

# SUPPLEMENTAL ZONING REGULATIONS

SUPPLEMENTAL

ZONING DISTRICT REGULATIONS

FOR

COMPREHENSIVE ZONING OF

BROWARD COUNTY

PUBLIC HEARING SET

*Final*

FEB 8 1958

ADOPTED BY RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS  
MAY 23, 1958, EFFECTIVE JUNE 15, 1958

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## PREFACE

These supplemental zoning regulations are in addition to the Zoning District Regulations adopted by the County Commission on February 7, 1958, and apply to any new zoning or rezoning after ~~from~~ that date.

These supplemental zoning regulations do not apply in any area zoned or rezoned prior to February 7, 1958.



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## ZONING RESOLUTION

### BROWARD COUNTY, FLORIDA

A resolution to regulate and restrict the erection, reconstruction, alteration, location and use of buildings, structures, land and water, for industry, trade, residence, agriculture or other purposes; to regulate and restrict the size of buildings and other structures hereafter erected or altered, the size and dimensions of yards, courts and other open spaces surrounding buildings; to regulate and restrict building lines and the percentage of plot that may be occupied and the density of population; and, for said purposes, to divide the County of Broward, as shown on the official zoning map into districts of such number, shape and area as may be deemed best suited to carry out these regulations, and for each such district to impose regulations and restrictions designating the kinds or classes of industries, trades, residences, agriculture or other purposes for which other structures or premises may be permitted to be erected, altered or used; to provide for the regulation of conforming and non-conforming uses; repealing all resolutions in conflict herewith; and to prescribe penalties for the violation of the provisions of this resolution.

WHEREAS, the Board of County Commissioners of Broward County, Florida, is authorized and empowered by Senate Bill No. 413 of the Local Acts of 1955, effective May 5, 1955, to adopt zoning and building regulations in the territory within Broward County which is not included in the corporate limits of any city or town, and to divide said territory into districts or zones and to regulate and restrict the uses of lands, buildings and other structures for trade, industry, residence or other purposes within said districts or zones and to regulate and restrict the construction, reconstruction, erection, alteration, repair, height, number of stories, size and location of buildings, and other structures within said districts or zones and to regulate and restrict the area, dimensions and the size of lots or tracts of land or yards, and the percentage and portion of lots that may be occupied in connection with the construction and location of buildings or other structures within said districts or zones, and

WHEREAS, the said Board of County Commissioners has appointed a Zoning Board to recommend the boundaries of the various original districts and appropriate regulations to be adopted and enforced therein and the said Zoning Board did make a preliminary report and did hold a public hearing thereon and did submit its final report to the said Board of County Commissioners, and

WHEREAS, the Board of County Commissioners of Broward County, Florida, did hold a public hearing on the final report of the Zoning Board, notice of which public hearing



was published in a newspaper of general circulation published in Broward County more than 15 days prior to the date of said public hearing, at which hearing any and all citizens, property owners or any other person or party of interest did have an opportunity to be heard in relation to the said report, its regulations, restrictions, maps, districts and boundaries, and

WHEREAS, the Board of County Commissioners of Broward County, Florida, deems it necessary in order to lessen congestion on the highways; to secure safety from fires, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other requirements, to make and promulgate such regulations with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land and water throughout said County, in accordance with a comprehensive plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWARD COUNTY, FLORIDA:

#### ARTICLE I. INTENT, PURPOSE AND METHODS

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

In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the County is divided into districts



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

#### SECTION I.I. ZONING RESOLUTION

##### Resolution

This ~~Ordinance~~ shall be known and cited as the Zoning Resolution. A resolution to regulate and restrict the erection, reconstruction, alteration, location and use of buildings, structures, land and water, for industry, trade, residence, agriculture or other purposes; to regulate and restrict the size of buildings and other structures hereafter erected or altered, the size and dimensions of yards, courts and other open spaces surrounding buildings; to regulate and restrict building lines and the percentage of plot that may be occupied and the density of population; and, for said purposes, to divide the County of Broward, as shown on the official zoning map into districts of such number, shape and area as may be deemed best suited to carry out these regulations, and for each such district to impose regulations and restrictions designating the kinds or classes of industries, trades, residences, agriculture or other purposes for which other structures or premises may be permitted to be erected, altered or used; to provide for the regulation of conforming and non-conforming uses; repealing all resolutions in conflict herewith; and to prescribe penalties for the violation of the provisions of this Resolution.



## ARTICLE II. DEFINITIONS

### SECTION 2.1. GENERAL

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

### SECTION 2.2 TERMS DEFINED

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure on the same plot with, or a part of, the main building, which is occupied by, or devoted to, and accessory use.

ACCESSORY USE: A use naturally and customarily incidental to, subordinate to, and subservient to the main use of the premises.

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

ALTERATION: Alter or alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

APARTMENT HOTEL: A multiple dwelling under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish dining room service.

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

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

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.



**AUTOMOBILE REPAIR, MINOR:** Incidental body or fender work, other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation listed under "Automobile Repair, Major" or any other operation similar thereto.

**BUILDING:** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, or vehicles situated on private property and serving in any way the function of a building.

**BUNGALOW OR HOUSE COURTS:** A group of two or more separate residential buildings on the same plot, having separate outside entrances for each dwelling unit.

**BUSINESS-ZONED PROPERTY:** Shall mean any land or water area whose zoning district classification is B-1, B-2, B-2A, B-3 or C-1, under this Resolution.

**BAR OR SALOON:** Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

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

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

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

**CLUB, NIGHT:** A restaurant, dining room, bar or other similar establishment providing food or refreshments where-in floor shows or other forms of entertainment by persons are provided for guests after 11:00 o'clock P.M.

**COMMERCIAL VEHICLE:** Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

**COMMISSION OR COUNTY COMMISSION:** The Board of County Commissioners of Broward County.



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

**CONVALESCENT HOME:** A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital.

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

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

**DISTRICT, MORE RESTRICTED OR LESS RESTRICTED:** Each of the Districts as listed in Section 10.1 shall be deemed to be more restricted than any of the other districts succeeding it, and each shall be deemed to be less restricted than any of the other districts preceding it in said list.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND:** Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages to patrons who enter upon the premises in automobiles and receive service in automobiles, or for consumption of food, refreshments or beverages in automobiles.

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

**DWELLING, ONE-FAMILY:** A dwelling occupied not otherwise than by one family.

**DWELLING, TWO FAMILY:** A dwelling occupied not otherwise than by two families.

**DWELLING, MULTIPLE:** A dwelling occupied by three or more families.

**DWELLING UNIT:** A space, area or portion of a building designed for and occupied by one family as a dwelling, with cooking facilities for the exclusive use of such family.

**DWELLING, GROUP:** A building, or part thereof, in which several unrelated persons or families permanently reside.



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

**ENFORCING OFFICIAL:** Shall mean the officers and employees of the department, bureau or agency of Broward County to whom the duty of enforcing the terms of this Resolution is assigned under the Resolution.

**ERECTED:** The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

**ESTABLISHED GRADE:** The average elevation of the public sidewalks around or abutting a plot, or in the absence of sidewalks the average elevation of the public streets abutting the plot.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**FAMILY:** One person, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

**FLOOR AREA:** Where a specified minimum floor area is required in the Zoning Resolution for a dwelling, floor area shall mean the total gross floor area within the exterior enclosing walls including porches, breezeways and utility rooms, which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms and carports, garages or unenclosed terraces.



FRONTAGE OF A BUILDING: Shall mean the side or wall of a building approximately parallel and nearest to a street.

FRONTAGE OF A PROPERTY: Shall mean the plot line which abuts a street or separates the plot from a street.

GARAGE, COMMUNITY: A building or part thereof, used for indoor parking of a self-propelled private passenger vehicles, for use of residents in the vicinity and providing only incidental services for such vehicles as are parked therein.

GARAGE, MECHANICAL: A structure for the parking of self-propelled passengers wherein such vehicles are parked by mechanical means.

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

GROUP HOUSING: Shall mean two or more buildings for dwelling purposes erected or placed on the same plot.

~~GUEST HOUSE: A dwelling unit in a building separate from and in addition to a main residential building on a plot, intended for intermittent or transient occupancy by a gratuitous guest.~~

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

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

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof and in connection with which there is no display or stock in trade. the home occupation shall not occupy more than 25% of the floor area of the dwelling unit and shall not involve the use of any accessory building or yard space, or activity outside of the main building not normally associated with residential use. Home occupation shall include the use of the home by a resident physician, surgeon, dentist, lawyer, clergyman, engineer, architect or other professional person for consultation or emergency treatment, ~~but not for the general practice of his profession.~~ In no event shall a barber shop, beauty parlor, tea room, tourist home, animal hospital, nursing home, retail store, dancing or band instrument instruction, or clairvoyant be construed as a home occupation.



HOTEL: A building, or part thereof, in which sleeping accommodations are offered to the public, with no cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

INDUSTRIALLY-ZONED PROPERTY: Shall mean any land or water area whose zoning district classification is M-1, M-2 or M-3 under this Resolution.

INFLAMMABLE LIQUID: Any liquid, which under operating conditions gives off vapor which, when mixed with air, is combustible and explosive.

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

KENNEL: Any place or premises where 4 or more dogs over 4 months of age are kept.

LAND UNPLATTED: Any land or part thereof, not recorded by plat in the Broward County Circuit Court Clerk's Office.

LAND PLATTED: Any land recorded by plat in the Broward County Circuit Court Clerk's Office.

LODGING HOUSE: A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests or for meals for guests.

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

MOTEL: A building or part thereof, in which sleeping, and/or living accommodations are offered to the public primarily on a short term or transient basis, with access to the individual units from the exterior of the building and parking facilities for use of guests near their quarters.

NON-CONFORMING STRUCTURE: A structure or portion thereof, existing at the effective date of this Resolution, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the



provisions of this Resolution for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located.

NON-CONFORMING USE: The use of a structure or premises, existing at the effective date of this Resolution, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

NURSING HOME: A home for aged, chronically ill, or incurable persons in which 3 or more persons not of the immediate family are received, kept, or provided with food and shelter or care for the compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

NURSERY SCHOOL: A place for the day care and instruction of children not remaining over-night.

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

PACKAGE STORE: A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

PARKING: The term "parking" shall mean the temporary, transient storage or private passenger automobiles used for personal transportation, while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or any other purpose other than specified above. "Parking" as defined herein shall apply only to open-air storage of automobiles.

PERSON: The word "person" includes association, firm, co-partnership or corporation.

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

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



PLOT, INTERIOR: A plot other than a corner plot.

PLOT, REVERSED CORNER: A corner plot the side street line of which is substantially a continuation of the front plot line of the first plot to its rear.

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

PLOT, KEY: The first plot to the rear of a reversed corner plot whether or not separated by an alley therefrom.

PLOT, DEPTH: The mean horizontal distance between the front and rear plot lines.

PLOT, WIDTH: The horizontal distance between the side plot lines at the depth of the required front yard.

PLOT LINE, FRONT: The line dividing a plot from a street or base building line, whichever will result in a lesser depth of plot. On a corner plot the shorter of the two front plot lines as above defined shall be considered to be the front plot line for the purposes of determining required plot width and required front yard depth. On a corner plot where both front plot lines as above defined are equal or within 5 feet of the same length, both such lines shall be considered to be front plot lines for the purpose of determined required street yard depth. On through lots both front plot lines as above defined shall be considered to be front plot lines for the purpose of determining required yards.

PLOT LINE, REAR: The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped plot wherein the two side plot lines converge in the rear, the rear plot line shall be considered to be a line ten feet in length within the plot parallel to and at the maximum distance from the front plot line.

PLOT LINE, SIDE: Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a side street plot line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

PLOT LINE, STREET OR ALLEY: A plot line separating the plot from a street or alley.

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

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

POULTRY MARKET: A commercial establishment or place where live poultry or fowls are kept and prepared for sale, including killing or cleaning.



REMODELING, REDECORATING OR REFINISHING: Any change, removal replacement, or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, hearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

RESIDENTIALLY-ZONED PROPERTY: Shall mean any land or water area whose zoning district classification is <sup>A-1,</sup> R-1A, R-1B, R-1C, R-2, R-3, R-4, R-4A, R-5, ~~R-6~~, or T-1.

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

ROOM: For the purpose of determining the required plot area, room shall mean an unsubdivided portion of the interior of a dwelling, having a floor area of 80 square feet or more, intended or adopted for living and/or sleeping purposes. Space in a dwelling used only for bathroom, kitchen, dining room, storage, hallway, utilities or similar purposes shall not be included as a room under this definition.

SERVICE STATION:

Any building or land used for retail sale and dispensing of automobile fuels or oils. A filling

SETBACK: The minimum distance between the street line, or base building line, and the front line or side line of the building or any projection thereof, excluding projections specifically permitted.

SIGN: Any structure, or part thereof, or any device attached to a structure or applied to any surface or object, for visual communication, embodying letters, numerals, symbols, figures or designs in the nature of an announcement, direction of advertisement, directing attention to an object, product, place, activity, service, person, institution, organization or business and which is visible from any public street, alley, waterway or public place.

This definition of a sign shall not include any flag, notice, badge, or ensignia of any government or governmental agency, or any legal notice posted by and under governmental authority.

SIGN, ADVERTISING: Any sign which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located or to which it is affixed.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by any means, or displays flashing, intermittent or color changing light or lighting.

SIGN, AREA OF: The total surface of a sign including its background and frame but not structural supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters, or symbols applied to a frame or to a background which is not a structural part of the sign, the area of the sign shall be the smallest rectangle, triangle or circle which will include the display. Where a sign is built with two faces back to back, the area of the sign shall be the larger of the areas of the two faces computed as hereinbefore specified.



SIGN, BALLOON: A sign supported by wind or air and attached to the ground, a building or structure.

SIGN BANNER: A sign having characters, letters, symbols or illustrations made of or applied to cloth, paper or fabric of any kind, with or without a frame.

SIGN, BILLBOARD: A sign designed for the application of letters, numerals, symbols, characters or illustrations by painting, light projection, bills or posters, which is to be changed regularly, periodically or frequently.

SIGN, BULLETIN: A sign having changeable letters or characters, intended to indicate activities, events, or programs conducted on the premises upon which it is located.

SIGN, COMBINATION VERTICAL AND ROOF: A vertical projecting sign which extends above the roof line and is combined with a roof sign. The surface of such a sign shall be continuous on both parts and shall be contiguous to the wall and the roof.

SIGN, DIRECTIONAL: A sign indicating the direction or location of some facility or service incidental to a use and not advertising the use itself in any way.

SIGN, GROUND: A sign attached to and supported by the ground.

SIGN, IDENTIFICATION: A Sign which indicates the name of a use, owner, activity, business or enterprise, but including nothing more.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed and provided for such illumination.

SIGN, MARQUEE: A sign attached to and made a part of the outer edge of a marquee.

SIGN, NAME PLATE: A sign indicating the name and/or profession of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

SIGN, NON-ILLUMINATED: A sign which is not illuminated by lights, designed and provided for the purpose, either external or internal.

SIGN, PROJECTING: A sign attached to and supported by a building or other structure and which extends at an angle therefrom.

SIGN, POLE: A ground sign supported by a single pole or pipe.

SIGN, HORIZONTAL PROJECTING: A projecting sign which has its greatest dimension in a horizontal plane.



SIGN, PYLON: A wall sign on the wall of an enclosed structure, which is erected above the ground or as an extension above or an addition to a building, primarily for the purpose of providing support and/or background for the sign copy.

SIGN, REAL ESTATE: A sign which advertises the sale, rental or development of the premises upon which it is located.

SIGN, ROOF: A sign which is erected on or above the roof of a building or structure.

SIGN, SERVICE: A sign which directs attention to a business, service or activity located on the premises. In addition to the sign above described, a service sign may be used to direct attention to products, goods or merchandise available for purchase on the premises provided that the total area of the copy devoted to such purpose shall not exceed <sup>twice</sup> the area of the sign or portion of sign which directs attention to the business, service or activity.

SIGN, SIDEWALK OR SANDWICH: A sign which is movable and not secured or attached directly or indirectly to the ground.

SIGN, SNIPE: Any small sign of any material, including paper, cardboard, wood or metal, attached to a pole, tree, structure or building on public property, or on private property without the written permission of the owner of the property.

SIGN, TRESPASSING OR CAUTION: A sign intended to warn off trespassers or to point out a hazard, on the premises upon which the sign is located.

SIGN, VERTICAL PROJECTING: A projecting sign which has its greatest dimension in a vertical plane.

SIGN, V-TYPE PROJECTING: A projecting sign having its greatest dimension between faces at the wall end, and its least dimension between faces at the outer end, or two projecting signs connected at their outer ends.

SIGN, WALL: A sign which is approximately parallel to and supported by the outer enclosure of a building, or which is applied to such enclosure by any means.

STREET: A public thoroughfare 20 feet or more in width which affords principal means of access to abutting property.

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

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



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

TOURIST CAMP OR PARK: Any plot of ground upon which three or more single family camp cottages or tents are located and maintained for the accommodation of transients whether or not a charge is made.

TOURIST COURT: A group of attached or detached dwellings which are provided primarily for transient guests, including auto courts, motels and motor lodges.

TOURIST HOME: A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

TRAILER: Any vehicle or structure constructed so as to permit occupancy thereof as sleeping or living quarters, or the conduct of any business trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motive power. This definition shall include automobile trailers, trailer coaches and house trailers.

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

USE OF LAND: Includes use of water surface and land under water to the extent covered by zoning districts, and over which Broward County has jurisdiction.

USE; FIRST PERMITTED IN "X" DISTRICT: A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" District.

USE, PRINCIPAL OR MAIN: The primary use of the plot as distinguished from secondary or accessory uses. There may be more than one principal or main use on the plot.

USE, NON-RESIDENTIAL: A use permitted in a specific residential zoning district, which is not residential in character, such as recreation or governmental buildings, cemetery, crematory, mausoleum, library, art gallery, museum educational, recreational or social center, church, nursery school, child care center, public, private or parochial schools, hospital, sanitarium, convalescent home, orphanage, institutions for the aged, indigent or infirm, community garage, private club, lodge, fraternity, sorority, educational, philanthropic or eleemosynary institutions, medical or dental office or clinic, college or university.

USE, RESIDENTIAL: A use for living or sleeping of persons not institutional in character, such as a one-family, two-family or multiple dwelling, rooming house, hotel, motel, tourist home, lodging house, boarding house, villas, bungalow court.



**USE TRANSITIONAL:** A use of land or buildings located or permitted to be located on certain plots abutting a zoning district boundary line in the more restricted of the two different zoning districts on either side of such boundary line, in accordance with the provisions of Section 3.24 of the Zoning Resolution, which use is not among the uses generally permitted in other locations in said more restricted district.

**VARIANCE:** A modification of, or deviation from, the regulations of the Zoning Resolution which is authorized and approved by the Board of Adjustment after it finds that the literal application of the provisions of the Resolution would cause unnecessary hardship or practical difficulty in the use or development of a specific plot or building.

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

**YARD.** A space on the same plot with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in Section 3.18. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines.

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

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

**YARD, REQUIRED:** Shall mean the minimum yard required by the Zoning Resolution. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard.

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

**ZONING BOARD:** The Zoning Board of Broward County

**ZONING CERTIFICATE:** A document issued by the Enforcing Official authorizing buildings, structures or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions.



### ARTICLE III. GENERAL PROVISIONS

#### SECTION 3.1. CONFLICTING REGULATIONS

*Stringent* Wherever any provisions of this Resolution impose more ~~stringent~~ requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then the provisions of this Resolution shall govern.

#### SECTION 3.2. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and maintained, and no existing use, new use or change of use of any building, structure or land, or part thereof shall be made or continued, except in conformity with the provisions of this Resolution.

#### SECTION 3.3. BUILDINGS UNDER CONSTRUCTION

Any building or structure for which a lawful building permit has been issued, and the construction of which has been started prior to the effective date of this Resolution, may be completed and used in accordance with the plans and specifications upon which said building permit was granted, provided such construction is completed within one year after the effective date of this Resolution.

#### SECTION 3.4. OUTSTANDING PERMITS

1. Where, at the effective date of this Resolution, there are outstanding valid building permits, authorizing the construction of buildings, structures, additions or alterations, the use or construction of which do not conform to the requirements of this Resolution such permits shall be void unless actual construction work, excluding grading or excavating, is ~~substantially~~ *within 60 days of the effective date of this Resolution* underway on that date.
2. Where, at the effective date of this Resolution, there are outstanding valid permits, authorizing the use of land or buildings without construction work, and where such use is not permissible under the terms of this Resolution, such permit shall be void unless the use is actually in operation on that date.

#### SECTION 3.5. UNCOMPLETED STRUCTURES

No building or structure not completed in substantial conformity with plans and specifications upon which the building permit for its construction was issued, shall be maintained, or be permitted to remain unfinished, for more than six months after the construction of such building was begun except under such conditions and for such period as may be prescribed in a special approval granted by the ~~Board of Adjustments~~, which approval shall be based upon conformity with, and promotion of, the spirit and purpose of the Zoning Resolution.

*County Commission*



SECTION 3.6 TIME LIMIT

Where the ~~Board of Adjustment~~ Board of Adjustment or County Commission have given or granted an approval, special permit or a variance pursuant to the provisions of this Resolution, such approval or grant shall become null and void unless a permit pursuant thereto is issued within 90 days of the date of such action by the Board of Adjustment or County Commission.

SECTION 3.7. ERRORS AND VIOLATIONS

1. The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Resolution. No permit presuming to give the authority to violate or cancel the provisions of this Resolution shall be valid except insofar as the work or use which it authorizes is lawful.
2. The issuance of a permit upon plans and specifications shall not prevent the Enforcing Officer from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this Resolution, or any regulation of Broward County.

SECTION 3.8. EXISTING PLATTED LOTS

Where such conditions exist in present platted and recorded areas that strict conformance with plot width, depth, or area or yard requirements causes unnecessary difficulty in the practical utilization of a corner or interior plot, the Board of Adjustment or the County Commission

may make such alterations or deviations in the application of these requirements, as well in its judgments, permit the reasonable development and use of a specific plot in such a manner as to carry out the spirit and purpose of this Resolution.

SECTION 3.9 BOATS AS RESIDENCES

No boat or vessel shall be used or maintained for sleeping or living purposes or as a place of residence which is not sound, seaworthy and equipped with self-propelling machinery in good operating condition.

SECTION 3.10 TENTS

No tent shall be erected, used or maintained for living quarters except for camping or recreational activities.



### SECTION 3.11. NO REDUCTION OF REQUIRED AREA

No plot, yard, setback, clearance, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Resolution; and if already less than the minimum required by this Resolution for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area, or other space provided about, or for any building, structure or use for the purpose of complying with the provisions of this Resolution, shall be included as part of a yard, setback, clearance, parking area or other space required under this Resolution for another building, structure, or use, unless specifically permitted under this Resolution.

### SECTION 3.12 REPLATTED LOTS

No resubdivision of platted lots shall be permitted except by an approved and recorded amended plat. In any such resubdivision no lot shall be created of lesser size than the minimum plot required in the District within which such land is located.

### SECTION 3.13. STREET FRONTAGE REQUIRED

Except as may be permitted by other provisions of this Resolution, no plot shall contain any building used in whole or in part for dwelling purposes unless such plot abuts for at least ~~20~~ 25 feet on a street, and there shall not be more than one single family dwelling for such minimum frontage.

### SECTION 3.14. DOUBLE FRONTAGE

Where a plot is bounded on two opposite sides by streets, front yards, when required, shall be provided on both streets and accessory buildings shall not be located in either front yard.

### SECTION 3.15. USE OF PREMISES WITHOUT BUILDINGS

Where a plot is to be occupied for a permitted use without buildings, the side yards and front yard required for such plot shall be provided and maintained unless otherwise stipulated in this Resolution, except that sideyards shall not be required on plots used for private garden purposes without buildings or structures nor on plots used for public recreation areas.

### SECTION 3.16. GROUP 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 Resolution. The spacing, arrangement and distance between buildings on the plot shall be subject to the approval of the ~~Zoning Board~~ to provide adequate light, air, privacy and safety in accordance with the spirit and purpose of this Resolution.

*Enforcing Officer*



## SECTION 3.17. YARD ENCROACHMENTS

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in the Zoning Resolution.

1. Sills or belt courses may project not over 12" into a required yard.
2. Cornices, eaves or gutters may project not over  $\frac{1}{3}$  of the required yard with a maximum of 5 feet, provided that where the yard is less than 5 feet in width such projection shall not exceed  $\frac{1}{2}$  the width of the yard.
3. Chimneys, fireplaces or pilasters may project not over 2 feet into a required yard.
4. Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than one foot to any plot line.
5. Fire escapes, stairways and balconies which are unroofed and unenclosed may project not over 5 feet into a required rear yard, or not over 3 feet 8 inches into a required side yard, of a multiple dwelling, hotel or motel.
6. Meter rooms not over 7 feet in height may project not over 5 feet into a required rear yard.
7. Unenclosed porches or terraces extending not over 3 feet 6 inches above the ground except for railings and roof structure, may extend 5 feet into a required front yard, or not over 10 feet into a required rear yard, or not over 3 feet into a required side yard, provided that any such structure having a roof shall not extend closer than 2 feet to any plot line.
8. Hoods, canopies or marquees may project not over  $\frac{1}{3}$  of the required yard, with a maximum of 5 feet, but shall not extend nearer than one foot to any plot line.
9. Fences, walls and hedges shall be permitted in required yards as specified in Section 3.18 of this Article. 5
10. In R-3, R-4, R-4A, R-5 and R-6 Districts the first 5 feet of a required front or street side yard, adjacent to a street, shall be landscaped and shall not be used for parking except on plots developed with one-family or a two-family dwelling, but this 5 foot landscaped strip may be crossed by sidewalks and driveways reasonably necessary for access to buildings and permissible parking areas. Other portions of required yards may be used for accessory parking. This regulation shall apply only to streets designated as Trafficways by the County Commission.



### SECTION 3.23. GROINS AND BREAKWATERS

No groin, breakwater, piling or other similar obstruction shall be constructed, altered or placed in the waters of any waterway beyond the established bulkhead line unless approved by the ~~Board of Adjustment~~ and the United States Army Engineers when such agency has jurisdiction.

*County Commission*

### SECTION 3.24 TRANSITIONAL USES IN 'R' DISTRICTS

In any R-1A, R-1B, R-1C or R-2 District a transitional use shall be permitted on a plot the side plot line of which adjoins, either directly or across an alley, any Business, or Industrial District. The permitted transitional uses for any such plot in an R-1A, R-1B or R-1C District shall be any use permitted in an R-2 District. The permitted transitional uses for any such plot in an R-2 District shall be any use permitted in an R-3 District. Any plot used for a transitional use shall comply in all respects with all of the requirements for plot size, yards, height coverage, floor area ratio, offstreet parking, minimum floor area and other similar regulations for the district in which it is located. Any transitional use authorized under this Section shall not extend more than 60 feet from the side plot line of the plot abutting on the district boundary line.

### SECTION 3.25 RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS

The following regulations, supplementing and modifying other applicable district regulations, shall apply where a plot in a Non-Residential District is utilized for a permitted residential use, the size of the required yards being specified in the district regulations for the particular non-residential district involved:

1. Where the residential use is the only principal use on the plot, such plot shall be provided with front, side and rear yards.
2. Where a residential use is located on the first or ground floor and there is also a principal non-residential use on the first or ground floor such plot shall be provided with a rear yard, and with side yards, extending to the rear yard, for the portion of the plot occupied by the residential use.
3. Where the residential use is located above a principal non-residential use, such plot shall be provided with a rear yard and with side yards on each side, provided that such ~~side~~ yards may begin at the level of the lowest floor used for residential purposes, and a side yard shall not be required on a street side of the plot.
4. Plots used for hotels and motels shall not be required to provide any more or greater yards than would be required for a non-residential use on the particular lot involved.



SECTION 3.26 COMMERCIAL VEHICLE PARKING

Commercial vehicles, other than those accessory to a permitted use, shall not be parked or stored on any property located in an R-1A, R-1B, R-1C, R-2, R-3, R-4, R-4A, R-5, R-6, B-1, B-2, B-2A or B-3 District.

SECTION 3.26 DISTRICT BOUNDARY LINE PLOTS

1. Where a B-1, B-2, B-2A or B-3 District is separated by a street from a Residential District, then any plot in such Non-Residential District adjacent to the separating street shall be provided with a yard at least 25 feet in depth along such separating street.
2. Where a B-1, B-2, B-2A, or B-3 District directly abuts on a Residential District without any separator between them such as a street, alley, canal or other public open space, then any plot in such non-residential district shall be provided with a yard at least 10 feet in depth adjacent to the residentially-zoned property.
3. Where any C-1, M-1, M-2 or M-3 District is separated by a street from a Residential District, then any plot in such non-residential district adjacent to the separating street shall be provided with a yard at least 25 feet in depth along such separating street.
4. Where a C-1, M-1 or M-2 or M-3 District directly abuts on a Residential District without any separator between them such as a street, alley, canal or other public open space, then any plot in such non-residential district shall be provided with a yard at least 20 feet in depth adjacent to the Residentially zoned property.
5. Where a yard is required in this Section, such yard may be used for walkways, <sup>parking of passenger cars,</sup> driveways and landscaping, but not for any other use or purpose.

SECTION 3.27 USE OF RESIDENTIALLY-ZONED PROPERTY FOR ACCESS

<sup>Vehicle</sup>  
No land which is Residentially-zoned shall be used for driveway, ~~alley~~ or access purposes to any land which is Non-residentially-zoned or used for any purpose not permitted in a Residential District.

SECTION 3.28 ELEVATION OF FILLED LAND

Any filled land created contiguous to the mainland or to any developed island in Broward County shall be filled so that the settled elevation of such filled land shall be not less than 5.5 feet.

All elevations required in this Section shall be measured above Mean Sea Level, U.S.C. & G.S. Datum.



### SECTION 3.29 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and resolutions of Broward County, it being the intention hereof to exempt such essential services from the application of this Resolution.

### SECTION 3.30 COUNTY USES

The provisions of this Resolution are not intended, and shall not be construed, to preclude the use of any property by Broward County in any County government capacity, function or purpose.

### SECTION 3.31 PUBLIC AND SEMI-PUBLIC BUILDINGS OR USES

#### County Commission

The ~~Board of Adjustment~~ may, ~~upon recommendation of the~~  
~~Zoning Board~~, after Public Hearing, authorize the location of any of the following buildings or uses in any District from which they are prohibited by this Resolution.

1. Any public buildings erected and used by, or any use of, any department of Municipal, County, State or Federal Government.
2. Hospitals, Clinics and Institutions of an educational, religious, philanthropic or eleemosynary character, provided such use is confined within a building and provided that the building shall be set back from all plot lines a distance of not less than two (2) feet for each foot of building height and provided further that this regulation shall not require a yard having a depth or width or more than fifty (50) feet, unless a yard of greater depth or width is otherwise required in the District where such building is located.

### SECTION 3.32 NUISANCES

Nothing shall be allowable on the premises in any District, provided for in this Resolution, that shall in any way be offensive or noxious 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 or nuisance to adjacent property owners or residents or to the community.

### SECTION 3.33 ACCESSORY DWELLINGS

Plots, having accessory dwellings where permitted in B-1, B-2, B-2A, B-3, C-1, M-1, M-2, and M-3 Districts, shall be provided with the yards which are required in R-6 Districts for such use except as modified by Section ~~3.25~~.

3.25



### SECTION 3.34 SEWAGE DISPOSAL

Regardless of other provisions of this Resolution, under all classifications and in all districts, there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal conforming with the standards and requirements of the Broward County Department of Health. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system.

### SECTION 3.35 PLOTS IN SEPARATE OWNERSHIP

The requirements of this Resolution as to minimum plot area or width shall not be construed to prevent the use for a single-family dwelling, in any district in which such use is permitted, of any lot or parcel of land in the event such lot or parcel of land is held in separate ownership at the effective date of this Resolution.

#### REDUCTION

### SECTION 3.36 ~~SIZE~~ OF PLOTS BELOW MINIMUM REQUIREMENTS

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a separate plot, except ~~where properly authorized by the Board of Adjustment.~~

for landscaping or recreational purposes where properly authorized by the County Commission.

### SECTION 3.37 STORAGE ON RESIDENTIAL PROPERTY

No land which is zoned in a Residential District 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.



ARTICLE V. YARD SPACE DISTRICTS

SECTION 5.1 YARD SPACE DISTRICTS CREATED

Certain yard space districts are hereby created, within which yards not less than as hereinafter specified in this Article shall be provided notwithstanding any other provision of this Resolution. All other parts of the unincorporated portions of Broward County shall constitute and be defined as a yard space district within which the provisions of other Articles of this Resolution as to yards shall govern. The specific yard space districts and the regulations pertaining thereto are hereinafter delimited and defined.

SECTION 5.2 SPECIFIC YARD SPACE DISTRICTS



## ARTICLE VI. MINIMUM FLOOR AREA DISTRICTS

### SECTION 6.1 MINIMUM FLOOR AREA DISTRICTS CREATED.

Certain minimum floor area districts are hereby created, within which minimum floor areas for one-family dwellings shall be provided as hereinafter specified in this Article notwithstanding any other provision of this Resolution. All other parts of the unincorporated portions of Broward County shall constitute and be defined as a minimum floor area district within which the provisions of other Articles of this Resolution as to minimum floor areas for one-family dwellings shall apply and govern. The specific minimum floor area districts and the regulations pertaining thereto are hereinafter delimited and defined.

### SECTION 6.2 SPECIFIC FLOOR AREA DISTRICTS

## ARTICLE VII. MINIMUM PLOT SIZE DISTRICTS

### SECTION 7.1 MINIMUM PLOT SIZE DISTRICTS CREATED

Certain minimum plot size districts are hereby created, within which minimum plot sizes shall be provided as hereinafter specified in this Article, notwithstanding any other provision of this Resolution. All other parts of the unincorporated portions of Broward County shall constitute and be defined as a minimum plot size district within which the provisions of other articles of this Resolution as to minimum plot size shall apply and govern. The specific minimum plot area districts and the regulations pertaining thereto are hereinafter delimited and defined.

### SECTION 7.2 SPECIFIC PLOT SIZE DISTRICTS



SECTION 9.1 OFFSTREET PARKING AND LOADING  
SECTION 9.1 OFFSTREET PARKING REQUIRED

1. Every building, use or structure, instituted or erected after the effective date of this Resolution 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.
2. Such offstreet parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.
3. Where a building existed at the effective date of this Resolution such building may be modernized, altered or repaired, provided there is no increase in floor area or capacity and there is no change of occupancy, without providing additional off-street parking facilities.
4. Where a building or use, which existed at the effective date of this Resolution, is enlarged in floor area, volume, capacity, or space occupied, offstreet parking facilities as specified herein shall be provided for the additional floor area, volume, capacity or space so created or occupied.
5. Where a building or use which existed at the effective date of this Resolution is changed in use or occupancy, additional off-street parking facilities shall be provided to the extent that the offstreet parking required by this Resolution for the new use or occupancy exceeds the offstreet parking which would have been required for the previous use or occupancy had the regulations of this Article been applicable thereto. For the purposes

of this Section a change of use or occupancy shall mean a change from one category of offstreet parking requirements to another such category under Section 9.3.

6. It shall be unlawful for an owner or operator of any building, structure or use affected by this Article to discontinue, change or dispense with, or to cause the discontinuance or reduction of 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 utilize such building, structure or use without providing the offstreet parking facilities to meet the requirements of and be in compliance with this Article.

SECTION 9.2 LOCATION, CHARACTER AND SIZE

County Commission

1. The offstreet parking facilities required by this Article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the Board of Adjustment, prevent the establishment of such facilities upon the same plot, the offstreet parking facilities shall be provided on land within 700 feet of the premises they are to serve, and the owner of said parking area shall enter into written agreement with the County whereby the land providing the parking area shall never be sold or disposed of except in conjunction with the sale of the building the parking area serves so long as these parking facilities are required, and said agreement shall be recorded at the expense of the owner



and shall run with the land to bind the heirs, successors and assigns of said owner. Said written agreement may be voided by the ~~Board~~ if other provisions are made for offstreet parking facilities pursuant to this Article.

2. Each parking space required and provided pursuant to the provisions of this Article shall be not less than ~~10~~ 9 feet in width and 18 feet in length. Each parking space shall be directly accessible from a street or alley, or from an adequate aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit convenient maneuvering of cars, and each space shall be accessible without driving over or through any other parking space.
3. The required offstreet parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Offstreet parking facilities including access aisles and driveways shall be surfaced with a hard, dustless material and maintained in a smooth, well-graded condition, provided that driveways, access aisles and parking spaces for public and private schools offering academic courses may be surfaced with grass or lawn.
4. All offstreet parking facilities required by this Article shall be drained so as not to cause any nuisance on adjacent or public property, and any lighting thereon shall be so arranged and designed as to prevent any glare or excessive light on adjacent property. Such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.
5. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet 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 offstreet parking facilities are intended to serve.

### SECTION 9.3 AMOUNT OF OFFSTREET PARKING

The offstreet parking required by this Article shall be provided and maintained on the basis of the following minimum requirements:

1. Dwellings, single-family and two-family:  
1 parking space for each dwelling unit
2. Dwelling, multiple-family:  
1 parking space for each dwelling unit, or 3 parking spaces for each 4 rooms provided with a bath, toilet or shower facilities, whichever may be greater.
3. Rooming houses, lodging houses, boarding houses:  
1 parking space for each two rental sleeping rooms, plus 1 parking space for the owner or operator.
4. Dormitories, fraternities:  
1 parking space for each 2 beds, plus 1 parking space for the manager or operator, plus 1 parking space for each 2 employees.



5. Hotels, including clubs:  
3 parking spaces for each 4 sleeping rooms, or  
3 parking spaces for each 4 bathrooms, whichever  
may be greater. If, in addition to sleeping rooms,  
there are other uses operated in conjunction with  
and/or as part of the hotel, additional offstreet  
parking spaces shall be provided for such other uses as  
would be required by this Section if such uses were  
separate from the hotel, to the extent of 35% of the  
offstreet parking specified in this Article for retail  
stores, offices, service establishments, bars, restau-  
rants, dining rooms, night clubs, cabarets, ballrooms,  
banquet hall, meeting rooms, auditoriums.
6. Motels, tourists' homes, guest cabins, villas, house courts:  
1 parking space for each guest room, cabin or rental  
unit, plus 1 parking space for the owner or manager.
7. Trailer courts, camps or parks:  
1 parking space for each trailer.
8. Hospitals: <sup>4</sup>  
1 parking space for each ~~2~~ beds for patients.
9. Sanitariums, asylums, orphanages, convalescent homes, homes  
for aged and infirm: <sup>5</sup>  
1 parking space for each ~~3~~ beds for patients or inmates.
10. Theatres and other places of assembly having fixed seats:  
1 parking space for each ~~10~~ seats.
11. Places of public assembly, including assembly halls  
(except as included in Paragraphs 9 and 11), exhibition  
halls, convention halls, dance halls, skating rinks, sport  
arenas, community centers, libraries and museums:  
<sup>10</sup> 1 parking space for each ~~10~~ seats, or parking space  
for each 200 square feet of gross floor area occupied  
by guests, customers, patrons, members or other occupants  
whichever may be greater.
12. Private clubs, lodges, fraternal buildings, union halls:  
1 parking space for each 120 square feet of assembly  
hall and auditorium, or 1 parking space for each 600  
square feet of gross floor area occupied by guests,  
customers, patrons, members or other occupants, which-  
ever may be greater.
13. Churches: <sup>6</sup>  
1 parking space for each ~~400~~ square feet of auditorium  
or chapel area, not including Sunday School class rooms.
14. Stadiums, race tracks, fairgrounds, circus grounds:  
1 parking space for each 5 seats.
15. Bowling alleys:  
<sup>2</sup> parking spaces for each alley.



16. Mortuaries: <sup>10</sup>  
1 parking space for each ~~4~~ seats in public rooms.
17. Medical, dental, chiropractic, etc. clinics (separate building):  
4 parking spaces for each doctor.
18. Business, professional and governmental offices:  
1 parking space for each ~~400~~ <sup>600</sup> square feet of floor area.
19. Restaurants, bars, beer gardens, night clubs:  
1 parking space for each 50 square feet of floor area in rooms for customer service
20. Elementary schools, public, private or parochial:  
1 parking space for each classromm, plus one-half of the additional parking spaces for rooms used for public assembly as otherwise required by this Section.
21. Junior and Senior high schools and colleges, public, private or parochial:  
1 parking space for each classrooms plus 1 parking space for each 10 students, or one-half of the additional parking spaces for rooms used for public assembly as otherwise required by this Section, whichever may be greater.
22. Retail stores, personal service shops, household repair or equipment shops, interior decoration shops:  
1 parking space for each 400 square feet of floor area.
23. Manufacturing and industrial uses, research and testing laboratories, bottling establishments, printing and engraving shops, warehouses, motor vehicle salesrooms, wholesale stores, laundries and storage buildings:  
1 parking space for each 600 square feet of floor area of the building
24. Terminal facilities, including airports, railroad passenger and freight stations, bus depots, truck terminals; also charter, sightseeing or fishing boat docks, commercial bathing beaches, commercial swimming pools and the like:  
1 parking space for each two employees, plus offstreet parking space in an amount determined by the ~~Board of~~ <sup>County</sup> ~~Commission~~ <sup>Adjustment</sup> to be adequate to serve employees, and the public as customers, patrons and visitors.
25. Uses not specifically mentioned:  
The requirements for offstreet parking for any uses not specifically mentioned in this Section shall be same as provided in this Section for the use most similar to the one sought, it being the intent to require all uses except agricultural to provide offstreet parking.



26. Fractional measurements:

When units or measurements determining number of required offstreet parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full offstreet parking space.

27. Mixed uses:

In the case of mixed uses, the total requirements for offstreet parking shall be the sum of the requirements of the various uses computed separately, and offstreet parking space for one use shall not be considered as providing the required offstreet parking for any other use.

28. Measurement:

For the purposes of this Article, floor area shall mean the gross floor area inside of the exterior walls, In hospitals, bassinets shall not count as beds. In stadiums, sport arenas, churches, and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing offstreet parking requirements.

SECTION 9.4 COMBINED OFFSTREET PARKING

Nothing in this Article shall be construed to prevent collective provision for, or joint use of, offstreet parking facilities for two or more buildings or uses by two 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.

SECTION 9.5 NON-CONFORMING USES

In the case 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 major repairs, substantial alterations or extensions of use shall be permitted unless and until the offstreet parking requirements of this Article, for a new use of the type involved, are applied to such existing use and are fully provided for.

SECTION 9.6 USE OF REQUIRED OFFSTREET PARKING BY ANOTHER BUILDING

No part of an offstreet parking area required for any building or use by this Article shall be included as a part of an offstreet parking area similarly required for another building or use, unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other, as determined by the ~~Board of~~ *County* ~~Adjustment.~~

*Commission.*



## SECTION 9.7 PARKING OF COMMERCIAL VEHICLES

Offstreet parking facilities supplied by the owner or operator to meet the requirements of this Article shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business .

## SECTION ~~9.10~~ 9.8 OFF STREET LOADING

1. On the same plot with every structure or use 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 encroaching on or interfering with the public use of street and alleys by pedestrians and vehicles.
2. 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 offstreet 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 offstreet loading space under this Section, the full amount of offstreet loading space shall be supplied and maintained to comply with this Section.
3. For the purposes of this Section on offstreet loading space shall be an area at the grade level at least **10** feet wide by **25** feet long with 14 foot vertical clearance. Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.
4. Off street loading spaces shall be provided and maintained in accordance with the following schedule:



- a. For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

over <del>10</del> 000 sq. ft. but not over 25,000 sq. ft.	1 space
over 25,000 sq. ft. " " " 60,000 sq. ft.	2 spaces
over 60,000 sq. ft. " " " 120,000 sq. ft.	3 "
over 120,000 sq. ft. " " " 200,000 sq. ft.	4 "
over 200,000 sq. ft. " " " 290,000 sq. ft.	5 "
plus for each additional 90,000 sq. ft.	
over <del>290</del> 000 sq. ft. or major fraction thereof	1 "

- b. For each multiple dwelling or apartment hotel having at least ~~50~~ dwelling units but not over ~~100~~ dwelling units: 1 space

For each multiple dwelling having over ~~50~~ <sup>100</sup> dwelling units; 1 space plus 1 space for each additional ~~50~~ <sup>100</sup> dwelling units or major fraction thereof.

- c. For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports area, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:

over <del>20,000</del> <sup>20,000</sup> sq. ft. but not over 40,000 sq. ft.	1 space
plus for each additional 60,000 sq. ft.	
over 40,000 sq. ft. or major fraction thereof	1 "

- d. For any use not specifically mentioned in this Section, the requirements for offstreet parking for a use which is so mentioned and to which the unmentioned use is similar shall apply.

5. Offstreet loading facilities supplied to meet the needs of one use shall not be considered as meeting of street loading needs of any other use.
6. No area or facilities supplied to meet the required offstreet parking facilities for a use shall be utilized for or be deemed to meet the requirements of this Article for offstreet loading facilities.
7. Nothing in this Section shall prevent the collective, joint or combined provision of offstreet loading facilities for two or more buildings or uses, provided that such offstreet 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.



## ARTICLE X ZONING DISTRICTS

8. After public hearing, the Board of Adjustment is authorized to reduce the required length of an offstreet loading space to not less than 30 feet and the required minimum vertical clearance to not less than 8 feet, when the Board find that the size, character and operation of a particular building or use will not normally involve service by motor vehicles requiring the length or vertical clearance of an offstreet loading space specified in Paragraph 3 of this Section.

8. Plans for buildings or uses requiring offstreet loading facilities under the provisions of this Section shall clearly indicate the location, dimensions, clearances and access of all such required offstreet loading facilities.

- R-1A One-family Dwelling
- R-1B One-family Dwelling
- R-1C One-family Dwelling
- R-2 Two-family Dwelling
- R-3 Low Density Multiple Dwelling
- R-4 High Density Multiple Dwelling
- R-4A Planned High Density Multiple Dwelling
- R-5 Motel-Apartment
- R-6 Hotel-Apartment
- T-1 Trailer Park

### BUSINESS DISTRICTS

- B-1 Local Business
- B-2 Community Business
- B-2A Planned Community Business
- B-3 General Business
- C-1 Commercial

### INDUSTRIAL DISTRICTS

- M-1 Light Industrial
- M-2 Medium Industrial
- M-3 General Industrial

## SECTION 10.2 ZONING DISTRICT MAPS

The areas assigned to these districts, the designations of same, and the boundaries of said districts shown upon the maps hereto attached and made a part of this Resolution, are hereby established, said maps being designated as the "Zoning District Maps" and said maps and the proper notations, references and other information shown thereon, shall be as much a part of this Resolution as if the matters and information set forth by said map were all fully described herein. Said maps are identified by the signatures of the Chairman and Clerk of the Board of County Commissioners together with the number of this Resolution and its effective date.

Each district shall be subject to the regulations stipulated in this Resolution.



## ARTICLE X ZONING DISTRICTS

### SECTION 10.1 CLASSES AND SYMBOLS

For the purposes of this Resolution in regulating use of land, water and buildings, and height, bulk, population density and open space, Broward County is hereby divided into the following districts:

#### AGRICULTURAL DISTRICTS

A-1 Agricultural

#### RESIDENTIAL DISTRICTS

R-1A One-family Dwelling  
R-1B One-family Dwelling  
R-1C One-family Dwelling  
R-2 Two-family Dwelling  
R-3 Low Density Multiple Dwelling  
R-4 High Density Multiple Dwelling  
R-4A Planned High Density Multiple Dwelling  
R-5 Motel-Apartment  
R-6 Hotel-Apartment  
T-1 Trailer Park

#### BUSINESS DISTRICTS

B-1 Local Business  
B-2 Community Business  
B-2A Planned Community Business  
B-3 General Business  
C-1 Commercial

#### INDUSTRIAL DISTRICTS

M-1 Light Industrial  
M-2 Medium Industrial  
M-3 General Industrial

### SECTION 10.2 ZONING DISTRICT MAPS

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Each district shall be subject to the regulations stipulated in this Resolution.



### SECTION 10.3 APPLICATION OF ZONING REGULATIONS

When any public uses ceases, or when title of unzoned public land passes into private ownership, public land or buildings shall not be used for private purposes until they shall have been zoned by the Board of County Commissioners.

### SECTION 10.4 WATER AREAS

1. The water surface and the land under the water surface, of all canals, rivers, waterways, ponds, lakes and other water areas in Broward County not otherwise zoned are hereby placed in the same Zoning District as the land, which it abuts as shown on the Zoning District Maps. Where the zoning districts shown on the Zoning District Maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the center line or midpoint of the water area.
2. For convenience of mapping and clarity, the zoning of water areas is not shown on the Zoning District Maps, but is determined by the provisions of this Section.

### SECTION 10.5 DISTRICTING OF VACATED WAYS

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

### SECTION 10.6 BOUNDARIES OF DISTRICTS

Unless otherwise shown, the district boundaries are street lines, alley lines, or the subdividing or boundary lines of recorded plats, or the extensions thereof, and where the districts designated on maps accompanying and made a part of this Resolution are approximately bounded by street lines, alley lines or the subdividing or boundary lines or recorded plats, such lines or the extensions thereof shall be considered to be district boundaries.

Where due to the scale or illegibility of the District Map or due to the absence of a street, alley, or recorded subdividing of plat lines, there is any uncertainty, contradiction or conflict as to intended location of any district boundary, the ~~Zoning Board~~ shall have the power and duty of interpreting the intent of said District Maps so as to determine and designate the proper location for such district boundary in accordance with the spirit and purpose of the Zoning Resolution.

*County Commission*



## SECTION 10.7 DISTRICT GROUP CLASSIFICATION

For the purposes of this Resolution, the various Zoning Districts are grouped, and may be referred to, as follows:

1. The A-1, R-1A, R-1B, R-1C, R-2, R-3, R-4, R-4A, R-5, R-6 and U-1 Districts are considered to be and are designated as Residential Districts.
2. The B-1, B-2, B-2A, B-3 and C-1 Districts are considered to be and are designated as Business Districts.
3. The M-1, M-2 and M-3 Districts are considered to be and are designated as Industrial Districts.

## SECTION 10.8 RAILROAD RIGHTS OF WAY

Where not otherwise indicated on Zoning District Maps or specified in zoning resolutions, railroad rights of way are hereby placed in the same zoning district as indicated or specified for abutting property, except that where the zoning districts are different on opposite sides of a railroad right of way, the railroad right of way is hereby placed in the more restricted district of the two zoning districts abutting the right of way.



SECTION 28.1 COMMERCIAL VEHICLE PARKING

A. In residentially-zoned areas trucks or commercial vehicles shall not be parked on private property except as follows:

1. A commercial vehicle of not over <sup>one</sup> ~~3~~ ton rated capacity may be parked on a plot whose principal use is residential and where the commercial vehicle is used by a resident of the premises.
2. A commercial vehicle of not over 1½ tons rated capacity may be parked in an enclosed garage on a plot whose principal use is residential and where the commercial vehicle is used by a resident of the premises.
3. Permitted non-residential uses may utilize and park on their premises such commercial or other vehicles as may be necessary and customary for such uses, but this provision shall not be construed to permit the parking of school buses utilized by private or parochial ~~schools~~!

B. Commercial vehicles, other than those accessory to a permitted use, shall not be parked or stored on any property located in a B-1, B-2, B-2A or B-3 District.

SECTION 28.2 COMMERCIAL BUSINESS IN PRIVATE GARAGE

No commercial business concerned with motor vehicles shall be conducted in a private or community garage. Space in a private or community garage shall not be leased for storage or use by a commercial vehicle.

SECTION 28.3. JUNK YARDS

The following regulations shall apply to all junk yards:

1. The area of land to be so used shall not be less than 20,000 square feet nor more than 100,000 square feet.
2. No automobile or vehicle not in running condition, nor machinery or other junk or scrap shall be located either for storage or dismantling, within 300 feet of any residential district, within 50 feet of the front street line nor within 30 feet of any side street line or other property line of the plot to be so used.
3. The entire area occupied by a junk yard shall be surrounded by a substantial, continuous masonry, wooden or metal fence or wall 8 feet in height without openings except for entrance and exit, which openings shall be equipped with unpierced gates.



## SECTION 28.4 HOUSE TRAILERS

The following regulations shall apply to house trailers:

1. A house trailer shall not be considered to be permissible as an accessory building.
2. No person shall park, store or occupy a house trailer for living purposes except:
  - a. In an approved trailer park.
  - b. *June 10 ant.* In any residential district as the guest of the resident of the property involved, for a period of not over 12 hours in any 30 day period.
  - c. On property which is zoned agricultural and which is used primarily for agricultural purposes, and where the use of the house trailer is accessory to such agricultural use.
  - d. *June 10 six months* For a period not in excess of ~~one year~~, on property for which a building permit for the construction of a permanent dwelling has been obtained, which construction is actively carried forward to completion within the aforesaid ~~one year~~. *six months*.
3. A house trailer may be used as a temporary office or shelter incidental to construction on, or development of the premises on which the trailer is located.
4. *ant June 10* Except as hereinbefore provided no house trailer shall be parked or stored on residentially-zoned property except in a garage or other accessory building, ~~or on the rear half of the plot at least 25 feet from rear and sideplot lines. Such house trailer shall be owned by the owner or occupant of the plot, and shall not be used for living, sleeping or business purposes.~~

## SECTION 28.5 MOVING OF BUILDINGS

No building or structure shall be moved from one plot or premises to another unless such building or structure shall thereupon be made to conform with all the provisions of this Resolution relative to buildings or structures hereafter erected upon the plot or premises to which such building or structure shall have been moved.

## SECTION 28.6 SEPTIC TANK DRAINAGE AREA

Regardless of other provisions of this Resolution, under all classifications and in all districts whether Agricultural, Residential, Business or Industrial, there shall always be sufficient ground area left occupied by any structure for a proper system of sewage disposal as required by the Department of Health. Plot plans



accompanying building permit applications shall show clearly the proposed sewage disposal system. Any use utilizing a septic tank shall have a yard area providing at least 1½ square feet of open ground for each lineal foot of septic tank drain tile.

#### SECTION 28.6 VEHICULAR DRIVEWAYS

Wherever vehicular entrances and exits are involved, the number, size and distance apart of entrances and exits and the specific design thereof shall comply with the established standards and requirements of the State Road Department where a State or Federal highway is affected, and with the standards and requirements of the Broward County Engineer in the case of all County Roads or local streets. Where both State and County Roads are involved the higher standards shall apply.

#### SECTION 28.7 GRADE OF RESIDENTIAL BUILDINGS

The top surface of all floors of residential buildings shall be not less than 18 inches above the crown of any street adjacent to the plot, except that in cases where topographical conditions are such that in the opinion of the Broward County Engineer's Department or the Broward County Health Department compliance would be impracticable or would cause grade level conditions which would be detrimental to adjacent or nearby property, the Director of the Building and Zoning Department may modify the application of this requirement in accordance with specifications as approved by said Engineer's and Health Departments.



The following regulations shall apply to the location, design, construction, operation and maintenance of ~~stations~~ <sup>Service</sup> stations:

SECTION 29.1. SIZE OF PLOT

A plot to be occupied by a ~~filling~~ <sup>Service</sup> station shall be not less than 100 feet in width and 100 feet in depth.

SECTION 29.2. LOCATION OF ~~STATIONS~~ <sup>SERVICE</sup> STATIONS1. DISTANCE BETWEEN ~~STATIONS~~ <sup>SERVICE</sup> STATIONS:

There shall be a minimum distance of 750 feet shortest airline measurement, between the nearest points on any two plots occupied or to be occupied for ~~filling~~ <sup>Service</sup> station purposes on the same side of a street upon which both such plots abut. *Provided, however, the County Commission*

*may, after public hearing, approve the use of a plot for service station purposes less than the aforesaid 750 foot distance from another plot occupied by a service station, if the plot for the proposed service station use is located on a corner at the intersection of two or more streets and the Commission finds such service station use to be consistent with the proper development of the nearby property on the streets involved, with the safe and ~~the~~ satisfactory movement and ~~the~~ control of traffic at the intersection, and with the spirit and purpose of the Zoning Resolution.*

2. DISTANCE TO PUBLIC PLACE:

There shall be a minimum distance of 250 feet, shortest airline measurement, between the nearest points on any plot to be occupied for ~~filling~~ <sup>Service</sup> station purposes and any plot occupied for a church, playground, playfield, ~~park~~, hospital, elementary or high school.

SECTION 29.3. CLEARANCES REQUIRED

1. GASOLINE PUMPS shall be located not less than 12 feet from any street line and not less than 10 feet from any other property line.
2. No building or gasoline pump shall be located within ~~5~~ <sup>50</sup> feet of any property which is residentially zoned.



There shall be a masonry wall or masonry fence of good quality and decorative design, which shall effectively screen against direct view and which shall be properly maintained, on all property lines other than street lines, of a plot occupied as a service station. Such wall or fence shall be 3 feet higher in height and shall be continuous and unpierced, except that on an alley line there may be a 3 foot opening which is closed by a substantial gate when the opening is not in use.

The above described wall or fence shall not be required where the plot abuts non-residentially-zoned property provided a proper waste receptacle is maintained and used which effectively ~~conceals~~ conceals refuse and rubbish from public view.

SECTION 29.5. DRIVEWAYS

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There shall be not more than two driveways for entrance and exit to a ~~filling~~ <sup>service</sup> station for each 100 feet, or major fraction thereof, of plot frontage on any street. Driveways shall be not over ~~30~~ feet in width at the street line and there shall be at least 10 feet of landscaped area between any two driveways.

Measured along the street line, driveways shall be at least 10 feet from a private property line or alley line. On a corner plot all driveways shall be at least 10 feet from the intersection of the street lines or from the intersection of the street lines produced.

SECTION 29.6. LIGHTING

All lights and lighting on a ~~filling~~ <sup>service</sup> station shall be so designed and arranged as to not cause a direct glare into residentially-zoned property.



## ARTICLE XXXII

EXCAVATION REGULATIONS

The following regulations shall govern excavations and the filling of excavations:

SECTION 32.1 DEFINITION

For the purposes of this regulation, EXCAVATION shall mean the digging, stripping or removal by any process of natural materials or deposits from their natural state and location, said materials and deposits to include rock, stone, minerals, shell, sand, marl, muck and soil, but not including sod. Excavations as used hereir shall not include digging for foundations, fences, structures or incidental to construction work, wherein no materials are removed from the premises except surplus not required for backfill or grading of the premises. Excavation shall not include the creation of canals, waterways, and lakes incidental to real estate subdividing and development.

SECTION 32.2 PERMITS

A permit for new excavations shall be obtained from the Building & Zoning Department of Broward County.

1. The permit holder shall be entitled to renewal without the requirement of a public hearing or waivers of oppositions, as long as these regulations and other conditions of the permit are complied with.
2. The approval of the <sup>County</sup> Commission must be obtained before a permit for ~~a new~~ <sup>an</sup> excavation can be issued.
3. In passing upon any request <sup>County</sup> for approval on the issuance of an excavation permit, the Commission shall be guided by and consider the public health, safety and general welfare and particular consideration shall be given to the following factors: soil erosion by wind and water, drainage, lateral support, slopes and grades of abutting streets and lands, present use of subject property and surrounding areas, future use and develop of subject property and surrounding area, and such other factors as may be related to the appropriate, harmonious, and coordinated development of the County.
4. After an original permit for an excavation has been issued with the approval of the <sup>County</sup> Commission, the ~~Building and Zoning Director~~ shall issue a renewal permit for the continuance of the excavation in accordance with the original permit and plans, where the work has been conducted in accordance with such plans and with these regulations.
5. Within 30 days after this Resolution is adopted, owners or operators of existing excavations shall submit to the ~~Building & Zoning Director~~ a plat showing their presently owned property adjacent to and forming a continuous property with the existing excavated area. The plat shall also show future right-of-way

Enforcing Officer



lines and the final limits to which the owner or operator plans to carry excavations in said property. Such plats are to be kept for record, and the excavations indicated thereon will be exempt from the requirements of these regulations, with the following exceptions:

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- a. The owners or operators of excavations existing at the time this Resolution is adopted shall apply for an excavation permit within ~~30~~ days after this Resolution is officially adopted. The Building & Zoning Department shall issue the initial permit ~~without requirement of public hearing, upon Commission approval, or any other approval.~~ *upon*

*the approval of the County Commission*

- b. Section 32.7 "Location" and Section 32.8 "Protection" shall apply to excavations existing at the time this Resolution is adopted.
- c. Paragraphs 4, 5, 6, and 7 of Section 32.9 shall apply to excavations existing at the time this Resolution is adopted.
6. Yearly renewals of the Excavation Permit shall be granted to the owners and operators of excavations existing at the time this resolution is adopted, provided the applicable requirements are complied with.
7. Any extension, beyond the excavation limits shown in each plat required by Paragraph 5 of Section 32.2 to be filed with the Building & Zoning Department, shall be treated as a new excavation and shall, therefore, be subject to the full requirements of these regulations.
8. *Where excavation has been discontinued for a period of 6 months or more, or has been abandoned, any renewal or resumption of excavation shall be required to be subject to a permit for a new excavation, and the issuance of such a permit shall be subject to all the requirements of this Article for a new permit.*



### SECTION 32.3 HEARINGS FOR PERMITS

*County Commission*

1. Applications for permits for new excavations shall be subject to hearing before the ~~Zoning Board~~. Such hearing may be waived by the ~~Zoning Board~~ when the owners of all property within 1000 feet of the proposed excavation subscribe to a waiver of objections to such excavation.
2. Hearings shall not be required in connection with the issuance of a permit for the continuance or extension of an excavation which has already had a permit and when the continuance or extension of the excavation is pursuant to and not contrary to the original permit.
3. Notice of hearings required under this ~~Paragraph~~ *Section* shall be by mail to the persons shown on official county records as receiving tax bills for the particular property involved, who shall be considered to be the owners for the purpose of these regulations.
4. The owners of property, as herein defined, within 500 feet of the proposed excavation shall be notified in connection with the required hearings.

### SECTION 32.4 PLANS AND SURVEYS

Applications for original permits shall be accompanied by the following:

1. A plot plan to show the property owned or controlled by the applicant with reference to streets, highways and contiguous platted areas.
2. Cross sections to show approximate elevation and grades at final outside boundaries of excavation.
3. A final grading plan to show the ground elevations of the land immediately adjacent to the side of the excavation and of all bounding streets or roads. *Enforcing Officer*
4. Upon completion of the excavation and when in the opinion of the ~~Building & Zoning Director~~ there is a question that the excavation is not in accordance with the plans approved, a topographical survey may be required showing elevations and cross-sections of the final outside boundaries of each excavation at 100 foot intervals.
5. The plans, maps, elevations and cross sections required by this paragraph shall be made by a Surveyor or Engineer registered as such by the State of Florida.



SECTION 32.5 PERFORMANCE BOND

The applicant for a permit for an excavation shall post a performance bond which, proportionate to the extent of the excavation, shall not be less than Five Hundred nor more than Ten Thousand Dollars at the discretion of the ~~Zoning Board~~, conditioned upon complete compliance with the regulations of Broward County pertaining to the initiation, conduct and completion of excavations in a manner satisfactory to the ~~Building & Zoning Director~~, within a period of not more than one year after the said excavation has been carried to the extent authorized by a valid permit, or after work on said excavation has been abandoned, or discontinued for a period of six months or more.

*County Commission*  
*Enforcing Officer*

SECTION 32.6 ZONING LIMITATIONS

1. An excavation permit shall be construed as authorization to install and operate at a suitable location at or near the area to be excavated machinery for crushing, washing, screening and refining the materials excavated. The use of heavy machinery for extraction and removal of natural material or deposits is permissible where such removal has been approved and authorized by permit.
2. The land area exposed by the extraction and removal of natural material or deposits shall be left suitable for future use and development purposes in accordance with the final grading plan and in accordance with any zoning regulations applicable thereto.

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3. New excavation shall be a permissible use only in a zoning district wherein such use is permissible under the Zoning Resolution, subject to the provisions of this Article.
4. An existing excavation for which a permit is issued pursuant to Section 32.2 may be continued and extended pursuant to such permit and shall not be construed to be a non-conforming use.



## SECTION 32.7 LOCATION

No excavation shall be allowed within 150 feet of the future right-of-way line for any street or highway, nor within 50 feet of any private property line. PROVIDED, however, that an excavation may be extended to within not less than 25 feet of future right-of-way line for street, or not less than 25 feet of private property line if such excavation is clearly indicated on the plot for the excavation and the excavation is backfilled with suitable material to a distance not less than 150 feet from the future street or highway line, or not less than 50 feet from the private property line, as the case may be. PROVIDED, further, that the excavation, and slope if required, may commence at the common property line in the case of private property if waivers are secured from the abutting property owners.

## SECTION 32.8 PROTECTION

During the excavating operations, the premises shall be suitably posted with warning signs of such character and location as may be adequate in the judgment of the ~~Building & Zoning Director~~ to warn the public concerning possible hazards.

*Enforcing Officer*

## SECTION 32.9 CONDUCT OF OPERATIONS:

1. The grading, leveling and sloping of the final banks shall be on a progressive basis as the project develops and the excavation progresses.
2. If sand is encountered during excavation, the vertical cut at the final bank shall be modified in such a manner that the required perimeter slope of 1 vertical to 5 horizontal will be sustained and maintained.
3. The property shall be staked along the property line and the top slope line in the portion of the final perimeter to which the excavation extends during the period covered by the yearly permit in effect, in a manner satisfactory to the ~~Building & Zoning Director~~. Stakes shall be maintained in proper fashion during said period so that the limits of excavation slopes and grade levels in said portion of the final perimeter may be easily determined and verified.
4. During the entire operation, dynamite shall not be used except in accordance with State Regulations.
5. The hours of operation shall be controlled by the ~~Building & Zoning Director~~, except that operations shall be permitted between the hours of 7:00 A. M. and 6:00 P.M. on weekdays. Night and Sunday operations to be permitted only if not objectionable in the opinion of the Commission.
6. Every owner and/or operator of any excavation shall be insured to the extent of One Hundred Thousand Dollars (\$100,000.00) against liability arising from any activities or operations incidental to excavation carried on or conducted pursuant to any



permit or approval given for such excavation by Broward County

7. All excavation access roads shall be well sprinkled to minimize dust, provided such sprinkling shall not be required 500 feet or more from a public street or highway.

#### SECTION 32.10 CLEANING UP AND REHABILITATION

1. Upon completion of the project, the property shall be dressed up so that it will be left in a presentable condition meeting with the approval of the ~~Building & Zoning Director~~.
2. The perimeter of the excavation shall be backfilled and graded to meet with the approval of the ~~Building & Zoning Director~~, PROVIDED that a slope of one foot vertical shall be maintained for each three feet horizontal from the perimeter into a minimum depth of five feet of water at low water elevation.
3. Whenever excavation operations on any property shall have been completed, abandoned or permanently discontinued, then all plants, buildings, structures, (except fences) and equipment shall be entirely removed from such property and all stockpiles, topsoil, refuse or waste materials shall be removed, redistributed on the premises or backfilled within the pit, within one year after such completion. PROVIDED, however, that the provisions of this paragraph shall not apply to any plants, buildings, structures, equipment or stockpiles whenever and so long as any rock, gravel or other materials shall be available from other properties for processing by or through any such plats, buildings, structures or equipment.
4. These provisions shall not apply to any portion of an existing excavation which was in existence at the time of the passing of these regulations.

#### SECTION 32.11 FILLING OF EXCAVATIONS

Excavations may be filled if permit is obtained from the Building & Zoning Department, subject to the following conditions:

1. Applicant for permit and owner of property shall comply with such terms and conditions as may be required by the ~~Building & Zoning Director~~ and Health Director. Such conditions may be such, but not be limited to, that they might cause objectionable odors or which might cause the operation to be detrimental to the health, safety and general welfare of the adjacent neighborhood and which will prevent promiscuous dumping by unauthorized persons.
2. That a top dressing consisting of not less than 1 foot of clear fill shall be provided as may be required by the ~~Building & Zoning Director~~, so that the property shall be in a clean, presentable and sanitary condition.



3. That the owner of the property, and, when deemed desirable, by the ~~Building & Zoning Director~~ to protect public health, safety and welfare, the operator, shall post a bond in such amount as may be determined by the ~~Building & Zoning Director~~ as necessary to insure compliance with the terms and conditions as may be established for the filling permit.
4. No permit shall be issued for, or excavation or other area filled with refuse, debris, junk, organic material or garbage without the approval of the Commission. Before granting any such approval, the Commission shall obtain a report and recommendation on the proposed filling from the Zoning Board, after said Board has held a public hearing on the proposal.



ARTICLE XXXIII ADMINISTRATION

SECTION 33.1 ENFORCEMENT

The Building & Zoning Department of Broward County and all officers, inspectors and employees thereof, shall enforce the provisions of this Zoning Resolution.

SECTION 33.2 PERMITS NOT TO BE ISSUED

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

No license or permit shall be issued by the Building & Zoning Department or by any department, agency or official of Broward County for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve in any way, or constitute, a violation of the Zoning Resolution.

SECTION 33.3. PLOT PLAN

All applications for building permits shall contain, or be accompanied by, a plot plan in duplicate drawn to scale, showing the actual dimensions of the plot involved in the application, the location of the use proposed and/or the building to be erected or altered, yards and setbacks, and all other uses and buildings on the plot as well as such other pertinent information as may be necessary for the enforcement of the Zoning Resolution.

SECTION 33.4. PERMITS FOR NEW USE OF LAND

No land heretofore vacant shall hereafter be put to use, or an existing use of land be hereafter changed to a new or different use, unless a building permit is first obtained for the new or different use, provided that this requirement shall not apply to agricultural uses of land in an Agricultural District.

SECTION 33.5. PERMITS FOR NEW USE OF BUILDINGS

No building or structure, or part thereof, shall be changed to, or occupied by, a use of a different kind, unless a building permit is first obtained for the new or different use.



#### SECTION 33.6 PERMITS REQUIRED

No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have first been obtained for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting, or regulated by, the Building Code or this Resolution except for minor repairs of changes not involving any of the aforesaid features.

#### SECTION 33.7 CERTIFICATES REQUIRED

No building or structure, or part thereof, or premises, which are hereafter erected or altered or changed in occupancy, or land upon which a new or different use is established, shall be occupied or used until a Certificate of Occupancy shall have been issued therefor.

#### SECTION 33.8 CERTIFICATES FOR EXISTING USES

*Zoning* Certificates ~~of Occupancy~~ shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures or uses of land are in conformity with the applicable provisions of this Resolution.

#### SECTION 33.9 TEMPORARY CERTIFICATES

*Zoning* Nothing in this Resolution shall prevent the issuance of a temporary ~~Certificate of Occupancy~~ for a portion of a building or structure in process of erection or alteration, provided that such temporary Certificate shall not be effective for a period in excess of 6 months, and provided further that such portion is in conformity with this Resolution.

#### SECTION 33.10 RECORD OF CERTIFICATES

A record of all certificates issued pursuant to the provisions of this Resolution shall be kept on file in the office of the Building and Zoning Department and copies of such certificates shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

#### SECTION 33.11 CERTIFICATES FOR DWELLING ACCESSORY BUILDINGS

*Zoning* Buildings or structures accessory to dwelling shall not require separate ~~Certificates of Occupancy~~ but may be included in the Certificate ~~of Occupancy~~ for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.



#### SECTION 33.12. RECORD OF NON-CONFORMING USES

All non-conforming uses existing at the effective date of this Resolution shall be ascertained, identified and recorded for the purpose of effectuating the provisions of Article VII.

#### SECTION 33.13. CERTIFICATE FOR non-CONFORMING USES

No non-conforming use shall be maintained, continued, renewed, extended or changed unless a Certificate of ~~Compliance~~ <sup>Zoning</sup> therefor shall have been issued pursuant to Article VIII.

#### SECTION 33.14 PROCEDURE ON VIOLATIONS

Where it is found that any of the provisions of this Resolution are being violated, the person responsible for such violation shall be given notice in writing. Such notice shall indicate the nature of the violation and the action necessary to correct or abate the violation. The officers and employees of the BUILDING & Zoning Department shall order discontinuance of the use of land or buildings; removal of buildings, additions, alteration of structures; discontinuance of any work being done; or shall take any and all other action necessary to correct violations and obtain compliance with all the provisions of this Resolution.

#### SECTION 33.15. DUTIES OF ENFORCERS

The Building & Zoning Department through its officers, ~~and~~ inspectors and employees shall be charged with the duty of making inspections, approving plans and specifications, issuing permits and Certificates of ~~Compliance~~, maintaining records of applications, permits and certificates, and taking any and all steps or actions necessary to enforce the provisions of this Resolution.

#### SECTION 33.16. RIGHT OF ENTRY

For the purpose of enforcing the provisions of this Resolution, the officials and inspectors of the Department of Building & Zoning shall have the right of entry into private property and into private buildings, at any reasonable time, whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under this Resolution. Any person refusing or obstructing such entry shall be guilty of a violation of this Resolution.

#### SECTION 33.17. ZONING CLERK

The County Commission shall designate a suitable person to be known as the Zoning Clerk, who shall have the following duties:

1. To attend all meetings of the Commission, Zoning Board and Board of Adjustment pertaining to Zoning matters.
2. To have charge of and maintain the files and records of the Zoning Board and Board of Adjustment.



3. To receive petitions for zoning amendments, requests for special approvals and special exceptions, applications for consideration by the Zoning Board and Board of Adjustment and appeals to the Board of Adjustment.
4. To issue notices of hearings and other notifications required of the Commission, Zoning Board and Board of Adjustment pursuant to the provisions of the zoning resolution.
5. To perform such other clerical duties related to their zoning functions as may be required by the Zoning Board, Board of Adjustment and the Commission.



ARTICLE XXXIV ZONING BOARD

SECTION 34.1 RULES OF PROCEDURE

The Zoning Board shall draw up and adopt reasonable rules of procedure to govern the conduct of its work not inconsistent with the provisions of this Resolution or other resolutions adopted by the County Commission.

Such rules shall provide for the election of officers, for the time and place of regular meetings, for special meetings, for the agenda of meetings and for the conduct of hearings.

SECTION 34.2 MEETINGS

The Zoning Board shall hold at least two regular meetings each month, and such additional or special meetings as it may find necessary for the proper performance of its duties.

SECTION 34.3 ADVISORY SERVICE

The Zoning Board shall act in an advisory capacity to the Commission and make such studies and investigations, in addition to those required by this Resolution, as may be requested by the Commission.

SECTION 34.4 AMENDMENTS

No change or amendment, relating to the boundaries of the various zoning districts and the regulations applicable thereto, shall be made by the Commission unless the proposal or request for such change has been considered by the Zoning Board, and the Commission has received a recommendation thereon from the Zoning Board.



## ARTICLE XXXV. BOARD OF ADJUSTMENT

### SECTION 35.1 NOTIFICATION FOR VARIANCES

No variance shall be authorized by the Board of Adjustment upon appeal from the terms of this Resolution unless a public hearing on the appeal has been held by the Board, notice of which hearing has been given as follows:

1. USE VARIANCE: Where the variance is for a use not otherwise permissible in the zoning district in which the variance is requested, all owners of property within 300 feet of the premises for which the variance is requested shall be notified of the hearing.
2. OTHER VARIANCES: Where the variance is for some deviation from the zoning district regulations other than for a use variance, all owners of property within 100 feet of the premises for which the variance is requested shall be notified of the hearing.

### SECTION 35.2. NOTIFICATION FOR ERRORS

In connection with appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Resolution, notification shall be given to all owners of property directly contiguous to the premises which are involved in the appeal.

### SECTION 35.3 NOTIFICATIONS

Where notice to contiguous or nearby property owners is required by this Article in connection with hearings, such notice shall be mailed to such property owner at least 10 days before the date of the hearing. For this purpose the owner of property shall be deemed to be the person who, with his address, is so shown on the tax rolls of the Broward County Tax Collector.

### SECTION 35.4. PUBLICATION OF AGENDA

The matters to be considered, and hearings to be held, at meetings of the Board of Adjustment shall be published in a newspaper of general circulation in Broward County at least 10 days prior to each meeting.

### SECTION 35.5. REQUIREMENTS FOR VARIANCES

No variance from the terms of this Resolution shall be authorized by the Board of Adjustment unless the Board find beyond reasonable doubt, that all of the following facts and conditions exist:



1. That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. That any alledged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of this Resolution.
3. That strict application of the provisions of this Resolution would deprive the applicant of reasonable use of the property for which the variance is sought.
4. That the variance proposed is the minimum variance which makes possible the reasonable use of the property.

#### SECTION 35.6 CONDITIONS AND LIMITATIONS

In authorizing any variance from the terms of this Resolution, the Board of Adjustment shall include as a part of such variance, any conditions, requirements or limitations which the Board may believe to be necessary and desirable to protect adjacent properties and the surrounding neighborhood, and to carry out the spirit and purpose of this Resolution.

#### SECTION 35.7. TIME LIMIT

Any variance authorized by the Board of Adjustment shall expire <sup>90</sup> ~~six months~~ <sup>days</sup> after the date of action on such variance by the Board, unless a building permit based upon and incorporating the variance is issued within the aforesaid ~~six months~~ <sup>90 day</sup> period.

#### SECTION 35.8 DISTRICT USES NOT LISTED

The Board of Adjustment shall be authorized to permit in a zoning district, a use which is not listed as a permissible use in such district, when the Board finds such use to be similar in character to a use specifically permitted in such district under the Zoning Resolution, provided such use is not listed as a prohibited use in the particular zoning district nor as a permitted use in a less restricted district. This provision shall not apply to any use for which special approval of the Commission is required.

In the cases covered by this Section a public hearing shall be held by the Board of Adjustment with notifications the same as specified in Section 35.9.

#### SECTION 35.9 NOTIFICATIONS FOR SPECIAL EXCEPTIONS

In all cases of special exceptions under the terms of this Resolution which the Board of Adjustment is required to hear and decide, all owners of property within 300 feet of the premises for which the special exception is requested shall be notified of the hearing in connection therewith.



## ARTICLE XXXVI AMENDMENTS

### SECTION 36.1. GENERAL

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

### SECTION 36.2. AREA FOR REZONING

In case of a petition for a change in the zoning of property, the Zoning Board shall consider whether the area described in the original petition should be enlarged in order to reflect the interests of the County and to correspond with the Broward County Plan. The Zoning Board shall study and recommend to the Commission such enlargement, if any, as it may deem desirable.

### SECTION 36.3. BOARD INITIATION

The Zoning Board shall carry on a continual study of zoning, zoning techniques and the relation of zoning to private developments and public improvements and any pertinent parts of any County Plan for the orderly growth of the County, and may from time to time submit recommendations on the amendments of this Resolution.

### SECTION 36.4. BASIS FOR RECOMMENDATIONS

In reviewing and formulating recommendations to the Commission on requested or proposed changes in the Zoning Resolution, the Zoning Board shall consider and evaluate the changes in relation to all pertinent factors, including the following:

1. The character of the district and its peculiar suitability for particular uses.
2. Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the County.
3. The applicable portions of any current County Plans and programs such as Land Use, Trafficways, Recreation, Schools, Neighborhoods, Drainage and Housing.
4. The needs of the county for land areas for specific purposes to serve population and economic activities.
5. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.



6. The facts and opinions presented to the Zoning Board through hearings.

#### SECTION 36.5. ACTION BY COMMISSION

If a petition or recommendation for a change or amendment to the Zoning Resolution is not acted upon finally by the Commission within six months of the date upon which the report of the Zoning Board is filed with the Commission, said petition shall be deemed to have been denied.

#### SECTION 36.6. CONDITIONAL REZONING

No amendment to the Zoning Resolution to rezone property shall contain conditions, limitations or requirements not applicable to all other property in the zoning district to which the particular property is rezoned.

#### SECTION 36.7. MINIMUM SIZE OF PARCEL

When a parcel of land has less than 200 feet of frontage or less than 40,000 square feet of area, no amendment shall be enacted to change the zoning classification except to the existing zoning classification of a property adjoining said parcel.

#### SECTION 36.8. LIMIT ON PETITIONS

Whenever the Zoning Board has taken action to recommend denial of a petition for rezoning of property, the Zoning Board shall not consider any further petition for the same rezoning of any part of the same property for a period of two years from the date of such action.

Whenever the Zoning Board has taken action to recommend denial of a petition for rezoning of property, the Zoning Board shall not consider a petition for any kind of zoning on any part of the same property for a period of one year from the date of such action.

Whenever the Commission has changed the zoning of property by an amendatory Resolution, the Zoning Board shall not consider any petition for rezoning of any part of the same property for a period of six months from the effective date of the amendatory resolution.

The above time limits for Zoning Board consideration may be waived by the Commission by the affirmative vote of four Commissioners, when the Commission deems such action necessary to prevent an injustice or to facilitate the proper development of the County.

#### SECTION 36.9. PROTEST

In case of a protest against any change in the zoning of property, signed by the owners of 50 percent or more of the area of the property included in such proposed change, or of the area



immediately in the rear thereof extending 300 feet therefrom, or of the area directly opposite, thereto, extending 300 feet from the street frontage of such opposite area, any resolution effectuating such change shall not become effective except by a favorable vote of 4 members of the Board of County Commissioners.

#### SECTION 36.10. PROCEDURE FOR AMENDMENTS

1. A petition for rezoning of land may be filed by an owner thereof or by an owner of land within 300 feet of the land to be rezoned.
2. A petition for a change of district regulations may be filed by any citizen or owner of land in Broward County.
3. Petitions for change of zoning or district regulations shall be addressed to the Zoning Board and shall be filed with the Zoning Clerk. Such petitions shall contain or be accompanied by all pertinent information which may be required by the Zoning Board for its proper consideration of the matter.
4. After consideration of a petition for a change in zoning classification or in district regulations the Zoning Board shall transmit the petition and the Board's recommendations thereon to the Commission.
5. No recommendation for a change in zoning district classification or in district regulations shall be made by the Zoning Board to the Commission unless and after a public hearing as hereinafter prescribed has been held by the Zoning Board.
6. Proposals originating with the Commission or initiated by the Zoning Board shall be processed in the same manner as provided for petitions in the preceding paragraphs.

#### SECTION 36.11. HEARINGS BEFORE ZONING BOARD

1. Notice of hearings before the Zoning Board in connection with changes in zoning district classification, changes in district regulations or special approvals under the Zoning Resolution shall be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of the hearing. Such notice shall specify the time and place of the hearing, and the matter to be considered at such hearing.
2. Petitioners for changes in Zoning Resolution or for special approvals shall be given notice of hearing by letter addressed to such petitioner at the address given in such petitions, and mailed at least 10 days prior to date of hearing.



3. In connection with hearings on petitions for change in the zoning district classification or for a special approval, all owners of property in the area proposed for zoning change, and all owners of property within 300 feet of the land subject to such petition shall be given notice of such hearing by mail. Such notice shall be mailed at least 10 days prior to the date of the hearing. For the purposes of this notification an owner of property shall be deemed to be the person who, with his address, is so shown on the tax rolls of the Broward County Tax Collector.

SECTION 36.12. FEE FOR PETITIONS

Petitions for a change in the Zoning Resolution shall be accompanied by a fee of \$~~50.00~~ <sup>\$15.00</sup>, which amount shall be deposited with the Zoning Clerk to cover cost of notifications and studies in connection with the processing of such petitions. No such fee shall be refunded except upon a showing of mistake on the part of the petitioner satisfactory to the Commission. In case of hardship upon the petitioner wherein the Commission finds the imposition of fee to be unreasonable, the Commission may waive the fee. No fee shall be required for changes in the Zoning Resolution initiated by the Commission or the Zoning Board.

ARTICLE XXXVII LEGAL PROVISIONS

SECTION 37.1 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Resolution they shall be held to be a minimum requirement for the promotion of the health, safety, morals and general welfare of the county. It is not intended by this Resolution to interfere with, abrogate or annul any easements, covenants or agreements between parties, provided however, that where the regulations on the same point, as contained in any other law or resolution, the provisions of this Resolution shall govern; and where the regulations of the other law, or Resolution are more restrictive than those of this Resolution the other shall govern.

SECTION 37.2. VALIDITY

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

SECTION 37.3. SAVING CLAUSE

Any prosecution arising from a violation of any resolution repealed by this Resolution, which prosecution may be pending at the time this Resolution becomes effective, or any prosecution which may be started within one year after the effective date of this Resolution in consequence of any violation of any resolution repealed herein, which violation was committed prior to the effective date of this Resolution shall be tried and determined exactly as if such Resolution had not been repealed.



SECTION 37.4. REPEAL

All resolutions or parts of resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. All resolutions heretofore adopted by the County Commission pursuant to Chapter 25717, Laws of Florida, Acts of 1949 and Chapter 27431, Laws of Florida as amended by Chapter 28952, Laws of Florida, Acts of 1953, are hereby repealed.

SECTION 37.5. VIOLATIONS AND PENALTIES

1. Any person, firm or corporation or anyone acting in behalf thereof, who shall violate or fail to comply with any of the provisions of this Resolution, shall upon conviction be punished as provided by law.
2. Each day that a violation of this Resolution is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

SECTION 37.6. IMMEDIATE EFFECT

This Resolution is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of Broward County, Florida, and is hereby ~~given immediate effect~~.

*made effective June 15, 1958*