilities	P	P	
Rehabilitation centers		P	
Trash transfer stations [see subsection (j)]		P	P
Water and wastewater treatment plants and pumping stations		P	P
Wireless communication facilities (see section 39-102)	P	P	P

(Ord. No. 2000-15, § 1, 4-11-00; Ord. No. 2000-36, § 45, 8-22-00)

**Sec. 39-364. Prohibited uses.**

Any use which is not specifically listed, or which by inference is not listed, in section 39-363 shall be prohibited.

(Ord. No. 2000-15, § 1, 4-11-00)

**Sec. 39-365. Plot size.**

(a) The minimum plot size in any I-1 or CF district shall be thirty thousand (30,000) square feet with one hundred fifty (150) feet of property frontage on all streets.

(b) The minimum plot size in any A-3 district shall be two and one-half (2.5) acres with two hundred fifty (250) feet of property frontage on all streets, except as follows:

- (1) A lift station may be located on a plot seven thousand five hundred (7,500) square feet or more in area and seventy-five (75) feet or more wide.
- (2) An electrical transformer substation and switching station may be located on a plot two (2) acres or more in area.
- (3) Wireless communication facilities erected as a principal use of property shall be exempt from minimum plot size requirements.

(Ord. No. 2000-15, § 1, 4-11-00)

**Sec. 39-366. Plot coverage.**

In addition to pervious area requirements in the Broward County Land Development Code, maximum plot coverage in I-1, CF and A-3 districts shall be limited as follows:

- (a) In I-1 districts, the maximum plot coverage shall be thirty-five percent (35%) of the net acreage.
- (b) In CF districts, the maximum plot coverage shall be twenty-five percent (25%) of the net acreage.
- (c) In A-3 districts, the maximum plot coverage shall be twenty percent (20%) of the net acreage.

(Ord. No. 2000-15, § 1, 4-11-00)

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

Maximum height of buildings and structures shall be as follows, and as specified in section 39-103, "exclusions from height limits."

- (a) No building or structure located within two hundred (200) feet of any plot zoned for detached one-family dwellings, two-family dwellings or townhouses shall be constructed to a height exceeding two (2) stories.

- (b) A building or structure may be constructed to a height of four (4) stories, provided the building is located more than two hundred (200) feet from any plot zoned for detached one-family dwellings, two-family dwellings or townhouses.
- (c) A building or structure may be constructed to a height of ten (10) stories, provided the building is located more than five hundred (500) feet from any residentially zoned plot.

(Ord. No. 2000-15, § 1, 4-11-00)

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

- (a) *Accessory dwellings.* Accessory dwellings for caretaker or security quarters for the property where the dwelling is located shall be permitted, subject to the availability and allocation of reserve units in accordance with the Future Unincorporated Area Land Use Element. Each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area or fifty percent (50%) of the gross floor area of the building where the unit is located, whichever is less, and shall not be less than four hundred (400) square feet in gross floor area. Such dwelling unit shall be located within the building to which the dwelling is accessory, on an upper story of the building.
- (b) *Agriculture, non-residential.* Plant nurseries, crops and other agricultural activities shall be considered as an accessory use to public utility overhead transmission lines, as well as being a permitted principal use in A-3 districts.
- (c) *Cemeteries.*
  - (1) In addition to requirements herein, cemeteries shall comply with requirements in Chapter 497, F.S.
  - (2) Cemeteries shall require a minimum plot size of thirty (30) acres except that cemeteries accessory to a place of worship may be on a minimum five (5) acre plot.
  - (3) All structures, except fences and walls, shall be located at least twenty-five (25) feet from any street.
  - (4) Mausoleums or other burial structures shall be located at least one hundred fifty (150) feet from streets and at least fifty (50) feet from any other plot line.
- (d) *Child care centers and pre-schools.* All child care centers and pre-schools shall be designed to accommodate an outdoor play area that is separated and buffered from off-street parking areas, drive aisles, streets and alleys. Such play areas shall be completely enclosed with a fence at least five (5) feet in height.
- (e) *Community residential facilities and nursing homes.* Density for community residential facilities and nursing homes shall be calculated as two (2) bedrooms equals one dwelling unit. The Future Unincorporated Area Land Use Element shall determine the maximum permissible density for such use. If the proposed facility is not within an area designated residential by the Future Unincorporated Area Land Use Element Map series, any such proposed facility will be subject to availability and allocation of reserve units.
- (f) *Educational centers.* Educational centers may have dormitory facilities as an accessory use.
- (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 district by a minimum of five hundred (500) feet.

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

- (1) Landfills or other solid waste facilities, except trash transfer stations, shall require a minimum plot size of twenty (20) acres.
- (2) The maximum plot coverage of all main and accessory buildings shall be ten percent (10%) of the net area.
- (3) No disposal area within the plot shall be within two hundred (200) feet of any plot line.
- (4) No part of any resource recovery facility shall be within five hundred (500) feet of any plot line.
- (5) The maximum height of any landfill area shall be one hundred twenty-five (125) feet above the established grade.
- (6) Plots used for landfills or other solid waste facilities, except trash transfer stations, shall not be located within one thousand (1,000) feet of any residentially-zoned district except agricultural districts.

(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 district. The minimum plot size for any such facility shall be twenty (20) acres.

(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 district except agricultural districts, and shall require a minimum plot size of ten (10) acres.  
(Ord. No. 2000-15, § 1, 4-11-00)

**Secs. 39-369—39-379. Reserved**

**ARTICLE XXIII. OPEN SPACE AND PUBLIC RECREATION DISTRICTS**

**Sec. 39-380. Open space and public recreation zoning districts.**

The following shall constitute Open Space and Public Recreation Zoning Districts in the unincorporated areas of Broward County:

<i>District</i>	<i>Title</i>
S-1	Open Space Recreation District
S-2	Open Space and Public Recreation District

(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-381. Purpose of districts.**

(a) The S-1 Open Space Recreation District is intended for outdoor recreational activities. Related accessory uses may be located within a building on the same premises. The functional characteristics of S-1 districts may be appropriate for location within, or in close proximity to residential areas.

(b) The S-2 Open Space and Public Recreation District is intended to preserve areas designated or used for active or passive outdoor recreation for the public and to preserve open space.

(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-382. General provisions.**

- (a) *Definitions.* Terms used within this Article are defined in Article II, "Definitions," of this Code.
- (b) *Dumpsters and refuse containers.*
- (1) Dumpsters located in any S-1 or S-2 District as of the effective date of this article and/or which are constructed subsequent to the effective date of this Article shall comply with the following:
- a. Dumpsters shall only be located on plots where an accessory building is located. Such dumpsters shall be kept within opaque or translucent enclosures and shall not be located within any required yard or setback area.
  - b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
  - c. Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture or major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
  - d. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.
  - e. Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
  - f. Dumpster enclosures shall be constructed so as to accommodate recycling bins, if over forty (40) gallons.
  - g. The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
  - h. The base of the enclosure must be poured concrete in accordance with the requirements of the South Florida Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
- (2) Trash receptacles shall be supplied in all active recreation areas open to the public not less than two hundred (200) feet apart.
- (c) *Landscaping.* All buildings, structures and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code, except that no perimeter landscape buffer shall be less than twenty-five (25) feet in depth.
- (d) *Nonconforming uses and structures.* Any use or structure which has been established as a nonconforming use or structure, or which becomes a legal nonconforming use or structure, shall be subject to provisions of Article VII, "Nonconforming Uses and Structures," of this Code.
- (e) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII, "Off-street Parking and Loading," of this Code.

(f) *Property Maintenance.* All buildings and properties shall be maintained in accordance with standards provided in Article X, "Property Maintenance and Junk or Abandoned Property," of this Code.

(g) *Fences, walls and hedges.* Fences, walls and hedges may be erected or planted and maintained within a perimeter buffer to a maximum height of eight (8) feet. Fences and walls shall be translucent. Hedges used as a visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach a height of at least six (6) feet within two years after planting. Open weave or chain-link type fences may only be used if appropriate landscape material, in accordance with Article VIII, AFunctional Landscaping and Xeriscaping,@ is planted along such fence which, after planting, will obscure the fence and provide a translucent barrier within one year after planting. Within twenty-five (25) feet of the intersection of two streets or within fifteen (15) feet of the intersection of a private accessway and a street only chain-link or other such open fencing may be erected or maintained. The use of barbed wire, razor wire or electrified fencing shall be prohibited.

(h) *Signs.* Signs shall be subject to provisions in Article VI, "Signs," of this Code.

(i) *Use of residentially-zoned property for access.* Unless a plot in an S-1 or S-2 district is located within the residential neighborhood it is intended to serve, no privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in an S-1 or S-2 District, except where a public street provides the sole access to the plot.

(j) Except for boating, botanical gardens, bridlepaths, foot or bicycle paths, essential services, nature trails, water areas and wireless communication facilities, all plots occupied by permitted uses shall provide a permanent building at least one hundred fifty (150) square feet in floor area, containing an office and sanitary facilities.

(k) All provisions of Article IX, "General Provisions," shall apply to S-1 and S-2 Districts. (Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-383. Permitted uses.**

Permitted uses in all Open Space and Public Recreation Districts shall be limited to those uses specified in the Master Use List. Any use not specifically, or by inference, listed herein shall be determined by the Zoning Official to be permitted in the zoning district specifying the most similar use thereto. All uses shall be subject to section 39-389, "Limitations of uses." Specific subsection references are included in the following Master Use List.

P = Permitted                      C = Conditional Use      A = Accessory Use Only

<i>Use</i>	<i>S-1</i>	<i>S-2</i>
Archery range [see section 39-389(a)]	P	
Boating	P	P
Botanical garden	P	P
Bridle, foot or bicycle path	P	P
Country club [see section 39-389(b)]	P	P
Essential services	P	P
Fishing pier or dock	P	P
Golf course	P	P
Golf driving range [see section 39-389(c)]	P	
Miniature golf	P	
Nature trail	P	P

<i>Use</i>	<i>S-1</i>	<i>S-2</i>
Nonprofit neighborhood social and recreational facilities [see section 39-389(d)]	P	
Outdoor Events [see section 39-238]	C	C
Park, public or private	P	P
Picnic area	P	P
Playground (children's)	P	P
Restaurant [see section 39-389(e)]	A	
Swimming [see section 39-389(f)]	P	P
Tennis court [see section 39-389(g)]	P	
Water area (lake, pond)	P	P
Water sports	P	P
Wireless communication facilities (see section 39-102)	P	P

(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-384. Prohibited uses.**

Any use not specifically, or by inference, listed in the Master Use List shall be prohibited.  
(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-385. Plot size.**

Unless otherwise specified in section 39-389, "Accessory uses and structures," the minimum plot size in S-1 and S-2 districts shall be ten thousand (10,000) square feet in net area.  
(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-386. Plot coverage.**

Unless otherwise specified in section 39-389, "Accessory uses and structures," the maximum plot coverage by buildings or other roofed structures on any plot in an S-1 or S-2 district shall be two percent (2%).  
(Ord. No. 2000-29, § 1, 6-13-00)

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

- (a) No building shall be erected to a height exceeding two stories.
- (b) No structure shall exceed twenty (20) feet in height above the established grade, except wireless communication facilities as permitted in section 39-102 of this Code, or as permitted in section 39-103, "Exclusions from height limits."  
(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-388. Yards and setbacks.**

- (a) No off-street parking facility shall be located within twenty-five (25) feet of any contiguous residentially-zoned plot in separate ownership.
- (b) No structures, except permitted fences or walls, shall be located within thirty (30) feet of any contiguous residentially-zoned plot nor within fifty (50) feet of any street line.  
(Ord. No. 2000-29, § 1, 6-13-00)

**Sec. 39-389. Accessory uses and structures.**

(a) *Archery ranges.* Target areas for archery ranges shall be at least one hundred fifty (150) feet from any residentially-zoned plot and shall provide barriers sufficient to preclude any intrusion of such activities upon adjacent properties.

(b) *Country clubs.* Country club facilities may include restaurants, lounges and meeting rooms for the use of members. Country clubs associated with golf courses may also include retail stores for the sale of golf equipment and locker rooms. The aggregate floor area of all such accessory uses shall not exceed two percent (2%) of the net area of the plot.

(c) *Golf driving ranges.* Golf driving ranges shall be a minimum of five hundred feet (500) feet from any residentially-zoned plot.

(d) *Nonprofit neighborhood social and recreational facilities.* Nonprofit neighborhood social and recreational facilities located on plots less than five acres may increase the maximum plot coverage by buildings and roofed structures to a maximum of forty percent (40%).

(e) *Restaurants.* Fast food or full service restaurants shall be permitted only as an accessory use to country clubs and golf courses.

(f) *Swimming.*

(1) Swimming pools shall be enclosed with a fence or wall a minimum of five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms.

(2) Public swimming areas in lakes or other such water bodies shall be provided with lifeguards during all hours swimming is permitted. Signs, six (6) square feet in sign area and four (4) feet in height shall be posted at two hundred (200) foot intervals around the perimeter of any open swimming area in a lake or other such water body, indicating that swimming is permitted only during such time as a lifeguard is on duty.

(Ord. No. 2000-29, § 1, 6-13-00)

**Secs. 39-390—39-399. Reserved.**

**ARTICLE XXIV. CONSERVATION DISTRICTS**

**Sec. 39-400. Conservation zoning districts.**

The following shall constitute Conservation Districts within the area of Unincorporated Broward County:

<i>District</i>	<i>Title</i>
Conservation-1 (CON-1)	Conservation District—Water Supply Areas
Conservation-2 (CON-2)	Conservation District—Natural Resource Areas
F-1	Conservation District—Recreation Areas

(Ord. No. 2000-37, § 1, 9-12-00)

**Sec. 39-401. Purpose and intent.**

(a) The Conservation-1 (CON-1) District is intended to provide protection to the reserve water supply area, which includes, but is not limited to, the seven hundred ninety (790) square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35, by promoting the restoration of the Everglades system, including its hydrological and ecological functions as well as any degraded or substantially disrupted surface waters; supporting land acquisition and management practices which provide a sufficient fresh potable water supply, protect wildlife and natural resources, and provided public access to natural areas, in coordination with the plans and programs of the South Florida Regional Planning Council and South Florida Water Management District; coordinating with the plans, policies and programs of the U.S. Department of Interior regarding the management of the Big Cypress Natural Preserve, an Area of Critical State Concern; and coordinating with the plans, policies, treaties, agreements and leases of the Miccosukee and Seminole Tribes.

(b) The Conservation-2 (CON-2) District is intended to apply to those natural resource areas (NRA's) and local areas of particular concern (LAPC's) designated for conservation use on the future unincorporated area land use element map series and identified and defined in Resolution No. 89-4525, including public lands which are conservation areas operated by contractual agreement or managed by federal, state, regional, local governments or nonprofit agencies. Conservation-2 (CON-2) districts are also intended to promote the acquisition, retention and management of unique natural areas in order to preserve their environmental benefits; for recreational and other public purposes, to protect publicly owned sanctuaries, preserves, archaeological or historic sites, and open space, natural resource areas, ecological communities and designated wildlife management areas.

(c) The F-1 Conservation District is intended to apply to areas used for flood control or conservation with active or passive outdoor recreation uses.  
(Ord. No. 2000-37, § 1, 9-12-00)

**Sec. 39-402. Permitted uses.**

Permitted uses in all Conservation Districts shall be limited to those uses specified in the Master Use List. Any use not specifically, or by inference, listed herein shall be prohibited.

Master Use List

P = Permitted

Use	CON-1	CON-2	F-1
Water control facilities (i.e., dikes, berms, levees, canals, locks, gates, pumping stations)	P		P
Monitoring and telecommunication facilities used for flood control, drainage, water quality preservation or enhancement, environmental protection and restoration, wetlands mitigation, mosquito control, fire control and water storage and conservation, notwithstanding ancillary impacts to the immediate area where construction and operational impacts will occur	P		
Hunting, fishing, boating, air boating, off-road vehicles pursuant to state and federal regulation	P		P
Boat ramps and docks and camping facilities	P		P



<i>Use</i>	<i>CON-1</i>	<i>CON-2</i>	<i>F-1</i>
Construction and operation of water quality treatment facilities and areas and ancillary facilities, which may range from passive biological treatment to technologically intense forms of treatment including, but not limited to, chemical treatment/filtration facilities. Areas required to provide surge basins to hold water awaiting treatment are also allowed.	P		
Wildlife sanctuaries and feeding stations	P	P	P
Nature centers and trails	P	P	P
Outdoor research stations and walkways	P	P	P
State and federal reservations, including the Miccosukee leased area	P		
Structures designed to promote the storage of water underground, which may include aquifer storage and recovery systems, pumps designed to promote ground-water recharge, and seepage management features, which may include curtain wall or other types of technology.	P		
Surface impoundments that store water at depths not to exceed twelve (12) feet	P		
Utilities, transportation and communication facilities, specifically excluding hazardous liquid pipelines, which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies	P	P	P
Wireless communication facilities (see section 39-102)	P		P

(Ord. No. 2000-37, § 1, 9-12-00)

**Sec. 39-403. Roads in conservation districts.**

New roads or expansion of existing roads shall be required to be constructed in a manner that maintains the freshwater sheet flow.

(Ord. No. 2000-37, § 1, 9-12-00)

**ARTICLE XXV. RESERVED**

**Secs. 39-404—39-410. Reserved.**

**ARTICLE XXVI. RESERVED\***

**Secs. 39-411—39-422. Reserved.**

\***Editor's note**—Ord. No. 1997-29, § 1, adopted July 8, 1997, amended and transferred selected provisions of former Art. XXVI to Art. XIV of this chapter. Former Art. XXVI, §§ 39-401—39-412, pertained to the Limited Agricultural A-1 and General Agricultural A-2 Districts and derived from this codification and the following:

<b>Ord. No.</b>	<b>Section</b>	<b>Date</b>	<b>Ord. No.</b>	<b>Section</b>	<b>Date</b>
—	—	11-15-74	84-65	1	8-17-84
—	—	4-23-76	85-16	1	3-15-85
—	—	7-14-78	91-35	1, 2	9-11-95
—	—	8-27-79	1997-13	6	3-11-97
81-7	2, 3	2-13-81	1997-25	3	6-10-97

**ARTICLE XXVII. RESERVED\***

**Secs. 39-423—39-430. Reserved.**

**ARTICLE XXVIII. AGRICULTURAL-AMUSEMENT A-4 DISTRICT**

The following regulations shall apply in all A-4 districts:

**Sec. 39-431. Purpose of district.**

The A-4 Agricultural-Amusement District is intended to apply to undeveloped areas within which certain types of recreational uses will be appropriate to a rural environment.

**Sec. 39-432. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an A-1 district subject to the limitations and requirements specified for such use in an A-1 district.
- (2) Outdoor recreational establishments of a commercial nature, including drive-in theater, miniature golf course, golf or baseball driving range, swimming pool, bathing beach, picnic grounds.
- (3) Amusement pier, mechanical riding devices, carnivals, circuses, animal display, aquarium, menagerie, exhibit museum, and similar facilities.
- (4) Stadium, amphitheater, arena.
- (5) Outdoor rifle, shotgun or pistol shooting range.
- (6) Racetrack for animals or vehicles.
- (7) Accessory uses and structures.

**Sec. 39-433. Uses prohibited.**

The permissible uses enumerated in section 39-432 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

- (1) Manufacturing or industrial establishment.
- (2) Wholesale, warehouse or storage establishments.
- (3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.
- (4) Automobile, truck or trailer display, storage, service, repair or sale.
- (5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.
- (6) Building supplies or material display, storage or sale.
- (7) Contractor, construction or equipment yard.
- (8) Display, storage or sale of merchandise except as accessory to a permitted use.

**\*Editor's note**—Ord. No. 2000-15, § 2, adopted April 11, 2000, repealed former Art. XXVII, §§ 39-423—39-430 in its entirety which pertained to the Utility A-3 District and derived from the Zoning Ordinance of March 1, 1980; Ord. No. 84-34, § 1, 4-13-84; Ord. No. 91-35, § 3, 9-11-91.

**Sec. 39-434. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 100 feet.

**Sec. 39-435. Plot size.**

Every plot shall be not less than 150 feet in width and shall be at least 1 acre in area.

**Sec. 39-436. Coverage.**

The combined area occupied by all buildings and structures shall not exceed 20 percent of the plot area.

**Sec. 39-437. Yards.**

(a) Every plot shall be provided with yards adjacent to all plot lines, and each such yard shall not be less than 50 feet in depth measured perpendicularly to the plot line.

(b) In addition to the above-required yards, any buildings or structure shall be set back from all plot lines an additional 1 foot for each foot by which the height of such building or structure exceeds 25 feet in height.

**Sec. 39-438. Yard modifications.**

Notwithstanding any limitation or requirement specified in section 39-437, the following uses and structures shall not be located nearer to any property in separate and different ownership than the following:

- (1) For go-cart tracks, no racing ..... 50 feet
- (2) For mechanical riding devices ..... 200 feet
- (3) For racetracks ..... 500 feet
- (4) For stadium, amphitheater or arena ..... 300 feet

**Sec. 39-439. Limitations of uses.**

(a) Parking areas shall not be located nearer than 25 feet to any street or alley plot line nor nearer than 50 feet to any other plot line.

(b) Parking area shall be surfaced with a hard, durable, dustless material having an asphaltic or portland cement binder, and shall be maintained in good, clean condition.

**ARTICLE XXIX. RESERVED\***

**Secs. 39-440—39-456. Reserved.**

\*Editor's note—Ord. No. 2000-11, § 6, adopted March 14, 2000, repealed former Art. XXIX, §§ 39-440—39-446, in its entirety which pertained to the Agricultural-Excavation A-5 District.

**ARTICLE XXX. AGRICULTURAL-DISPOSAL A-6 DISTRICT****Sec. 39-457. Purpose of district.**

The A-6 Agricultural-Disposal District is intended to apply to areas appropriate for the disposal of materials wherein such disposal will not adversely affect desirable future development.

**Sec. 39-458. Uses permitted.**

No building or structure, or part hereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.
  - (2) Dump, sanitary landfill, incinerator, or resource recovery facility.
  - (3) Accessory structures and uses.
- (Ord. No. 84-87, § 1, 12-14-84)

**Sec. 39-459. Uses prohibited.**

The permissible uses enumerated in section 39-458 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

- (1) Manufacturing or industrial establishments.
- (2) Wholesale, warehouse or storage establishments.
- (3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.
- (4) Automobile, truck or trailer display, storage, service, repair or sale.
- (5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.
- (6) Building supplies or material display, storage or sale.
- (7) Contractor, construction or equipment yard.
- (8) Display, storage or sale of used or secondhand merchandise.

**Sec. 39-460. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 200 feet.  
(Ord. No. 84-87, § 2, 12-14-84)

**Sec. 39-461. Plat size.**

(a) A plot used for disposal of refuse, not including garbage or animal refuse, shall be not less than five acres in area.

(b) A plot used for disposal of refuse, including garbage or animal refuse, shall be not less than 20 acres in area.

(c) A plot used for an incinerator or resource recovery facility shall be not less than 20 acres in area.  
(Ord. No. 84-87, § 3, 12-14-84)

**Sec. 39-462. Plot coverage.**

The combined area occupied by all main and accessory buildings and uses shall not exceed 10 percent of the plot area.

**Sec. 39-463. Yards.**

(a) Every plot shall have side and rear yards at least 50 feet in depth or width and a front yard at least 75 feet in depth.

(b) Every plot used for disposal of refuse, including garbage or animal refuse, shall have yards adjacent to all plot lines not less than 100 feet in depth.

(c) No part of any incinerator or its appurtenant attached building or structures shall be located within 500 feet of any plot line.

**Sec. 39-464. Limitations of uses.**

Any plot utilized for a dump, sanitary landfill, incinerator, or resource recovery facility shall be used, operated and maintained in accordance with the following regulations:

- (1) An attendant shall be kept on duty during hours the disposal area is open to control deposit of refuse.
  - (2) The disposal area shall be enclosed sufficiently by a fence with gate or by other means so as to limit use to authorized periods, and for proper purposes.
  - (3) No burning of refuse shall be permitted within 10,560 feet of any residentially zoned property in the incorporated or unincorporated territory of Broward County, except by combustion in a completely enclosed incinerator or resource recovery facility of adequate design and operation to prevent emission of fly ash and dense smoke. There shall be no burning of refuse between the hours of 7:00 p.m. and 7:00 a.m.
  - (4) No refuse to be deposited within any required yard.
  - (5) Refuse is to be compacted daily and topped by a soil cover daily.
  - (6) Maximum depth of fill shall not exceed 125 feet above existing ground level.
- (Ord. No. 84-87, § 4, 12-14-84)

**Secs. 39-465—39-475. Reserved.****ARTICLE XXXI. AGRICULTURAL-RESTRICTED DISPOSAL A-7 DISTRICT\*****Sec. 39-476. Purpose of district.**

The A-7 Agricultural-Restricted Disposal District is intended to apply to areas appropriate for the disposal of materials on a restricted basis, wherein such restricted disposal will not prevent proper development of surrounding territory.

**\*Editor's note**—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

*"Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands.* Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4, Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Disposal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with § 125.66(6), F.S.)"

**Sec. 39-477. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.
- (2) Dump, sanitary fill, disposal area.
- (3) Accessory structures and uses.

**Sec. 39-478. Uses prohibited.**

The permissible uses enumerated in section 39-477 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

- (1) Manufacturing or industrial establishments.
- (2) Wholesale, warehouse or storage establishments.
- (3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.
- (4) Automobile, truck or trailer display, storage, service, processing or sale.
- (5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.
- (6) Building supplies or material display, storage or sale.
- (7) Contractor, construction or equipment yard.
- (8) Display, storage or sale of used or secondhand merchandise.

**Sec. 39-479. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 150 feet.

**Sec. 39-480. Plot size.**

(a) A plot used for disposal of refuse, not including garbage or animal refuse, shall be not less than five acres in area.

(b) A plot used for disposal of refuse, including garbage or animal refuse, shall not be less than 20 acres in area.

**Sec. 39-481. Plot coverage.**

The combined area occupied by all main accessory buildings and uses shall not exceed 10 percent of the plot area.

**Sec. 39-482. Yards.**

(a) Every plot shall have side and rear yards at least 50 feet in depth or width and a front yard at least 75 feet in depth.

(b) Every plot used for disposal of refuse, including garbage or animal refuse, shall have yards adjacent to all plot lines not less than 100 feet in depth.

**Sec. 39-483. Limitations of uses.**

Any plot utilized for a dump or for deposit of refuse shall be used, operated and maintained in accordance with the following regulations:

- (1) An attendant shall be kept on duty during hours the disposal area is open to control deposit of refuse.
- (2) The disposal area shall be enclosed sufficiently by a fence with a gate or by other means so as to limit use to authorized periods, and for proper purposes.
- (3) There shall be no burning or incineration of any kind.
- (4) No refuse is to be deposited within any required yard.
- (5) Refuse is to be compacted daily and topped by a soil cover daily.
- (6) Maximum depth of fill shall not exceed 10 feet above existing ground level.

**Secs. 39-484—39-494. Reserved.**

**ARTICLE XXXII. RESERVED\***

**Secs. 39-495—39-513. Reserved.**

**ARTICLE XXXIII. CEMETERY DISTRICT A-9****Sec. 39-514. Definitions.**

The definitions of Chapter 497, F.S., Florida Cemetery Act and chapter 67-1185, Special Acts, including the following definition(s), shall be applicable to the terms of this district:

*Cemetery*: Shall mean any one, or a combination of, more than one of the following: Located within the unincorporated limits of Broward County, in a place used or to be used, and dedicated or designated, for cemetery purposes for human remains; a burial park for human remains; a mausoleum, for crypt or vault entombment of human remains; a columbarium, for cinerary inurnment for human remains.

**Sec. 39-515. Purpose of district.**

The cemetery district is intended to apply to all areas to be used for burial parks, mausoleums, columbariums or any cemetery use.

**Sec. 39-516. Uses permitted.**

The cemetery district shall be used specifically for the cemetery purposes as described in the definitions of Chapter 497, F.S.; and no other uses shall be permitted, except those which are necessary accessory uses for the operation of the cemetery.

**Sec. 39-517. Plot size.**

A cemetery shall be a minimum of 30 acres as required by chapter Chapter 497, F.S.

\***Editor's note**—Ord. No. 2000-11, § 7, adopted March 14, 2000, repealed former Art. XXXII, §§ 39-495—39-502, in its entirety which pertained to the Agricultural-Sanitary Fill A-8 District.

**Sec. 39-518. Access.**

Access to the cemetery shall be from a dedicated public street, and all driveways and internal streets shall conform to section 39-180 and any and all other county regulations regarding access, driveways and internal streets.

**Sec. 39-519. Off-street parking.**

Ten off-street parking spaces shall be provided for cemetery employees. In addition, the minimum of one parking space per acre of the cemetery shall be provided.

Off-street parking spaces for employees shall be surfaced with a hard-surface material such as asphalt or concrete. All other parking shall be hard surface or shall conform to section 39-223 for alternative parking surfaces.

**Sec. 39-520. Buffers.**

Around the property lines of all cemeteries a 10-foot wide strip of land shall be devoted to a buffer between the cemetery and the adjacent property, including street rights-of-way. This buffer shall contain a decorative fence, wall or hedge which is a minimum of four feet in height and a maximum of eight feet in height. The buffer shall also contain landscaping material, including shrubs and trees, which will create an effective screen along the property lines. Fence details and landscaping plans for the buffer strip shall be submitted with the required plan.

The required screening and buffer strip shall be maintained in good condition at all times.

No signs shall be permitted to be attached to or hung from the required screening.

**Cross reference**—Landscape buffers between residential and nonresidential property, § 39-182(i)(7).

**Sec. 39-521. Location of structures.**

All structures which are accessory to the principal use shall be erected or located at least 25 feet from the street right-of-way line and at least 10 feet from the side and rear lot lines. Mausoleums and other burial structures shall be located at least 150 feet from street right-of-way lines and at least 50 feet from side and rear lot lines.

**Sec. 39-522. Sight distances.**

All ornamental walls, fences, hedges and gates shall conform to the sight distance requirements of section 39-82, sight distance for landscaping adjacent to public rights-of-way and points of access, of this code.

**Sec. 39-523. Health standards.**

Prior to approval of zoning, the applicant shall show documentary proof from the director of the Broward County Health Department that the proposed cemetery will meet all health standards of Laws of Florida chapter 67-1185.

**Sec. 39-524. Reserved.**

**Editor's note**—Section 16 of Ord. No. 95-50, adopted November 28, 1995, repealed § 39-524 which pertained to plan review.

**Secs. 39-525—39-535. Reserved.**



**ARTICLE XXXIV. RESERVED\***

**Secs. 39-536—39-559. Reserved.**

**ARTICLE XXXV. GENERAL PROVISIONS FOR R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 AND R-5 DISTRICTS†****Sec. 39-560. Applicability.**

In addition to general provisions in Article IX of this Code, the following shall apply in all R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 zoning districts.  
(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-561. Dumpsters and dumpster enclosures.**

(a) Notwithstanding any other provisions contained in this ordinance, residential plots containing four (4) or more dwelling units shall not be required to maintain dumpsters and dumpster enclosures so long as there are either carports, garages, or other enclosed areas suitable for storage of waste containers and provided that the residents utilize the enclosed storage areas to store their waste containers when not being made accessible for trash pick-up.

(b) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.

(c) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances, except during a scheduled bulk pick-up by a licensed collector.

(d) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.

(e) The dumpster, dumpster enclosure and all surrounding areas shall be maintained by the property owner in accordance with this section, and shall be free of overflowing refuse at all times except on a scheduled pick-up date. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

(f) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.

(g) Dumpsters may be placed in the ground, provided the floor and walls of the enclosure are constructed of an impervious material. Any portion of the dumpster which is visible above the ground shall be screened with landscape material.

\***Editor's note**—Ord. No. 1999-40, § 3, adopted June 22, 1999, repealed former Art. XXXIV, §§ 39-536—39-545, in its entirety which pertained to the E-1 Estate District and derived from this codification, amendments eff. 11-16-73; eff. 12-4-78; Ord. No. 87-15, § 1, 4-28-87; Ord. No. 96-17, §§ 6, 7, 5-28-96; Ord. No. 1997-25, §§ 4, 5, 6-10-97.

†**Editor's note**—Ord. No. 2000-17, § 18, adopted April 25, 2000, renumbered and amended sections 39-146, 39-148, 39-151, 39-153—39-154, 39-168, 39-173, 39-177, 39-178, 39-181, 39-183, 39-185 of former Art. IX to form a new Art. XXXV as herein set out. See the Zoning Code Comparative Table at the end of this volume for a listing of ordinances amending these former sections.

(h) Dumpsters not placed in the ground shall be stored on a concrete pad, in accordance with the South Florida Building Code, at all times except twelve (12) hours before or after scheduled refuse collection and twenty-four (24) hours before or after special bulk waste collection. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron and all concrete must be level with adjacent asphalt.

(i) The perimeter of the dumpster pad shall be enclosed on three (3) sides by an enclosure no less than the height of the dumpster plus six (6) inches. The enclosure must provide a visual barrier between the interior and exterior of the dumpster area. The remaining sides of the dumpster enclosure shall be enclosed with gates constructed in accordance with subsection (m) following.

(j) All dumpster enclosures consisting of living plants shall conform to the requirements of Article VIII of this chapter.

(k) On residential plots developed prior to September 24, 1996, where no other suitable location exists, upon application and receipt of a permit from Broward County, a residential dumpster and dumpster enclosure may be located within a required parking space or setback area.

(l) All existing developed residential plots shall meet the requirements of this section within one (1) year from the effective date of this section.

(m) Each dumpster enclosure shall have at least a thirty (30) inch opening on one side, to enable a person to walk into the enclosure to deposit trash, garbage, refuse or recyclable materials.

(n) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gate in place in both open and closed positions.

(Ord. No. 2000-17, § 18, 4-25-00)

#### **Sec. 39-562. Tents.**

No tent shall be erected, used or maintained for living quarters except for camping or recreational activities.

(Ord. No. 2000-17, § 18, 4-25-00)

#### **Sec. 39-563. Double frontage.**

Where a plot is bounded on two opposite sides by streets, front yards shall be provided on both streets; and accessory buildings shall not be located in either front yard.

(Ord. No. 2000-17, § 18, 4-25-00)

#### **Sec. 39-564. Grouped housing.**

Where two or more separate buildings for dwelling purposes are erected or placed on the same plot, minimum front, side and rear yards shall be provided as required by this code. The spacing arrangement and distance between such buildings on the plot shall provide a separation not less than half the height of the higher of the two buildings.

**Sec. 39-565. Yard encroachments.**

Every part of every required yard shall be open and unobstructed from ground to sky except as hereinafter provided or as otherwise permitted in this code.

- (1) Sills, or belt courses, cornices, buttresses, ornamental features, chimneys, flues, eaves, awnings and air conditioning units may project not over thirty-six (36) inches into a required yard.
  - (2) Fire escapes, stairways, balconies, canopies or marquees which are unenclosed may project not over three (3) feet eight (8) inches into a required yard.
  - (3) Unenclosed and unroofed patios or decks extending above the ground not higher than the first floor level except for railings may be located in a required side or rear yard.
  - (4) Fences, walls and hedges shall be permitted in required yards as specified in section 39-566 of this article.
  - (5) Accessory buildings and uses shall require the same setbacks as principal buildings except as follows:
    - a. In single-family and two-family districts on lots not on a corner, side and rear yard setbacks may be reduced to five (5) feet for accessory buildings and uses when located on the rear half of the plot provided no encroachment onto a recorded easement would be created.
  - (6) Accessory buildings may not exceed one (1) story in height in single-family and two-family districts.
  - (7) There shall be a minimum distance of ten (10) feet between all principal and accessory buildings on the same plot.
- (Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-566. Fences, walls and hedges.**

(a) Fences, walls or hedges may be erected or maintained along any plot line or within the required yard setbacks to a height not exceeding six (6) feet above the finished grade of the plot, except as follows:

- (1) On the lot line not at a corner where a residential plot abuts business or industrially zoned or used property, such fence, wall or hedge may be erected to a height not exceeding eight (8) feet.
- (b) On a corner lot, no fences, walls, hedges shall be erected or maintained to a height exceeding thirty (30) inches above the crown of the roadway within twenty-five (25) feet of the intersection of the front and side street property lines. Open fences of the chain link type which do not impair vision for purposes of traffic safety may be erected to a height not exceeding four (4) feet at the corner.

(c) No barbed wire, electrified, or barbed or razor wiretopped fences or walls may be erected, or maintained.

(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-567. Nuisances.**

(a) Nothing shall be allowed on or in any structure, land, or water body in any district that shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration or noise (including the crowing of cocks, barking of dogs, or any noises or odors emanating from any animal, fish or fowl). Nor shall anything be constructed or maintained that would in any way constitute an eyesore to adjacent property owners or residents or to the community.

(b) Repair or maintenance of vehicles or vessels shall not be permitted unless such repair or maintenance is minor in nature and does not involve engine or parts repair or exchange other than tires, batteries, sparkplugs or oil, and does not involve exterior or interior alterations.  
(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-568. Storage on residential property.**

(a) No land shall be used for the storage of building materials or construction equipment except when incidental to construction operations for which a building permit is in effect.

(b) Open-air storage shall not be permitted of any item other than usable lawn, garden or pool furniture or equipment, toys, bicycles or trash cans used by the residents of a dwelling.

(c) Storage or parking of private passenger vehicles or motorcycles accessory to a dwelling shall be on a paved surface. All such vehicles shall be in operable condition.

(d) It shall be unlawful on public or private property to park or store any commercial vehicle or equipment; except that a vehicle weighing five thousand (5,000) pounds or less may be parked or stored in a carport or garage, or in a side or rear yard if completely hidden from view of all adjacent properties. Nothing herein shall prohibit the parking of any commercial vehicle or equipment while its owner or operator is performing lawful and authorized public or private work as follows:

- (1) Tradesmen performing service or construction work or making deliveries of merchandise or household items.
  - (2) Public utility service work or emergency vehicles.
- (Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-569. Swimming pools.**

No public or residential swimming pool shall be constructed except in conformity with the following:

- (a) All public and residential swimming pools shall be completely enclosed by either an open mesh screen enclosure or a fence or wall a minimum five (5) feet in height of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates shall be equipped with self-locking mechanisms.
  - (b) Swimming pools may be placed in required side or rear yards subject to setback requirements specified in section 39-565, "Yard encroachments." For the purpose of this section, the minimum setback from a plot line shall be measured from the outer edge of the pool deck for fenced pools and from the exterior of the screen enclosure for screen enclosed pools.
- (Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-570. Household pets.**

Livestock such as horses, cattle, sheep, goats, hogs, pigs, chickens and geese shall not be permitted as pets.  
(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-571. Density.**

The following zones shall not be developed to a density exceeding the following maximum limits:

<i>Zoning</i>	<i>Residential Density Range Title</i>	<i>Permitted Dwelling Units Per Acre of Net Area</i>
R-1B, One-Family Dwelling	Low 4	4 (except that a one-family dwelling shall be permitted on a platted lot of record)
R-1C, One-Family Dwelling	Low 5	5 (except that a one-family dwelling shall be permitted on a platted lot of record)
R-1P, One-Family Dwelling Parking	Low 5	5 (except that a one-family dwelling shall be permitted on a platted lot of record)
D-1, Special One-Family District	Low-Medium	7
R-2, Two-Family Dwelling	Low-Medium	10 (except that a two-family dwelling shall be permitted on a plot consisting of a single lot of record, not less than 50 feet in width, and held in separate ownership)
R-2P, Two-Family Dwelling Parking	Low-Medium	10 (except that a two-family dwelling shall be permitted on a lot of record, not less than 50 feet in width, and held in separate ownership)
R-3, Low-Density Multiple-Family Dwelling	Medium	15 multiple-family dwelling units or 5 one-family detached dwellings
R-3U, Row House	Medium	15
R-5, Motel	High	50 motel units per acre of net area or 25 multifamily dwelling units

(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-572. Recreational vehicles and boats.**

Currently licensed recreational vehicles and boats may be parked or stored in the open on sites containing a permitted residential use, subject to the following conditions:

- (a) Not more than one recreational vehicle may be stored on any plot outside a fully enclosed building.
- (b) Not more than one boat may be stored on any plot outside a fully enclosed building, and said boat must be on a currently licensed boat trailer.
- (c) Such parking or storage of recreational vehicles or boats shall be limited to vehicles owned by the occupant of the residence or house guests of the occupant.

- (d) No Recreational vehicle or boat shall be parked or stored in a location which encroaches onto a public right-of-way or private street or in any manner which visually obstructs egress from abutting properties.
  - (e) Maintenance of recreational vehicles and boats shall be subject to limitations of section 39-567.
  - (f) At no time while parked or stored in a residential area shall sewer or electrical service connections be made to the vehicle, or any occupancy thereof be permitted.
- (Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-573. Foster care homes and public or private facilities.**

- (a) *Foster Care Homes.* Foster care homes shall be permitted uses in the following zoning districts:
  - (1) No more than six (6) residents supervised: R-1B, R-1C;
  - (2) No more than eight (8) residents supervised: R-2, R-3, R-3U,
- (b) *Public or Private Facilities:* Public or private facilities which house not more than eight (8) residents shall be a permitted use in all R-3, R-3U and R-5 zoning districts.
- (c) *Residents.* Residents shall be any related or unrelated minors or adults receiving care and services through any public or private agency or individual family that shall have been properly licensed by all applicable federal, state and county agencies.
- (d) *Dispersal:* No public or private facility shall be located within one thousand five hundred (1,500) feet of any other existing public or private facility. Such distance requirement shall be measured and computed by following a straight line from the nearest property line of the proposed facility to nearest property line of the existing private or public facility. Public or private facilities which were in existence as of October 17, 1980 which have been licensed and approved by either HRS or another applicable regulatory agency and are presently located within one thousand five hundred (1,500) feet of another public or private facility shall be exempt from this distance requirement.
- (e) *Minimum Standards.* All facilities must, if under the jurisdiction of HRS, meet or exceed all applicable HRS rules, regulations, orders and guidelines. Those facilities or individuals not under HRS jurisdiction shall meet or exceed all applicable federal, state or county rules, regulations, orders and guidelines. Any facilities not under the jurisdiction of HRS shall meet the following minimal standards:
  - (1) There shall be one hundred twenty (120) square feet inside living space per person of which thirty-five (35) square feet per person shall be living and dining space and sixty (60) square feet per person shall be bedroom space. Each resident shall have a separate bed.
  - (2) There shall be one (1) water closet per six (6) residents. There shall be two (2) tubs and/or showers per eight (8) residents.
  - (3) There shall be one (1) staff to every five (5) residents.
  - (4) There shall be annual health and fire inspections.
- (f) *Required Approval.*
  - (1) Special exception approval by the board of adjustment shall be required for all public or private facilities when nine (9) to sixteen (16) residents supervised are proposed to be housed in a public or private facility to be located in the following zoning districts: R-2, R-3, R-3U.
  - (2) Foster care homes and public or private facilities providing for nonrelated and related residents, in existence on October 17, 1980, and which are properly licensed, inspected and regulated by HRS or any county agency and which do not meet the requirements of this section shall be

considered as nonconforming uses. Such uses shall be subject to section 39-72, discontinuance or abandonment of a nonconforming use, of the Zoning Code, and all applicable federal, state or county regulations.

(g) *Standards for Issuance of Special Exceptions.*

- (1) Every application for a special exception for a public or private facility shall be accompanied by a tentative approval from all agencies licensing and regulating these facilities. Such approval shall consist of an approved application or letter from the appropriate agency stating that the proposed public or private facility would meet all applicable federal, state or county regulations.
- (2) No special exception approval for a public or private facility shall be granted that is in conflict with any applicable federal, state or county regulations.
- (3) Persons seeking to use property as a special exception use shall make application to the Broward County Board of Adjustment and the application shall be subject to all requirements including notice and public hearing as set forth in article V, Board of Adjustment, of the Broward County Zoning Code.
- (4) In approving any special exception, the board of adjustment may also impose appropriate conditions and safeguards in conformity with these zoning regulations for the protection of residents of public or private facilities as defined herein. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these zoning regulations.

(Ord. No. 2000-17, § 18, 4-25-00)

**Sec. 39-574. Family day care homes.**

Family day care homes shall be permitted uses in the following zoning districts: R-1B, R-1C, R-2, R-3, and RSO Zoning Districts.

(Ord. No. 2000-17, § 18, 4-25-00)

**Secs. 39-575—39-577. Reserved.**

**ARTICLE XXXVI. ONE-FAMILY DWELLING—R-1A TO R-1C DISTRICTS**

The following regulations shall apply in all R-1A, R-1B and R-1C districts:

**Sec. 39-578. Uses permitted.**

(a) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following uses:

- (1) One-family dwelling.
- (2) Recreation buildings and facilities, playgrounds, playfields, parks, beaches, owned and operated by federal, state, county or municipal government.
- (3) Existing cemetery, crematory or mausoleum.
- (4) Existing railroad right-of-way, not including switching, freight, or storage tracks, yards, buildings or maintenance structure.
- (5) Publicly owned and operated library, art gallery or museum.
- (6) Educational, recreational and social centers not operated for profit and intended to serve the surrounding neighborhood. Such use shall be located on a plot having at least 40,000 square feet

- of area and having at least 200 feet of street frontage. Any buildings or roofed structure on a plot utilized for such use shall be located at least 50 feet from any other residentially zoned property. No parking area shall be located within 20 feet of any plot line.
- (7) Golf course, not including miniature golf course or practice driving tee, providing plot comprises at least 100 acres of land in one parcel and any accessory parking area, building or structure is located at least 100 feet from any other residentially zoned property.
- (8) Church, and church or parochial school incidental to a church on the same premises. Such use shall be located on a plot having at least 40,000 square feet of plot area and having at least 200 feet of street frontage. The coverage of all roofed structures shall not exceed 25 percent of the plot area. No building or roofed structure shall be located within 40 feet of any other residentially zoned property. No parking area shall be located within 10 feet of any plot line.
- (9) Sewerage or water treatment, pumping and storage plants to serve the surrounding residential area. Such plants shall conform to the following requirements:
- a. The plot shall not be less than 100 feet in width and 10,000 square feet in area, and as large as necessary to provide required setback area.
  - b. No building or structure shall be located nearer to any other residentially zoned property or to any street line than a distance equal to the height of such building or structure.
  - c. No unenclosed sewage treatment facility shall be located nearer to any street line than 125 feet nor nearer to any other residentially zoned property than 175 feet.
  - d. No enclosed sewage treatment facility, or water pumping or treatment facility, shall be located nearer than 35 feet to any street line or nearer than 50 feet to any other residentially zoned property.
  - e. All plots shall have a landscaped setback area at least 35 feet in width or depth adjacent to all street lines, and adjacent to all plot lines separating the subject plot from other residentially zoned property. The landscaped setback area shall not be used for any building, structure, fence, wall, parking, storage or other use except that a fence not over 5 feet in height may be erected in any such setback area at least 35 feet from any street line. The landscaped setback area shall be planted with grass, shrubbery and trees; and no part shall be paved or surfaced except for minimum driveways and walkways for access. All landscaping shall be maintained in a healthy, growing condition, properly trimmed and watered.
  - f. All machinery, equipment and mechanical or electrical facilities shall be so designed and operated as to minimize noise effects upon surrounding residential properties.
  - g. Plots shall not be used for business, storage or service purposes for a franchised area.
- (10) Sewage lift or pumping stations, containing no treatment facilities, subject to the following requirements:
- a. Where the station is of the underground type, all parts of which are at least 3 feet below grade except for an access tube not over 5 feet in maximum horizontal dimension extending not over 3 feet above grade, and meters and switches on a post extending not over 5 feet above grade; such access tube and meter or switch post may be located within a utility easement but not less than 15 feet from any street line. If not located in a utility easement, all such aboveground structures shall be at least 25 feet from any street line and at least 15 feet from any plot line.



- b. Where the station is wholly or partially above grade, there shall be a yard at least 30 feet in depth adjacent to all residentially zoned property. These requirements shall supersede the requirements of sections 39-579, 39-582, 39-583 and 39-584.

All yards and plot area shall be landscaped with grass, shrubbery and trees which shall be kept in a healthy, growing condition, properly watered and trimmed.

- (11) Transformer substation subject to the following requirements:

- a. The plot shall be provided with yards not less than 30 feet in depth or width adjacent to all street lines and plot lines of other residentially zoned property and a yard at least 25 feet in depth adjacent to a rear plot line.

The yards required under this paragraph shall be fully landscaped with grass, shrubbery and trees, and shall not be used for any fences, wall, building or structure, except that a fence not over 6 feet in height may be erected at least 30 feet from any street line. Minimum driveways or walkways necessary for access may cross required yards.

All landscaped areas shall be maintained in a healthy, growing condition, properly watered and trimmed.

- (12) Uses accessory to any of the above uses when located on the same plot and not involving the conduct of any business, trade, occupation or profession.

(b) Residence on a floating home or vessel shall not be permitted at moorages located on or immediately adjacent to property zoned R-1A, R-1B or R-1C.

(Eff. 12-4-78)

**Sec. 39-579. Size of plot.**

(a) Every plot upon which a residential structure is hereafter erected shall not be less than the following:

- (1) *R-1A districts*: Plot width of 100 feet and plot area of 10,000 square feet.
- (2) *R-1B districts*: Plot width of 75 feet and plot area of 7,500 square feet.
- (3) *R-1C districts*: Plot width of 60 feet and plot area of 6,000 square feet.

(b) Provided, however, that in areas subdivided prior to the effective date of this ordinance, a plot consisting of a lot of record may be utilized for a one-family dwelling.

(c) Every plot upon which a permitted nonresidential structure or use is erected or placed shall be not less than 100 feet in width and 10,000 square feet in area.

**Sec. 39-580. Plot coverage.**

The combined area occupied by all principal and accessory buildings shall not exceed 40 percent of the area of the plot.

**Sec. 39-581. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding either 2 stories or 35 feet, except that a steeple or tower on a church may extend to a height of 50 feet.

**Sec. 39-582. Front yard.**

(a) *Residential Uses*. Every plot used for a 1-family dwelling shall have a front yard not less than 25 feet in depth.

(b) *Nonresidential Uses*: Every plot utilized for a nonresidential building, structure or use, except accessory buildings, structures or uses, shall have a front yard not less than 30 feet in depth.

**Sec. 39-583. Side yards.**

(a) *Residential Uses*. Every plot used for a 1-family dwelling shall have a side yard on each side, each of which shall be at least 10 feet wide in an R-1A and at least 7½ feet wide in R-1B or R-1C district; except that where a plot is less than 60 feet in width, each side yard shall be at least 5 feet in width.

(b) *Nonresidential Uses*. Every plot utilized for a nonresidential building, structure or use, except accessory buildings, structures or uses, shall have a side yard on each side, each of which shall be not less than 20 feet in width with an increase of 1 foot in width of each side yard for every 2 feet in height of the structure in excess of 20 feet.

(c) *Corner Plots*. Upon corner plots there shall be a front yard as hereinbefore specified, and in addition thereto a side yard at least 15 feet in width on the side of the plot abutting on the side street.

**Sec. 39-584. Rear yard.**

(a) *Residential Uses*. Every plot used for a 1-family dwelling shall have a rear yard not less than 15 feet in depth.

(b) *Nonresidential Uses*. Every plot utilized for a nonresidential building, structure or use, except accessory buildings, structures or uses, shall have a rear yard not less than 25 feet in depth.

**Sec. 39-585. Minimum floor area.**

A 1-family dwelling shall have a minimum floor area of 1,500 square feet in an R-1A district, 1,000 square feet in an R-1B district and 600 square feet in an R-1C district.

**Secs. 39-586—39-596. Reserved.**

**ARTICLE XXXVII. ONE-FAMILY DWELLING—PARKING R-1P DISTRICTS**

**Sec. 39-597. Purpose of district.**

The R-1P One-Family Dwelling—Parking District is intended to apply to areas normally residential in character and located in a generally residential neighborhood which are located adjacent to a business district and which are needed for noncommercial off-street parking to serve public convenience, to reduce street congestion and to facilitate desirable business development for service to the surrounding residential sections.

**Sec. 39-598. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in any one-family dwelling district with limitations and requirements specified in the zoning regulations for such use in that most restrictive residential district which is closest thereto.
- (2) Open parking lot, for the parking of private passenger vehicles, subject to all the provisions of Section 39-600, Open Parking Lot Regulations.

- (3) Residence on floating homes and vessels.  
(Eff. 12-4-78)

**Sec. 39-599. Location of R-1P districts.**

An R-1P district shall be contiguous to, or separated only by an alley from, a B-1, B-2, B-2A, B-2B or B-3 district.

**Sec. 39-600. Open parking lot regulations.**

(a) *Limitation of Use.*

- (1) Parking area shall be used only for the parking of private passenger vehicles, in good running order, of customers, clients, patrons, visitors, employees in the business area. No charge shall be made for parking. No business of any kind, including repair, service, washing, sale, display or storage, shall be conducted on or from the plot.
- (2) No structures other than those specifically permitted or required shall be erected on the premises.
- (3) No advertising signs shall be erected on the premises except that not more than 1 directional sign at each point of ingress and egress may be erected which may also bear the name of the operator of the parking area, and the enterprise it is intended to serve. Such sign shall not exceed 20 square feet in area, not extend to a greater height than 6 feet above the ground, and shall be erected within the parking area.

(b) *Ingress and Egress.* Ingress and egress for such parking areas shall be over business zoned property or from streets or alleys separating the parking area from the business district. In no case shall residentially zoned property be used for driveways for access to the parking area; except that where there is not an alley separating the parking area from the business zoned property, not more than 20 feet of residentially zoned property adjacent to business zoning may be used for access.

(c) *Protective Wall.* The parking area shall be provided with a continuous unpierced masonry wall five feet in height adjacent to all required yards and adjacent to all other contiguous residentially zoned property. All such walls shall be smoothly finished and shall not be used for any sign.

(d) *Side Yards.*

Where the parking plot is contiguous to side plot lines of residentially zoned property, a side yard at least 10 feet in width shall be provided.

Where the parking plot is separated by a street from residentially zoned property whereon the side plot lines abut the street, a side yard at least five feet in width shall be provided.

(e) *Front Yards.* Where the parking plot is located upon a street upon which residentially zoned properties front and abut in the same block, a front yard shall be provided at least 25 feet in depth. Where 1 or both of the plots contiguous to and on each side of the parking plot are developed with residential structures having front yards greater than 25 feet in depth, then the deeper of these existing front yards shall apply.

(f) *Landscaping.* All yard spaces between the required wall and plot lines shall be landscaped with at least one hedgerow of hardy shrubs, not less than five feet in height placed next to the walls; and the remainder of the yard spaces shall be lawn. All such landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance; and yard spaces shall be kept free of refuse or debris.

(g) *Surfacing.* The parking area shall be provided with a pavement having an asphaltic or portland cement binder, and shall be so graded and drained as to dispose of all surface water accumulation within the parking area.

(h) *Lighting.* Where lighting facilities are provided for the parking area, they shall be designed and installed so as to reflect the light away from any contiguous residentially zoned property.

**Secs. 39-601—39-611. Reserved.**

## ARTICLE XXXVIII. SPECIAL ONE-FAMILY D-1 DISTRICT

### **Sec. 39-612. Purpose of district.**

The D-1 Special One-Family District is intended to apply to areas to be used for one-family dwellings in a project wherein each dwelling is held by a separate and different owner and the project area is held in common by all the participating site owners.

### **Sec. 39-613. Uses permitted.**

(a) No building or structure, or part thereof, shall be erected, altered or used, or land and water used, in part or in whole, for other than the following specified uses:

- (1) A special one-family project consisting of two or more one-family dwellings, each in a separate structure, detached from any other structure.
- (2) Uses accessory to the above, including recreation facilities, utility service facilities, community centers.

(b) Residence on floating homes or vessels shall not be permitted at moorages located on or immediately adjacent to property zoned D-1.  
(Eff. 12-4-78)

### **Sec. 39-614. Size of plot.**

No plot shall be less than one acre.

### **Sec. 39-615. Plot coverage.**

The combined area occupied by all building and roofed structures shall not exceed 35 percent of the area of the plot.

### **Sec. 39-616. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 2 stories or 30 feet.

### **Sec. 39-617. Yards.**

(a) No dwelling shall be located less than 25 feet from a public or private street; provided that dwellings located at the intersection of 2 streets, public or private, shall be required to sit back 25 feet from only one such intersecting streets, and in these cases, the 25-foot setback shall be located on the street adjacent to any carport or garage entrance, and the setback from the other intersecting public or private street shall not be less than 15 feet. The aforesaid 25-foot requirement shall be reduced to a

15-foot setback requirement for sites fronting on NW First Terrace and NW 44th Street in the subdivision of Spring Lake 2nd Section, as recorded in Plat Book 63, at Page 16, of the Public Records of Broward County, Florida, because this project has already been fully planned and partially completed.

(b) Every plot shall have a yard not less than 25 feet in depth adjacent to any street when the property across such street is zoned in any residential district except A-1, D-1, T-1 or R-1T.

(c) Every plot shall have a yard not less than 15 feet in depth adjacent to any other property, adjacent to an alley or adjacent to a waterway, canal or body of water, providing that this requirement shall not apply where such other property is zoned in a D-1 district.

**Sec. 39-618. Minimum floor area.**

The minimum floor area of a 1-family dwelling shall be 600 square feet.

**Sec. 39-619. Separation of buildings.**

(a) There shall be not less than 10 feet minimum clearance between the outer walls of any 2 buildings each of which is 1 story in height.

(b) There shall be not less than 15 feet minimum clearance between the outer walls of any 2 buildings where 1 of these 2 buildings is 2 stories in height.

(c) There shall be not less than 20 feet minimum clearance between the outer walls of any 2 buildings each of which is 2 stories in height.

**Sec. 39-620. Plot area per unit.**

Every plot shall have a gross area sufficient to provide not less than 5,000 square feet per 1-family dwelling.

**Sec. 39-621. Definition of plot.**

For the purpose of this article, "plot" shall mean the entire area occupied by a special one-family project, including areas occupied by buildings, yards, setbacks, parking, driveways, recreation, service facilities, private streets and accessory uses. It shall not include public streets.

**Sec. 39-622. Limitations and special requirements.**

(a) Deleted.

(b) All private streets and drives serving 2 or more sites shall be not less than 34 feet in width and shall be paved to a width of at least 22 feet. An easement for underground utilities and access for emergency vehicles shall be dedicated over all private streets.

(c) No private street or drive shall exceed 1,320 feet in center line length between points of intersection with a public street; provided that a private street or drive terminating in a paved turnaround not less than 70 feet in diameter and not over 400 feet in overall length may be utilized to serve sites; provided that this paragraph shall not apply to Golfview Drive in the area included in the subdivision of Crystal Lake Third Section, as recorded in Plat Book 60, Page 16, of the Public Records of Broward County, Florida.

(d) Each D-1 project shall have space designated for recreational purposes for the use of the occupants of the project, and said recreational space shall have at least 200 square feet of area for each dwelling unit in the project. No space less than 10,000 square feet in area or less than 50 feet in any dimension shall

be counted in meeting recreational requirements. One D-1 project may supply required recreational space for other separate but related D-1 projects, all of which are to have a single association for operation and maintenance.

(e) For the purpose of this article, all land in a plot occupied by a D-1 project shall be held in common by the site owners except the specific and limited areas which are to be subject to individual ownership. This means that all yards, setback areas, private streets and recreation areas, except as provided in paragraph (h) following, are common property. The areas which are to be subject to private individual ownership shall be located at least 25 feet from any public or private street, except as provided in section 39-617(a) for setbacks at the intersection of 2 streets; and each such area shall be separated by at least 10 feet from any other such area.

(f) After recording of the original subdivision plat, no area occupied by or to be occupied by a D-1 project shall be further subdivided into lots by a subdivision plat or be further subdivided into lots by metes or bounds description.

(g) No building permit shall be issued for the building of any part of a special 1-family project in a D-1 district unless and until instruments have been placed upon the public records of Broward County, Florida, providing that all areas subject to common ownership and the exterior portions of all structures constructed on sites subject to private individual ownership, and all recreation areas shall be maintained by a membership corporation organized for such purposes in which site owners shall be members. A certified copy of such instruments shall be attached to the first application for a building permit in a special 1-family project in a D-1 district, and thereafter reference to the official records book and pages where such documents are recorded shall be affixed to each subsequent application for a building permit in the same special 1-family project.

(h) Where recreation areas are not made part of the common property in a D-1 project, such recreation areas shall be made subject to leases or easements for a period of at least 49 years in favor of the site owners of the association created for the purposes of operating and maintaining the D-1 project.

(i) The provisions of subsections (d), (g) and (h) shall not apply to the D-1 district project which has been fully planned and partially completed prior to the effective date of this ordinance.  
(Eff. 1-16-76)

**Secs. 39-623—39-633. Reserved.**

#### **ARTICLE XXXIX. RESERVED\***

**Secs. 39-634—39-650. Reserved.**

#### **ARTICLE XL. RESERVED†**

**Secs. 39-651—39-673. Reserved.**

\***Editor's note**—Ord. No. 2000-16, § 2, adopted April 25, 2000, repealed former Art. XXXIX, §§ 39-634—39-640, in its entirety which pertained to the XXXIX Mobile Home Dwelling R-1T District and derived from zoning amendments effective 1-16-76, 12-4-78; Ord. No. 95-50, 11-28-95.

†**Editor's note**—Ord. No. 2000-16, § 3, adopted April 25, 2000, repealed former Art. XL, §§ 39-651—39-662, in its entirety which pertained to the Travel Trailer Park T-1 District and derived from zoning amendments effective 4-23-76; 1-23-78; Ord. No. 87-33, §§ 2—8, 9, 6-23-87; Ord. No. 95-50, § 16, 11-28-95.

**ARTICLE XLI. RESERVED\***

**Secs. 39-674—39-687. Reserved.**

**ARTICLE XLII. RESERVED†**

**Secs. 39-688—39-710. Reserved.**

**ARTICLE XLIII. RESERVED‡**

**Secs. 39-711—39-739. Reserved.**

**ARTICLE XLIV. TWO-FAMILY DWELLING R-2 DISTRICT****Sec. 39-740. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an R-1A, R-1B or R-1C district, subject to the limitations, requirements and procedure specified for such use.
  - (2) Two-family dwelling.
  - (3) Two one-family dwellings.
  - (4) Church and church school incidental to church.
  - (5) Uses accessory to any of the above when located on the same plot and not involving the conduct of any business, trade, occupation or profession.
  - (6) Residence on floating homes or vessels.
- (Eff. 12-4-78)

**Sec. 39-741. Size of plot.**

(a) *Dwellings.* Every plot upon which a residential structure is erected shall be not less than 60 feet in width and 6,000 square feet in area; except that a plot, consisting of a single lot of record not less than 50 feet in width, and held in separate ownership at the effective date of this ordinance, may be utilized for a two-family dwelling.

(b) *Nonresidential uses.* Every plot upon which a permitted nonresidential structure or use, other than an accessory structure or use, is erected or placed shall be not less than 100 feet in width and 10,000 feet in area.

\***Editor's note**—Section 19 of Ord. No. 95-50, adopted November 28, 1995, repealed Art. XLI, Mobile Home Park MH-1 District.

†**Editor's note**—Ord. No. 2000-42, § 2, adopted Sept. 26, 2000, repealed former Art. XLII, §§ 39-688—39-700, in its entirety which pertained to Mobile Home Park T-1A, T-1B and T-1C Districts and derived from this codification and regulations effective Dec. 4, 1978.

‡**Editor's note**—Ord. No. 2000-11, § 8, adopted March 14, 2000, repealed former Art. XLIII, §§ 39-711—39-724, in its entirety which pertained to the Recreational Vehicle RV-1 District and derived from the zoning ordinance effective March, 1, 1980; Ord. No. 87-32, 6-23-87.

**Sec. 39-742. Plot coverage.**

The combined area occupied by all main and accessory buildings shall not exceed 40 percent of the area of the plot.

**Sec. 39-743. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding either 2 stories or 35 feet, except that a steeple or tower on a church may extend to a height of 50 feet.

**Sec. 39-744. Front yard.**

(a) *Residential Uses.* Every plot for dwelling purposes shall have a front yard not less than 25 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a front yard not less than 30 feet in depth.

**Sec. 39-745. Side yards.**

(a) *Residential Uses.* Every plot used for dwelling purposes shall have a side yard on each side, each of which shall be at least 7½ feet in width, except that where a plot is less than 60 feet in width, each side yard shall be at least 5 feet in width.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a side yard on each side, each of which shall be not less than 20 feet in width, with an increase of 1 foot in width of each side yard for each 2 feet in height of the structure in excess of 20 feet.

(c) *Corner Plots.* Upon corner plots there shall be front yard as hereinbefore specified, and also a side yard at least 15 feet in width on the side of the plot abutting on the side street.

**Sec. 39-746. Rear yard.**

(a) *Residential Uses.* Every plot whose principal use is residential shall have a rear yard not less than 15 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a rear yard not less than 25 feet in depth.

**Sec. 39-747. Minimum floor area.**

The minimum floor area of a 1-family dwelling shall be 600 square feet, and the minimum floor area of a dwelling unit in a 2-family dwelling shall be 400 square feet.

**Secs. 39-748—39-758. Reserved.****ARTICLE XLV. TWO-FAMILY DWELLING—PARKING R-2P DISTRICT****Sec. 39-759. Purpose of district.**

The R-2P Two-Family Dwelling—Parking District is intended to apply to areas normally residential in character and located in a generally residential neighborhood which are situated adjacent to a business district and which are needed for noncommercial off-street parking to serve public convenience, to reduce street congestion and to facilitate desirable business development to serve the surrounding residential sections.



**Sec. 39-760. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an R-2 district, subject to all of the limitations and requirements specified in this ordinance for such use in that district.
- (2) Any use permitted in an R-1P district, subject to all of the limitations and requirements specified in this ordinance for such use in that district.

**Sec. 39-761. Location of R-2P districts.**

An R-2P district shall be contiguous to or separated only by an alley from a B-1, B-2, B-2A, B-2B or B-3 district.

**Secs. 39-762—39-767. Reserved.****ARTICLE XLVI. RESERVED\*****Secs. 39-768—39-785. Reserved.****ARTICLE XLVII. LOW-DENSITY MULTIPLE R-3 DISTRICT****Sec. 39-786. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Any use permitted in an R-1A, R-1B, R-1C or R-2 district, subject to the limitations, requirements and procedure specified for such use.
- (2) Multiple dwellings.
- (3) Private office for doctor or dentist accessory to a dwelling provided such office does not exceed 25 percent of the floor space of a dwelling unit occupied by such doctor or dentist and not more than 1 doctor or dentist practices in such office.
- (4) Nursery school or child care center when the building is located not less than 20 feet from any other plot in an R district; provided that there is established, maintained and used for the children at play in connection therewith 1 or more completely and securely fenced play lots which, if closer than 50 feet to any property line, shall be screened by a masonry wall or compact evergreen hedge not less than 5 feet in height, located not less than 2 feet from any other plot in an R district.
- (5) Rooming house with not more than four rooms for rent.
- (6) Public, private or parochial elementary, junior and senior high schools. Private and parochial schools shall offer curricula substantially equivalent to public schools of comparable grades and shall meet the academic requirements of the state department of education.
- (7) Open parking lots for the parking of private passenger vehicles, subject to all of the provisions of Section 39-794, Open Parking Lots.

\***Editor's note**—Ord. No. 2000-42, § 3, adopted Sept. 26, 2000, repealed former Art. XLVI, §§ 39-768—39-776, in its entirety which pertained to the Two-Family Dwelling R-2U District and derived from this codification.

- (8) Uses accessory to and of the above uses not involving the conduct of any business, trade, occupation or profession, including a distributor transformer station for direct service to customers.

**Sec. 39-787. Size of plot.**

(a) *Dwellings.* Every plot upon which a dwelling is erected shall not be less than 60 feet in width at the building line and 6,000 square feet in area, provided that a plot consisting of a single lot of record on the effective date of the zoning of the subject property which is less than 60 feet in width and 6,000 square feet in area, may be improved with a 1-family or 2-family dwelling.

(b) *Nonresidential Uses.* Every plot upon which a permitted nonresidential structure or use, other than an accessory structure or use, is erected or placed shall be not less than 100 feet in width and 10,000 square feet in area.

**Sec. 39-788. Plot coverage.**

The combined area occupied by all main and accessory buildings and structures shall not exceed 40 percent of the area of the plot for 2-story buildings or 50 percent for 1-story buildings.

**Sec. 39-789. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 35 feet, except that a steeple or tower on a church may extend to a height of 50 feet.  
(Eff. 5-17-74)

**Sec. 39-790. Front yard.**

(a) *Residential Uses.* Every plot used for dwelling purposes shall have a front yard not less than 25 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a front yard not less than 30 feet in depth.

**Sec. 39-791. Side yards.**

(a) *Residential Uses.* Every plot used for dwelling purposes shall have a side yard on each side each of which shall be at least 7½ feet in width for a 1-family or a 2-family dwelling and at least 10 feet in width for other residential uses, except that on a plot less than 60 feet in width which is utilized for a 1-family or 2-family dwelling, each side yard shall be at least 5 feet in width.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a side yard on each side, each of which shall be not less than 25 feet in width with an increase of 1 foot in width for each 2 feet in height of the structure in excess of 20 feet.

(c) *Corner Plots.* Upon corner lots, there shall be a front yard as hereinbefore specified, and also a side yard at least 15 feet in width on the side of the plot abutting on a side street.

**Sec. 39-792. Rear yard.**

(a) *Residential Uses.* Every plot whose principal use is residential shall have a rear yard not less than 15 feet in depth, except that a rear yard abutting upon a waterway shall be at least 25 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a rear yard not less than 25 feet in depth.

**Sec. 39-793. Minimum floor area.**

The minimum floor area of a 1-family dwelling shall be 600 square feet, the minimum floor area of a dwelling unit in a 2-family dwelling shall be 400 square feet, and the minimum floor area of a dwelling unit in a multiple dwelling shall be 400 square feet.

**Sec. 39-794. Open parking lots.**

Open parking lots for parking of private, self-propelled passenger vehicles, not including buses, as permitted under section 39-786(7) shall be arranged, maintained and used in accordance with the following:

- (1) The plot shall provide a front yard not less than 25 feet in depth, nor less than the front yard of any existing residential structure immediately adjacent and on either side of the plot.
- (2) A side yard shall be provided on each side of the plot, except on an alley side, not less than 10 feet in width.
- (3) An ornamental fence or wall four feet in height shall be placed between the parking area and the required yards and on the rear plot line, with only such openings as may be required for access.
- (4) The required front and side yards shall be planted and kept in lawn that is maintained so as to present a healthy, neat and orderly appearance. The required yards shall be kept free from refuse and debris.
- (5) No signs shall be permitted other than unlighted entrance and exit markers, not exceeding two square feet in area, located within the parking area.
- (6) The parking area shall be provided and maintained with a stable surface treated and graded so as to prevent dust and surface water accumulation.
- (7) If lighting is provided for the parking area, all lights shall be subdued, shaded and focused away from all dwellings.
- (8) No business of any kind, including repair, service, washing, sale, display or storage, shall be conducted on or from the plot.

(Ord. No. 95-50, § 16, 11-28-95)

**ARTICLE XLVIII. ROW HOUSE R-3U DISTRICT****Sec. 39-795. Purpose of district.**

The R-3U Row House District is intended to apply to areas to be used for the construction of dwelling containing three or more dwelling units, which are designed, arranged and constructed for the ownership of each dwelling unit and the land thereunder by a separate and different owner.

**Sec. 39-796. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

- (1) Any use permitted in an R-2U district, subject to all limitations and requirements specified in this ordinance for such use in that district.
- (2) Multiple dwellings which are designed, arranged and constructed for the ownership of each dwelling unit and the land thereunder by a separate and different owner.

- (3) Uses accessory to any of the above when located on the same plot and not involving the conduct of any business, trade, occupation or profession.

**Sec. 39-797. Size of plot.**

(a) *Dwellings.* Every plot upon which a residential structure is erected shall be not less than 60 feet in width and 6,000 square feet in area; provided that each dwelling unit of a multiple-family dwelling may be located on a lot not less than 20 feet in width and 100 feet in depth, except that a portion of a common party wall separating 2 such separate dwelling units may be located on an adjoining lot.

(b) *Nonresidential Uses.* Every plot upon which a permitted nonresidential structure or use, other than an accessory structure or use, is erected or placed shall be not less than 100 feet in width and 10,000 square feet in area.

**Sec. 39-798. Plot coverage.**

The combined area covered by all main and accessory building and roofed structures shall not exceed 40 percent of the area of the plot.

**Sec. 39-799. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 2 stories or 30 feet, except that a steeple or tower on a church may extend to a height of 50 feet.

**Sec. 39-800. Front yard.**

(a) *Residential Uses.* Every plot used for dwelling purposes shall have a front yard not less than 25 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a front yard not less than 30 feet in depth.

**Sec. 39-801. Side yards.**

(a) *Residential Uses.* Every plot used for a 1-family or a 2-family dwelling shall have a side yard on each side, each of which shall be at least seven and one-half feet in width. Every plot used for a multiple dwelling shall have a side yard on each side, each of which shall be at least 10 feet in width; provided that where a multiple dwelling in the form of a row house is erected on 3 or more platted lots with the dividing party walls between separate dwelling units centered on the common lot line between 2 platted lots, a side yard shall not be required adjacent to and on either side of said common lot line.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a side yard on each side, each of which shall be not less than 20 feet in width, with an increase of 1 foot in width of each side yard for each 2 feet in height of the structure in excess of 20 feet.

(c) *Corner Plots.* Upon corner plots, there shall be a front yard as hereinbefore specified and also a side yard at least 15 feet in width on the side of the plot abutting on the side street.

**Sec. 39-802. Rear yard.**

(a) *Residential Uses.* Every plot whose principal use is residential shall have a rear yard not less than 15 feet in depth.

(b) *Nonresidential Uses.* Every plot whose principal use is nonresidential shall have a rear yard not less than 25 feet in depth.

**Sec. 39-803. Minimum floor area.**

The minimum floor area of a 1-family dwelling in a separate detached building shall be 600 square feet. The minimum floor area of a dwelling unit in a 2-family dwelling shall be 400 square feet. The minimum floor area of a dwelling unit in a multiple dwelling shall be 600 square feet.

**Sec. 39-804. Limitations and special requirements.**

(a) Deleted.

(b) The party walls, which separate and define the individual dwellings of a multiple dwelling, shall be centered on the dividing lot lines of the recorded subdivision plat.

(c) No multiple dwelling designed for sale of individual dwelling units to separate and different owners shall exceed 200 feet in length.  
(Eff. 1-16-76)

**Secs. 39-805—39-814. Reserved.****ARTICLE XLIX. RESERVED\*****Secs. 39-815—39-833. Reserved.****ARTICLE L. RESERVED†****Secs. 39-834—39-855. Reserved.****ARTICLE LI. RESERVED‡****Secs. 39-856—39-879. Reserved.****ARTICLE LII. RESERVED\*\*****Secs. 39-880—39-892. Reserved.**

\***Editor's note**—Ord. No. 2000-11, § 9, adopted March 14, 2000, repealed former Art. XLIX, §§ 39-815—39-823, in its entirety which pertained to the Apartment R-4 District.

†**Editor's note**—Ord. No. 2000-11, § 10, adopted March 14, 2000, repealed former Art. L, §§ 39-834—39-845, in its entirety which pertained to the Planned Apartment R-4A District.

‡**Editor's note**—Ord. No. 2000-11, § 11, adopted March 14, 2000, repealed former Art. LI, §§ 39-856—39-862, 39-864—39-867, 39-869 in its entirety which pertained to the Planned Apartment R-4B District and derived from the Zoning Ordinance effective March 1, 1980 and Ord. No. 95-50, § 16, 11-28-95.

\*\***Editor's note**—Ord. No. 2000-03, § 2, adopted Jan. 25, 2000, repealed former Art. LII, §§ 39-880—39-885, 39-887—39-891, in its entirety which pertained to the Planned Unit Development District (PUD) and derived from Ord. No. 88-27, §§ 3—5, 6-24-86; Ord. No. 91-4, § 1, 1-29-91; Ord. No. 91-36, §§ 1—4, 9-11-91;

**ARTICLE LIII. MOTEL R-5 DISTRICT****Sec. 39-893. Uses permitted.**

(a) Any use permitted in an R-4 district, subject to the limitations, requirements and procedure prescribed for such use.

(b) Hotel, motel, tourist home, lodging house, boardinghouse, villas, bungalow court.

(c) Private club, lodge, fraternity, sorority and other similar uses, not operated for profit.

(d) Institutions of an educational, philanthropic or eleemosynary character, not operated for profit, other than penal or correctional institutions or vocational or trade schools.

(e) Medical or dental office or clinic.

(f) Colleges and universities offering courses of study leading to an academic degree and meeting the academic requirements of the Southern Association of Colleges and Secondary Schools.

(g) Accessory uses and structures, not involving a business, except as provided in section 39-894.

**Sec. 39-894. Special accessory uses.**

(a) Hotel, apartment hotel and motels having 50 or more units may have restaurants, nightclubs, dining rooms or bars which are located in the main building and which are of such design and size as to cater primarily to the guests of the main use, subject to the provisions of all regulations of Broward County.

(b) Hotels, apartment hotels, multiple dwellings and motels having 100 or more guest rooms may have retail stores, personal service shops, offices and similar uses for the convenience of their guests.

(c) The special accessory uses permitted under paragraphs (a) and (b) above shall be subject to the following limitations and requirements:

- (1) Access to such special accessory uses shall be limited to the interior of the building, and there shall be no direct public access from the exterior of the building; provided that the doors for exit purposes only may be located in the exterior walls of the building.
- (2) For each street front, 1 sign not to exceed 15 square feet in area shall be allowed for each 100 feet of street frontage or fraction thereof; but in no case shall the total of such signs exceed 2 signs per street frontage. Such signs shall be used to advertise the following accessory uses: Restaurants, dining rooms and cocktail lounges. Such accessory uses may be advertised only upon these permitted signs.
- (3) There shall be no show windows or displays relating to such special accessory uses on the exterior of the building or visible from any street, waterway, ocean front or adjacent property.
- (4) The space occupied by such special accessory uses shall be on the interior of the building, and there shall be no evidence or indication of the existence of such special accessory uses on or from the exterior of the building.

**Sec. 39-895. Size of plot.**

Every plot shall be not less than 100 feet in width and 10,000 square feet in area; provided that a plot consisting of a single lot of record on the effective date of this ordinance, not less than 50 feet in width, may be utilized for a 1-family dwelling.

**Sec. 39-896. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding 3 stories or 50 feet.

**Sec. 39-897. Plot coverage.**

The combined area occupied by all main and accessory buildings and structures shall not exceed the percent given in the following table for various heights of buildings:

<i>Height</i>	<i>Percent</i>
One-story .....	55
Two-story .....	55
Three-story .....	50

**Sec. 39-898. Deleted.**

*Editor's note*—Section 39-898, dealing with plot area per room, was deleted by legislation effective Sept. 12, 1975.

**Sec. 39-899. Front yard.**

Every plot shall have a front yard not less than 25 feet [in depth].

**Sec. 39-900. Side yards.**

(a) *One-Family or Two-Family Dwellings.* Every plot used for a one-family or two-family dwelling shall supply side yards as specified in section 39-745.

(b) *Other Permitted Uses.* Every plot utilized for any other use permitted in an R-5 district shall provide a side yard on each side, each of which shall be at least 10 feet in width; provided that the above-required width of side yard shall be increased by 2 feet for each 10 feet, or major fraction thereof, by which the height of the building exceeds 22 feet.

(c) *Corner Plots.* Upon corner plots, there shall be a front yard as hereinbefore specified and a side yard on the side street at least 15 feet in width.

**Sec. 39-901. Rear yard.**

Every plot shall have a rear yard not less than 25 feet in depth.

**Sec. 39-902. Minimum floor area.**

The minimum floor area of a 1-family dwelling shall be 600 square feet; the minimum floor area of a dwelling unit in a 2-family dwelling shall be 400 square feet; the minimum floor area of a dwelling unit in a multiple dwelling shall be 400 square feet; and the minimum floor area of a rental sleeping room in a hotel, motel, lodging house, tourist home or similar use shall be 150 square feet.

**Secs. 39-903—39-912. Reserved.**

## ARTICLES LIV—LXX. RESERVED\*

## Secs. 39-913—39-1163. Reserved.

\*Editor's note—(Art. LIV) Ord. No. 2000-11, § 12, adopted March 14, 2000, repealed former Art. LIV, §§ 39-913—39-916, 39-918—39-921, in its entirety which pertained to the Hotel R-6 District and derived from the Zoning Ordinance effective March 1, 1980 and Ord. No. 95-50, § 16, 11-28-95

(Art. LV) Ord. No. 1999-23, § 4, adopted May 11, 1999, repealed former Art. LV, §§ 39-922—39-928, in its entirety which pertained to the B-1 Neighborhood Business District and derived from this codification.

(Art. LVI) Ord. No. 1999-23, § 5, adopted May 11, 1999, repealed former Art. LVI, §§ 39-939—39-945, in its entirety which pertained to the B-2 Community Business District and derived from this codification and the following zoning amendments and ordinances: Eff. 3-14-75; Eff. 5-14-76; Eff. 12-13-77; Eff. 5-23-78; Ord. No. 85-20, § 1, 3-15-85; Ord. No. 89-42, §§ 1, 2, 10-24-83; Ord. No. 90-31, §§ 1—3, 8-28-90; Ord. No. 95-50, § 16, 11-28-95.

(Art. LVII) Ord. No. 1999-23, § 6, adopted May 11, 1999, repealed former Art. LVII, §§ 39-956—39-959, 39-961—39-964, in its entirety which pertained to the B-2A Planned Business Center District and derived from this codification and by legislation effective March 14, 1975.

(Art. LVIII) Section 19 of Ord. No. 95-50, adopted November 28, 1995, repealed Art. LVIII, which pertained to the Special Business B-2B District.

(Art. LIX) Ord. No. 1999-23, § 7, adopted May 11, 1999, repealed former Art. LIX, §§ 39-992—39-999, in its entirety which pertained to the B-3 General Business District and derived from this codification and the following legislation: Eff. 3-14-75; Eff. 1-16-76; Eff. 1-23-78; Ord. No. 84-66, § 1, 8-17-84; Ord. No. 86-35, § 2, 8-26-86; Ord. No. 89-43, §§ 1, 2, 10-24-89; Ord. No. 95-50, § 18, 11-28-95.

(Art. LX) Ord. No. 2000-14, § 6, adopted April 11, 2000, repealed former Art. LX, §§ 39-1010—39-1015 in its entirety which pertained to the Commercial C-1 District and derived from the Zoning Ordinance of March 1, 1980 and Ord. No. 95-50, § 16, 11-28-95.

(Art. LXI) Ord. No. 96-17, § 8, adopted May 28, 1996, repealed former Art. LXI, §§ 39-1026—39-1038, in its entirety which pertained to the Industrial Park M-1A District.

(Art. LXII) Ord. No. 1999-24, § 3, adopted May 11, 1999, repealed former Art. LXII, §§ 39-1039—39-1044, in its entirety which pertained to the M-1 Light Industrial District.

(Art. LXIII) Ord. No. 1999-24, § 4, adopted May 11, 1999, repealed former Art. LXIII, §§ 39-1055—39-1060, in its entirety which pertained to the M-2 Medium Industrial District.

(Art. LXIV) Ord. No. 1999-24, § 5, adopted May 11, 1999, repealed former Art. LXIV, §§ 39-1071—39-1076, in its entirety which pertained to the M-3 General Industrial District.

(Art. LXV) Ord. No. 2000-42, § 4, adopted Sept. 26, 2000, repealed former Art. LXV, §§ 39-1087—39-1092, in its entirety which pertained to the Limited Heavy Industrial M-4 District.

(Art. LXVI) Ord. No. 1999-24, § 6, adopted May 11, 1999, repealed former Art. LXVI, §§ 39-1103—39-1108, in its entirety which pertained to the M-5 Heavy Industrial District

(Art. LXVII) The provisions of Ord. No. 2000-29, § 1, adopted June 13, 2000, have been treated by the editor as superseding former Art. LXVII, §§ 39-1119—39-1128, which pertained to the Recreational S-1 District. Section 5 of Ord. No. 2000-42, adopted Sept. 26, 2000, repealed former Art. LXVII.

(Art. LXVIII) The provisions of Ord. No. 2000-29, § 1, adopted June 13, 2000, have been treated by the editor as superseding former Art. LXVIII, §§ 39-1139—39-1144, which pertained to the Recreational S-2 District. Section 6 of Ord. No. 2000-42, adopted Sept. 26, 2000, repealed former Art. LXVIII.

(Art. LXIX) Ord. No. 2000-37, § 2, adopted Sept. 12, 2000, repealed former Art. LXIX, §§ 39-1145—39-1149, in its entirety which pertained to Conservation C-1 and C-2 Districts.

(Art. LXX) Ord. No. 2000-15, § 3, adopted April 11, 2000, repealed former Art LXX, §§ 39-1158—39-1162, in its entirety which pertained to the Institutional-Educational I-1 District.

See the Zoning Ordinance Comparative Table for a listing ordinances enacting and amending these former articles.



**ARTICLE LXXI. BROWARD COUNTY AIRPORT ZONING ORDINANCE\*****Sec. 39-1164. Purpose and declaration of legislative intent.**

(a) Broward County, through its board of county commissioners, as the owner and operator of the two airports located within Broward County, via, Fort Lauderdale-Hollywood International Airport and North Perry Airport, is concerned with the safety and welfare of the traveling public as passengers of aircraft utilizing runways at said airports.

(b) It is hereby determined by the board of county commissioners of Broward County, Florida, that certain obstructions, whether natural or man-made, intruding into airspace near such runways, have the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Fort Lauderdale-Hollywood International and North Perry Airports, and the public investment thereof. Accordingly, it is further declared:

- (1) That the creation or establishment of an airport obstruction is a public nuisance and an injury to the region served by Fort Lauderdale-Hollywood International and North Perry Airports.
- (2) That it is necessary to the interest of the public health, public safety and general welfare that the creation or alteration and proliferation of airport obstructions be prevented.
- (3) That it is necessary in the interest of the public health and general welfare that the establishment of incompatible land uses be prevented in the areas defined as the runway protection area hereinafter described.
- (4) That the prevention of these obstructions, structures, trees and incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power of the county.
- (5) It is further declared that the prevention of the creation or establishment of airport obstructions, structures, trees and incompatible land uses and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the county may raise and expend public funds and acquire land or interests in land.

(Ord. No. 94-23, § 1, 4-26-94)

**Sec. 39-1165. Definitions.**

As used in this article, unless the context otherwise indicates, the following definitions shall apply:

*Airport:* Fort Lauderdale-Hollywood International and North Perry Airports.

*Airport elevation:* The highest point of an airport's usable landing area measured in feet above mean sea level.

*Airport obstructions:* Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, Subpart C, or which obstruct the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing and takeoff of aircraft.

*Airspace height:* To determine the height limits in all zones set forth in this article, the datum shall be mean sea level elevation (MSL) unless otherwise specified.

**\*Editor's note**—Article LXXI, §§ 39-1164—39-1176, is derived from legislation effective May 23, 1978. In order to reflect the incorporation of the ordinance into the zoning ordinance, the word "ordinance" has been changed to "article."

*Department:* Broward County Department of Planning and Environmental Protection or its successor agency, which is the administrative agency designated by this article with the authority to grant permits and perform other functions designated to it hereunder and pursuant to Chapter 333, F.S.

*Decision height:* The height at which a decision must be made, during an Instrument Landing System (ILS) instrument approach, to either continue the approach or to execute a missed approach.

*FAA:* Federal Aviation Administration.

*Minimum descent altitude:* The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

*Minimum en route altitude:* The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

*Minimum obstruction clearance altitude:* The specific altitude in effect between radio fixes on VOR (visual omnirange navigational facility) airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

*Minimum vectoring altitude:* The lowest mean sea level altitude at which an IFR aircraft will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures, and missed approaches.

*Nonconforming uses:* Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article or amendments thereto.

*Non-precision-instrument runway:* A runway having a non-precision-instrument approach procedure utilizing air navigation equipment, for which a straight-in non-precision-instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

*Person:* This term shall mean any individual, group, firm, corporation, including corporations not-for-profit, partnership, business or other entity.

*Precision-instrument runway:* A runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan, a military services approved military airport layout plan, any other FAA planning document, or military service's military airport planning document.

*Runway:* A defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Runway Protection Zone ("RPZ")* (formerly known as "runway clear zones"): The RPZ's are the areas at ground level which begin at the end of each primary surface and extend with the width of each approach surface to terminate directly below each approach surface slope at the point, or points, where the slope reaches a height of 50 feet above the elevation of the runway or 50 feet above the terrain at the outer extremity of the runway protection zone, whichever distance is shorter. Land use within the RPZs is restricted as set forth in this article.

*Structure:* Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, utility poles and overhead transmission lines.

*Utility runway:* A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

*Visual runway:* A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.  
(Eff. 8-27-79; Ord. No. 82-75, § 1, 12-10-82; Ord. No. 85-31, § 1, 6-14-85; Ord. No. 94-23, § 2, 4-26-94; Ord. No. 1999-55, § 1, 10-12-99)

**Sec. 39-1166. Airport zones and airspace height limitations.**

(A) In order to carry out the provisions of this article, there are hereby created and established certain zones, which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. The terms "surface" and "zone" may be used interchangeably to describe the land or air space that is intended to be protected from intrusion or obstruction. The regulations established herein shall be construed to regulate the use of land within the zones in the manner necessary to protect the associated surfaces and airspace from intrusion or obstruction.

(B) The zones identified and described in this section are established without regard to municipal jurisdictional boundaries. The county recognizes that it has no authority to enforce or prescribe the provisions of this article within the jurisdiction of any municipalities, unless authorized by the municipality in the manner provided in section 39-1168 hereof.

(C) An area located in more than one of the described zones shall be considered to be in the zone with the more restrictive height limitation. The various zones are hereby established and defined and regulated as follows:

*Public Civil Airport Height Zones and Development Limitations:*

(a) *Primary surface:* An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

(1) *Fort Lauderdale-Hollywood International:*

- a. Runways 9R, 9L, 27L, and 27R (precision instrument runways): 1,000 feet.
- b. Runways 13 and 31 (nonprecision instrument runways having visibility minimums greater than three-fourths statute mile): 500 feet.

(2) *North Perry Airport:*

- a. Runways 18R, 18L, 9R, 09L, 27R, 27L, 36R and 36L: 250 feet for utility runways having only visual approaches.

No structure or obstruction will be permitted within the primary surface that is not part of the landing and takeoff facilities and is of a greater height than the nearest point on the runway centerline.

(b) *Horizontal zone:* The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) *Fort Lauderdale-Hollywood International:*

- a. Runways 9L, 27R, 27L, 13 and 31: 10,000 feet.
- b. Runway 9R (visual runway): 5,000 feet.

(2) *North Perry Airport:*

- a. Runways 18R, 18L, 9R, 09L, 36R and 36L, 27R and 27L: 5,000 feet for all runways designated as utility or visual.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting 2 adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport elevation.

- (c) *Conical zone:* The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport elevation at the inner boundary with permitted height increasing 1 foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.

- (d) *Approach zone:* An area longitudinally centered on the extended runway center line and extending outward from each runway threshold. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

- (1) The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

- a. *Fort Lauderdale-Hollywood International:*

- (i) Runways 9L, 27L, and 27R (precision instrument runways): 16,000 feet.
- (ii) Runways 13 and 31 (non-precision instrument runways other than visual, having visibility minimums greater than three-fourths of a statute mile): 3,500 feet.
- (iii) Runway 9R (runway other than utility, with only visual approaches): 1,500 feet.

- b. *North Perry Airport:*

- (i) Runways 18R, 18L, 9R, 9L, 27R, 27L, 36R and 36L: 1,250 feet for that end of a utility runway with only visual approaches.

- (2) The approach surface extends for a horizontal distance of:

- a. *Fort Lauderdale-Hollywood International:*

- (i) Runways 9L, 27L, and 27R: 50,000 feet.
- (ii) 13 and 31 (non-precision instrument runways other than utility): 10,000 feet.
- (iii) Runway 9R (visual runway): 5,000 feet.

- b. *North Perry Airport:*

- (i) Runways 18R, 18L, 9R, 09L, 27R, 27L, 36R and 36L: 5,000 feet from all utility and visual runways.

- (3) The outer width of an approach zone to and end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- (4) Permitted height limitation within the approach zones is the same as the runway height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

- a. *Fort Lauderdale-Hollywood International:*

- (i) Runways 9L, 27L, and 27R (precision instrument runways): Permitted height increase 1 foot vertically for every 50 feet horizontal distance for the first 10,000 feet, and then increases 1 foot vertically for every 40 feet horizontal distance for an additional 40,000 feet.

- (ii) Runways 13 and 31 (non-precision instrument runways other than utility): Permitted height increases 1 foot vertically for every 34 feet horizontal distance.
  - (iii) Runway 9R (visual runway): Permitted height increases 1 foot vertically for every 20 feet horizontal distance.
- b. *North Perry Airport:*
- (i) Runways 18R, 18L, 9R, 9L, 27R, 27L, 36R, and 36L: Permitted height increases 1 foot vertically for every 20 feet horizontal distance for all utility and visual runways.
- (e) *Transitional zone:* The area extending outward from the sides of the primary surface and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary surface or approach zone at the boundary line where it joins and increases at a rate of 1 foot vertically for every 7 feet horizontally, with the horizontal distance measured at right angles to the runway center line and extended center line, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
- (f) *Other areas:* In addition to the height limitations imposed in paragraphs (a) through (e) above, no structure or obstruction will be permitted that would cause a minimum obstruction clearance altitude, a minimum descent altitude, a minimum vectoring altitude or a decision height to be raised.
- (Ord. No. 82-75, §§ 2, 3, 12-10-82; Ord. No. 94-23, § 3, 4-26-94)

**Sec. 39-1167. Airport land use restrictions.**

(a) *Use Restrictions:* Notwithstanding any other provisions of this article, no use may be made of land within any zones established by this article in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- (1) All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
- (2) No operations of any type shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of Fort Lauderdale-Hollywood International or North Perry Airport.
- (3) No operations of any type shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.
- (4) Use of land within the runway protection zones shall prohibit high-density use, residential use, churches, schools, hospitals, office buildings, shopping centers, storage of explosive material, fuel handling and storage facilities, smoke generating activities, places of public assembly or assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

(b) *Lighting:* Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto on such structure. This lighting may include flashing red beacons, steady burning red obstruction lights or high-intensity obstruction lights. All required lighting must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1H and amendments thereto.

(Ord. No. 85-35, § 3, 6-14-85; Ord. No. 94-23, § 4, 4-26-94)

**Sec. 39-1168. Applicability.**

(a) It is the intention of the board of county commissioners of Broward County, Florida, that each municipality and jurisdiction within Broward County, having an airport hazard area within its jurisdiction, which is within the zones described in this article, will adopt an ordinance essentially similar to this article, including airport zoning regulations and provisions regarding the enforcement and administration thereof, and will enter into an interlocal agreement pursuant to Chapter 163, F.S. with Broward County. The provisions which follow establish an administrative agency for the enforcement of this article and issuance of permits, and a board of adjustment to consider applications for variances and appeals, for the administration of this article.

(b) If a municipality so provides, in its interlocal agreement with Broward County or in its ordinance or regulations, the agencies and the board of adjustment established in this article shall be the agencies and board of adjustment to which persons within the jurisdiction of said municipality shall apply for variances, permits and appeals and the performances of other functions pursuant to this article.

(c) The Broward County Department of Planning and Environmental Protection is hereby designated as the administrative agency charged with the authority to grant permits, and perform other functions designated to it hereunder and pursuant to Chapter 333, F.S. The Broward County board of adjustment is hereby designated as the board of adjustment to perform the functions pursuant to this article and Chapter 333, F.S.

(Eff. 8-27-79; Ord. No. 94-23, § 5, 4-26-94; Ord. No. 1999-55, § 1, 10-12-99)

**Sec. 39-1169. Nonconforming uses.**

No provision of this article shall be construed to require removal, lowering or other alteration or modification of any structure, or tree or other growth of natural vegetation not conforming to the regulations adopted hereby or otherwise interfere with the continuation of such use, except as provided in section 39-1170(b).

**Sec. 39-1170. Permits and variances.**

(a) [Permit:]

Any person desiring to replace, rebuild, alter, change or repair any structure or desiring to replant, replace or allow to grow higher, any tree or other growth of natural vegetation, which tree, growth or structure was in existence and in violation of the regulations and limitations herein adopted on the effective date of this article, shall apply to the department for a permit. If the application is for a permit to replant or replace a tree, the applicant shall also comply with any pertinent provisions of the Broward County Natural Resource Protection Code.

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure, tree or other growth of natural vegetation or use to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this article.

Whenever the department determines that a nonconforming use or nonconforming structure or tree has been abandoned or is more than 80 per cent torn down, destroyed, deteriorated or decayed, no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the regulations adopted hereunder; and, whether application is made for a permit under this subsection or not, the division may, by appropriate action, compel the owner of the nonconforming structure or tree, at his or her own expense, to lower, remove, reconstruct or equip such objects as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, Broward

County may proceed to have the object so lowered, removed, reconstructed or equipped, and assess the cost and expense thereof upon the object or the land whereon it is or was located; and, unless such costs are paid within 90 days from the service of notice thereof on the owner of such object or land, or his agent, the sum shall become a lien on said land and shall bear interest thereafter at the rate of 6 per cent per annum until paid. The county shall file a claim of lien in the public records of Broward County stating and itemizing the costs incurred by the county and the location of the property upon which the county performed the work. The claim of lien shall be sworn to by such agent or employee of the county as may be authorized by the board of county commissioners to file said claim of lien. Said claim of lien shall be recorded in the public records at no charge. The recordation of the claim of lien and the lien secured thereby shall have the same effect as a mortgage lien and shall be enforceable by the same procedure as a mortgage in the State of Florida. The lien shall be effective for a period of 20 years.

Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this article and the regulations adopted and in force hereunder.

(b) *Variances:*

Any person desiring to erect or increase the height of any structure, tree or growth of natural vegetation, or use his property in violation of the regulations prescribed in this article, may apply to the Broward County board of adjustment for a variance from such regulations.

In its consideration of the request for a variance pursuant to this article, the board may grant a variance when a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article. The board may grant a variance subject to reasonable conditions necessary to effectuate the purpose of this article.

No application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of the application has been furnished to the department and the Broward County Aviation Department.

(c) *Hazard Marking and Lighting:* Any permit or variance granted pursuant hereto shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-1 or subsequent revisions. Any permit issued pursuant hereto may be conditioned so as to permit Broward County, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.  
(Ord. No. 85-35, § 4, 6-14-85; Ord. No. 94-23, § 6, 4-26-94)

**Sec. 39-1171. Administration and enforcement.**

It shall be the duty of the department to administer and enforce the regulations prescribed herein within the airport zones established pursuant to this article. In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by the director of said department. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Broward County board of adjustment and the Broward County Aviation Department. The director of the department shall order discontinuance of use of land or building; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alterations or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all provisions of this article.

(Ord. No. 94-23, § 7, 4-26-94)

**Sec. 39-1172. Board of adjustment.**

(a) The Broward County board of adjustment shall have and will exercise the following powers on matters pursuant to this article:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by the building and zoning enforcement division in the enforcement of this article;
- (2) To hear and decide variances as provided in section 39-1170(2).

(b) The board of adjustment shall adopt rules for its governance in harmony with the provisions of this article and pursuant to any requirements and procedures established by Broward County. Meetings of the board of adjustment shall be held at the call of the chairman and at such time as the board of adjustment may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall immediately be filed in the office of said board.

(c) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the building and zoning enforcement division, or to decide in favor of the applicant on any matter upon which it is required to pass pursuant to this article, or to effect any variance under this article.

**Sec. 39-1173. Appeals to the board of adjustment.**

(a) Any person aggrieved or any taxpayer affected by any decision of the department made in the administration of this article may appeal to the board of adjustment.

(b) All appeals hereunder must be made within a reasonable time as provided by the rules of the board of adjustment, by filing with the department a notice of appeal specifying the grounds thereof. The department shall forthwith transmit, to the board of adjustment, all papers constituting the record upon which the action appealed was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed unless the division certifies to the board of adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the division and after due cause is shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the interested parties and render a decision within a reasonable time. During the hearing, any party may appear in person, by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination, as may be appropriate under the circumstances.

(Ord. No. 94-23, § 8, 4-26-94)

**Sec. 39-1174. Judicial review.**

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment may apply to a court of competent jurisdiction for a writ of certiorari as provided in § 333.11, F.S.



**Sec. 39-1175. Penalty and enforcement.**

(a) Any person convicted of violating any portion of this article shall be punished as provided by law. Each day a violation continues to exist shall constitute a separate offense.

(b) In addition, Broward County shall have the right to institute, in a court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this article or of any order or ruling made in connection with its administrative enforcement.

**Sec. 39-1176. Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation of requirement shall govern and prevail.

**ARTICLE LXXII. RESERVED\*****Secs. 39-1177—39-1182. Reserved.****ARTICLE LXXIII. RESERVED†****Sec. 39-1183. Reserved.****ARTICLE LXXIV. RESERVED‡****Secs. 39-1184—39-1205. Reserved.****ARTICLE LXXV. RESIDENTIAL, SINGLE-FAMILY DETACHED AND OFFICE DISTRICT:  
RSO DISTRICTS\*\*****Sec. 39-1206. Purpose of district.**

The provisions of these districts are intended to provide for single-family detached dwellings and offices, conveniently located in low-density residential neighborhoods and designed to retain the character of a residential neighborhood. These zoning districts are intended to facilitate redevelopment of residential neighborhoods which have undergone certain radical changes such as widening of a heavily

\***Editor's note**—Ord. No. 1998-31, § 14, adopted Sept. 8, 1998, repealed former Art. LXXII, § 39-1179, in its entirety which pertained to the establishment of new residential zoning districts. The remaining provisions of this article not repealed by ordinances prior to Ord. No. 1998-31 derived from Ord. No. 95-50, § 16, 11-28-95.

†**Editor's note**—Ord. No. 96-17, § 10, adopted May 28, 1996, repealed former Art. LXXIII, § 39-1183, in its entirety which pertained to regulations for the use and control of residential cluster development and derived from Ord. No. 95-50, § 16, adopted Nov. 28, 1995.

‡**Editor's note**—Ord. No. 1999-23, § 8, adopted May 11, 1999, repealed former Art. LXXIV, §§ 39-1184—39-1193, in its entirety which pertained to the Office Park (OP) District and derived from Ord. No. 82-13, § 1, adopted March 2, 1982.

\*\***Editor's note**—Ord. No. 80-67, adopted Aug. 15, 1980, effective Aug. 29, 1980, inadvertently omitted from inclusion at time of passage, added art. LXX to ch. 39, which the editor has redesignated art. LXXV, §§ 39-1206—39-1222.

traveled street, or blight, structure obsolescence or maintenance neglect due to the pressures of economic conditions. The RSO District could act as a buffer or transitional zoning district between residential and commercial land uses.

(Ord. No. 80-67, § 1(1), 8-15-80)

#### **Sec. 39-1207. Applicability.**

The establishment of the RSO District shall only be considered with the following limitations and provisions of the Broward County Unincorporated Area Land Use Plan for mixture of office and/or residential dwelling uses:

- (1) Each parcel of land considered for residential-office use must be designated or assigned a residential land use category by the unincorporated area land use plan.
- (2) No contiguous land area used for offices may exceed 10 acres.
- (3) Within each flexibility zone, each parcel must be given a commercial designation using the 5 percent commercial uses in residential areas, as provided for in section 3.02(a)(11) of the unincorporated area land use plan, or designated Residential-Office District on the unincorporated area land use map.

Compliance to these requirements shall be verified by the office of planning prior to acceptance of the rezoning application.

(Ord. No. 80-67, § 1(2), 8-15-80)

#### **Sec. 39-1208. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land and water used, in whole or in part, for other than one of the following uses:

- (1) Professional and business offices such as doctor, dentist, chiropractor, engineer, attorney, architect, planning, accounting, bookkeeping, real estate, stockbroker, insurance, manufacturers agency, governmental, advertising, management consultants or other similar uses compatible to the RSO District.
- (2) Single-family detached dwelling.
- (3) Accessory uses and structures.

(Ord. No. 80-67, § 1(3), 8-15-80)

#### **Sec. 39-1209. Uses prohibited.**

The permissible uses enumerated in section 39-1208 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

- (1) Sale, display, storage or handling of merchandise on the premises.
- (2) Trade, vocational or private schools.
- (3) Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair, barbershop or beauty shop.
- (4) Mortuaries.
- (5) Employment agencies.

(Ord. No. 80-67, § 1(4), 8-15-80)

**Sec. 39-1210. Size of plot.**

Every plot shall not be less than the minimum plot size required for the abutting residentially zoned district or the existing approved subdivision in which the plot is located; provided, however, that in areas subdivided prior to the effective date of this ordinance, a plot consisting of a lot of record may be utilized for an office or single-family dwelling. If, however, subject property directly abuts two or more residentially zoned districts, the plot size shall be the most restrictive requirements of the two residentially zoned districts.

(Ord. No. 80-67, § 1(5), 8-15-80)

**Sec. 39-1211. Plot coverage and open space.**

(a) The combined area occupied by all main and accessory buildings shall not exceed the maximum plot coverage permissible for the abutting residentially zoned district or not more than 30 percent of the plot.

(b) At least 35 percent of the plot area shall be used for outdoor living space, patios, swimming pools and landscaping. Such outdoor living space shall be at ground level and properly maintained in lawns, shrubs, patios, swimming pools or other landscaping.

(Ord. No. 80-67, § 1(6), 8-15-80)

**Sec. 39-1212. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding the height of the adjacent residentially zoned district or not to exceed 35 feet. Where the height of the structure exceeds 2 stories, the third story shall sit back an additional 10 feet from each required side yard setback.

(Ord. No. 80-67, § 1(7), 8-15-80)

**Sec. 39-1213. Front yard.**

Every plot shall have a front yard not less than the required front yard setback for any abutting residentially zoned district; provided however, no front yard setback shall be less than 25 feet in depth.

(Ord. No. 80-67, § 1(8), 8-15-80)

**Sec. 39-1214. Side yards.**

Every plot shall have a side yard on each side, each of which shall not be less than the same side setback requirement of any abutting residentially zoned district or not less than 10 feet.

(Ord. No. 80-67, § 1(9), 8-15-80)

**Sec. 39-1215. Corner plot.**

Upon corner plots, there shall be a front yard as hereinbefore specified, and in addition thereto, a side yard at least 25 feet in width on the side of the plot abutting on the side street. Side yards abutting adjacent streets shall be equal to the front yard setbacks required for residential dwellings located on the same street.

(Ord. No. 80-67, § 1(10), 8-15-80)

**Sec. 39-1216. Rear yard.**

Every plot shall have a rear yard not less than 25 feet in depth.

(Ord. No. 80-67, § 1(11), 8-15-80)

**Sec. 39-1217. Location of structures on same lot or parcel.**

There shall be a minimum distance of 15 feet between any 2 or more detached structures on the same lot or parcel. The location of accessory swimming pools shall be subject to requirements of section 39-177 of this code.

(Ord. No. 80-67, § 1(12), 8-15-80; Ord. No. 95-50, § 16, 11-28-95)

**Sec. 39-1218. Minimum floor area.**

All residential and office buildings shall have the same minimum floor area as required in the adjacent residentially zoned district. If, however, subject property abuts two or more districts, the plot size shall be the most restrictive requirements of the two zoning districts.

(Ord. No. 80-67, § 1(13), 8-15-80)

**Sec. 39-1219. Hedge, fence or wall requirements.**

A seven foot masonry wall finished on the side facing any residential dwelling shall be erected and maintained on any property line abutting any single-family zoned property if the property is used for other than residential dwelling. Corner lots shall comply with the site-distance requirements of section 39-82 of this ordinance.

(Ord. No. 80-67, § 1(14), 8-15-80; Ord. No. 88-39, § 1, 8-23-88)

**Sec. 39-1220. Existing buildings.**

Existing buildings, not conforming to required setbacks, height limits or plot coverage, may be used for offices but may not be enlarged if this increases the extent of the violation. The amount of outdoor living space or landscaping may be reduced below 35 percent if necessary in such cases.

(Ord. No. 80-67, § 1(15), 8-15-80)

**Sec. 39-1221. Limitations on permitted uses.**

(a) Except for accessory parking, patios and swimming pools, all uses permitted under Section 39-1208, Uses Permitted, shall be conducted entirely within a completely enclosed building.

(b) Signs for offices shall be limited to a nameplate attached flat to the side of the building and having an area of not more than two square feet. Such signs shall not be illuminated or lighted. One such sign shall be permitted for each tenant of an office building on not more than two faces of the building located at a street intersection. One such sign shall be permitted for each tenant of an office building when such building is located on an interior lot.

(c) Office building design shall be by an architect registered under the laws of Florida, and such that the building substantially resembles a house of residential character.

(d) All lights and lighting on an office use shall be so designed and arranged as to not cause a direct glare into residentially zoned property.

(e) There shall be no show windows or display windows, nor shall any window or door be used for display purposes in any building used as permitted in Section 39-1208, Uses Permitted.

(f) No off-street parking facilities shall be permitted within 10 feet of the property line abutting any residentially zoned district.

(Ord. No. 80-67, § 1(16), 8-15-80)

**Sec. 39-1222. Building size limitations.**

The maximum length of a building shall not exceed 80 feet.  
(Ord. No. 80-67, § 1(17), 8-15-80)

**Secs. 39-1223—39-1232. Reserved.**

**ARTICLE LXXVI. RESIDENTIAL, MULTIPLE-FAMILY/OFFICE DISTRICT: RMO DISTRICTS\***

**Sec. 39-1233. Purpose of district.**

The provisions of these districts are intended to provide for an integrated harmonious mix of multiple-family dwellings, offices and limited retail and service uses while retaining the character of a residential neighborhood. These zoning districts are intended to facilitate redevelopment of residential neighborhoods which have undergone certain radical changes such as widening of a heavily traveled street, or blight, structure obsolescence or maintenance neglect due to the pressures of economic conditions. The RMO district could act as a buffer or transitional zoning district between residential and commercial land uses.

(Ord. No. 80-68, § 1(1), 8-15-80)

**Sec. 39-1234. Applicability.**

The establishment of an RMO District shall be considered only with the following limitations and provisions of the Broward County Unincorporated Area Land Use Plan for mixture of multiple-family dwellings, offices, retail and services uses:

- (1) Each parcel of land considered for residential, multiple-family office district must be designated or assigned a residential land use category by the unincorporated area land use plan.
- (2) No contiguous land area used for offices, retail and service uses may exceed ten (10) acres.
- (3) Within each flexibility zone, each parcel must be given a commercial designation, using the 5 percent commercial available under the rules of flexibility governing commercial uses in residential areas, as provided for in section 3.02(a)(11) of the unincorporated area land use plan, or designated residential-office on the unincorporated area land use plan map.

Compliance with these requirements shall be verified by the office of planning prior to acceptance of rezoning applications.

**Sec. 39-1235. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following uses:

- (1) Professional and business offices such as doctor, dentist, chiropractor, engineer, attorney, architect, planning, accounting, bookkeeping, real estate, stockbroker, insurance, manufacturers agency, governmental, advertising, management consultants, or other similar office uses compatible to the RMO district.
- (2) Multiple-family dwellings, single-family and two-family dwellings.

\***Editor's note**—Ord. No. 80-68, adopted Aug. 15, 1980, effective Aug. 29, 1980, inadvertently omitted from inclusion at time of passage, added art. LXXI, which the editor has redesignated art. LXXVI, §§ 39-1233—39-1249.

- (3) Hotels, motels, lodging for transients subject to limitations upon density of the guest rooms, not to exceed double the maximum number of dwelling units permitted for that parcel as expressed by the unincorporated area land use plan.
- (4) Retail and service facilities within an office building, which may include barbershops, beauty shops, newsstands, and retail stores for sale of books, gifts, flowers, tobacco, drugs and sundries. Such uses shall occupy no more than 25 percent of the floor space of the office building.
- (5) Charitable, church, civic, fraternal or professional associations.
- (6) Accessory uses and structures.  
(Ord. No. 80-68, § 1(3), 8-15-80)

**Sec. 39-1236. Uses prohibited.**

The permissible uses enumerated in section 39-1235 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

- (1) Sale, display, storage or handling of merchandise on the premises, except as permitted in section 39-1235(4) above.
- (2) Trade or vocational schools.
- (3) Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair or jewelry repair.
- (4) Mortuaries.
- (5) Employment agencies.  
(Ord. No. 80-68, § 1(4), 8-15-80)

**Sec. 39-1237. Size of plot.**

Every plot shall be not less than the minimum plot size required for the abutting residentially zoned district or existing approved subdivision in which the plot is located; provided, however, the lot size is not less than 6,000 square feet of lot area and lot width of 60 feet. If, however, subject property directly abuts two or more residentially zoned districts, the plot size shall be the most restrictive requirements of the two residentially zoned districts.

(Ord. No. 80-68, § 1(5), 8-15-80)

**Sec. 39-1238. Density limits.**

The maximum number of dwelling units permitted in this district shall be subject to the limitations upon density designated on the county unincorporated area land use plan map.

(Ord. No. 80-68, § 1(6), 8-15-80)

**Sec. 39-1239. Plot coverage.**

(a) The combined area occupied by all principal and accessory buildings shall not exceed 35 percent of the area of the plot.

(b) At least 35 percent of the plot area shall be used for outdoor living space, patios, swimming pools and landscaping. Such outdoor living space shall be at ground level and properly maintained in lawns, shrubs, patios, swimming pool or other landscaping.

(Ord. No. 80-68, § 1(7), 8-15-80)

**Sec. 39-1240. Height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding the height of the abutting residentially zoned district or not to exceed 3 stories and 35 feet.

(Ord. No. 80-68, § 1(8), 8-15-80)

**Sec. 39-1241. Front yard.**

Every plot shall have a front yard not less than the required front yard setback for the abutting residentially zoned district; provided, however, no front yard setback shall be less than 25 feet in depth.

(Ord. No. 80-68, § 1(9), 8-15-80)

**Sec. 39-1242. Side yards.**

Every plot shall have a side yard on each side, each of which shall not be less than the same side setback requirement of any abutting residentially zoned district, or not less than 10 feet.

(Ord. No. 80-68, § 1(10), 8-15-80)

**Sec. 39-1243. Corner plot.**

Upon corner plots, there shall be a front yard as hereinbefore specified, and in addition thereto, a side yard at least 25 feet in width on the side of the plot abutting on the side street. Side yards abutting adjacent streets shall be equal to the front yard setbacks required for residential dwellings located on the same street.

(Ord. No. 80-68, § 1(11), 8-15-80)

**Sec. 39-1244. Rear yard.**

Every plot shall have a rear yard not less than 25 feet in depth.

(Ord. No. 80-68, § 1(12), 8-15-80)

**Sec. 39-1245. Location of structures on the same lot or parcel.**

There shall be a minimum distance of 15 feet between 2 or more detached structures on the same lot or parcel. The location of accessory swimming pools shall be subject to the requirements of Section 39-177 of this code.

(Ord. No. 80-68, § 1(13), 8-15-80; Ord. No. 95-50, § 16, 11-28-95)

**Sec. 39-1246. Minimum floor area.**

(a) Single-family dwellings shall have a minimum floor area of 600 square feet.

(b) Duplex and multiple-family dwellings shall have a minimum floor area of 400 square feet per dwelling unit.

(c) Sleeping rooms for rental purposes shall have a minimum floor area of 150 square feet.

(Ord. No. 80-68, § 1(14), 8-15-80)

**Sec. 39-1247. Fence, hedge and wall requirements.**

A 6½-foot high hedge, fence or wall shall be erected and maintained on any property line abutting any residentially zoned property if the RMO zoned property is used for other than residential dwellings. Corner plots shall comply with sight distance requirements of section 39-82 of this code. Existing fences,

walls or landscaping, which the building and zoning enforcement division considers adequate, may be approved in lieu of the fence or wall requirement. A chain link fence shall not comply with the fence or wall requirements.

(Ord. No. 80-68, § 1(15), 8-15-80; Ord. No. 95-50, § 16, 11-28-95)

**Sec. 39-1248. Existing buildings.**

Existing buildings not conforming to required setbacks, height limits or plot coverage may be used for offices but may not be enlarged if this increases the extent of the violation. The amount of outdoor living space and landscaping may be reduced below 35 percent if necessary in such cases.

(Ord. No. 80-68, § 1(16), 8-15-80)

**Sec. 39-1249. Limitation on permitted uses.**

(a) Except for accessory parking, patios and swimming pools, all uses permitted under Section 39-1235, Uses Permitted, shall be conducted entirely within a completely enclosed building.

(b) Signs, accessory to a use permitted under Section 39-1235, Uses Permitted, shall be limited as follows:

- (1) No roof sign, projecting sign, marquee sign, billboard sign, banner sign, pennant sign or animated sign shall be permitted.
- (2) Each building occupied by such use as a principal use may have 1 wall sign not exceeding 2 feet in height or 10 feet in length.
- (3) Each building site occupied by such use may have one ground sign not exceeding three feet in width or five feet in length, the top of which shall not be over five feet above the ground.
- (4) Each building site may have directional signs, each not over two square feet in area, and not exceeding three feet above the ground.

(c) There shall be no show windows or display windows, nor shall any window or door be used for display purposes in any building used as permitted in Section 39-1235, Uses Permitted.

(d) All lights and lighting on an office use shall be so designed and arranged as to not cause a direct glare into any residentially zoned property.

(e) No off-street parking facilities shall be permitted within 10 feet of the property line abutting any residentially zoned district.

(Ord. No. 80-68, § 1(17), 8-15-80)



**ARTICLES LXXVII—LXXXIV. RESERVED\*****Secs. 39-1250—39-1356. Reserved.**

---

**\*Editor's note**—Ord. No. 2000-15, § 4, adopted April 11, 2000, repealed former Art. LXXVII, §§ 39-1250—39-1255, in its entirety which pertained to CF Community Facilities District.

Ord. No. 2000-42, § 7, adopted Sept. 26, 2000, repealed former Art. LXXVIII, §§ 39-1270—39-1275, in its entirety which pertained to the Planned Employment Center District.

Ord. No. 2000-17, § 19, adopted April 25, 2000, renumbered and amended the provisions of former Art. LXXIX, § 39-1280. Former Art. LXXIX pertained to beach area lighting restrictions.

Ord. No. 2000-37, § 3, adopted Sept. 12, 2000, repealed former Art. LXXX, §§ 39-1310—39-1312, in its entirety which pertained to the Flood Control F-1 District.

Ord. No. 2000-03, § 3, adopted Jan. 25, 2000, renumbered and amended former Art. LXXXI, §§ 39-1313—39-1323, in its entirety as new Art. XX. Former Art. LXXXI pertained to the Planned Development District.

Ord. No. 1999-40, § 5, adopted June 22, 1999, repealed former Art. LXXXII, §§ 39-1324—39-1333, in its entirety which pertained to Rural Estates District.

Ord. No. 1999-40, § 6, adopted June 22, 1999, repealed former Art. LXXXIII, §§ 39-1334—39-1343, in its entirety which pertained to Rural Ranches District.

Ord. No. 1998-08, adopted April 28, 1998 repealed former Art. LXXXIV, §§ 39-1351—39-1356 in its entirety which pertained to the office of hearing examiner.

See the Zoning Ordinance Comparative Table for ordinances enacting and amending these former articles.



## ZONING ORDINANCE COMPARATIVE TABLE

This table gives the disposition of those items of legislation which have amended the zoning ordinance.

Ordinance No.	Date	Section	Disposition
	10-10-69		39-178(a)
	5- 4-79		39-325(1)
	9-13-73		39-257
	9-14-73		39-98,
			39-100(d),
			39-887(2)
	10-19-73		39-183
	11-16-73		39-180(33),
			39-558(1)
	12-11-73		39-95(7)
	3-26-74		39-180(s)
	4-19-74		39-514—39-524
	5-17-74		39-789
	6-14-74		39-63(1)
	7-26-74		39-128
	11-15-74		39-402(1)(o)
	12-13-74		39-1056(3)
	2-14-75		39-155, 39-350
	3-14-75		39-162,
			39-940(2),
			39-957(1),
			39-976(1),
			39-993(1)
75-5	3-18-75	6	39-48
		7	39-62
	8-22-75		39-198(d), (e)
	9-12-75		39-128, 39-254
			Rpld 39-822, 39-841,
			39-863, 39-898
	1-16-76		39-636(d), (e),
			39-695,
			39-993(11)
			Rpld 39-622(a),
			39-804(a),
			39-844,
			39-868, 39-960
	4-23-76		39-128,
			39-162(4),
			39-402(1)(t),
			39-657(b),
			39-658, 39-1104
	5-14-76		39-940(13)
76-42	8-31-76	1, 2	39-62
	9- 7-76		39-1158—
			39-1163
	11-16-76		39-128,
			39-307—39-343
76-70	12-28-76	1, 2	39-48
	1-23-77		39-243(3)
	8-10-77		39-256
	8-17-77		39-182(c)(1),
			(i)(6)a., b.,
			(10a)

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
77-48	9-16-77	1	39-128
		2-6	39-225-39-229
	9-26-77		39-941(12),
			39-1002(11),
			39-1056(1)
	11-28-77		39-198(f),
			39-200, 39-256
	12-13-77		39-940(9)
	1- 6-78		39-636, 39-715.1
	1-23-78		39-237,
			39-651-39-654,
			39-660, 39-661,
			39-662(d),
			39-993(10)
	1-30-78		39-313(4)
	4-26-78		39-559
	5-23-78		39-940(4),
			39-1164-
78-33	6-27-78	1, 2	39-1176
		3	39-128
		4	39-225
		5	39-227
	7-14-78		39-229
			39-244,
			39-402(1)(u)
78-38	8-16-78	1	39-62
	10- 9-78		39-128, 39-291,
			39-292(3),
			39-293(c),
			39-294
			39-128, 39-147,
			39-402(1)(v),
			39-537(b),
			39-558(b),
			39-578(b),
			39-598(1),
		39-613(b),	
		39-635(6),	
		39-652(5),	
		39-689(7),	
		39-713(5),	
		39-740(6),	
		39-856(3),	
		39-923(m),	
		39-1027(6),	
		39-1120(25),	
		39-1140(10),	
		39-1146(8),	
		39-1159(5)	
			39-181
79-21	2-27-79		39-48
	4-18-79	1	39-96
79-36	5- 4-79		39-48, 39-62
	6-20-79	1	39-256
	8-10-79		39-128, 39-166,
	8-27-79		39-171, 39-184,
			39-402(1)(w),

ZONING ORDINANCE COMPARATIVE TABLE

Ordinance No.	Date	Section	Disposition
			39-1056(4), 39-1165(15), 39-1168, 39-1177—39-1183 39-128, 39-166 39-215—39-224
80-25	9-18-79 4-11-80	1 3	Rpld 39-180(App. A)
80-67	8-15-80	1(1)—(17)	39-1206—39-1222
80-68	8-15-80	1(1)—(17)	39-1233—39-1249
80-92	10-17-80	1, 2 3	39-128 39-185
80-93	11-14-80	1	39-1120
81-6	2-13-81	1	39-726
81-7	2-13-81	1 2 3	39-128 39-402(1)(x) 39-411
81-16	3-19-81	2	Rpld 39-146, 39-150, 39-180, 39-723, 39-886
81-20	4-10-81	1	39-538
81-75	7-24-81	1 2 3	39-254(b)(6), (7) 39-254(c)(2) 39-254(e)
82-5	2-12-82	1 2	39-239(b) 39-240
82-6	2-12-82	1	39-1159(1)
82-13	3- 2-82	1	39-1184—39-1195
82-14	3-12-82	1	Rpld 39-155(a)(5)
82-42	8-13-82	1, 2	39-186, 39-187
82-44	8-13-82	1	39-128
82-45	8-13-83	1	39-280
82-46	8-13-82	1	39-217(32), (33), (33a)
82-75	12-10-82	1 2 3	Rnbd 39-1165(8) 39-1165(9)—(18) as (10)—(19) 39-1166(C)(f) 39-1166(C)(b)(1)
83-10	3-11-83	1, 2	39-1158, 39-1159
83-69	10- 4-83	1, 2 3 4 5	Rpld 39-312, 39-313 39-315 39-316 39-128
84-4	2-14-84	1	39-182
84-34	4-13-84	1	39-427
84-65	8-17-84	1	39-402(1)(y)
84-66	8-17-84	1	39-993(12)
84-67	9-14-84	1—3 4 5	Rpld 39-1158—39-1160 39-1161, 39-1162 39-1163
84-68	9-14-84	1	39-1250—39-1255
84-69	9-14-84	1	39-128
84-70	9-14-84	2—8	39-351—39-357
84-87	12-14-84	1 2, 3 4	39-458 39-460, 39-461 39-464
85-16	3-15-85	1	39-402(1)(y)

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
85-17	3-15-85	1	39-128
85-18	3-15-85	1	34-226
85-19	3-15-85	1	39-976
85-20	3-15-85	1	39-940(6)
85-28	5-21-85	1	39-187
85-35	6-14-85	1	39-1165(16)
		3	39-1167(b)
		4	39-1170(c)
85-46	8-16-85	1	39-163
85-47	8-16-85	1	39-1056
85-48	8-16-85	1	39-316
85-75	11-26-85	1	39-187(d)
85-98	5-10-85	1	Rpld 39-98
86-16	3-11-86	1	39-128
		2	39-188
86-27	6-24-86	1	39-128
		2	39-390—39-396
		3	39-883(a)
		4	39-883(d)
		5	39-885(a)
86-35	8-26-86	1	39-128
		2	39-993(12)
		3	39-262
87-10	3-24-87	1	39-241(c)
87-15	4-28-87	1	39-558
87-23	5-26-87	1	39-260
87-24	5-26-87	1	39-48(d)
87-25	5-26-87	1	39-354(1)
87-32	6-23-87	1	39-128
		2	39-711
		3	Rpld 39-712
		4—7	Rnbd 39-713—39-715.1
			as 39-712—39-715
		8, 9	39-716, 39-717
		10, 11	39-720, 39-721
		12	Rpld 39-722
		13	Rnbd 39-724 as 39-722
		14	Rpld 39-725
		15	Rnbd 39-726 as 39-723
		16, 17	Rpld 39-727, 39-728
		18	Added 39-724
87-33	6-23-87	1	39-128
		2—5	39-651—39-654
		6—8	39-657—39-659
		9, 10	39-661, 39-662
88-16	4-12-88	1	Rpld 39-351—39-357
		2	Added 39-351—39-355
88-17	4-26-88	1	39-128
		2	39-159(c)—(h)
		3	39-168
88-29	5-24-88	1	39-280(a)(1)
88-39	8-23-88	1	39-1219
88-71	10-25-88	1	39-187
89-7	1-24-89	1	39-1159
89-36	9-26-89	1	39-38
		2	39-95
		3	Rpld 39-97

ZONING ORDINANCE COMPARATIVE TABLE

Ordinance No.	Date	Section	Disposition
		4	Rpld 39-100
		5	Added 39-100
		6	39-147
		7	39-181
		8	39-182
		9	39-1145—39-1149
		10	Rpld 39-1177
		11	Added 39-1177
		12	39-1270—39-1275
		13	39-1280
89-42	10-24-89	1	39-940(14)
		2	39-942
		3	39-262(4)
89-43	10-24-89	1	39-993
		2	39-995
90-11	6-26-90	1, 2	39-1161, 39-1162
90-12	6-26-90	1	39-2
		2	39-3—39-10
		3	Rpld 39-29
		4	39-37
		5	Rpld 39-51
		6	Added 39-51
		7	39-62—39-69
		8	39-128
		9—11	Rpld 39-139—39-141
		12, 13	Rpld 39-143, 39-144
		14—16	39-153—39-155
		17	Rpld 39-156
		18	39-157
		19, 20	Rpld 39-161, 39-162
		21, 22	39-163, 39-164
		23	Rpld 39-165
		24	39-166
		25	39-168
		26—29	Rpld 39-169—39-172
		30, 31	39-173, 39-174
		32—34	Rpld 39-175—39-177
		35	39-178
		36	39-181
		37	Rpld 39-193
		38	39-225
		39	39-235
		40	39-243
		41	39-1275
		42	Ch. 39, Art. LXIX(note), 39-1310—39-1312
90-20	8-14-90	1	39-1159
90-31	8-28-90	1	39-940(4)
		2, 3	39-941, 39-942
91-3	1-21-91	1	Rpld 39-35
		2	Rpld 39-69
		3	Rpld 39-112—39-115
		4	39-128
		5	Rpld 39-142
		6	Rpld 39-152
		7	39-163(e)

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
		8	39-178.1
		9	39-179
		10	Rpld 39-183
		11	39-186(a)
		12, 13	Rpld 39-254, 39-255
		14—17	Rpld 39-258—39-261
		18	Added 39-183
		19	Rnbd 39-262
			as 39-175
		20	Rpld 39-272—39-280
		21	Added 39-176
		2	39-325(2)
		23	39-325(9)
		24	Rpld 39-344, 39-345
		25	Added 39-177
91-4	1-29-91	1	39-885(c)(4)a.1
		2	39-888
91-5	1-29-91	1	39-1251(11)
91-35	9-11-91	1	39-401
		2	39-405
		3	Ch. 39, Art. XXVII (title), 39-423
		4	Ch. 39, Arts. XXVIII—XXXII (note)
91-36	9-11-91	1	39-880(7), (8)
		2	39-883(a)(4), (d)(8), (9)
		3	39-884(d)
		4	39-891
91-37	9-11-91	1	39-1313—39-1323
93-3	1-26-93	1.01—1.14	39-128
		2—7	39-225—39-230
		8	Ch. 39, Art. XIII(note)
93-4	1-26-93	1	39-1324—39-1333
93-5	1-26-93	1	39-1334—39-1343
93-43	11-23-93	1	Rpld 39-182
93-44	11-23-93	1, 2	39-6, 39-7
		3	39-128
		4	39-187(f), (l)
94-7	2-22-94	2	Added 39-358—39-370
		1(1)—(6)	39-1351—39-1356
		2	39-128
94-20	2-22-94	1	39-48
		2	39-62
		3	39-92
94-22	4-26-94	1, 2	39-1145, 39-1146
94-23	4-26-94	1—5	39-1164—39-1168
		6, 7	39-1170, 39-1171
		8	39-1173
94-56	12-13-94	1	39-1326
		2	39-1336
95-22	6- 6-95	1	39-128
		2	39-146



ZONING ORDINANCE COMPARATIVE TABLE

Ordinance No.	Date	Section	Disposition
95-23	6- 6-95	1.01	39-216
		1.02	39-217
95-48	11-28-95	2	39-48
		3, 4	39-50, 39-51
		5	39-92
		6, 7	39-99, 39-100
		8	39-128
		9-11	39-1351-39-1353
		12, 13	39-1355, 39-1356
		1	39-215
		2	Rnbd 39-219 as 39-216
		3	Rnbd 39-216 as 39-217
4	Rnbd 39-216(j) as 39-218		
5	Rnbd 39-216(k)-(m) as 39-219		
6	39-220		
7	Rnbd 39-217(51)-(54) as 39-221		
8	39-222		
9	Rnbd 39-218 as 39-223		
10-13	39-224-39-227		
14	Rnbd 39-217 as 39-228		
15, 16	Rpld 39-220, 39-221		
17	Rnbd 39-222 as 39-229		
18	Rpld 39-223		
95-50	11-28-95	1	Rnbd 39-127, 39-128 as 39-3, 39-4
		2	Rnbd Ch. 39, Art. II as Ch. 39, Art. III
		3	Rnbd 39-3 as 39-10 Rnbd 39-30 as 39-11
		4	Rnbd 39-32, 39-34, 39-36 as 39-12
		5	Rnbd 39-37, 39-38 as 39-13, 39-14
		6	Rnbd 39-6 as 39-15
		7	Rnbd 39-4 as 39-16
		8	Rnbd 39-5 as 39-17
		9	Rpld 39-31
		10	Rnbd 39-8 as 39-18, 39-7 as 39-19, 39-9, 39-10 as 39-20, 39-21

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
		11	Rnbd 39-358—39-370 as 39-75—39-87
		12	Rnbd 39-92—39-101 as 39-115—39-122
		13	Rnbd 39-194, 39-200(a), 39-202(b) as 39-69 Rnbd 39-195, 39-196 as 37-70 Rnbd 39-198, 39-199 as 39-71, 39-72 Rnbd 39-201 as 39-73 Rnbd 39-203 as 39-74
		14	Added 39-125 Rnbd 39-291—39-296 as 39-126—39-131 Rnbd 39-225—39-230 as 39-132—39-137
		15	Rpld Ch. 39, Art. XIII(tit.) 39-83, 39-127
		16	39-62, 39-160, 39-174, 39-178, 39-185, 39-186, 39-239 39-257, 39-392, 39-402, 39-660, 39-665, 39-695, 39-794, 39-867, 39-918, 39-940, 39-963, 39-976, 39-981, 39-1015, 39-1044, 39-1060, 39-1076, 39-1092, 39-1108, 39-1178—39-1183, 39-1194, 39-1217, 39-1219, 39-1245, 39-1247, 39-1273, 39-1317
		17	39-1326
		18	39-993
		19	Rpld 39-674—39-685, 39-975—39-981
		20	39-4
96-15	5-28-96	1	39-275—39-288
96-16	5-28-96	1	39-187
		2	Rnbd 39-234—39-241 as 39-234.1—39-241.1
			added 39-235—39-241
96-17	5-28-96	1	39-4
		2	39-144
		3	39-181
		4	39-257
		5	39-325(10)
		6	39-537(a)(1)

ZONING ORDINANCE COMPARATIVE TABLE

Ordinance No.	Date	Section	Disposition
		7	39-558
		8	Rpld 39-1026—39-1028
		9	Rpld 39-1177, 39-1178, 39-1180—39-1182
		10	Rpld 39-1183
96-31	9-24-96	1	39-146
96-32	9-24-96	1	39-48(a), (c)
		2	39-62(a)
1997-08	2-25-97	1—5	39-351—39-355
1997-12	3-11-97	1	39-277—39-279, 39-281—39-288
1997-13	3-11-97	1	39-4
		2	39-144
		3	Rpld 39-174
		4	Amd 39-217(d), (g), 39-219(e), 39-221(c)(1), 39-228(b)—(d), 39-229(a), (c)
		5	Rpld 39-234.1—39-243
		6	Added 39-402(1)(z)
1997-24	6-10-97	1	39-167
1997-25	6-10-97	1	39-178.1
		2	39-275(14)
		3	39-402(x)
		4	39-537(a)
		5	39-538
		6	39-1325
		7	39-1335
1997-29	7- 8-97	1	Added 39-245—39-255.1
			Rpld 39-401—39-412
1997-31	8-12-97	1	39-308(f)
1997-43	10-14-97	1	39-242
1997-52	12- 9-97	1	39-4
		2	39-238
1998-06	3-24-98	1	39-146(h)(1)
		2	39-228(d)(14)
		3	39-239(1)(j)
		4	39-240
		5	39-257(a)
1998-08	4-28-98	1	39-124, Art. IV (title)
		2	Rpld 39-48
			Added 39-25
		3—8	39-26—39-31,
		9	39-39
		10—12	Rpld 39-49—39-51
		13	Rpld 39-115—39-122
		14	Rpld 39-1351—39-1356
1998-09	4-28-98	1	Rpld 39-62—39-68
		2	Added 39-35—39-44
1998-27	9- 8-98	1	39-4
		2	39-50—39-60
		3	39-144
		4	39-245
		5	Rpld 39-307—39-333
		6	Amd 39-242(2)

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
		7	Rpld 39-1194
		8	Rpld 39-1195
		9	Rpld 39-1273(4)
		10	39-1317(4)
1998-28	9-28-98	1	39-4
1998-31	9- 8-98	1	39-4
		2	39-237(3)
		3	39-277
		4	39-278
		5	39-279
		6	39-281
		7	39-282
		8	39-285
		9	39-285
		10	39-286
		11	39-287
		12	39-288
		13	39-289
		14	Rpld 39-1179
1998-35	10-13-98	1	39-150
		3	39-4
1999-23	5-11-99	1	39-4
		2	Rpld 39-176
		3	Added 39-295—39-302
		4	Rpld 39-922—39-928
		5	Rpld 39-939—39-945
		6	Rpld 39-956—39-959, 39-961—39-964
		7	Rpld 39-992—39-999
		8	Rpld 39-1184—39-1193
1999-24	5-11-99	1	39-4
		2	39-305—39-313
		3	Rpld 39-1039—39-1044
		4	Rpld 39-1055—39-1060
		5	Rpld 39-1071—39-1076
		6	Rpld 39-1103—39-1108
1999-25	5-11-99	1—13	39-75—39-87
1999-39	6-22-99	1	39-4
		2	39-245(9), (14), (15)
		3	39-249
1999-40	6-22-99	1	Rpld 39-256, 39-257
		2	Added 39-260—39-270
		3	Rpld 39-536—39-545
		4	Rpld 39-557—39-562
		5	Rpld 39-1324—39-1333
		6	Rpld 39-1334—39-1343
1999-44	8-24-99	1	39-4
		2—14	Rpld 39-125—39-137
			Added 39-195—39-203
1999-45	8-24-99	1—7	39-130, 39-131, 39-133—39-135, 39-138
		8	39-4
		9	39-132
		10, 11	39-136, 39-137
		12	Rpld 39-351—39-355
1999-50	9-28-99	1	39-265(b)

ZONING ORDINANCE COMPARATIVE TABLE

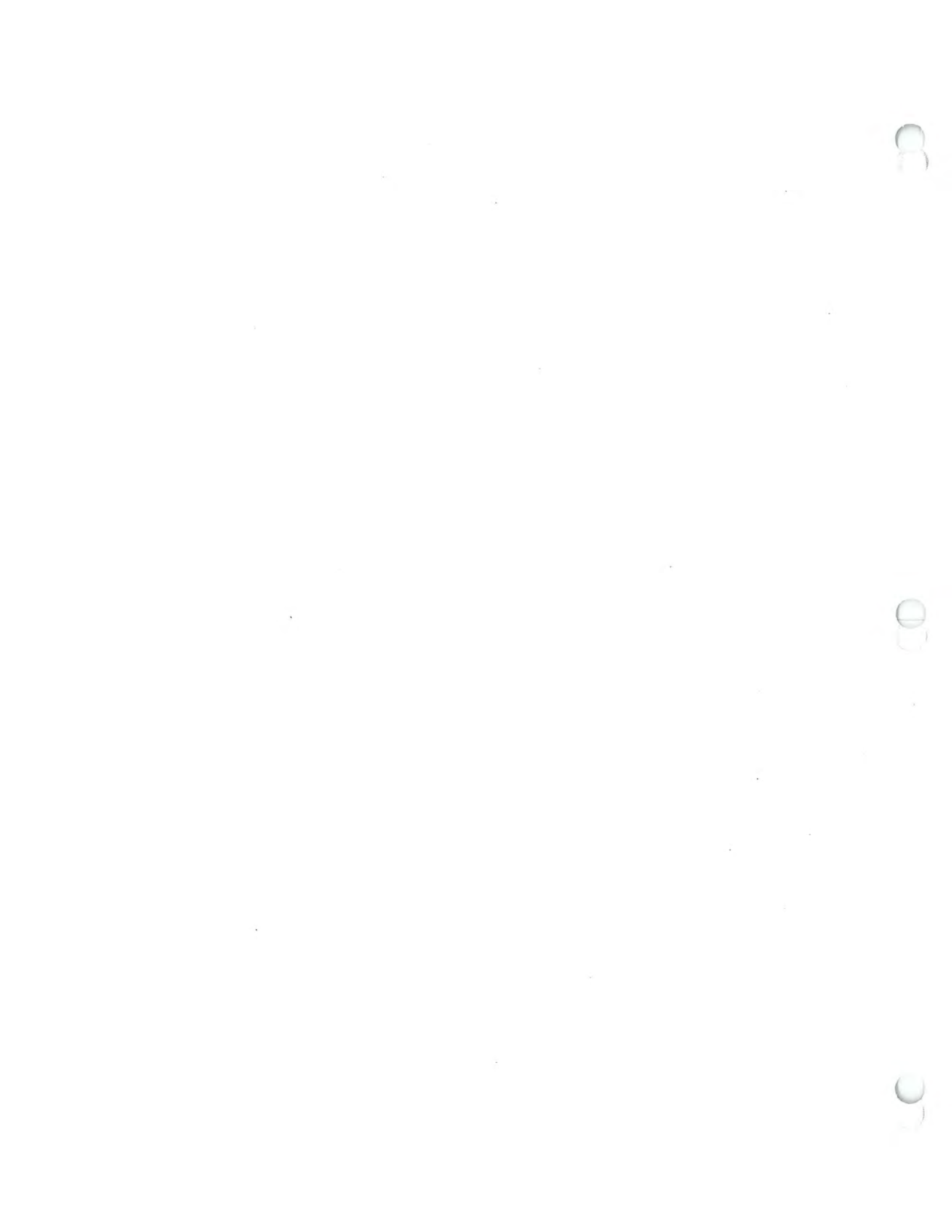
Ordinance No.	Date	Section	Disposition
1999-55	10-12-99	1	39-26, 39-28, 39-36, 39-77, 39-78, 39-238, 39-1165, 39-1168
2000-03	1-25-00	1	39-4
		2	Rpld 39-880—39-885 39-887—39-891
		3	Rpld 39-1313—39-1323 Added 39-333—39-345
2000-11	3-14-00	1	Rpld 39-158
		2	Rpld 39—160
		3	Rpld 39-175
		4	Rpld 39-186
		5	Rpld 39-390—39-396
		6	Rpld 39-44—39-446
		7	Rpld 39-495—39-502
		8	Rpld 39-711—39-724
		9	Rpld 39-815—39-823
		10	Rpld 39-834—39-845
		11	Rpld 39-856—39-862, 39-864—39-867, 39-869
2000-14	4-11-00	12	Rpld 39-913—39-916, 39-918—39-921
		1	39-292
		2	39-293
		3	39-295
		4	39-297(a)
		5	39-300
2000-15	4-11-00	6	Rpld 39-1010—39-1015
		1	39-360—39-368
		2	Rpld 39-423—39-430
		3	Rpld 39-1158
2000-16	4-25-00	4	Rpld 39-1250—39-1255
		1	39-320—39-331
		2	Rpld 39-634—39-640
2000-17	4-25-00	3	Rpld 39-651—39-662
		1—17	Rpld 39-144, 39-145, 39-147, 39-149 39-150, 39-157—39-159, 39-163, 39-164, 39-166, 39-167, 39-178, 39-179, 39-184, 39-187
2000-22	5-16-00	18	Added 39-100—39-106
			Rpld 39-146, 39-148, 39-151, 39-153 39-154, 39-155, 39-168, 39-178, 39-181, 39-183, 39-185,
			Added 39-560—39-574
2000-22	5-16-00	19	Rpld 39-1280
			Added 39-107
			39-52

BROWARD COUNTY CODE

Ordinance No.	Date	Section	Disposition
		2	39-53
		3	39-58(2)
2000-29	6-13-00	1	39-380—39-389
			Rpld 39-1139—39-1144
2000-30	6-13-00	1	39-69—39-74
2000-36	8-22-00	1	39-4
		2—4	39-11—39-12
		5	39-17
		6	39-19
		7	39-25(b)
		8	39-27
		9	39-35
		10	39-51
		11	39-54
		12—15	39-56—39-59
		16	39-81
		17	39-86(a)
		18	39-215(d)
		19	39-217
		20	39-221(f)
		21	39-228(c)(7)
		22	39-240
		23, 24	39-245, 39-246
		25	39-251
		26	39-254
		27	39-260(12)—(15)
		28	39-261
		29	39-263
		30	39-268
		31	39-279
		32	39-279
		33	39-283
		34	39-284
		35	39-285
		36, 37	39-294, 39-295
		38	39-300(l)
		39, 40	30-307, 39-308
		41	39-313
		42	39-342(b)(5)
		43	39-343(b)(8)
		44	39-362
		45	39-363
2000-37	9-12-00	1	39-400—39-403
		2	Rpld 39-1145—39-1149
		3	Rpld 39-1310—39-1312
2000-42	9-26-00	1	39-38(b)
		2	Rpld 38-688—39-700
		3	Rpld 39-768—39-776
		4	Rpld 39-1087—39-1092
		5	Rpld 39-1119—39-1128
		6	Rpld 39-1139—39-1147
		7	Rpld 39-1270—39-1275
2001-02	1- 9-01	2	39-108

ZONING ORDINANCE COMPARATIVE TABLE

Ordinance No.	Date	Section	Disposition
2001-18	5-22-01	3	39-38
		4	39-42
		5	39-44
		1	39-4
		2	39-19(a)
		3	39-45, 39-46
		4	39-54
		5	39-58(1)
		6	39-130(b)(4),(5)
		7	39-132(d)
		8	39-215(a)
		9	39-228(b), (d)
		10	39-245
		11-13	39-253-39-255
		14	Rnbd as 39-256
		15	Added 39-257
		16	Amd 39-260
		17-19	39-267-39-269
		20	39-271
		21	39-362(c), (g)
		22	39-366(c)
		23	39-367
		24	39-369
		2001-19	5-22-01
2	39-350-39-350.10		
3	Rpld 39-1164-39-1176		
2002-09	2-26-02	1	39-300(s)
2002-12	4- 9-02	1	39-27(b)
		2	39-25(d)
		3	39-36(d)
		4	39-38(b), (c)
		5	39-40
		6	39-42(c)
		7	39-43(a), (e)
		8	39-44(a), (d), (e)





## ZONING INDEX

	Section		Section
<b>A</b>			
<b>ABANDONMENT</b>		<b>AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS (Cont'd.)</b>	
Nonconforming uses and structures		Purpose of districts .....	39-246
Discontinuance, destruction or abandonment of a nonconforming use .....	39-72	Yards .....	39-255
Property Maintenance and Junk or Abandoned Property .....	39-130 et seq.	<b>AGRICULTURAL-RESTRICTED DISPOSAL A-7 DISTRICT</b>	
See: PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY		Height .....	39-479
<b>ACCESSORY USES</b>		Limitations of uses .....	39-483
Commercial Districts .....	39-302	Permitted uses .....	39-477
Mobile Home Districts .....	39-331	Plot coverage .....	39-481
Motel R-5 District .....	39-894	Plot size .....	39-480
Open Space and Public Recreation Districts .....	39-389	Prohibited uses .....	39-478
Residential Zoning Districts .....	39-289	Purpose of district .....	39-476
<b>ADMINISTRATOR. See: COUNTY ADMINISTRATOR</b>		Yards .....	39-482
<b>ADULT ENTERTAINMENT ESTABLISHMENTS. See: ALCOHOLIC BEVERAGES AND ADULT ENTERTAINMENT ESTABLISHMENTS</b>		<b>AIRPORTS AND AIRCRAFT</b>	
<b>AGRICULTURAL-AMUSEMENT A-4 DISTRICT</b>		Broward County Airport Zoning Ordinance .....	39-1164 et seq.
Coverage .....	39-436	See: BROWARD COUNTY AIRPORT ZONING ORDINANCE	
Height .....	39-434	<b>ALCOHOLIC BEVERAGES AND ADULT ENTERTAINMENT ESTABLISHMENTS</b>	
Limitations of uses .....	39-439	Adult entertainment establishments	
Permitted uses .....	39-432	Application to new places of worship, educational centers, child care centers or residentially zoned districts .....	39-201
Plot size .....	39-435	Distance limitations for adult entertainment .....	39-200
Prohibited uses .....	39-433	Findings and purpose .....	39-199
Purpose of district .....	39-431	Generally .....	39-195
Yard modifications .....	39-438	Nonconforming adult entertainment establishments .....	39-202
Yards .....	39-437	Alcoholic beverage establishments	
<b>AGRICULTURAL-DISPOSAL A-6 DISTRICT</b>		Application to new educational centers, places of worship or child care centers .....	39-197
Height .....	39-460	Existing alcoholic beverage establishments .....	39-198
Limitations of uses .....	39-464	Separation requirements for alcoholic beverage establishments .....	39-196
Permitted uses .....	39-458	Penalty .....	39-203
Plot coverage .....	39-462	<b>AMENDMENTS</b>	
Plot size .....	39-461	District and regulation changes	
Prohibited uses .....	39-459	Applications for rezoning and amendments .....	39-26
Purpose of district .....	39-457	<b>ANIMALS AND FOWL</b>	
Yards .....	39-463	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts	
<b>AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS</b>		Household pets .....	39-570
Agricultural zoning districts .....	39-247	<b>APPEALS</b>	
Density .....	39-248	District and regulation changes .....	39-32
General provisions .....	39-245	Variances and appeals .....	39-35 et seq.
Height .....	39-254	See: VARIANCES AND APPEALS	
Minimum floor area for dwellings .....	39-255.1		
Plot coverage .....	39-253		
Maximum plot size for nonresidential and nonagricultural uses .....	39-252		
Minimum plot dimensions .....	39-251		
Permitted uses .....	39-249		
Prohibited uses .....	39-250		

BROWARD COUNTY CODE

B	Section	Section
BEACH AREA LIGHTING RESTRICTIONS General provisions .....	39-107	CHURCHES Adult entertainment establishments Application to new places of worship ... 39-201 Distance limitations for adult entertain- ment .....
BOARDS, COMMITTEES AND COMMISSIONS. See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY		39-200
BOATS. See: RECREATIONAL VEHICLES AND BOATS		Alcoholic beverage establishments Application to new educational centers, places of worship .....
BOUNDARIES District boundaries .....	39-12	39-197
BROWARD COUNTY ADMINISTRATIVE CODE Administrative and legal provisions .....	39-18	COMMERCIAL DISTRICTS Commercial zoning districts .....
BROWARD COUNTY AIRPORT ZONING ORDINANCE Administration and enforcement .....	39-1171	39-292
Airport land use restrictions .....	39-1167	General provisions .....
Airport zones and airspace height limitations .....	39-1166	Height .....
Applicability .....	39-1168	39-299
Board of adjustment Appeals to .....	39-1173	Limitations of accessory uses in Office Park districts .....
Authority .....	39-1172	39-302
Conflicting regulations .....	39-1176	Limitations of uses .....
Definitions .....	39-1165	Permitted uses .....
Judicial review .....	39-1174	Plot coverage .....
Nonconforming uses .....	39-1169	Plot size .....
Penalty and enforcement .....	39-1175	Prohibited uses .....
Permits and variances .....	39-1170	Purpose of districts .....
Purpose and declaration of legislative intent .....	39-1164	Special regulations for B-4 commercial re- development overlay districts .....
		39-301
		COMMITTEES AND COMMISSIONS. See: DEPARTMENTS AND OTHER AGEN- CIES OF COUNTY
		COMMUNITY FACILITIES DISTRICTS Community facilities zoning districts .....
		39-360
		General provisions .....
		39-362
		Height .....
		39-367
		Limitations of uses .....
		39-368
		Permitted uses .....
		39-363
		Plot coverage .....
		39-366
		Plot size .....
		39-365
		Prohibited uses .....
		39-364
		Purpose of districts .....
		39-361
		CONDITIONAL USES Compliance with conditions .....
		39-236
		Holiday wayside stands .....
		39-239
		Home offices .....
		39-237
		Off-site parking lots .....
		39-240
		Outdoor event permits .....
		39-238
		Purpose and intent .....
		39-235
		Temporary promotional signs .....
		39-242
		Yard sales .....
		39-241
		CONSERVATION DISTRICTS Conservation zoning districts .....
		39-400
		Permitted uses .....
		39-402
		Purpose and intent .....
		39-401
		Roads in conservation districts .....
		39-403
		COUNTY ADMINISTRATOR Enforcement, interpretation, purpose and conflict .....
		39-10
		COUNTY USES General provisions .....
		39-104

ZONING INDEX

	Section		Section
<b>D</b>			
<b>DENSITY</b>			
Agricultural Estate A-1 and General Agricultural A-2 Districts.....	39-248	DISTRICT REGULATIONS (Cont'd.)	
General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-571	One-Family Dwelling—R-1a to R-1c Districts.....	39-578 et seq.
Mobile Home Districts .....	39-323	Open Space and Public Recreation Districts.....	39-380 et seq.
Residential Zoning Districts .....	39-278	Planned Development Districts .....	39-333 et seq.
<b>DEPARTMENTS AND OTHER AGENCIES OF COUNTY</b>		Residential, Multiple-Family/Office District: Rmo Districts .....	39-1233 et seq.
Board of adjustment .....	39-35 et seq.	Residential, Single-Family Detached and Office District: Rso Districts .....	39-1206 et seq.
See: VARIANCES AND APPEALS		Residential Zoning Districts .....	39-275 et seq.
Board of County Commissioners .....	39-24 et seq.	Row House R-3U District.....	39-795 et seq.
See: DISTRICT REGULATIONS		Rural and Estate Districts.....	39-260 et seq.
Zoning board .....	39-25 et seq.	Special One-Family D-1 District .....	39-612 et seq.
<b>DISABLED OR HANDICAPPED PERSONS</b>		Two-Family Dwelling—Parking R-2P District .....	39-759 et seq.
Off-street parking and loading		Two-Family Dwelling R-2 District.....	39-740 et seq.
Parking for disabled persons .....	39-227	<b>E</b>	
<b>DISTRICT REGULATIONS</b>		<b>EMPLOYEES. See: OFFICERS AND EMPLOYEES</b>	
Agricultural-Amusement A-4 District.....	39-431 et seq.	<b>ENCLOSURES. See: FENCES, WALLS, HEDGES AND ENCLOSURES</b>	
Agricultural Estate A-1 and General Agricultural A-2 Districts.....	39-245 et seq.	<b>F</b>	
Agricultural-Disposal A-6 District.....	39-457 et seq.	<b>FAMILY DAY CARE HOMES</b>	
Agricultural-Restricted Disposal A-7 District .....	39-476 et seq.	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-574
Boundaries .....	39-12	<b>FENCES, WALLS, HEDGES AND ENCLOSURES</b>	
Cemetery District, A-9 .....	39-514 et seq.	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	
Commercial Districts.....	39-292 et seq.	Dumpsters and dumpster enclosures... ..	39-561
Community Facilities Districts.....	39-360 et seq.	Fences, walls and hedges .....	39-566
Conservation Districts .....	39-400 et seq.	Residential, Multiple-Family/Office District: Rmo Districts .....	
District and regulation changes		Fence, hedge and wall requirements... ..	39-1247
Appeals.....	39-32	Residential, Single-Family Detached and Office District: Rso Districts .....	
Applications for rezoning and amendments .....	39-26	Hedge, fence or wall requirements.....	39-1219
Authority to withhold permits and approvals; zoning in progress.....	39-31	<b>FILLING OPERATIONS AND FILL MATERIALS</b>	
Board of County Commissioners to amend zoning regulations.....	39-24	General provisions.....	39-108
County Commission public hearings ...	39-30	<b>FLOORS</b>	
Notices of public hearing.....	39-27	Zoning district regulations re minimum floor area for dwellings	
Zoning board		Agricultural Estate A-1 and General Agricultural A-2 Districts.....	39-255.1
Basis for recommendations .....	39-28	Low-Density Multiple R-3 District .....	39-793
Establishment and duties .....	39-25	Motel R-5 District .....	39-902
Recommendations.....	39-29	One-Family Dwelling—R-1a to R-1c Districts .....	39-585
Division of county into districts .....	39-1	Residential, Multiple-Family/Office District: Rmo Districts .....	39-1246
General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-560 et seq.		
Industrial Districts .....	39-305 et seq.		
Low-Density Multiple R-3 District .....	39-786 et seq.		
Maps			
Zoning district maps.....	39-11		
Mobile Home Districts .....	39-320 et seq.		
Motel R-5 District.....	39-893 et seq.		
One-Family Dwelling—Parking R-1p Districts.....	39-597 et seq.		

BROWARD COUNTY CODE

	Section		Section
FLOORS (Cont'd.)		HEDGES. See: FENCES, WALLS, HEDGES AND ENCLOSURES	
Residential, Single-Family Detached and Office District: Rso Districts.....	39-1218	HEIGHT REGULATIONS	
Residential Zoning Districts.....	39-288	Broward County Airport Zoning Ordinance	
Rural and Estate Districts.....	39-270	Airspace height limitations.....	39-1166
FOSTER CARE HOMES		General provisions	
General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts.....	39-573	Exclusions from height limits.....	39-103
FOWL. See: ANIMALS AND FOWL		Zoning district regulations	
FUNCTIONAL LANDSCAPING AND XERISCAPING		Agricultural-Amusement A-4 District..	39-434
Buffers between residential and nonresidential properties.....	39-84	Agricultural-Disposal A-6 District.....	39-460
Definitions.....	39-76	Agricultural Estate A-1 and General Agricultural A-2 Districts.....	39-254
Installation of landscaping and irrigation.....	39-78	Agricultural-Restricted Disposal A-7 District.....	39-479
Landscape manual and materials.....	39-87	Commercial Districts.....	39-299
Landscape plans.....	39-77	Community Facilities Districts.....	39-367
Landscape requirements for vehicular use areas.....	39-81	Industrial Districts.....	39-312
Maintenance of landscaped areas.....	39-79	Low-Density Multiple R-3 District.....	39-789
Nonconforming properties.....	39-86	Motel R-5 District.....	39-896 et seq.
Plant material.....	39-80	One-Family Dwelling—R-1a to R-1c Districts.....	39-581
Purpose and intent.....	39-75	Open Space and Public Recreation Districts.....	39-387
Nonvehicular open space.....	39-83	Residential, Multiple-Family/Office District: Rmo Districts.....	39-1240
Sight distance for landscaping adjacent to street intersections and points of access.....	39-82	Residential, Single-Family Detached and Office District: Rso Districts.....	39-1212
Single-family and two-family dwellings landscape requirements.....	39-85	Residential Zoning Districts.....	39-284
		Row House R-3U District.....	39-799
<b>G</b>		Rural and Estate Districts.....	39-268
GENERAL PROVISIONS FOR R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 AND R-5 DISTRICTS		Special One-Family D-1 District.....	39-616
Applicability.....	39-560	Two-Family Dwelling R-2 District.....	39-743
Density.....	39-571	HOTELS, MOTELS, ETC.	
Dumpsters and dumpster enclosures.....	39-561	Motel R-5 District.....	39-893 et seq.
Double frontage.....	39-563	Residential Zoning Districts	
Family day care homes.....	39-574	Permitted accessory uses for hotels, motels and community residential facilities.....	39-289
Fences, walls and hedges.....	39-566		
Foster care homes and public or private facilities.....	39-573	<b>I</b>	
Grouped housing.....	39-564	INDUSTRIAL DISTRICTS	
Household pets.....	39-570	General provisions.....	39-307
Nuisances.....	39-567	Height.....	39-312
Recreational vehicles and boats.....	39-572	Industrial zoning districts.....	39-305
Storage on residential property.....	39-568	Limitations of uses.....	39-313
Swimming pools.....	39-569	Permitted uses.....	39-308
Tents.....	39-562	Plot coverage.....	39-311
Yard encroachments.....	39-565	Plot size.....	39-310
		Prohibited uses.....	39-309
<b>H</b>		Purpose of districts.....	39-306
HANDICAPPED PERSONS. See: DISABLED OR HANDICAPPED PERSONS		INSPECTIONS	
		Right of entry.....	39-20

ZONING INDEX

	Section		Section
<b>J</b>			
JUNK		LOW-DENSITY MULTIPLE R-3 DISTRICT (Cont'd.)	
Property Maintenance and Junk or Abandoned Property .....	39-130 et seq.	Plot coverage .....	39-788
See: PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY		Rear yard .....	39-792
		Side yards .....	39-791
		Size of plot .....	39-787
<b>L</b>			
LANDSCAPING		<b>M</b>	
Functional landscaping and xeriscaping ..	39-75 et seq.	MAPS. See: SURVEYS, MAPS, AND PLATS	
See: FUNCTIONAL LANDSCAPING AND XERISCAPING		MOBILE HOME DISTRICTS	
LICENSES AND PERMITS		Density .....	39-323
Board of County Commissioners		General provisions .....	39-322
Authority to withhold permits and approvals .....	39-31	Height .....	39-329
Board of adjustment		Lot requirements .....	39-327
Permits and variances .....	39-1170	Mobile home zoning districts .....	39-320
Conditional uses		Permitted uses .....	39-324
Outdoor event permits .....	39-238	Plot coverage .....	39-328
Permits not to be issued .....	39-16	Plot size .....	39-326
Permits required .....	39-15	Prohibited uses .....	39-325
Sign permits .....	39-54	Purpose of districts .....	39-321
LOADING AND UNLOADING		Special accessory uses .....	39-331
Off-street parking and loading .....	39-215 et seq.	Yards and separations .....	39-330
See: OFF-STREET PARKING AND LOADING		MOTEL R-5 DISTRICT	
LODGINGS. See: HOTELS, MOTELS, ETC.		Front yard .....	39-899
LOTS		Height .....	39-896
Conditional uses		Minimum floor area .....	39-902
Off-site parking lots .....	39-240	Permitted uses .....	39-893
Off-street parking and loading		Plot coverage .....	39-897
Storage lots for vehicles, boats and equipment .....	39-225	Rear yard .....	39-901
Zoning district regulations		Side yards .....	39-900
Low-Density Multiple R-3 District		Size of plot .....	39-895
Open parking lots .....	39-794	Special accessory uses .....	39-894
Mobile Home Districts .....	39-327	MOTELS. See: HOTELS, MOTELS, ETC.	
One-Family Dwelling—Parking R-1p Districts		<b>N</b>	
Open parking lot regulations .....	39-600	NONCONFORMING USES AND STRUCTURES	
Residential, Multiple-Family/Office District: Rmo Districts		Adult entertainment establishments	
Location of structures on same lot or parcel .....	39-1245	Nonconforming adult entertainment establishments .....	39-202
Residential, Single-Family Detached and Office District: Rso Districts		Change of nonconforming use .....	39-71
Location of structures on same lot or parcel .....	39-1217	Discontinuance, destruction or abandonment of a nonconforming use .....	39-72
LOW-DENSITY MULTIPLE R-3 DISTRICT		Establishment of nonconforming use .....	39-69
Front yard .....	39-790	Nonconformity other than use .....	39-74
Height .....	39-789	Off-street parking and loading .....	39-216
Minimum floor area .....	39-793	Repair, expansion and reconstruction of nonconforming uses .....	39-70
Open parking lots .....	39-794	Signs	
Permitted uses .....	39-786	Nonconforming signs .....	39-53
		Unlawful use not authorized .....	39-73
		NUISANCES	
		General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-567

BROWARD COUNTY CODE

	Section	Section
NUISANCES (Cont'd.)		OPEN SPACES. See: YARDS AND OPEN SPACES
Property maintenance and junk or abandoned property		
Public nuisances .....	39-132	
<b>O</b>		<b>P</b>
OFFICERS AND EMPLOYEES		PARKING
County administrator .....	39-10	Conditional uses
Right of entry .....	39-20	Off-site parking lots .....
OFF-STREET PARKING AND LOADING		Low-Density Multiple R-3 District
Additional and overflow parking .....	39-218	Open parking lots .....
Amount of off-street parking .....	39-228	Off-street parking and loading .....
Calculating required parking .....	39-221	See: OFF-STREET PARKING AND LOADING
Combined off-street parking .....	39-223	One-Family Dwelling—Parking R-1p Districts
Disabled or handicapped persons		Open parking lot regulations .....
Parking for disabled persons .....	39-227	39-600
Drive-through facilities .....	39-219	PERMITS. See: LICENSES AND PERMITS
Lighting .....	39-226	PERMITTED USES
Location, character and size .....	39-217	Agricultural-Amusement A-4 District .....
Nonconforming uses .....	39-216	Agricultural-Disposal A-6 District .....
Off-street parking required .....	39-215	Agricultural Estate A-1 and General Agricultural A-2 Districts .....
Off-street loading .....	39-229	Agricultural-Restricted Disposal A-7 District .....
Plans .....	39-220	Cemetery District, A-9
Shared usage .....	39-222	Commercial Districts .....
Storage lots for vehicles, boats and equipment .....	39-225	Community Facilities Districts .....
Use of off-street parking facilities .....	39-224	Conservation Districts .....
ONE-FAMILY DWELLING—PARKING R-1p DISTRICTS		Industrial Districts .....
Location of R-1P districts .....	39-599	Low-Density Multiple R-3 District .....
Open parking lot regulations .....	39-600	Mobile Home Districts .....
Permitted uses .....	39-598	Motel R-5 District .....
Purpose of district .....	39-597	One-Family Dwelling—Parking R-1p Districts .....
ONE-FAMILY DWELLING—R-1a TO R-1c DISTRICTS		One-Family Dwelling—R-1a to R-1c Districts .....
Front yard .....	39-582	Open Space and Public Recreation Districts .....
Height .....	39-581	Residential, Multiple-Family/Office District: Rmo Districts .....
Minimum floor area .....	39-585	Residential, Single-Family Detached and Office District: Rso Districts .....
Rear yard .....	39-584	Residential Zoning Districts .....
Side yards .....	39-583	Row House R-3U District .....
Permitted uses .....	39-578	Rural and Estate Districts .....
Plot coverage .....	39-580	Special One-Family D-1 District .....
Size of plot .....	39-579	Two-Family Dwelling—Parking R-2p District .....
OPEN SPACE AND PUBLIC RECREATION DISTRICTS		Two-Family Dwelling R-2 District .....
Accessory uses and structures .....	39-389	39-760
General provisions .....	39-382	39-740
Height .....	39-387	PLANNED DEVELOPMENT DISTRICTS
Open space and public recreation zoning districts .....	39-380	Common open space .....
Permitted uses .....	39-383	Conformance to master development plan .....
Plot coverage .....	39-386	Definitions .....
Plot size .....	39-385	General land use regulations .....
Prohibited uses .....	39-384	Major and minor deviations .....
Yards and setbacks .....	39-388	Mixed uses permitted .....
Purpose of districts .....	39-381	Planned agricultural centers .....
		Planned commercial centers .....



BROWARD COUNTY CODE

	Section		Section
<b>RESIDENTIAL ZONING DISTRICTS</b>		<b>SIGNS</b>	
Common open space .....	39-283	Basic design schedule for nonresidential signs .....	39-57
Density .....	39-278	Definitions .....	39-51
Front yard .....	39-285	General sign requirements for permanent signs .....	39-56
General provisions .....	39-275	Maintenance and removal .....	39-55
General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-560 et seq.	Master sign plans .....	39-59
Height .....	39-284	Nonconforming signs .....	39-53
Minimum floor area of dwelling units .....	39-288	Permits	
Permitted accessory uses for hotels, motels and community residential facilities .....	39-289	Sign permits .....	39-54
Permitted uses .....	39-279	Permitted permanent signs .....	39-58
Plot coverage .....	39-282	Prohibited signs .....	39-52
Plot size .....	39-281	Purpose, intent and scope .....	39-50
Prohibited uses .....	39-280	Temporary signs .....	39-60
Purpose of districts .....	39-276	Sign permits .....	39-54
Rear yard .....	39-287	<b>SPECIAL ONE-FAMILY D-1 DISTRICT</b>	
Residential zoning districts .....	39-277	Definition of plot .....	39-621
Side yards .....	39-286	Height .....	39-616
<b>ROW HOUSE R-3U DISTRICT</b>		Limitations and special requirements .....	39-622
Front yard .....	39-800	Minimum floor area .....	39-618
Height .....	39-799	Plot area per unit .....	39-620
Limitations and special requirements .....	39-804	Separation of buildings .....	39-619
Minimum floor area .....	39-803	Permitted uses .....	39-613
Permitted uses .....	39-796	Plot coverage .....	39-615
Plot coverage .....	39-798	Size of plot .....	39-614
Purpose of district .....	39-795	Purpose of district .....	39-612
Rear yard .....	39-802	Yards .....	39-617
Side yards .....	39-801	<b>STORAGE</b>	
Size of plot .....	39-797	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts	
<b>RURAL AND ESTATE DISTRICTS</b>		Storage on residential property .....	39-568
General provisions .....	39-260	Off-street parking and loading	
Height .....	39-268	Storage lots for vehicles, boats and equipment .....	39-225
Limitations for nonresidential and nonagricultural uses .....	39-266	<b>SURVEYS, MAPS, AND PLATS</b>	
Minimum floor area for dwellings .....	39-270	Plans and surveys .....	39-17
Permitted uses .....	39-263	Zoning district maps .....	39-11
Plot coverage .....	39-267	<b>SWIMMING POOLS</b>	
Prohibited uses .....	39-264	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-569
Purpose of districts .....	39-261	<b>T</b>	
Rural and estate zoning districts .....	39-262	<b>TENTS</b>	
Size of plot .....	39-265	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-562
Yards .....	39-269	<b>TWO-FAMILY DWELLING—PARKING R-2P DISTRICT</b>	
<b>S</b>		Location of R-2P districts .....	39-761
<b>SCHOOLS</b>		Permitted uses .....	39-760
Adult entertainment establishments		Purpose of district .....	39-759
Application to new educational centers .....	39-201	<b>TWO-FAMILY DWELLING R-2 DISTRICT</b>	
Distance limitations for adult entertainment .....	39-200	Front yard .....	39-744
Alcoholic beverage establishments			
Application to new educational centers .....	39-197		
<b>SEPARATIONS AND OTHER MEASUREMENTS</b>			
General provisions .....	39-106		



ZONING INDEX

	Section		Section
TWO-FAMILY DWELLING R-2 DISTRICT (Cont'd.)		YARDS AND OPEN SPACES (Cont'd.)	
Height .....	39-743	Residential Zoning Districts .....	39-283
Minimum floor area .....	39-747	Zoning district regulations re yards	
Rear yard .....	39-746	Agricultural-Amusement A-4 District ..	39-437, 39-438
Side yards .....	39-745	Agricultural-Disposal A-6 District .....	39-463
Permitted uses .....	39-740	Agricultural Estate A-1 and General Agricultural A-2 Districts .....	39-255
Plot coverage .....	39-742	Agricultural-Restricted Disposal A-7 District .....	39-482
Size of plot .....	39-741	General provisions for R-1B, R-1C, R-1P, R-2, R-2P, R-3, R-3U, D-1 and R-5 Districts .....	39-565
<b>V</b>		Low-Density Multiple R-3 District .....	39-790 et seq.
VARIANCES AND APPEALS		Mobile Home Districts .....	39-330
Applications for hearings .....	39-36	Motel R-5 District .....	39-899 et seq.
Board of adjustment		One-Family Dwelling—R-1a to R-1c Districts .....	39-582 et seq.
Appeals to decisions of board of adjustment .....	39-44	Open Space and Public Recreation Districts .....	39-388
Authority .....	39-39	Residential, Multiple-Family/Office District: Rmo Districts .....	39-1241
Broward County Airport Zoning Ordinance		Residential, Single-Family Detached and Office District: Rso Districts .....	39-1213 et seq.
Appeals to board .....	39-1173	Residential Zoning Districts .....	39-285 et seq.
Authority .....	39-1172	Row House R-3U District .....	39-800 et seq.
Establishment and duties .....	39-35	Rural and Estate Districts .....	39-269
Broward County Airport Zoning Ordinance		Special One-Family D-1 District .....	39-617
Board of adjustment. See herein that subject		Two-Family Dwelling R-2 District .....	39-744 et seq.
Permits and variances .....	39-1170		
Conditions and limitations .....	39-42	<b>X</b>	
Considerations for appeals from an administrative decision .....	39-41	XERISCAPING	
Considerations for variances .....	39-40	Functional landscaping and xeriscaping ..	39-75 et seq.
Notices .....	39-38	See: FUNCTIONAL LANDSCAPING AND XERISCAPING	
Staff review .....	39-37		
Time limits .....	39-43	<b>Z</b>	
<b>W</b>		ZONING (General provisions)	
WALLS. See: FENCES, WALLS, HEDGES AND ENCLOSURES		Administrative and legal provisions	
WAYSIDE STANDS		Consistency with land use plan .....	39-14
General provisions re temporary wayside stands .....	39-105	Regulation of unzoned property .....	39-13
WIRELESS COMMUNICATION FACILITIES		Validity .....	39-21
General provisions .....	39-102	Applicability .....	39-100
<b>Y</b>		Definitions	
YARDS AND OPEN SPACES		General construction of terms .....	39-3
Conditional uses		Terms defined .....	39-4
Yard sales .....	39-241	Purpose; division of county into districts ..	39-1
Functional landscaping and xeriscaping		Reduction of required areas prohibited ...	39-101
Nonvehicular open space .....	39-83	Short title; scope .....	39-2
Open Space and Public Recreation Districts .....	39-380 et seq.	ZONING BOARD	
Zoning district regulations re common open space		District and regulation changes	
Planned Development Districts .....	39-338	Basis for recommendations .....	39-28
Residential, Single-Family Detached and Office District: Rso Districts .....	39-1211	Establishment and duties .....	39-25
		Recommendations .....	39-29

8

8

8