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, Florida Statutes, 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)

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

*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.

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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

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 Xeriscap-

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 Xeriscap-

ing, and section 39-163, District Boundary Line Plots, 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)

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 serve, except that for nonresidential uses, a separate plot, the nearest property line of which is located within 500 feet, airline measurement, from the nearest property line of the premises it is intended to serve, may be used to satisfy twenty-five percent (25%) of the required off-street parking. All off-street parking facilities shall be located on property which is in a zoning district permitting such use, and 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 public right-of-way, except a dedicated 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:*

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.

b. All driveways and parking aisles shall be at least five (5) feet from any main or accessory building or structure.

(2) *Residential:* 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.

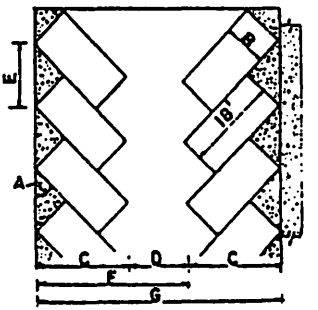
(j) *Identification of parking lots:* All off-street parking areas required by this article shall be provided with identification as to purpose and location in the form of signage visible to vehicular

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)

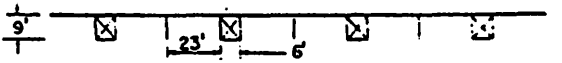
TABLE I
MINIMUM SPACE REQUIREMENTS AT VARIOUS PARKING ANGLES FOR SELF-PARKING FACILITIES

A PARKING ANGLE	B STALL WIDTH	C STALL DEPTH	*D AISLE WIDTH	E CURB LENGTH	F HALF BAY	G 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.

(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)

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 ¼ 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 ½ 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

(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 vehicular 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 display 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 otherwise 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 restaurants, bars, theaters or clubs exceed percentages as limited above, such facilities shall be calculated as would be required if such uses were separate 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 following, whichever results in a greater amount of off-street parking
(2)	Manufacturing, assembly, general 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 showrooms less than 10% of gross floor area of building	0.0	No additional spaces required
	Accessory offices and showrooms more than 10% of gross floor area	1.0	Per 300 square feet of office or showroom 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 (limited to 1,200 square feet gross floor area)
	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 showrooms less than 10% of gross floor area of building	0.0	No additional spaces required
	Accessory offices and showrooms 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, retreat	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 stable	1.0	Per each 4 stalls
	Plus	1.0	For the owner
(13)	Public parks and public recreation areas, other than county owned or operated facilities		Determined by the agency facilitating and maintaining the use
(14)	Nonprofit community centers (i.e. child or adolescent activity 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:

Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
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

Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
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)

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.

COND. USES

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. Commerical 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:

Event	*Permitted Zoning Districts*
(a) Carnival or circus	Commercial, industrial, and commercial recreation. Residential, rural, agricultural, and institutional if sponsored by non-profit organization

Event	*Permitted Zoning Districts*
(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 subsection (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:

Holiday	*Maximum Time Period*
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, Florida Statutes, 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, Florida Statutes.

(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 nonresidential plot may be used to supply twenty-five percent (25%) of the required off-street parking for the nonresidential 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 nonresidential property which the parking lot serves.

(8) Where a residential plot used for off-site parking is contiguous to or separated from the nonresidential property it serves by a dedicated alley, such plot may be used for all or any portion of required parking for the nonresidential 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)

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 Chapter 14, Article IV, Land Clearance, Broward County Code of Ordinances, or as

provided by state law for public nuisances or as provided in Article XX, Junk Property as a Nuisance, of this Chapter.

(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 community, 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 39-150, "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.
(Ord. No. 1997-29, § 1, 7-8-97; Ord. No. 1998-27, § 4, 9-8-98; Ord. No. 1999-39, § 2, 6-22-99)

Sec. 39-246. Purpose of districts.

A-1 Agricultural Estate, and A-2 General Agricultural Districts are intended to apply to those areas of unincorporated Broward County, the present or prospective use of which is primarily rural estates or agricultural. The regulations of these districts are intended to protect, preserve and enhance the rural character and life-style of existing low density areas and agricultural uses in compliance with the Agricultural and Rural Ranches land use designations of the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan with limited community and utility facilities permitted to serve the community.
(Ord. No. 1997-29, § 1, 7-8-97)

Sec. 39-247. Agricultural zoning districts.

The following shall constitute agricultural zoning districts for the purposes of this code:

District	*Title*
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

Permitted Uses	*A-1*	*A-2*
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.
(Ord. No. 1997-29, § 1, 7-8-97)

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 35 feet, except as permitted by section 39-157, exclusions from height limits.
(Ord. No. 1997-29, § 1, 7-8-97)

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

*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.

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.

(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 maxi-

mum 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 39-150, Wireless communication facilities, of this Chapter.

(Ord. No. 1999-40, § 2, 6-22-99)

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, with keeping of animals permitted incidental to residential dwellings. The regulations of these districts are intended to protect, preserve and enhance the character and

life-style of existing low density areas in compliance with the 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 community.

(b) Rural Estate and Rural Ranches districts are intended to apply to areas designated as 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 life-style 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)

Sec. 39-262. Rural and estate zoning districts.

The following shall constitute rural and estate zoning districts for the purposes of this code:

District	*Title*
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

Permitted Uses	*E-1*	*E-2*	*Rural Estate*	*Rural Ranches*
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 39-150)	P	P	P	P
Permitted accessory uses to a 1-family dwelling				
Detached guest house or servants' quarters (no kitchen)	P	P	P	P

Permitted Uses	*E-1*	*E-2*	*Rural Estate*	*Rural Ranches*
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)

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 39-157, exclusions from height limits and section 39-150, 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 39-157, exclusions from height limits and section 39-150, wireless communication facilities.
(Ord. No. 1999-40, § 2, 6-22-99)

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.

***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.

(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 except where a platted nonvehicular access line exists, to within five (5) feet of a plot line. Decorative or safety railings on the perimeter of such patios or decks may be erected to a maximum height of five (5) feet.

(d) On a plot containing a one 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.

(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, or any other item which is not specified in section 39-275, subsection(6)b), shall be subject to removal as provided in Chapter 14, Article IV, Land Clearance, Broward County Code of Ordinances, or as provided by state law for public nuisances.

(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, subsections (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.

(e) Signs erected in conjunction with sales offices shall be limited to:

1. One identification sign on the site of the sales office a maximum six (6) feet in height above established grade and twenty-four (24) square feet in sign area;

2. One directional sign at each street intersection within the project leading to the sales office, a maximum four (4) feet in height above established grade and twelve (12) square feet in area. Such signs shall not be placed within twenty-five (25) feet of the intersection of any public or private street.

(Ord. No. 96-15, § 1, 5-28-96; Ord. No. 1997-25, § 2, 6-10-97)

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:

District	*Title*
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:

District	*Permitted Dwelling Units per Net Acre*	
	1-Family detached	*All others*
RS-2	2.0	
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

District	*Permitted Dwelling Units per Net Acre*	
	1-Family detached	*All others*
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:

P = Permitted *NP = Not Permitted* *C = Conditional Use*

Use	*District*			
	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	
Multi-family dwelling (3 or more dwelling units)	NP	NP	P	P
Community residential facility	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	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, subject to Sec. 39-166	P	P	P	P

P = Permitted *NP = Not Permitted* *C = Conditional Use*

Use	*District*			
	RS-2 to 6	*RD-4 to 10*	*RM-5 to 16*	*RM-17 to 25*
Conditional uses, subject to Article XIII	C	C	C	C
Bed and breakfast	NP	NP	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)

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:

District	*Min. plot area per unit in square feet*
RS-2	15,000
RS-3	10,000
RS-4	7,500
RS-5	6,000
RS-6	5,000
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)

District	*Min. plot area per unit in square feet*
RM-16	2,904 (all others) 3,300 (1-family detached)
RM-17	2,722 (all others) 3,300 (1-family detached)
RM-18	2,562 (all others) 3,300 (1-family detached)
RM-19	2,420 (all others) 3,300 (1-family detached)
RM-20	2,292 (all others) 3,300 (1-family detached)
RM-21	2,178 (all others) 3,300 (1-family detached)
RM-22	2,074 (all others) 3,300 (1-family detached)
RM-23	1,980 (all others) 3,300 (1-family detached)
RM-24	1,894 (all others) 3,300 (1-family detached)
RM-25	1,815 (all others) 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:

District	*Maximum Coverage*
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 dwellings in RS-2 to RS-6 and RM-5 to RM-13 submitted for plat review or major or minor site plan 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 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)

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 39-157 of this code, titled "exclusions from height limits":

District	*Number of stories*
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)

Sec. 39-285. Front yard.

(1) Every individual plot used for one-family dwellings shall maintain a front yard as follows:

District	*Front Yard*
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)

Sec. 39-286. Side yards.

(1) Every individual plot used for one-family or two-family dwellings shall maintain side yards as follows:

District	*Side Yard*
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:

District	*Street Side Yard*
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:

District	*Rear Yard*
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:

District	*Minimum Floor Area per Dwelling Unit*
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.* In B-1, B-2, B-4 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 provided the display and storage is located at least 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 a 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," and shall include 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.

(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 juris-

diction. 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. 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 (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, 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.

(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.
(Ord. No. 1999-23, § 3, 5-11-99)

Sec. 39-295. Permitted uses.

Permitted principal uses in all business districts shall be limited to those uses specified in the Master Business List. 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*

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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		

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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		
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

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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				

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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
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		

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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		

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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	
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	

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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		

Use	*B-1*	*B-2*	*B-3*	*B-4*	*C-1*	*CR*	*OP*
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 39-150]	P	P	P	P	P	P	P

(Ord. No. 1999-23, § 3, 5-11-99; Ord. No. 2000-14, § 3, 4-11-00)

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 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, 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 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

vehicles 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 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 renewed 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 compliance with applicable state laws and proof of general liability insurance coverage in the minimum amount of three hundred thousand dollars ($300,000.00), which includes product liability coverage.

(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)

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 (½) 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 areas shall be permitted in all other manufacturing and industrial districts 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 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.

(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 39-150, "Wireless communication facilities," of this Chapter.
(Ord. No. 1999-24, § 2, 5-11-99)

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

Use	*M-1*	*M-2*	*M-3*
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
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

Use	*M-1*	*M-2*	*M-3*
Furniture manufacturing	P	P	P
Glass and mirror shop	P	P	P
Hazardous materials storage, handling or manufacture not otherwise listed			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

Use	*M-1*	*M-2*	*M-3*
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
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

Use	*M-1*	*M-2*	*M-3*
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 39-150]	P	P	P

(Ord. No. 1999-24, § 2, 5-11-99)

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. Each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area or fifty (50) percent 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.*

(1) The minimum plot size for any salvage or wrecking yard 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 shall be stored in such a manner that exceeds the height of the enclosing wall.

(4) Required offstreet parking shall be maintained on the exterior of any area used for salvage operations, display or storage of parts or vehicles and shall comply with all requirements of Article XII, "Offstreet Parking and Loading" of this Chapter.

(5) No salvage or wrecking yard 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.

(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 pro-

vided 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. 1999-24, § 2, 5-11-99)

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:

District	*Title*
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:

District	*Density Permitted Dwelling Units Per Net Acre*
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

Use	*T-1*	*R-1T*
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.

District	*Title*
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 devel-

opment 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, includ-

ing 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 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 section 39-294 of this Code.

(Ord. No. 2000-03, § 3, 1-25-00)

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 section 39-307 of this Code.

(Ord. No. 2000-03, § 3, 1-25-00)

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:

District	*Title*
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 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 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 in CF districts.

(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 39-150, "Wireless communication facilities," of this Code.
(Ord. No. 2000-15, § 1, 4-11-00)

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

Use	*I-1*	*C-F*	*A-3*
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	

Use	*I-1*	*C-F*	*A-3*
Penal institutions [see subsection (i)]		P	
Places of worship	P	P	
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 39-150)	P	P	P

(Ord. No. 2000-15, § 1, 4-11-00)

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, Florida Statutes.

(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:

District	*Title*
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

Use	*S-1*	*S-2*
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
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)

ARTICLE XXIV. RESERVED*

Secs. 39-390—39-396. Reserved.

ARTICLE XXV. RESERVED

Secs. 39-397—39-400. Reserved.

ARTICLE XXVI. RESERVED†

Secs. 39-401—39-422. Reserved.

***Editor's note**—Ord. No. 2000-11, § 5, adopted March 14, 2000, repealed former Art. XXIV, §§ 33-390—39-396, in its entirety which pertained to adult congregate living facilities and derived from Ord. No. 86-27, § 2, 6-24-86; Ord. No. 95-50, § 16, 11-28-95.

†**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:

Ord. No.	Section	Date	Ord. No.	Section	Date
—	—	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.

***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. 39-433. 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.

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.

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.

*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.

(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.

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:

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.

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:

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*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 Section 125.66(6), Florida Statutes (1990 Supp.)."

(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 559, Florida Statutes, Florida Cemetery Act and chapter 67-1185, Special Acts, including the following definition(s), shall be applicable to the terms of this district:

*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.

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 559, Florida Statutes; 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 559, Florida Statutes.

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 chapter 67-1185, Florida Statutes.

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

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***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.

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.

(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.

(1) All existing developed residential plots shall meet the requirements of this section within one (1) year from the effective date of this section.

(l) 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.

(m) 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:

Zoning	*Residential Density Range Title*	*Permitted Dwelling Units Per Acre of Net Area*
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)

Zoning	*Residential Density Range Title*	*Permitted Dwelling Units Per Acre of Net Area*
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 safe-

guards, 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. MOBILE HOME PARK T-1A, T-1B AND T-1C DISTRICTS

Sec. 39-688. Purpose of districts.

The T-1A, T-1B and T-1C Mobile Home Park Districts are intended to apply to areas to be used for the parking or placement of mobile homes for occupancy as living quarters.

Sec. 39-689. 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) Mobile home parks for rental of lots for occupancy by mobile homes as living quarters, wherein the mobile home park is owned and/or operated as a unit.

***Editor's note**—Section 19 of Ord. No. 95-50, adopted November 28, 1995, repealed Art. XLI, Mobile Home Park MH-1 District.

[The next page is 1013]

(2) Condominium mobile home parks.

(3) Mobile home parks involving the sale of mobile home lots for occupancy by mobile homes as living quarters, wherein individual lots within the mobile home park are owned separately.

(4) A mobile home park providing space for 40 or more mobile homes may have retail stores and personal service shops for the care or treatment of the occupants or their clothing, subject to the following limitations and requirements:

(a) Such uses are wholly conducted within completely enclosed building.

(b) There are no signs or displays visible from any public street indicating such uses.

(c) Such uses are conducted for the convenience of occupants of the mobile home park and not normally made available to other persons.

(5) The sale, by its owner or licensed dealer, of used mobile homes on lots presently or previously occupied by the owner of such mobile home. The sale of new mobile homes by a licensed dealer on a sales lot not to exceed five percent of the gross area of the park, for delivery within the park.

(6) A centralized storage area designed to serve the residents for the park which must be fenced and screened from view.

(7) Residence on floating homes and vessels.

(Eff. 12-4-78)

Sec. 39-690. Prohibited uses.

The permissible uses enumerated in section 39-689(2) and (3) shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

(1) Display or sale of used mobile homes, except an occupied mobile home, or any unoccupied mobile home previously occupied on the same lot, may be sold on that lot by its owner or licensed dealer.

(2) Any service station, service or repair garage.

(3) No secondhand or used merchandise shall be offered for sale, displayed or stored on the premises except as incidental to the bona fide sale of a mobile home.

(4) No animals, reptiles, insects, poultry or fowl shall be raised or kept in any mobile home park, provided no more than two house pets may be kept in each mobile home.

(5) Dwelling units or living quarters except in a mobile home or as an accessory use.

(6) A separate utility building on any mobile home lot except for a demountable, code-approved storage closet.

(7) No cooking or sanitary facilities shall be installed or maintained on any mobile home lot in any building or structure other than in the mobile home.

(8) Storage or parking of mobile homes except when a mobile home is located on a lot preparatory to occupancy or between periods of occupancy.

(9) Storage or parking of commercial vehicles.

(10) Dwellings other than mobile homes.

Sec. 39-691. Plot size.

Every plot shall be not less than 25 acres in area.

Sec. 39-692. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 30 feet, or 2 stories; and mobile homes shall not exceed 12 feet.

Sec. 39-693. Minimum lot requirements.

A mobile home consisting of 1 or more units designed as a single-family dwelling shall be placed upon a lot not less than 45 feet in width and 65 feet in depth.

Sec. 39-694. Yards.

Every plot used for mobile home park purposes shall provide a perimeter yard 10 feet in width, except that a front yard of 25 feet

shall be required where the plot abuts residentially zoned land. Each mobile home lot shall provide a side yard 5 feet in width and a rear yard 10 feet in depth.

Sec. 39-695. Access to lots.

(a) Each mobile home lot shall front on a street 50 feet in width with pavement not less than 22 feet in width.

(b) Each mobile home lot shall be supplied with a driveway extending from the right-of-way pavement to the parking space required by section 39-228(d)(1). Surfacing requirements for such driveways and parking spaces are subject to the provisions of section 39-217(f) of this code.
(Eff. 1-16-76; Ord. No. 95-50, § 16, 11-28-95)

Sec. 39-696. Porches and additions.

Structures of a permanent nature added or attached to a mobile home, such as enclosed porches, screened enclosures, storage closets and carports, shall conform to all applicable provisions of the Broward County Building Code. The total combined area of all such additions except carports shall not exceed the gross area of the mobile home itself.

Sec. 39-697. Utilities requirements.

Each lot shall be supplied with water, sewer, electrical and telephone connections with the service of such utilities to be underground.

Sec. 39-698. Limitations and special requirements.

No permit for the construction of a mobile home park shall be issued by the building and zoning department unless and until the land area to be developed has been subdivided by a recorded plat. For the purpose of this district, the plat may contain private streets not less than 50 feet in width and an easement for utility purposes shall be dedicated on all private streets.

Sec. 39-699. Density limits.

Notwithstanding any of the provisions of this regulation, no mobile home park shall be developed to a density exceeding:

(1) Six dwelling units per acre of gross area, T-1A.

(2) Eight dwelling units per acre of gross area, T-1B.

(3) Ten dwelling units per acre of gross area, T-1C.

Sec. 39-700. Recreation facilities.

All mobile home parks shall provide recreation facilities not less than six percent of the gross area. Yard space shall not be included in the calculation of this area. Lakes and waterways may be used to satisfy up to one-third of this requirement. At least one land recreation area of not less than two acres shall be provided in any park.

Secs. 39-701—39-710. Reserved.

ARTICLE XLIII. RESERVED*

Secs. 39-711—39-739. Reserved.

*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.

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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.

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. TWO-FAMILY DWELLING R-2U DISTRICT

Sec. 39-768. Purpose of district.

The R-2U Two-Family Dwelling District is intended to apply to areas to be used for the construction of dwellings containing two dwelling units, which are designed, arranged and constructed for the ownership of each dwelling unit by a separate and different owner.

Sec. 39-769. 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-2 district, subject to all limitations and requirements specified in this ordinance for such use in that district.

(2) Two-family dwellings which are designed, arranged and constructed for the ownership of each dwelling unit 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. 39-770. Size of plot; 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 unit of a 2-family dwelling may be located on a lot not less than 30 feet in width and 3,000 square feet in area, except that a portion of a common party wall separating 2 such 1-family dwelling units may be located on the adjoining lot.

Sec. 39-771. Plot coverage.

The combined area covered by all main and accessory buildings and roofed structures shall not exceed 40 percent of the area of the plot.

Sec. 39-772. 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. 39-773. 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. 39-774. 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 seven and one-half feet in width; provided that where a two-family dwelling is erected on two platted lots with a dividing party wall centered on the common lot line between the two 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. 39-775. 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. 39-776. 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.

Secs. 39-777—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.

(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 Developmment 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:

Height	*Percent*
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.

ARTICLE LIV. RESERVED*

Secs. 39-913—39-921. Reserved.

ARTICLE LV. RESERVED†

Secs. 39-922—39-938. Reserved.

ARTICLE LVI. RESERVED‡

Secs. 39-939—39-955. Reserved.

ARTICLE LVII. RESERVED**

Secs. 39-956—39-974. Reserved.

ARTICLE LVIII. RESERVED††

Secs. 39-975—39-991. Reserved.

***Editor's note**—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.

†**Editor's note**—Ord. No. 1999-23, § 4, adopted May 11, 1999, repealed former Art. V, §§ 39-922—39-928, in its entirety which pertained to the B-1 Neighborhood Business District and derived from this codification.

‡**Editor's note**—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.

****Editor's note**—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.

††**Editor's note**—Section 19 of Ord. No. 95-50, adopted November 28, 1995, repealed Art. LVIII, which pertained to the Special Business B-2B District.

ARTICLE LIX. RESERVED*

Secs. 39-992—39-1009. Reserved.

ARTICLE LX. RESERVED†

Secs. 39-1010—39-1025. Reserved.

ARTICLE LXI. RESERVED‡

Secs. 39-1026—39-1038. Reserved.

ARTICLE LXII. RESERVED**

Secs. 39-1039—39-1054. Reserved.

ARTICLE LXIII. RESERVED††

Secs. 39-1055—39-1070. Reserved.

***Editor's note**—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.

†**Editor's note**—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.

‡**Editor's note**—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 and derived from this codification.

****Editor's note**—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 and derived from this codification and Ord. No. 95-50, § 16, adopted Nov. 28, 1995.

††**Editor's note**—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 and derived from this codification and the following legislation: Eff. 12-13-74; Eff. 9-26-77; eff. 8-27-79; Ord. No. 85-47, § 1, 8-16-85; Ord. No. 95-50, § 16, 11-28-95.

ARTICLE LXIV. RESERVED*

Secs. 39-1071—39-1086. Reserved.

ARTICLE LXV. LIMITED HEAVY INDUSTRIAL M-4 DISTRICT

Sec. 39-1087. Purpose of district.

The M-4 Limited Heavy Industrial District is intended to apply to areas situated within an industrial section, which, because of location, access, transportation and relation to other industrial areas, can be appropriately utilized for heavier types of industry which would not be suitable for M-3 districts.

Sec. 39-1088. 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 M-3 district.

(2) Any of the following uses:

Abrasive products manufacturing.

Asphalt paving plant.

Bag cleaning.

Brick, tile, terra cotta manufacturing.

Carnival, circus, circus quarters, menagerie or keeping of wild animals.

Creosote manufacture or treatment.

Fish smoking, curing or canning.

Foundry.

Freight classification yard.

***Editor's note**—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 and derived from this codification and Ord. No. 95-50, § 16, 11-28-95.

Grain processing and storage except as incidental to feed and seed business.

House wrecking yards; used building materials yard.

Junkyards; automobile wrecking yards.

Livestock auction.

Oil reclamation.

Poison or sperm oil manufacturing.

Potash manufacture.

Pyroxylin and pyroxylin products manufacturing.

Sawmill.

Shipyard.

Slag crushing.

Storage of poisonous gases except as incidental to exterminating business.

Wool pulling or scouring.

(3) Accessory uses and structures, including living quarters accessory to a permitted use.

Sec. 39-1089. Uses prohibited.

The permissible uses enumerated in section 39-1088 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

(1) Dwellings except as accessory to a permitted use.

(2) Hotels, motels, apartment hotels, rooming, boarding or lodging houses, villas, bungalows, courts, trailer parks.

(3) Institutions for the housing, care or treatment of sick, indigent, aged, adolescent or other persons.

Sec. 39-1090. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 150 feet.

Sec. 39-1091. Plot size.

(a) Every plot utilized for a use first permitted in an M-3 district shall not be less than 100 feet in width and 10,000 square feet in area.

(b) Every plot utilized for a use first permitted in an M-4 district shall not be less than 200 feet in width and 40,000 square feet in area.

Sec. 39-1092. Yards and separation.

(a) Every plot shall be provided with yards required under section 39-163.

(b) No portion of any land utilized for, or building occupied by a use first permitted in, an M-4 district shall be located within 300 feet of any residentially zoned property or any property zoned in an A-1 or A-2 district; provided that this separation requirement shall not apply to accessory uses which are permissible in M-3 or more restricted districts as principal uses.

(c) Any land, building or structure utilized for a use first permitted in an M-4 district shall be located at least 50 feet from all plot lines; provided that this 50-foot setback area may be utilized for accessory uses, buildings and structures permitted in an M-3 or more restricted district.
(Ord. No. 95-50, § 16, 11-28-95)

Secs. 39-1093—39-1102. Reserved.

ARTICLE LXVI. RESERVED*

Secs. 39-1103—39-1118. Reserved.

*Editor's note—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 and derived from this codification and the following legislation: Eff. 4-23-76; Ord. No. 95-50, § 16, 11-28-95.

ARTICLE LXVII. RESERVED*

Secs. 39-1119—39-1138. Reserved.

ARTICLE LXVIII. RESERVED†

Secs. 39-1139—39-1144. Reserved.

*__Editor's note__—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 and derived from zoning amendment effective 12-4-78; Ord. No. 80-93, § 1, 11-14-80.

†__Editor's note__—The provisions of Ord. No. 2000-29, § 1, adopted June 13, 2000, have been treated by the editor as superseding former Art. LXVII, §§ 39-1139—39—1144, which pertained to the Recreational S-2 District and derived from zoning amendment effective 12-4-78.

[The next page is 1119]

ARTICLE LXIX. CONSERVATION-1 AND CONSERVATION-2 DISTRICTS*

Sec. 39-1145. Purpose of Conservation-1 District.

The Conservation-1 District is intended to provide protection to the reserve water supply area, which included 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. (Ord. No. 89-36, § 9, 9-26-89; Ord. No. 94-22, § 1, 4-26-94)

Sec. 39-1146. Uses permitted within the Conservation-1 District.

All uses, other than active outdoor recreation uses described below, in the reserve water supply areas shall be subject to authorization by the South Florida Water Management District, as set forth in applicable law, rules and regulations. No building or structure, or part thereof, shall be erected, altered or used or land water used, in whole or in part, for other than one or more of the following specified uses:

(1) Structures such as dikes, berms, levees, canals, ditches, locks, gates, pumping stations, fire towers, monitoring and

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*Editor's note—Section 9 of Ord. No. 89-36, adopted Sept. 26, 1989, effective Oct. 1, 1989, created a new art. LXIX, §§ 39-1145—39-1149. Article LXIX formerly consisted of §§ 39-1145—39-1147 and regulated F-1 Flood Control Districts, as amended by legislation effective Dec. 4, 1978.

Section 42 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990, reinstated F-1 district provisions as art. LXXX, §§ 39-1310—39-1312.

telecommunications facilities used for flood control, drainage, water quality preservation/enhancement, environmental protection, mosquito control, fire control and the storage and conservation of water.

(2) Active outdoor recreation uses such as hunting, fishing, boating, air boating and off road vehicles, pursuant to state and federal regulations.

(3) Boat ramps and docks and camping facilities.

(4) Passive outdoor recreational uses such as wildlife sanctuaries and feeding stations, nature centers and trails, outdoor research stations and walkways.

(5) State and Federal Indian Reservations, including the Miccosukee leased area.

(6) Utilities, transportation and communication facilities, and other uses 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.

(Ord. No. 89-36, § 9, 9-26-89; Ord. No. 94-22, § 2, 4-26-94)

Sec. 39-1147. Roads within the Conservation-1 District.

New road or road expansions shall be required to be constructed in a manner that maintains the freshwater sheet flow.

(Ord. No. 89-36, § 9, 9-26-89)

Sec. 39-1148. Purpose of the Conservation-2 District.

The Conservation-2 District is intended to apply to those natural reservation areas designated for conservation use on the future unincorporated area land use element map series; including public lands which are conservation areas operated by contractual agreement or managed by federal, state, regional, local government or nonprofit agency; promoting the acquisition, retention and management of unique natural areas in order to preserve their environmental, recreation and other public bene-

fits; and protecting publicly owned sanctuaries, preserves, archaeological or historic sites, and open space, natural areas, ecological communities and designated wildlife management areas.
(Ord. No. 89-36, § 9, 9-26-89)

Sec. 39-1149. Permitted uses in Conservation-2 District.

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) Passive outdoor recreational uses such as wildlife sanctuaries and feeing stations, nature centers and trails, outdoor research stations, walkways and uses accessory to these uses.

(2) Uses which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with any applicable contractual agreement or management policies of the federal, state, regional, county, municipal or nonprofit agency which manages the natural reservation.

(Ord. No. 89-36, § 9, 9-26-89)

Secs. 39-1150—39-1157. Reserved.

ARTICLE LXX. RESERVED*

Secs. 39-1158—39-1163. Reserved.

*Editor's note—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 and derived from the following:

Ord. No.	Section	Date	Ord. No.	Section	Date
Eff.		12- 4-78	89-7	1	1-24-89
82-6	1	2-12-82	90-11	1, 2	6-26-90
83-10	1, 2	3-11-83	90-20	1	8-14-90
84-67	1	9-14-84			

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.

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*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."

(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.

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, Florida Statutes.

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 ar-

ranged 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, Florida Statutes,

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 is hereunder and pursuant to chapter 333, Florida Statutes. 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, Florida Statutes.
(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 vi-

olation 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, re-

quirement, 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 section 333.11, Florida Statutes.

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.

*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 establishement 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.

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 traveled street, or blight, structure

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***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.

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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.

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(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)

*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.

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.

(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 or 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)

ARTICLE LXXVII. RESERVED*

Secs. 39-1250—39-1269. 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 and derived from Ord. No. 84-61, § 1, 9-14-84; Ord. No. 91-5, § 1, 1-29-91.

ARTICLE LXXVIII. PLANNED EMPLOYMENT CENTER DISTRICT

Sec. 39-1270. Purpose of district.

The Planned Employment Center District (PECD) is intended to encourage nonresidential development, compatible with residential and other less intensive land uses, and which would support the tourist-oriented segment of Broward County's economy as well as high-technology and service-based activities. (Ord. No. 89-36, § 12, 9-26-89)

Sec. 39-1271. Permitted uses.

(1) *Principal Uses:*

(a) Planned light industrial parks, which may include research and development, assembly and light manufacturing.

(b) Planned office park, which may include business and professional offices, medical facilities, private and commercial schools.

(c) Planned special complexes, which may include recreational, cultural, educational, or other community facilities.

(d) The continuation of nonresidential agricultural uses until the development of property in accordance with this district is permitted and shall not be considered nonconforming.

(2) *Accessory Uses:* The following accessory uses (limited to less than 50 percent of the site) may be permitted when complimentary [complementary] to and compatible with other planned employment center uses:

(a) Hotels, motels and similar lodging.

(b) Restaurants and personal services.

(c) Transportation and utilities.

(d) Storage.

(e) Retail within buildings devoted to principal uses.

(f) Recreation and open space uses.

(3) [*Commercial and Retail Business Uses:*] Commercial and retail business uses may be permitted within a planned employment center if:

(a) Certified by the Broward County Planning Council in the Future Unincorporated Area Land Uses Element of the Broward County Comprehensive Plan;

(b) The total area of these uses does not consume more than 20 percent of the land designated Employment Center on the Future Broward County Land Use Plan Map (Series) within a flexibility zone; and

(c) The location of these uses do not preclude or adversely affect the future use of surrounding areas for employment center use.

(Ord. No. 89-36, § 12, 9-26-89)

Sec. 39-1272. Common open space.

Common open space shall be required to meet all requirements of Section 39-884, Common Open Space.
(Ord. No. 89-36, § 12, 9-26-89)

Sec. 39-1273. Land use regulations.

(1) *Minimum Size:* All planned employment centers shall provide for a minimum of 10 acres of contiguous land, unless the zoning board finds that a tract which contains less than 10 acres is suitable as a planned employment center by virtue of some unusual condition.

(2) *Minimum Lot Area, Distance Between Structures, Frontage and Setbacks:*

(a) No minimum lot size shall be required within a planned employment center district.

(b) No minimum distance between structures shall be required within a planned employment center district.

(c) Setbacks or yards are to be controlled by the site development plan rather than by the provisions of the zoning

regulations that otherwise would be applicable. The provisions governing changes in the site development plan will apply.

(3) *Landscaping:* Landscaping shall meet all requirements of Article VIII, Functional Landscaping and Xeriscaping provided that site plans may require additional area where such districts are adjacent to LAPC's, NRA's, parks or residential zoning districts.

(Ord. No. 89-36, § 12, 9-26-89; Ord. No. 95-50, § 16, 11-28-95; Ord. No. 1998-27, § 9, 9-8-98)

Sec. 39-1274. Procedure for rezoning to a Planned Employment Center District.

The following applications, exhibits and procedures shall be required when applying for rezoning to a planned employment center district:

(1) *Application form:* The applicant shall complete a standard rezoning application form and submit with the appropriate filing fee to the office of planning. Information necessary to review the impact of the proposed development upon public services and facilities, including traffic, drainage and natural resources, shall accompany the application.

(2) *Site development plan:* The applicant shall submit a site development plan to be included with application form. The site development plan shall be adopted as part of the rezoning approval and shall specify setbacks or yards, plot coverage, height, landscaping, common areas, drainage, internal circulation and signage.

(3) *Application and site development plan review:* The rezoning application and site development plan shall be reviewed in accordance with Section 39-100, Procedure for [Rezoning and] Amendments. The development review committee shall prepare a recommendation prior to review by the zoning board.

(Ord. No. 89-36, § 12, 9-26-89)

Sec. 39-1275. Conformance to approved site development plan.

(a) After rezoning to Planned Employment Center District, no permits shall be issued by the county and no development shall commence unless in conformance with the approved site development plan, unless a change or deviation is approved.

(b) The office of planning may approve minor changes and deviations from the approved site development plan which are in compliance with the provisions and intent of this code, which do not depart from the principal concept of the approved site development plan.

(c) All other changes will require an amendment to the zoning ordinance creating the PCD.

(d) The board of adjustment shall not have the authority to approve changes to the approved site development plan.
(Ord. No. 89-36, § 12, 9-26-89; Ord. No. 90-12, § 41, 6-26-90)

Secs. 39-1276—39-1279. Reserved.

ARTICLE LXXIX. RESERVED*

Secs. 39-1280—39-1309. Reserved.

ARTICLE LXXX. FLOOD CONTROL F-1 DISTRICT

Sec. 39-1310. Purpose of district.

The F-1 Flood Control Districts are intended to apply to those areas of Broward County which, through ownership or easement, the South Florida Water Management District has a right to use for flood control, drainage, reclamation, conservation, recreation, water storage and related purposes. The regulations of the F-1

*Editor's note—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 and derived from Ord. No. 89-36, § 13, 9-26-89.

districts are designed to facilitate these primary objectives and to provide for the protection of public health, safety and welfare by limiting and controlling any other secondary uses of these areas. (Ord. No. 90-12, § 42, 6-26-90)

Sec. 39-1311. 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) Buildings, structures or topographic features constructed or used by the South Florida Water Management District for flood control, drainage, storage and conservation of water.

(2) Hunting, fishing, boating and camping.

(3) Sales or rental of equipment and supplies for hunting, fishing, camping or other recreational purposes, as authorized by the South Florida Management District on land held by that district.

(4) Hotels, motels, multiple dwellings, rooming, boarding or lodging houses, villas, courts or trailer parks as authorized by the South Florida Management District on land held by that district.

(5) Parks and recreational facilities as authorized by the South Florida Management District on land held by that district, and other publicly owned park and recreational facilities.

(6) Agricultural, farming or storage use on privately owned land, which use the South Florida Management District certifies can be made of such land without interference with the district's right to use for flood control and drainage purposes.

(7) Accessory uses and structures.

(8) Residence on floating homes and vessels.

(Ord. No. 90-12, § 42, 6-26-90)

Sec. 39-1312. Uses prohibited.

The permissible uses enumerated in section 39-1146 [39-1311] 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.

(2) Warehouse or storage, except as permitted under section 39-1311(6).

(3) Display, storage, sale or rental of merchandise except as permitted under section 39-1311(3).

(4) Dwellings, except as accessory to a permitted use.

(5) Hotels, motels, multiple dwellings, rooming, boarding or lodging houses, villas, courts or trailer parks except as permitted under section 39-1311(4).

(6) Agricultural or farming, except as permitted under section 39-1311(6).

(Ord. No. 90-12, § 42, 6-26-90)

ARTICLE LXXXI. RESERVED*

Secs. 39-1313—39-1323. Reserved.

ARTICLE LXXXII. RESERVED†

Secs. 39-1324—39-1333. Reserved.

***Editor's note**—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 and derived from Ord. No. 91-37, § 1, 9-11-91; Ord. No. 1998-27, § 10, 9-8-98.

†**Editor's note**—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 and derived from Ord. No. 93-4, § 1, 1-26-93; Ord. No. 94-56, § 1, 12-13-94; Ord. No. 95-50, § 17, 11-28-95; Ord. No. 1997-25, § 6, 6-10-97;

ARTICLE LXXXIII. RESERVED*

Secs. 39-1334—39-1350. Reserved.

ARTICLE LXXXIV. RESERVED†

Secs. 39-1351—39-1356. Reserved.

***Editor's note**—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 and derived from Ord. No. 93-5, § 1, 1-26-93; Ord. No. 94-56, § 2, 12-13-94.

†**Editor's note**—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 and derived from Ord. No. 94-7, § 1, 2-22-94; Ord. No. 95-48, §§ 9, 11—13, 11-28-95;

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