ZONING

BROWARD COUNTY, FLORIDA

This pamphlet is a reprint of the Zoning Ordinance of the Code of Broward County, Florida, published by order of the Board of County Commissioners.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1982

ZONING PAMPHLET
SUPPLEMENT NO. 52

ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Ordinance of the Code of Broward County, Florida, as they appear in Supplement No. 52 to Volume III.

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1389	1389

Place this instruction sheet inside front cover of Pamphlet. Retain until each subsequent Supplement is inserted.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

October, 1988

Note—An updated checklist of pages in Pamphlet is included, following Table of Contents.

ZONING PAMPHLET
SUPPLEMENT NO. 59
March, 1990

ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Ordinance of the Code of Broward County, Florida, as they appear in Supplement No. 59 to Volume III.

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*Editor's note—The county's zoning ordinance, initially printed as effective on March 1, 1980, formerly ch. 39 of the Code of Ordinances, is set out herein as adopted, with amendatory ordinances included in their proper places and cited in history notes following the amended sections. The numbering system of the ordinance, including the prefix "39," which reflected its former position in the Code of Ordinances, has been retained; but in order to more accurately reflect the change from a chapter of the Code of Ordinances to an independent entity, the word "chapter" has been changed to "ordinance." Any editorial emendations made for the sake of clarity have been included in brackets [ ]. Obviously misspelled words have been corrected without comment.

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ARTICLE I. INTENT, PURPOSE AND METHODS

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

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

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

Sec. 39-2. Short title; scope.

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

ARTICLE II. ADMINISTRATION*

Sec. 39-3. Enforcement, interpretation, purpose and conflict.

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

(b) Where it is found that any of the provisions of this code are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable and any other

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

§§ 39-3—39-5 were amended.
§§ 39-6, 39-7 were repealed.
§§ 39-8, 39-9 were renumbered §§ 39-6, 39-7 and were amended.
§§ 39-10—39-16 were repealed.
§§ 39-17, 39-18 were renumbered §§ 39-8, 39-9 and were amended.
§ 39-10 was added.

person violating the provisions of this code. Any enforcement procedure authorized by the Broward County Code of Ordinances or state law may be used to enforce the provisions of this code. It shall be at the discretion of the county administrator or the designee of the county administrator as designated in the Broward County Administrative Code to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought.

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

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

(e) Where this code includes regulations on the same point as contained in any other law or ordinance, the provisions of this code shall govern; except that where the regulations of the other law or ordinance are more restrictive than those of this code, the other shall govern. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-4. Permits not to be issued.

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

(b) No license, permit or certificate shall be issued by any department, agency or official of Broward County for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve, in any way, or constitute a violation of this code, or upon any premises where a violation of this code is pending or unresolved. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-5. Site plan.

All applications for building permits shall contain or be accompanied by a site plan and a sealed survey in duplicate, drawn to

scale, showing the actual dimensions of the plot involved in the application, the location of the structure or use proposed, yards and setbacks, easements and rights-of-way, and all other uses, and buildings and structures existing on the plot as well as such other pertinent information as may be necessary for the enforcement of this code. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-6. Permits required.

No building or structure, or part thereof, or land or water, shall be erected, altered, moved, repaired or used unless a permit shall have been first obtained for such work. The terms "altered" and "repaired" shall include any changes in structural parts, 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 code, except for minor repairs or changes not involving any of the aforesaid features. The terms "used" shall include the erection of any sign, the digging or filling of any water area, paving and landscaping or the removal of same from any plot. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-7. Certificates required.

No commercially or industrially zoned building or structure, or part thereof, or premises zoned for any commercial or industrial use, or established as a legal nonconforming use which undergoes a change of occupant or upon which a new or different use is established shall be occupied or used until a certificate of use shall have been issued therefor. The original certificate shall be posted at the business location at all times. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-8. Administration.

The Broward County Administrative Code shall set forth the authority of the various county departments and divisions for the administration of this code. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-9. Right of entry.

For the purpose of enforcing the provisions of this code, officials and inspectors shall have a right of entry as provided by law

whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under this code. The office of the county attorney is hereby authorized to seek inspection warrants as necessary. (Ord. No. 90-12, § 2, 6-26-90)

Sec. 39-10. Validity.

Should any article, section, paragraph, sentence, clause, phrase, or other part of this code be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the code as a whole, or any part thereof, other than the part so declared to be invalid. (Ord. No. 90-12, § 2, 6-26-90)

Secs. 39-11—39-28. Reserved.

ARTICLE III. ZONING DISTRICTS

Sec. 39-29. Reserved.

Editor's note—Section 3 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990, repealed § 39-29, listing the zoning districts and their effective dates.

Sec. 39-30. Zoning district maps.

(a) The areas assigned to these districts, the designations of same, and the boundaries of said districts shown upon the maps hereto attached and made a part of this ordinance 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 code as if the matters and information set forth by said maps were 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 ordinance and its effective date.

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

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

Sec. 39-31. Application of zoning regulations.

When any public use 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 have been zoned by the board of county commissioners.

Sec. 39-32. Water areas.

(a) 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.

(b) 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.

Sec. 39-33. 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.

Sec. 39-34. Boundaries of districts.

(a) 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 ordinance are approximately bounded by street

lines, alley lines or the subdividing or boundary lines or recorded plats, such lines or the extension thereof shall be considered to be district boundaries.

(b) 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 county commission shall have the power and duty of interpreting the intent of said district maps so as to determine and designate the proper location of such district boundary in accordance with the spirit and purpose of this code.

Sec. 39-35. District group classification.

For the purpose of this code, the various zoning districts are grouped, and may be referred to as follows:

(1) The A-1, R-1A, R-1B, R-1C, R-1T, R-1P, R-2, R-2P, R-3, R-4, R-4A, R-5, R-6, T-1, E-1, R-2U and R-3U districts are considered to be and are designated as residential districts.

(2) The B-1, B-2, B-2A, B-2B, B-3 and C-1 districts are considered to be and are designated as business districts.

(3) The M-1, M-2, M-3, M-4 and M-5 districts are considered to be and are designated as industrial districts.

Sec. 39-36. Railroad rights-of-way.

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

Sec. 39-37. Regulation of unzoned property.

Any property which has not been placed in a zoning district, or which has not otherwise been zoned, is hereby classified as follows:

(1) Where the lack of zoning results from the deannexation of the property, the property shall retain the municipal zoning provided it is consistent with the land use plan.

(2) Where the lack of zoning results from vacating rights-of-way the property shall be zoned in accordance with section 39-33, if consistent with the land use plan.

(3) Where the lack of zoning results from any other cause or where zoning under subsection (1) or (2) is not consistent with the land use plan, the property shall be zoned in the least intensive zoning district that is consistent with the land use plan designation. For agricultural, it shall be Limited Agricultural A-1; for commercial and industrial land uses, it shall be Limited Agricultural, A-1 to permit only nonresidential agricultural uses; and for residential land use designations, it shall be Agricultural Estate, E-2. (Ord. No. 90-12, § 4, 6-26-90)

Sec. 39-38. Zoning to be consistent with the land use plan.

Whenever the permitted uses or district regulations applicable to any zoning district permit some uses that are not permitted by the applicable land use plan designation for the property, the provisions of the land use plan shall operate to prohibit those uses on that property as if such restrictions were fully set forth in this code. Where an existing lawful use of land or a structure is no longer permitted by the applicable and [land] use plan restrictions, such use of land or structures shall be considered nonconforming and subject to article XI of this code unless a contrary result is specifically provided for in the land use plan. (Ord. No. 89-36, § 1, 9-26-89)

Secs. 39-39—39-47. Reserved.

ARTICLE IV. ZONING BOARD

Sec. 39-48. Establishment; duties.

(a) The Board of County Commissioners of Broward County shall appoint a zoning board to be composed of 14 members, each county commissioner to appoint 2 members, 1 such member to be appointed from each county commissioner's district, to be known as the zoning board, to recommend the boundaries of the various original districts and appropriate regulations to be adopted and enforced therein. Such zoning board shall make a preliminary report and hold a public hearing thereon before submitting its final report, and such board of county commissioners shall not hold its public hearing or take action until it has received the final report of such zoning board; provided, however, this section shall not apply to the enactment of the comprehensive plan.

(b) The zoning board shall from time to time make studies and recommendations for changes and amendments relating to the boundaries of the various districts and the regulations applicable thereto to the board of county commissioners. Any proposal or request for such a change or amendment shall first be filed with the zoning board; and every such proposal or request shall be considered by the zoning board and transmitted thereafter to the board of county commissioners with the recommendation of the zoning board, either favorable or unfavorable, attached to or endorsed thereon.

(c) The zoning board shall act in an advisory capacity to the board of county commissioners and make such studies and investigations as requested by the board of county commissioners.

(d) The members of the zoning board shall serve at the pleasure of the board of county commissioners, in compliance with section 1-233, Broward County Code of Ordinances. Members of the zoning board shall be permitted no more than 3 unexcused absences in a 12-month calendar year. The chairperson of the Broward County Zoning Board shall have the authority to excuse absences in those instances where the chairperson is notified by the board member in advance of a scheduled meeting. The chairperson's authority to excuse absences will include, but not be limited to, situations in which the board member is ill, on

vacation, or when there has been a death in the family. Upon the occurrence of the zoning board member's third unexcused absence, the chairperson of the zoning board shall notify, in writing, the board of county commissioners that the particular zoning board member has three unexcused absences. Upon receipt of such notice, the board of county commissioners shall determine whether the zoning board member's unexcused absences warrant removal from the board. If the board of county commissioners determines that removal of the zoning board member is unwarranted, the commission shall outline the conditions under which the zoning board member shall continue to serve on the board.

(e) The members of the zoning board shall serve without compensation but shall be paid actual expenses incurred in performance of their duties as members of the zoning board to the extent permitted by law. (Ord. No. 75-5, § 6, 3-18-75; Ord. No. 76-70, §§ 1, 2, 12-28-76; Ord. No. 79-21, § 1, 4-18-79; Ord. No. 79-36, § 2, 6-20-79; Ord. No. 87-24, § 1, 5-26-87)

Sec. 39-49. Rules and procedures.

(a) 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 code or other ordinances adopted by the county commission.

(b) 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.

Sec. 39-50. Meetings.

The zoning board shall hold at least one meeting each month except in August, and any additional or special meetings that are approved in writing by a majority of its members or by the county commission.

Sec. 39-51. Zoning board action.

(a) The zoning board shall be required to provide its recommendation regarding a proposed rezoning no later than 100 days following the original date of its first public hearing on a rezoning,

except that upon request of a petitioner and approval by the zoning board such decision may be deferred for up to 180 days from the date of the first public hearing.

(b) The zoning board shall be required to provide its recommendation on any development orders for developments of regional impact on the advertised date of the public hearing on the development order.

(c) The zoning board shall be required to provide its recommendation regarding proposed text amendments to the zoning code within 180 days of the date of its first public hearing on the text amendments; provided that whenever the director of the office of planning certifies to the zoning board that such revisions are necessary to bring the zoning code into compliance with the Broward County Comprehensive Plan by a date specified in the plan or by law, the zoning board shall act upon the text amendments within ten (10) days of the first public hearing date where such text amendments are under consideration.

(d) If the board of county commissioners does not receive a recommendation from the zoning board as provided for in this section, the board of county commissioners may consider the rezonings, development order or text amendments without a recommendation by the zoning board.

(e) A petitioner may amend the rezoning petition to request a more restrictive zoning district within the same land use category prior to the vote on the petition by the zoning board. For purposes of this section land use categories are defined as: residential, commercial, industrial, agricultural, provided that a conservation district shall always be considered more restrictive than any other land use category.

(f) If a petitioner requests an amendment to a rezoning petition following the close of the public hearing and the vote by the zoning board on the petition, the petition shall be processed as follows:

(1) If the rezoning petition is amended to a different category of land use as defined above, other than conservation, a new public hearing and recommendation by the zoning board is necessary.

(2) If the rezoning petition is amended to a more intensive use, a new public hearing and recommendation by the zoning board is necessary.

(3) If the rezoning petition is amended to a less intensive use within the same category of land use as defined above, but the zoning board recommendation for the original petition was for denial, a new public hearing and recommendation by the zoning board is necessary.

(4) If the rezoning petition is amended to a less intensive use within the same category of land use as defined above, but the zoning board recommendation for the original petition was for approval, a new public hearing and recommendation by the zoning board is not necessary before the petition is considered by the county commission. (Ord. No. 90-12, §§ 5, 6, 6-26-90)

Secs. 39-52—39-61. Reserved.

ARTICLE V. BOARD OF ADJUSTMENT

Sec. 39-62. Establishment and duties.

(a) It shall be the duty of the Board of County Commissioners of Broward County to appoint by resolution a Broward County Board of Adjustment; and it shall be the duty of said board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to approve special exceptions to and grant variances to the terms of this code in harmony with the general purpose and intent of this code and in accordance with general or specific rules therein contained, unless an article, section, subsection or paragraph specifically provides that no variance is permitted. The members of such board of adjustment shall serve without compensation but shall be paid actual expenses incurred in performance of their duties as members of such board of adjustment to the extent permitted by law. Such board of adjustment shall consist of one member from each county commissioner's district, each to be appointed for a term consistent with the provision of section 1-233 of the Code of Ordinances and remov-

able for cause by the board of county commissioners. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. No member of the board of adjustment shall be a paid or elected official or employee of Broward County.

(b) The board of adjustment shall have the following powers and duties:

(1) To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this code.

(2) To hear and decide such special exceptions as the board of adjustment is specifically authorized to pass on under the terms of the zoning code; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards, or to deny special exceptions when not in harmony with the purpose and intent of the zoning code.

a. In granting any special exception, the board of adjustment shall find that such grant will not adversely affect the public interest.

b. In granting any special exception, the board of adjustment may prescribe appropriate conditions and safeguards that are not in conflict with the zoning code or any county ordinance.

c. The board of adjustment may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

(3) To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the "Broward County Tree Preservation Ordinance," chapter 33½ of the Code of Ordinances.

(4) To authorize upon appeal such variance from the terms of the zoning code, where such variance is not prohibited by

the terms of the code, as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the code would result in an unnecessary and undue hardship.

a. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this article and of the zoning code.
b. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
c. Under no circumstances shall the board of adjustment grant a variance to permit a use or density not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the regulations in the zoning district or the unincorporated area land use plan. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.

(c) In exercising its powers, the board of adjustment may, upon appeal and in conformity with provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by an administrative official in the enforcement of any zoning code provision and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

If at any regular or special meeting of the board of adjustment a petition for a variance shall be denied although such petition

receives the affirmative vote of a majority of those board members present and voting, the petition shall, at the request of the petitioner, be rescheduled for another vote at the next regular meeting of the board. If at any meeting subsequent to the first meeting during which such a petition is considered and voted upon the petition receives fewer than three affirmative votes, the petition shall not be rescheduled for another vote.

(d) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer or board of the governing body affected by any decision of an administrative official under any zoning code provision. Such appeal shall be taken within 30 days after rendition of the order, requirement, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

(e) An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from unless the official from whom the appeal was taken shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, granted by a court of competent jurisdiction.

(f) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent or by attorney. Appellants may be required to assume such reasonable costs in connection with appeals as may be determined by the governing body through action in setting of fees to be charged for appeals. For procedural purposes, an application for a special exception or variance shall be handled by the board of adjustment as for appeals.

(g) Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment or any officer, department, board, or commission of the governing body, may apply to the circuit court for judicial relief within 30 days after rendition of the decision of the board of adjustment. (Ord. No. 75-5, § 7, 3-18-75; Ord. No. 76-42, §§ 1, 2, 8-31-76; Ord. No. 78-38, § 1, 8-16-78; Ord. No. 79-36, § 2, 6-20-79; Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-63. Notification for variances and special exceptions.

No variance or special exceptions shall be authorized by the board of adjustment unless a public hearing on the variance or exception has been held by the board, and notice of the public hearing has been given as follows:

Variances and special exceptions. All owners of property within 300 feet of the premises for which the variance or special exception is requested, shall be notified of the hearing by regular first class mail. (Eff. 6-14-74; Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-64. Notification for appeals from administrative decision.

In connection with appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this code, notification shall be mailed by first class mail to all owners of property directly contiguous to the premises which are involved in the appeal. (Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-65. Notifications.

Where notice of 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 the person shown on the tax rolls of the Broward County Property Appraiser. (Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-66. 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. (Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-67. Requirements for variances.

(a) Any variance or special exception approved under the terms of this article shall be in the form of a resolution adopted by the board of adjustment and shall be recorded in the public records of Broward County, Florida, and shall include verification by the enforcing official that all terms, conditions, safeguards and time limits of the approval have been satisfied.

(b) No variance from the terms of this code shall be authorized by the board of adjustment unless the board finds 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; and

(2) That any alleged 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 code; and

(3) That strict application of the provisions of this code would deprive the applicant of reasonable use of property for which the variance is sought; and

(4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property; and

(5) That the granting of the variance will be in harmony with the general intent and purpose of the zoning code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. (Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-68. Time limit.

Any variance or special exception authorized by the board of adjustment shall expire 150 days after the date of the action on such variance or special exception by the board unless a building permit, if the variance or special exception relates to a structure, is issued based upon and incorporating the variance or special exception within the 150-day period; and unless all terms, conditions and safeguards of the variance or special exception have been satisfied. (Ord. No. 90-12, § 7, 6-26-90)

Sec. 39-69. Temporary offices and signs.

The board of adjustment is authorized to approve, after public hearing, in any zoning district, certain uses on a temporary, limited and conditional basis as follows:

(1) A real estate sales office for the sale of lots and/or new houses located in a subdivision or building project, such office not to be used for other purposes. Signs upon or in connection with such temporary office use shall be subject to the approval of the board of adjustment.

(2) Ground signs advertising the sale of lots or new houses, provided that no such sign shall exceed 10 feet in overall height above the ground or 200 square feet in area, nor shall such signs be located within 100 feet of any residential structure, provided that the aforesaid 100-foot separation requirement shall not apply to any structure used for sales or exhibition purposes.

(3) The uses permissible under paragraphs (1) and (2) above shall be limited as to location as follows:

a. Such signs shall be located upon the subdivision to which the uses are related; or
b. Such uses shall be located adjacent to a trafficway and not more than 2,500 feet from the subdivision or building project to which they are related.

(4) In giving any such approval, the board shall find that such use is related to and desirable for the economy of Broward County, is not injurious to the neighborhood and nearby

Sec. 39-94. 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 ordinance.

Sec. 39-95. Basis for recommendations.

In reviewing and formulating recommendations to the commission on requested or proposed changes in this ordinance, the zoning board shall consider and evaluate the changes in relation to all pertinent factors, including the following:

(1) Compliance with the Future Unincorporated Area Land Use Element Map, adopted March 1, 1989.

(2) Compliance with the Goals, Objectives and Policies of the Broward County Comprehensive Plan, adopted March 1, 1989.

(3) Availability of public facilities and services needed to support the development proposal current with the anticipated impact of the development proposal, or the maximum development permissible under the requested zoning, in accordance with the level of service standards specified in the Broward County Comprehensive Plan, including sanitary sewer, solid waste, potable water, drainage, recreation and roadways.

(4) The character of the district and its peculiar suitability for particular uses, the elimination of existing incompatible land uses and discouraging the establishment of new incompatible land uses.

(5) The impacts of the proposed district upon the surrounding area; existing and designated parks, recreation and open space lands; local areas of particular concern and natural resource areas; existing and proposed airports and heliports; and public potable water wellfields.

(6) The adverse impacts of industry upon the surrounding area, including noise, vibration, air pollution, glare, heat, solid wastes, hazardous wastes, fire and explosion.

(7) The following provisions shall apply to oceanfront land and real property:

(a) The need to protect and restore beaches, particularly dunes and vegetation, through techniques such as conservation, easements, revegetation, elevated walkways and clustering of development.

(b) The need to ensure the protection and enhancement of sea turtle nesting.

(c) The extent to which the regulations regarding construction seaward of the coastal construction control line would affect a property owner's ability to develop the uses in the proposed district.

(8) Marinas, boat ramps and other water-dependent uses shall be located in a manner which protects manatees in those areas which they frequent.

(9) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.

(10) The facts and opinions presented to the zoning board through hearings. (Eff. 12-11-73; Ord. No. 89-36, § 2, 9-26-89)

Sec. 39-96. Authority to withhold permits and licenses; zoning in progress.

When a change of text of regulatory controls relating specifically to residential densities and permitted land uses or a change of zoning district is being considered by the county, for a period of time not to exceed six (6) months after notice of public hearing of such change has been published by the county, no permit or license shall be issued by the county where the issuance of such permit or license would result in the nonconforming or unlawful use of property should such proposed change be adopted; provided that, if final action by the county commission is not taken

on the proposed change within six (6) months from the date of such publication, the permit or license shall be issued. (Eff. 5-4-79)

Sec. 39-97. Reserved.

Editor's note—Section 39-97, "Conditional Zoning," was repealed by § 3 of Ord. No. 89-36, adopted Sept. 26, 1989, effective Oct. 1, 1989.

Sec. 39-98. Reserved.

Editor's note—Section 39-98, relating to the minimum size of a parcel, was repealed by Ord. No. 85-61, § 1, adopted May 10, 1985, effective Oct. 17, 1985.

Sec. 39-99. Limit of petitions.

(a) Whenever the zoning board and/or the county commission has taken action to deny a petition for the 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 the latest such action by either the zoning board or the county commission.

(b) Whenever the zoning board and/or the county commission has taken action to deny a petition for rezoning of property, the zoning board shall not consider a petition for any kind of zoning of any part of the same property for a period of one year from the date of the latest such action by either the zoning board or the county commission.

(c) Whenever the commission has changed the zoning of property by an amendatory ordinance, the zoning board shall not consider any petition for rezoning of any part of the same property for a period of six (6) months from the date of the amendatory ordinance.

(d) The above time limits for the zoning board consideration may be waived by the commission by the affirmative vote of four (4) commissioners, when the commission deems such action necessary to prevent an injustice or to facilitate the proper development of the county.

Sec. 39-100. Procedure for rezonings and amendments.

(a) A rezoning may be initiated by the board of county commissioners, the zoning board, the office of planning or by a petition of the owner of, or agent for the owner of, the property to be rezoned.

(b) A change of district regulations may be initiated by the board of county commissioners, by the zoning board, the office of planning or the building and zoning enforcement division or by a petition by a member of the public.

(c) The office of planning shall charge a fee, as approved by the board of county commissioners, for all applications other than those initiated by the board of county commissioners, the zoning board, the office [of] planning or the building and zoning enforcement division.

(d) All applicants for rezonings and amendments to district regulations initiated by petition shall complete an application on forms prepared by the office of planning to provide the county with the information necessary to make a decision regarding the rezoning or amendment to district regulations.

(e) All rezonings and amendments to district regulations shall be subject to a public hearing before the zoning board. The zoning board shall make a recommendation regarding the proposed rezoning or amendment before it as provided in section 39-51. In addition, the zoning board may provide additional comments or recommendations as it deems appropriate.

(f) If the matter before the zoning board is a petition for a substantial revision to any provision(s) of the zoning code initiated by a member of the public, then the zoning board shall make a conceptual recommendation to the board of county commissioners as to whether the revisions should be drafted. The determination as to whether the proposed revision is a substantial revision shall be made by the office of planning. The board of county commissioners shall consider such conceptual recommendations during its zoning public hearings and shall determine whether the county staff should be directed to draft the revisions under consideration. A decision to direct the staff to draft substantial revisions shall be by a majority of the board. When such revisions have been drafted, they shall be required to be processed as if they were proposed amendments initiated by the board.

(g) All rezonings and amendments to district regulations other than those specified in subdivision (f) shall be presented to the board of county commissioners in the form of an ordinance. (Eff. 9-14-73; Ord. No. 89-36, §§ 4, 5, 9-26-89)

Sec. 39-101. Hearings before zoning board.

(a) Notice of hearings before the zoning board in connection with changes in zoning district classification or changes in district regulations under the zoning code 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.

(b) Petitioners for changes in the zoning code 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. Such notice shall specify the time and place of the hearing and the matter to be considered at such hearing.

(c) In connection with hearings on petitions for change in the zoning district classification, 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 whose address is so shown on the tax rolls of the Broward County Property Appraiser.

Secs. 39-102—39-111. Reserved.

ARTICLE VII. LEGAL PROVISIONS

Sec. 39-112. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this code, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the county. It is not intended by this code to interfere with, abrogate or annul any easements, covenants or agreements between parties; how-

ever, where the regulations on the same point, as contained in any other law or ordinance, the provisions of this code shall govern; and where the regulations of the other law or ordinance are more restrictive than those of this code, the other shall govern.

Sec. 39-113. Validity.

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

Sec. 39-114. Repeal.

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

Sec. 39-115. Violations and penalties.

(a) 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 code shall, upon conviction, be punished as provided by law.

(b) Each day that a violation of this code is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.

Secs. 39-116—39-126. Reserved.

ARTICLE VIII. DEFINITIONS

Sec. 39-127. General construction of terms.

For the purpose of this code, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number in-

clude 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.

Sec. 39-128. 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, an accessory use.

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

Acre: A plot having 43,560 square feet of contiguous land area. (Ord. No. 90-12, § 8, 6-26-90)

Adult Bookstore: For the purpose of this code, the term "adult bookstore" means and includes an establishment having as a substantial or significant portion of the stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material. (Ord. No. 77-48, § 1.02, 9-16-77)

Adult Congregate Living Facility: "Adult congregate living facility" means any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, housing, food service, and 1 or more personal services for 4 or more adults, not related to the owner or administrator by blood or marriage, who require such services. A facility offering personal services for fewer than 4 adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services. (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility I: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing for no more than eight residents. (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility II: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing to from 9 to 16 residents. (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility III: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing to more than 16 residents. (Ord. No. 86-27, § 1, 6-24-86)

Adult Mini Motion Picture Theater: For the purpose of this ordinance, the term "adult mini motion picture theater" means and includes an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein. (Ord. No. 77-48, § 1.05, 9-16-77)

Adult Motion Picture Theater: For the purpose of this ordinance, the term "adult motion picture theater" means and includes an enclosed building with a capacity of 50 or more persons

and 1 or more personal services for 4 or more adults, not related to the owner or administrator by blood or marriage, who require such services. A facility offering personal services for fewer than 4 adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services. (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility I: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing for no more than eight residents (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility II: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing to from 9 to 16 residents. (Ord. No. 86-27, § 1, 6-24-86)

Adult Congregate Living Facility III: Adult congregate living facility which is licensed or operated by a governmental agency to provide housing to more than 16 residents. (Ord. No. 86-27, § 1, 6-24-86)

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Adult Motion Picture Theater: For the purpose of this code, the term "adult motion picture theater" means and includes an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein. (Ord. No. 77-48, § 1.04, 9-16-77; Ord. No. 93-3, § 1.03, 1-26-93)

Adult Nightclub: for the purpose of this code, the term "adult nightclub" shall mean and include any place of business or establishment or cabaret which features live entertainment distinguished or characterized by an emphasis on matter depicting, exposing, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein. (Ord. No. 77-48, § 1.08, 9-16-77; Ord. No. 78-33, § 1(1.08), 6-27-78; Ord. No. 85-17, § 1, 3-15-85; Ord. No. 93-3, § 1.05, 1-26-93)

Alcoholic Beverage: For the purpose of this code, the term "alcoholic beverage" shall mean and include any beverage containing more than 1 percent of alcohol by weight. (Ord. No. 78-33, § 1(1.15), 6-27-78; Ord. No. 93-3, § 1.14, 1-26-93)

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

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.

Art Gallery: A room or building where paintings, pieces of sculpture and other works of art or aesthetic objects are exhibited, or exhibited and sold. (Ord. No. 84-69, § 1, 9-14-84)

Auditorium: A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances. (Ord. No. 84-69, § 1, 9-14-84)

Automobile Repair, 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 1.5 tons' capacity, but not including any operations listed under "Automobile Repair, Major" or any other operation similar thereto.

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.

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 in B-1, B-2, B-2A, B-2B, B-3 or C-1 under this code.

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.

Cabaret: For the purpose of this code, the term "cabaret" shall mean and include any place wherein any type of alcoholic beverage is sold or given away for consumption on the premises and the operator thereof holds a license from the State of Florida to sell alcoholic beverages for consumption on the premises and wherein the patrons are provided with entertainment or space for dancing. (Ord. No. 78-33, § 1(1.14), 6-27-78; Ord. No. 93-3, § 1.13, 1-26-93)

Carports: 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

therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child Care Facility: A location, place, structure, building, home or child care arrangement which provides child care, on a daytime basis, and not overnight, to more than five children unrelated to the operator on a regular basis whether or not a payment, fee or grant is received for any of the children receiving care, which is properly licensed. (Ord. No. 84-69, § 1, 9-14-84)

Civic Center: A building or complex of buildings that house governmental offices and services, which may include cultural, recreational, athletic, convention and entertainment facilities owned or operated by a governmental agency. (Ord. No. 84-69, § 1, 9-14-84)

Club, Night: A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests after 11:00 p.m.

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

Cluster Development: Cluster development shall consist of tow or more dwelling structures, each containing one or more dwelling units, grouped to form a unified development, with useable open area in either common or individual ownership, and fronting on a public or approved private street. Each development is based upon gross dwelling unit density within a given zoning district, whereby lot sizes are permitted to vary, provided the gross density is not exceeded. (Eff. 8-27-79)

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

(1) *Semitrailer:* All two- or more wheeled vehicles designed to be coupled to and drawn by a motor vehicle.

(2) *Truck:* A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing 4000 pounds or more. This term includes but is not limited to wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.

(3) *Truck-tractor:* A motor vehicle having four or more wheels and equipped with a fifth wheel for the purpose of drawing a semitrailer.

(4) *Bus:* Any vehicle designed or modified for transportation of 10 or more people in seats permanently placed in the vehicle.

(5) [*Business vehicle:*] Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes police and security vehicles which are providing security services to the area where the vehicle is parked. (Ord. No. 90-12, § 8, 6-26-90)

Commission or *County Commission:* The Board of County Commissioners of Broward County.

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: An institution for the care of persons recovering physical or mental health and strength after sickness or debility. (Ord. No. 84-69, § 1, 9-14-84)

Court Facilities: A room, building or complex of buildings where judicial business is conducted. (Ord. No. 84-69, § 1, 9-14-84)

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

Cultural Center: A building or complex of buildings where activities relating to historical, educational, artistic, theatrical, musical or similar interests are performed, conducted or held. (Ord. No. 84-69, § 1, 9-14-84)

Designated Use: For the purpose of this code, the term "designated use" shall mean and include such designated uses or accessory uses as shall be included in this code and which may from time to time be added to this code by amendment as the board of County commissioners of Broward County, Florida, in its continuing study of the various uses and accessory uses permitted in chapter 39 of the Code of Ordinances of Broward County, Florida [this code], may determine. (Ord. No. 77-48, § 1.01, 9-16-77; Ord. No. 93-3, § 1.01, 1-26-93)

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

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

Drive-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, Attached: A residential structure on a lot, a portion of a lot, or lots held in common ownership, consisting of three or more dwelling units, having at least two party walls with adjacent dwelling units, except for end or corner units. (Eff. 8-27-79)

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

Dwelling, Group: A building, or part thereof, in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for the persons or families. "Group dwelling" may include a rooming house, frater-

nity house, sorority house, convent, monastery or private club in which one or more members have a permanent residence. "Group dwelling" shall not be deemed to include a hotel, motel, tourist home, trailer camp.

Dwelling, One-Family: A building with one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for cooking, and including a room or rooms for living, sleeping and eating, and having all areas within the building accessible from the interior of the building. One-family dwellings shall not include group homes, adult congregate living facilities, rooming or boarding houses, or dormitory, fraternity or sorority buildings or facilities. (Ord. No. 91-3, § 4, 1-21-91)

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

Dwelling, Semidetached: A residential structure having no more than two dwelling units attached by a party wall, such as a duplex.

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

Encounter Studio: For the purpose of this code, the term "encounter studio" shall mean and include all establishments offering nude encounter sessions, encounter sessions between males and females, nude dance encounter sessions, and sexual consultations. (Ord. No. 77-48, § 1.11, 9-16-77; Ord. No. 93-3, § 1.10, 1-26-93)

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 code is assigned under this code.

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

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. (Eff. 9-12-75)

Established Grade: The average elevation of the public sidewalks around or abutting a plot, or in the absence of sidewalks, the average elevation of the public streets abutting the plot.

Family: Any number of persons living together as a single housekeeping unit, whether legally related to each other or not. The persons constituting a family may also include gratuitous guests and domestic servants, but shall not include paying guests. (Ord. No. 91-3, § 4, 1-29-91)

Family Day Care Home: An occupied residence in which child day care is regularly provided for no more than five preschool children from more than one unrelated family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed 10. (Ord. No. 86-16, § 1, 3-11-86)

Fire Protection Facilities: A building or complex of buildings that house the offices and services of an organized body of people

trained and employed to extinguish fires. (Ord. No. 84-69, § 1, 9-14-84)

Floating Home: Shall mean any water-borne vessel used or designed for use as a dwelling. (Eff. 12-4-78)

Floor Area: Where a specified minimum floor area is required in this zoning code for a dwelling, "floor area" shall mean in the total gross area within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms, unenclosed porches, terraces or breezeways, and carports or garages.

Food Service Establishment: Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches, salads and other food intended for individual service. The term does not include private homes where food is prepared or served for individual family consumption. (Ord. No. 82-44, § 1, 8-13-82)

Foster Care Home: A home licensed by the Florida Department of Health and Rehabilitative Services (HRS) or other government agency which provides residential services and supervision for no more than eight individuals who are unrelated to the resident houseparent. Foster care homes with three or less children age two or under shall be excluded from the ordinance. (Ord. No. 80-92, § 1, 10-17-80)

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

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

Garage, Community: A building or part thereof used for indoor parking of a self-propelled private passenger vehicle, 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 passenger vehicles 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.

Governmental Administration: A building or complex of buildings that house the administrative offices of any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, incorporated or unincorporated municipality, or any other governmental unit. (Ord. No. 84-69, § 1, 9-14-84)

Governmentally Owned or Operated Residential Care Facility for the Elderly or Handicapped: A building or complex of buildings owned or operated by a governmental entity where persons who are elderly or handicapped maintain their permanent residence and have available to them, on site, care that provides for the physical, emotional or mental needs created by their age, physical condition, or mental condition, as well as communal living areas and congregate areas. (Ord. No. 84-69, § 1, 9-14-84)

Grouped Buildings: Two or more buildings for dwelling purposes erected or placed on the same plot. (Ord. No. 80-92, § 2, 10-17-80)

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

Health Clinic: A public or private facility, which staff includes state-licensed physicians and nurses, which provides health-related services or treatment designed to prevent medical problems, maintain a healthful condition, or restore an individual to a condition of health. (Ord. No. 84-69, § 1, 9-14-84)

Health Spa: For the purpose of this code, the term "health spa" shall mean and include all health studios, exercise salons, relax-

ation spas, health salons, health clubs and adult relaxation spas. (Ord. No. 77-48, § 1.10, 9-16-77; Ord. No. 93-3, § 1.09, 1-26-93)

Hearing examiner shall mean the officer appointed by the board of county commissioners, including any deputy hearing examiner. (Ord. No. 94-7, § 2, 2-22-94)

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 percent of the floor area of the dwelling unit and shall not involve the use of any accessory 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. In no event shall a barbershop, beauty parlor, tearoom, tourist home, animal hospital, nursing home, retail store, dancing or band instrument instruction, or clairvoyant be construed as a home occupation.

Homeowners Association: An incorporated, nonprofit organization operating in a residential cluster, townhouse cluster, or planned unit development (PUD) under recorded agreements through which each lot owner is automatically a member; each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance costs levied against the association by the county; each owner or tenant has the right to use the common property. (Eff. 8-27-79)

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other physical

or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities. (Ord. No. 84-69, § 1, 9-14-84)

Hotel: A 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-1A, M-2, M-3, M-4 to M-5 under this code.

Inflammable Liquid: Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

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

Kennel: Any place or premises where four or more dogs over four months of age are kept.

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

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

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

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

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.

Massage Establishment: The term "massage establishment," as used in this code, shall mean and include any shop, parlor, establishment or place of business wherein all or any one or more of the following named subjects and methods of treatments are administered or practiced:

(1) Oil rubs, salt glows, hot or cold packs, all kinds of baths, including steam rooms, cabinet baths, sitz baths, colon irrigations, body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping or rubbing.

(2) Nothing in this code shall be construed as applying to State of Florida licensed barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants or employees acting in the course of such agency, service or employment.

(3) Provided, however, that, for the purpose of this code, the term "massage establishment" shall not include any mas-

sage establishment wherein at least one State of Florida licensed masseur or masseuse is employed and on duty full time during the hours open for business. (Ord. No. 78-33, § 2(1.09), 6-27-78; Ord. No. 93-3, § 1.08, 1-26-93)

Mobile Collection Center: A trailer or mechanical depository used for the collection and temporary storage of aluminum cans or other aluminum products, paper or clothing material. (Ord. No. 86-35, § 1, 8-26-86)

Mobile Food Unit: Any vehicle-mounted food service establishment, except a mobile food unit limited to the preparation and sale of frankfurters, which is self-propelled or otherwise movable from place to place, meeting all applicable requirements of Florida Administrative Code, chapter 10D-13.32, and the Broward County of Ordinances, which does not remain in one location for more than 1 hour. (Ord. No. 82-44, § 1, 8-13-82)

Mobile Food Unit Limited to the Preparation and Sale of Frankfurters: A vehicle-mounted food services establishment, except a mobile food unit, which is self-propelled or otherwise movable from place to place which use is limited to the preparation and sale of frankfurters and related condiments, which meets all applicable requirements of Florida Administrative Code, chapter 10D-13.32(7) and the Broward County Code of Ordinances, and does not remain in any one location for more than 8 hours or overnight. (Ord. No. 82-44, § 1, 8-13-82)

Mobile Unit: Any vehicle, other than a mobile food unit, and mobile food unit limited to the preparation and sale of frankfurters, which is self-propelled or otherwise movable from place to place. (Ord. No. 82-44, § 1, 8-13-82)

Mooring and Dolphin Poles: "Mooring and dolphin poles," as used in this code, means any appliance used to secure a vessel, other than to a pier or dock, which is not carried aboard such vessel as regular equipment when under way. (Ord. No. 88-17, § 1, 4-26-88)

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.

Museum: A building or room devoted to the procurement, care, study or display of antiques, objects of historical, scientific or cultural interests, or other objects of lasting interest or value. (Ord. No. 84-69, § 1, 9-14-84)

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this code, 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 code for a new and/or use which does not conform to all the regulations applicable to the district in which it is located.

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

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

Nursery School: A place for the day care and instruction of children not remaining overnight.

Nursing Home: An establishment, which staff includes statlicensed physicians and nurses, where nursing care, personal care, or custodial care is provided to three or more unrelated persons who are unable to care for themselves properly by reason of illness, physical infirmity or advanced age, and is licensed pursuant to state law. (Ord. No. 84-69, § 1, 9-14-84)

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

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

Open Space: A portion of the open area, not including parking, drives, private or public streets, service areas, structures, buildings, tennis courts and recreational buildings. The open space may be used for preservation of natural areas, landscaping and drainage areas, and available for limited recreational activities. Such open space shall be designed and maintained for the exclusive use of residents of the project and may be dispersed throughout the development. Water areas, regardless of size, shall not account for more than 75 percent of the required open space. (Eff. 8-27-79)

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 of private passenger vehicles 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 than specified above, "Parking" as defined herein shall only apply to open-air storage of automobiles.

Party of record shall mean any person who appears or enters an appearance through counsel or by agent at a proceeding for an owner-initiated site-specific rezoning before a hearing examiner and is thereby entitled to receive a written report of the hearing examiner's decision and to file a request for appearance to appear before the board of county commissioners. (Ord. No. 94-7, § 2, 2-22-94)

Person: For the purpose of this code, the word "person" means and includes any adult individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or any combination thereof, or other entity. (Ord. No. 78-33, § 1(1.12), 6-27-78; Ord. No. 93-3, § 1.11, 1-26-93)

Personal Services: Personal services include, but are not limited to, such services as individual assistance with or supervision of essential activities of daily living, such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication; and other similar services. (Ord. No. 86-27, § 1, 6-24-86)

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

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

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

Plot, 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 lines as above defined shall be considered to be the front plot line for the purposes of determining required plot width and required front yard depth. On a corner plot where both front plot lines as above defined are equal or within five feet of the same length, both such lines shall be considered to be front plot lines for the purposes of determining

required street yard depth. On through lots, both front plot lines as above defined shall be considered to be front plot lines for the purpose of determining required yards.

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

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

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

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

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

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

Poultry Market: A commercial establishment or place where live poultry or fowl are kept and prepared for sale, including killing or cleaning.

Public or Private Facility: Means 1 or more dwelling units in a single structure on a single lot or parcel of record, regularly occupied by no more than 16 related or unrelated minors or adult persons and operated by public service agency or private care agency in accordance with section 39-185 of this code. This definition shall not include adult congregate living facilities. (Ord. No. 80-92, § 1, 10-17-80; Ord. No. 86-27, § 1, 6-24-86)

Rafting: "Rafting," as used in this code, shall mean the intentional lashing or typing of two or more vessels side by side, amidships, for more than 2 hours while one of the vessels is docked at, moored or tied up to any private dock, seawall, wharf, mooring or dolphin pole. (Ord. No. 88-17, § 1, 4-26-88)

Recreational Vehicle: Shall mean one of the following:

(1) *Camping trailer:* A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.

(2) *Truck camper:* A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

(3) *Motor home:* A vehicular unit which does not exceed the length and width limitations provided in section 316.515, Florida Statutes, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

(4) *Park trailer:* A transportable unit which has a body width not exceeding 12 feet and is built on a single chassis and is designed to provide seasonable or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed 400 square feet provided that park trailers manufactured in conformance with the Federal Mobile Home Construction and Safety Standards may not exceed 500 square feet. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear body (at the opposite end of the body), including any protrusions.

(5) *Off-road vehicle:* A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.

(6) *Travel trailer, including fifth-wheel travel trailer:* A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than 8.5 feet and an overall body length of no more than 40 feet when factory-equipped for the road.

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

(8) *Recreational vehicle park:* Means a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owner, lessor or operator of such place, for the parking and accommodation of six or more recreational vehicles utilized for sleeping or eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, shall be considered synonymous with the term "recreational vehicle park." (Ord. No. 87-32, § 1, 6-23-87; Ord. No. 90-12, § 8, 6-26-90)

Editor's note—Section 8 of Ord. No. 90-12 added subsection (5) to the definition of "Recreational Vehicle." The editor has redesignated former subsections (5)—(7) under this definition as (6)—(8).

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

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

Request for appearance shall mean a form which must be filed by a person who gives testimony at a proceeding for an owner-initiated site-specific rezoning before a hearing examiner and who preserves his or her right to appear before and address the board of county commissioners concerning his or her testimony, or to provide points of act or law in the record, or to allege the discovery of new evidence. (Ord. No. 94-7, § 2, 2-22-94)

Residence: For the purpose of determining whether or not a person is living aboard a floating home, shall mean a person's usual place of dwelling in the State of Florida. A person sleeping aboard, or eating one or more meals a day aboard a moored, anchored, or docked floating home or vessel at any place other

tained 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 residence of the operator.

Trailer: A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another. (Ord. No. 87-33, § 1, 6-23-87)

Unauthorized communication shall mean any direct or indirect communication in any form, whether written, verbal or graphic, with the hearing examiner, hearing examiner's staff, any member of the board of county commissioners or his or her aide, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to an owner-initiated site specific rezoning. (Ord. No. 94-7, § 2, 2-22-94)

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

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

Use 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, Nonresidential: A use permitted in a specific residential zoning district, which is not residential in character, such as rec-

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

Use, Residential: A use 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, boardinghouse, 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 39-161 of this code, which use is not among the uses generally permitted in other locations in the more restricted district.

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

Vessel: Shall mean every kind, type and description of boat, ship, watercraft or airboat, used or capable of being used as a means of transportation on water, other than seaplanes. (Eff. 12-4-78)

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

Wayside Stand: A structure designed and used for the sale or display of farm products produced on the premises on which said structure is located. (Ord. No. 82-44, § 1, 8-13-82)

Wildlife Pets: Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species. (Ord. No. 81-7, § 1, 2-13-81)

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

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

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

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

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

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 this ordinance and for the purpose of carrying out and enforcing its provisions.

Sec. 39-129—39-138. Reserved.

ARTICLE IX. GENERAL PROVISIONS

Secs. 39-139—39-141. Reserved.

Editor's note—Sections 39-139—39-141, relating to conflicting regulations, the scope of this ordinance, and effect of the ordinance on buildings under construction, were repealed by §§ 9—11 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990.

Sec. 39-142. Outstanding permits.

(a) Where, at the effective date of this code, 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 code, such permits shall be void unless actual construction work, excluding grading or excavating, is underway within 60 days of the effective date of this code.

(b) Where, at the effective date of this code, 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 code, such permit shall be void unless the use is actually in operation on that date.

Secs. 39-143, 39-144. Reserved.

Editor's note—Section 39-143, "Uncompleted Structures," and § 39-144, "Time Limit," were repealed by §§ 12, 13 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990.

Sec. 39-145. Errors and violations.

(a) 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 code. No permit presuming to give the authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorizes is lawful.

(b) 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 code, or any regulations of Broward County.

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Sec. 39-146. Reserved.

Editor's note—Section 39-146, relating to existing platted lots, derived from the original zoning ordinance, was repealed by § 2 of Ord. No. 81-16, adopted Mar. 19, 1981.

Cross reference—Land Development Code, § 5-178 et seq.

Sec. 39-147. Boats as residences.

(a) Residence on floating homes or vessels shall be permitted at any moorage in a marina which meets all applicable codes for marina use and where such use is not inconsistent with the land use plan. Any vessel used or maintained for sleeping or living purposes must be sound and seaworthy.

(b) Marinas which service live-aboard boats shall be required to demonstrate that they have swage pump facilities or other equivalent facilities which meet applicable federal, state and local laws. (Eff. 12-4-78; Ord. No. 89-36, § 6, 9-26-89)

Sec. 39-148. Tents.

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

Sec. 39-149. 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 code; and if already less than the minimum required by this code for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided about, or for any building, structure or use for the purpose of complying with the provisions of this code, shall be included as part of a yard, setback, clearance, parking area or other space required under this code for another building, structure or use, unless specifically permitted under this code.

Sec. 39-150. Reserved.

Editor's note—Section 39-150, relating to replatted lots, derived from the original zoning ordinance, was repealed by § 2 of Ord. No. 81-16, adopted Mar. 19, 1981.

Cross reference—Land Development Code, § 5-178 et seq.

Sec. 39-151. 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.

Sec. 39-152. 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 code, except that side yards and rear yards shall not be required on plots used for private garden purposes without buildings or structures nor on plots used for public recreation areas.

Sec. 39-153. Grouped housing.

Where two or more separate buildings for dwelling purposes are erected or placed on the same plot, minimum front, side and rear yards shall be provided as required by this code. The spacing, arrangement and distance between such buildings on the plot shall provide a separation not less than half the height of the higher of the two buildings. (Ord. No. 90-12, § 14, 6-26-90)

Sec. 39-154. Yard encroachments.

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

(1) Sills, or belt courses, cornices, buttresses, ornamental features, chimneys, flues, eaves, awnings and air conditioning units may project not over 36 inches into a required yard.

(2) Fire escapes, stairways, balconies, canopies or marquees which are unenclosed may project not over three feet eight inches into a required side yard.

(3) Unenclosed and unroofed patios or decks extending above the ground not higher than the first floor level except for railings may be located in a required side or rear yard.

(4) Fences, walls and hedges shall be permitted in required yards as specified in section 39-155 of this code.

(5) Accessory buildings and uses shall require the same setbacks as principle [principal] buildings except as follows:

a. In single-family and two-family districts, except agricultural and estate districts, on lots not on a corner, side and rear yard setbacks may be reduced to five feet for accessory buildings and uses when located on the rear half of the plot provided no encroachment onto a recorded easement would be created.

b. Notwithstanding any other provision in this code, in agricultural and estate zoning districts accessory buildings and structures for the housing or shelter of animals shall require a minimum setback of 50 feet from all plot lines.

(6) Accessory buildings may not exceed one story in height in single-family and two-family districts, except agricultural and estate districts.

(7) There shall be a minimum distance of 10 feet between all principle [principal] and accessory buildings on the same plot. (Ord. No. 90-12, § 15, 6-26-90)

Sec. 39-155. Fences, walls and hedges.

(a) Fences, walls or hedges may be erected or maintained along any plot line or within the required yard setbacks on a residentially zoned property to a height not exceeding six feet above the finished grade of the plot, except as follows:

(1) On the lot line not at a corner where a residential plot abuts business or industrially zoned or used property, such fence, wall or hedge may be erected to a height not exceeding eight feet.

(b) No fence, wall or hedge higher than eight feet shall be erected, or maintained along a plot line or within the required yard setbacks on a nonresidentially zoned property.

(c) On a corner lot, no fences, walls, hedges shall be erected or maintained to a height exceeding 30 inches above the crown of

the roadway within 25 feet of the intersection of the front and side street property lines. Open fences of the chain link type which do not impair vision for purposes of traffic safety may be erected to a height not exceeding four feet at the corner.

(d) No barbed wire, electrified, or barbed or razor wiretopped fences or walls may be erected, or maintained on any residentially zoned property other than in E-1, E-2 and all agricultural zoning districts. (Eff. 2-14-75; Ord. No. 82-14, § 1, 3-12-82; Ord. No. 90-12, § 16, 6-26-90)

Sec. 39-156. Reserved.

Editor's note—Section 39-156, relating to accessory uses and structures, was repealed by § 17 of Ord. No. 90-12, adopted June 26, 1990, effective July 27, 1990.

Sec. 39-157. Exclusions from height limits.

Scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at maximum horizontal section, 30 percent of the roof area, and flagpoles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures, used only for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than 25 percent. Parapet walls may extend not more than five feet above the allowable height of a building. (Ord. No. 90-12, § 18, 6-26-90)

Sec. 39-158. Boathouses and boat slips.

The following regulations shall apply to boathouses and boat slips in residential districts:

(1) *Height of boathouses:* No boathouse shall be erected or altered to a height exceeding 15 feet.

(2) *Setback of boathouses:* No boathouse shall be built less than 5 feet from the established bulkhead or waterway line or less than 10 feet from any side plot line.

(3) *Accessory building attached to boathouses:* No accessory building to a boathouse which is attached thereto and a part thereof shall be erected or altered

less than 20 feet away from the waterway line or established bulkhead line.

(4) *Detached accessory building to boathouse:* No detached building accessory to a boathouse shall be erected or altered less than 30 feet away from the waterway line or established bulkhead line.

(5) *Area of boathouses:*

a. No boathouse or similar structure shall exceed 20 feet in width measured on a line parallel to the waterway line, nor exceed 40 feet in depth measured at right angles to the waterway line.

b. No boathouse, boat slip or other similar structure nor accessory building, attached or detached, shall be erected or altered less than 10 feet away from any other residentially zoned property.

c. Boathouses, boat slips and/or buildings accessory thereto, singly and collectively shall not occupy more than 25 percent of the area of the plot.

Sec. 39-159. Docks and wharves.

(a) Dockage space and facilities for mooring pleasure boats, yachts and noncommercial watercraft shall be permitted in any residential district on any waterway as an accessory use to a residential occupancy of a plot.

(b) No dock shall project more than 5 feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than 10 feet to the plot line of any other residentially zoned property.

(c) Vessels docked at or moored to private docks, or by mooring or dolphin poles, shall not extend into a canal or waterway more than 33 percent of the width of the canal or waterway measured from the recorded property line.

(d) No vessel of any kind whatsoever shall dock at, moor to or tie up to a private seawall, dock, wharf, mooring or dolphin pole, or be beached upon private property without the permission of the owner thereof or the legal occupant of the residence immedi-

ately adjacent to the private seawall, dock, wharf, mooring or dolphin pole, or beach; provided, however, that nothing herein shall be construed to prohibit vessels or persons in distress from mooring to or tying up or beaching on such private property to protect life, limb or property for a period not to exceed 72 hours from the time the vessel is initially moored, docked, tied up to or beached at or on the private property. At the end of the 72-hour period, the owner of such private property or the legal occupant of the residence immediately adjacent to the private seawall, dock, wharf, mooring or dolphin pole, or beach, may request the Broward County Building and Zoning Enforcement Division to initiate the appropriate procedures for removing the vessel.

(e) The owner of the property or person in charge of a vessel, or a person occupying a vessel, shall at all times keep the docks, seawalls and premises adjacent to such vessel in a neat and orderly manner and free from litter, trash, rubbish, repair parts, machinery, equipment and debris of all kinds.

(f) No vessel shall be docked, moored at or anchored adjacent to residential property in such a position or manner that it extends beyond the property line for such property or is of such length that when docked, moored or anchored adjacent to such property it extends beyond such property line.

(g) The owner or the authorized legal representative of the owner of any vessel, private dock, seawall, wharf, mooring or dolphin pole not in compliance with the provisions of this section shall have 90 days from the effective date of this section [May 11, 1988] to comply or apply for a variance or exception, if available, from the board of adjustment.

(h) Licensed commercial marinas and licensed or chartered yacht clubs are excluded from the provisions of this section. (Ord. No. 88-17, § 2, 4-26-88)

Sec. 39-160. Groins and breakwaters.

(a) No groin, breakwater, piling or other obstruction shall be constructed, placed or altered in the waters of any waterway beyond the established bulkhead line except docks as provided in section 39-45; nor shall any groin,

breakwater or piling be constructed or located in the waters of the Atlantic Ocean in such a location, height, length or character as to cause erosion on adjacent property or on beaches in the vicinity. The approval of the U.S. Army Engineers shall be obtained on encroachments into the waters of the Atlantic Ocean, where that agency has jurisdiction.

(b) No part of any building or structure not for shoreline protection shall be constructed or located between the average vegetation line and the Atlantic Ocean extending beyond 25 feet from such average vegetation line.

(c) Seawalls shall be of a sloping, high energy-absorbing type, or of a vertical type with high energy-absorbing, rubble mound on the ocean side of the vertical wall. The toe or bottom of a sloping seawall shall be located not closer than 50 feet from mean low water shoreline, and vertical seawalls shall be located not closer than 100 feet from mean low water shoreline.

Secs. 39-161, 39-162. Reserved.

Editor's note—Section 39-161, relating to transitional uses in R districts, was repealed by § 19 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990. Section 39-162, relating to residential uses in nonresidential districts, as amended effective Mar. 14, 1975, and Apr. 23, 1976, was repealed by § 20 of Ord. No. 90-12.

Sec. 39-163. District boundary line plots.

(a) Where a business, commercial or industrial district is separated by a street, alley, canal, railroad right-of-way or other public open space from a residential district, then any plot in such nonresidential district adjacent to such separator shall be provided with a yard at least 25 feet in depth.

(b) Where a business or commercial district directly abuts on a residential district without any separator between them, then any plot in such nonresidential district shall be provided with a yard at least 20 feet in depth adjacent to the residentially zoned property.

(c) Where any industrial district directly abuts on a residential district without any separator between them, then any plot in

such nonresidential district shall be provided with a yard at least 35 feet in depth adjacent to the residentially zoned property.

(d) The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands. In those instances where the zoning on the adjacent municipal land does not comply with the land use designation reflected on the certified municipal land use plan, the setback requirements shall be based upon the municipal land use designation. If more than one setback requirement is allowed under the adjacent zoning or land use designation, then the least restrictive setback distance shall be the effective regulation. (Ord. No. 85-46, § 1, 8-16-85; Ord. No. 90-12, § 21, 6-26-90)

Sec. 39-164. Use of residentially zoned property for access.

(a) No land, other than public right-of-way, which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is commercially zoned.

(b) No privately owned land or public or private street upon which residentially zoned properties directly abut shall be used for driveway or vehicular access purposes to any land which is industrially zoned except where a public street provides the sole access to the industrially zoned property. (Ord. No. 90-12, § 22, 6-26-90)

Sec. 39-165. Reserved.

Editor's note—Section 39-165, relating to elevation of filled land, was repealed by § 23 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990.

Sec. 39-166. Essential services.

Essential services shall be permitted in all zoning districts where such facilities are consistent with the land use plan. (Eff. 8-27-79; eff. 9-18-79; Ord. No. 90-12, § 24, 6-26-90)

Sec. 39-167. County uses.

The provisions of this code are not intended, and shall not be

construed, to preclude the use of any property by Broward County in any county government capacity, function or purpose.

Sec. 39-168. Nuisances.

(a) Nothing shall be allowed on or in any structure, land, or water body in any district that shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration or noise (including the crowing of cocks, barking of dogs, or any noises or odors emanating from any animal, fish or fowl). Nor shall anything be constructed or maintained that would in any way constitute an eyesore to adjacent property owners or residents or to the community.

(b) Repair or maintenance of vehicles or vessels in residential districts shall not be permitted unless such repair or maintenance is minor in nature and does not involve engine or parts repair or exchange other than tires, batteries, sparkplugs or oil, and does not involve exterior or interior alterations. (Ord. No. 88-17, § 3, 4-26-88; Ord. No. 90-12, § 25, 6-26-90)

Secs. 39-169—39-172. Reserved.

Editor's note—Section 39-169, relating to accessory dwellings; § 39-170, relating to sewage disposal; § 39-171, relating to plots in separate ownership, amended effective Aug. 27, 1979; and § 39-172, relating to reduction of plots below minimum requirements, were repealed by §§ 26—29 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990.

Sec. 39-173. Storage on residential property.

(a) 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.

(b) In all residential zoning districts except agricultural, open-air storage shall not be permitted of any item other than usable lawn, garden or pool furniture or equipment, toys, bicycles or trash cans used by the residents of a dwelling.

(c) Storage or parking of private passenger vehicles or motorcycles accessory to a dwelling in a residential district shall be on

a paved surface. All such vehicles shall be in operable condition and currently licensed.

(d) In agricultural districts no land shall be used for open-air storage of any item not accessory to a permitted use.

(e) It shall be unlawful on public or private property in all residential zoning districts to park or store any commercial vehicle or equipment; except that a vehicle weighing 5,000 pounds or less may be parked or stored in a carport or garage, or in a side or rear yard if completely hidden from view of all adjacent properties. Nothing herein shall prohibit the parking of any commercial vehicle or equipment while its owner or operator is performing lawful and authorized public or private work as follows:

(1) Tradesmen performing service or construction work or making deliveries or merchandise or household items.

(2) Public utility service work or emergency vehicles. (Ord. No. 90-12, § 30, 6-26-90)

Sec. 39-174. Water areas.

(a) *Definitions.*

(1) For the purpose of this section, the term "water area" shall mean a canal, ditch, pond, lake or other depression created for the conveyance or storage of natural, pumped, or excess stormwater runoff on privately owned properties.

(2) The term "future right-of-way line" shall mean the future right-of-way line of any street designated in the official Broward County Trafficways Plan.

(3) The term "create" or "created" as used herein shall mean to dig, construct, widen, deepen, fill, reroute or alter, as applied to water areas herein.

(b) *Location of water areas.*

(1) No portion of a water area shall be created within a public road right-of-way or within recorded road, utility or ingress and egress easements.

(2) No water area shall be located within 25 feet from an existing or future right-of-way line or from a plot line unless

such water area is designated to cross same or unless the water area is created within a recorded easement, parcel or tract designated for such purpose, and the water area conforms with all of the provisions of all codes governing such use.

(c) *Permits.* Permits shall be required as specified in section 39-6 for all water areas except those controlled and maintained by the South Florida Water Management District or water areas specified for such purpose on a recorded subdivision plat. (Ord. No. 90-12, § 31, 6-26-90)

Secs. 39-175—39-177. Reserved.

Editor's note—Sections 39-175—39-177, relating to permits for and inspection of waterways, were repealed by §§ 32—34 of Ord. No. 90-12, adopted June 26, 1990, effective July 5, 1990.

Sec. 39-178. Trafficway frontage setbacks.

(a) *Setback Area Required.* In the unincorporated territory of Broward County, Florida, within the line described and defined in paragraph (b) of this section, upon all property described in paragraph (c) of this section abutting upon a trafficway, there is established a setback area adjacent to such trafficway, which setback area shall be 25 feet in depth, measured from the future right-of-way line of such trafficway as shown on the Broward County Trafficways Plan.

(b) *Territory for Setback Area Requirement.* The territory within which setback areas are required under paragraph (a) above lies within a boundary line described as follows:

Beginning at a point which is the intersection of the westerly right-of-way of the Sunshine State Parkway and the south boundary line of Broward County, Florida;

Thence run northerly along the westerly right-of-way of the Sunshine State Parkway to the south boundary line of Section 2, Township 50 South, Range 41 East (Broward Boulevard);

Thence run easterly along the south boundary of Sections 2 and 1, Township 50 South, Range 41 East and Section 6, Township 50 South, Range 42 East, to the southeast corner of the southwest quarter (SW1/4) of said Section 6;

Thence run northerly along the east boundary of the west one-half (W1/2) of Section 6, Township 50 South, Range 41 East, and Section 31, Township 49 South, Range 42 East to the northeast corner of the northwest quarter (NW1/4) of said Section 31, Township 49 South, Range 42 East;

Thence run easterly along the north boundary line of Section 31, Township 49 South, Range 42 East to the northeast corner of Section 31, Township 49 South, Range 42 East;

Thence run northerly along the west boundary line of Sections 29, 20 and 17, Township 49 South, Range 42 East, to the northwest corner of said Section 17, Township 49 South, Range 42 East;

Thence run easterly along the north boundary line of Sections 17, 16 and 15, Township 49 South, Range 42 East, to a point of intersection with the west right-of-way line of the Seaboard Airline Railroad;

Thence run northerly along the west right-of-way line of the Seaboard Airline Railroad to a point of intersection on the south boundary of Section 34, Township 48 South, Range 42 East;

Thence run westerly along the south boundary lines of Sections 34 and 33, Township 48 South, Range 42 East, to the northeast corner of the northwest quarter (NW1/4) of Section 4, Township 49 South, Range 42 East;

Thence run northerly along the center line of the street known as Atlantic Boulevard Extension to the north boundary line of Section 33, Township 49 South, Range 42 East;

Thence run easterly along the north boundary line of Sections 33 and 34, Township 48 South, Range 42 East, to a point of intersection with the westerly right-of-way line of the Seaboard Airline Railroad;

Thence run northerly along the west right-of-way of the Seaboard Airline Railroad to a point of intersection with a line which is parallel to and 300 feet south of the north boundary of Section 23, Township 48 South, Range 42 East; thence run westerly 300 feet south of and parallel to the north boundary of Sections 23 and 22, Township 48 South, Range 42 East, to a

point on the west line of Section 22, Township 48 South, Range 42 East; thence run northerly along the west line of Sections 22 and 15, Township 48 South, Range 42 East a distance of 600 feet to a point; thence run easterly 300 feet north of and parallel to the south boundary of Sections 15 and 14, Township 48 South, Range 42 East to a point of intersection with the westerly right-of-way line of the Seaboard Airline Railroad;

Thence run westerly along the north boundary line of Broward County, Florida, from said point to the point of intersection with the South Florida Water Management District Levee L-36;

Thence run southerly along the South Florida Water Management District Levee L-36 to the point of intersection with the South Florida Water Management District Levee L-35A;

Thence run southwesterly along the South Florida Water Management District Levee L-35A to the point of intersection with the South Florida Water Management District Levee L-35;

Thence run west-northwesterly along the South Florida Water Management District Levee L-35 to the point of intersection with the South Florida Water Management District Levee L-37;

Thence run southerly along the South Florida Water Management District Levees L-37 and L-33 to the south boundary line of Broward County, Florida;

Thence run easterly along the south boundary line of Broward County, Florida, to the point of beginning.

(c) *Zoned Areas.* The trafficway lying within the line described in paragraph (b) subject to the setback area requirement shall be all such property zoned in any agricultural, recreational, business or industrial district as listed in section 39-160 [39-163] of the zoning ordinance.

(d) *Permitted Use of Setback Area.* Within the setback area required and described in paragraph (a) of this section, no uses or structures or part thereof shall be erected or maintained other than the following:

(1) Awnings, or marquees projecting not over five feet into setback area.

(2) Benches.

(3) Driveways and walkways.

(4) Landscaping, other than required.

(5) Ornamental statuary.

(6) Parking, other than required.

(7) Signs, except advertising signs.

(8) Telephone booths.

(9) Utility poles, light standards, ornamental lighting.

(e) *Trafficways Defined.* For the purpose of this section, a trafficway shall be defined as a freeway, expressway, primary arterial or major thoroughfare shown upon a trafficway plan officially adopted by Broward County and/or the Broward County Planning Council. (Eff. 10-10-69; Ord. No. 90-12, § 35, 6-26-90)

Sec. 39-179. Model units and sales offices.

Irrespective of other limitations and requirements in the zoning code, temporary model dwelling units and temporary sales offices may be erected and used on the plot of a cooperative or condominium housing project during the construction and sale of the units in such a project. Such temporary model units and sales offices shall be removed upon the completion and closing out of such projects.

Sec. 39-180. Reserved.

Editor's note—Section 39-180, relating to site development plan requirements, amended effective Mar. 26, 1974, was repealed by § 2 of Ord. No. 81-16, adopted Mar. 19, 1981.

Cross reference—Land Development Code, § 5-178 et seq.

Sec. 39-181. Density.

(a) Density shall be defined as the number of dwelling units permitted to be constructed per acre of net area.

(b) Net area shall be all the contiguous territory included in the site development plan to which title is held by the developer.

(c) No zone shall be developed to a density exceeding the following maximum limits:

Zoning District	*Residential Density Range Title*	*Permitted Dwelling Units per Acre of Net Area*
A-1	Limited Agricultural	1
A-2	Agricultural	1
E-1	Estate	1
E-2	Agricultural-Estate	0.54
RS-2, Residential Single-Family Dwelling	Low 2	2
R-1A, One-Family Dwelling	Low 3	3 (except that a one-family dwelling shall be permitted on a platted lot of record)
RS-3, Residential Single-Family Dwelling	Low 3	3
R-1B, One-Family Dwelling	Low 4	4 (except that a one-family dwelling shall be permitted on a platted lot of record)
RS-4, Residential Single-Family Dwelling	Low 4	4
R-1C, One-Family Dwelling	Low 5	5 (except that a one-family dwelling shall be permitted on a platted lot of record)
RS-5, Residential Single-Family Dwelling	Low 5	5

Zoning District	*Residential Density Range Title*	*Permitted Dwelling Units per Acre of Net Area*
R-1P, One-Family Dwelling Parking	Low 5	5 (except that a one-family dwelling shall be permitted on a platted lot of record)
D-1, Special One-Family District	Low-Medium	7
R-2, Two-Family Dwelling	Low-Medium	10 (except that a two-family dwelling shall be permitted on a plot consisting of a single lot of record, not less than 50 feet in width, and held in separate ownership)
RD-2 to RD-10, Residential Duplex	Low-Medium	10 (except that a two-family dwelling shall be permitted on a single lot of record, not less than 50 feet in width and held in separate ownership)
RD-2 to RD-10, Residential Duplex	Low-Medium	2—10
R-2P, Two-Family Dwelling Parking	Low-Medium	10 (except that a two-family dwelling shall be permitted on a lot of record, not less than 50 feet in width, and held in separate ownership)
R-2U, Two-Family Dwelling	Low-Medium	10

Zoning District	*Residential Density Range Title*	*Permitted Dwelling Units per Acre of Net Area*
RM-3 to RM-10, Residential Multiple-Family Dwelling	Low-Medium	3 to 10
R-3, Low-Density Multiple-Family	Medium	15 multiple-family dwelling units or 5 one-family detached dwellings
RM-11 to RM-16, Residential Multiple-Family	Medium	11 to 16
R-3U, Row House	Medium	15
R-4, Apartment	Medium-High	25
R-4A, Planned Apartment	Medium-High	25
R-4B, Planned Apartment	Medium-High	20
RM-17 to RM-25, Residential Multifamily Dwelling	Medium-High	17 to 25
T-1A, Mobile Home Park	Low-Medium	6
T-1B, Mobile Home Park	Low-Medium	8
T-1C, Mobile Home Park	Low-Medium	10

Zoning District	*Residential Density Range Title*	*Permitted Dwelling Units per Acre of Net Area*
PUD, Planned Unit Development		Subject to site plan approval and in accordance with the Broward County and Unincorporated Area Land Use Plans
R-5, Motel	High	50 motel units per acre of gross area or 25 multifamily dwelling units
R-6, Hotel		50 hotel units per acre of gross area or 25 multifamily dwelling units.

Florida Water Management District Levee L-35 to the point of intersection with the South Florida Water Management District Levee L-37;

Thence run southerly along the South Florida Water Management District Levee L-37 and L-33 to the south boundary line of Broward County, Florida;

Thence run easterly along the south boundary line of Broward County, Florida, to the point of beginning.

(c) *Zoned Areas.* The trafficway frontage lying within the line described in paragraph (b) subject to setback area requirement shall be all such property zoned in any agricultural, recreational, business or industrial district as listed in section 39-160 of the zoning ordinance.

(d) *Permitted Use of Setback Area.* Within the setback area required and described in paragraph (a) of this section, no uses or structures or part thereof shall be erected or maintained other than the following:

(1) Awnings or marquees projecting not over 5 feet into setback area.

(2) Benches.

(3) Driveways and walkways.

(4) Landscaping, other than required.

(5) Ornamental statuary.

(6) Parking, other than required.

(7) Planting bins.

(8) Signs, except advertising signs.

(9) Telephone booths.

(10) Utility poles, light standards, ornamental

lighting.

(e) *Trafficways defined.* For the purpose of this section, a trafficway shall be defined as a freeway, expressway, primary arterial or major thoroughfare shown upon a trafficway plan officially adopted by Broward County and/or the Broward County Planning Council. (Ord.adop. 6/26/90)

Sec. 39-179. Model units and sales offices.

Irrespective of other limitations and requirements in the zoning ordinance, temporary model dwelling units and temporary sales offices may be erected and used on the plot of a cooperative or condominium housing project during the construction and sale of the units in such a project. Such temporary model units and sales offices shall be removed upon the completion and closing out of such projects.

Sec. 39-180. Reserved.

Sec. 39-181. Density.

(a) Density shall be defined as the number of dwelling units permitted to be constructed per acre of net area.

(b) Net area shall be all the contiguous territory included in the site development plan to which title is held by the developer.

(c) No zone shall be developed to a density exceeding the following maximum limits:

Zoning District	*Residential Density Range Title*	*Permitted Dwelling Units Per Acre of Net Area*
A-1	Limited Agricultural	1
A-2	Agricultural	1

(d) The maximum number of hotel or motel units permitted on any parcel of land zoned to allow such uses other than R-5 or R-6 districts shall be the maximum density permitted by the Broward County and Unincorporated Area Land Use Plans. (Eff. 2-27-79; Ord. No. 89-36, § 7, 9-26-89; Ord. No. 90-12, § 36, 6-26-90)

Sec. 39-182. Reserved.

Editor's note—Section 39-182 was repealed by § 1 of Ord. No. 93-43, adopted Nov. 23, 1993, effective Dec. 6, 1993. The section related to functional landscaping and was derived from an amendment adopted Aug. 17, 1977, and Ord. Nos. 84-4 and 89-36. See art. XXI, § 3-358 et seq.

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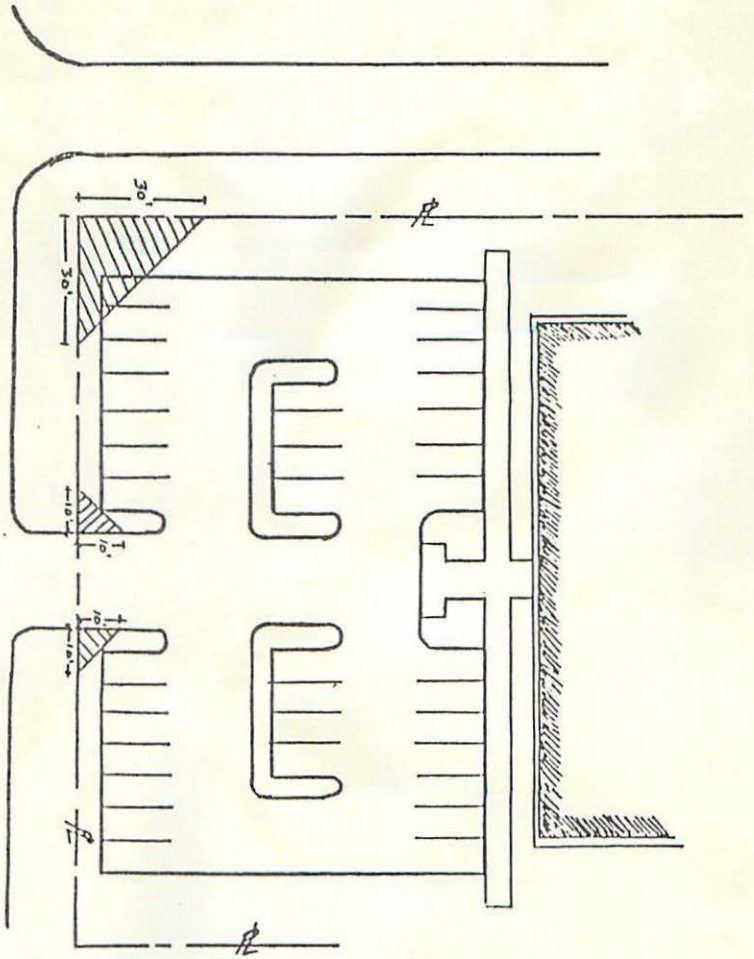


Figure 182-1

Sec. 39-183. Recreational vehicles and boats.

Currently licensed recreational vehicles and boats may be parked or stored in the open on sites containing a permitted residential use, subject to the following conditions:

(1) Not more than one recreational vehicle may be stored on any plot outside a fully enclosed building.

(2) Not more than one boat may be stored on any plot outside a fully enclosed building, and said boat must be on a currently licensed boat trailer.

(3) Such parking or storage of recreational vehicles or boats shall be limited to vehicles owned by the occupant of the residence or house guests of the occupant.

(4) No recreational vehicle or boat shall be parked or stored in a location which encroaches onto a public right-of-way or private street or in any manner which visually obstructs egress from abutting properties.

(5) Maintenance of recreational vehicles and boats shall be subject to limitations of Section 39-168(b).

(6) At no time while parked or stored in a residential area shall sewer or electrical service connections be made to the vehicle, or any occupancy thereof be permitted.

Sec. 39-184. Special regulations for public utilities.

The following minimum property development regulations shall apply to all utilities approved as

special exception by the Broward County Commission:

(1) Water and wastewater treatment plants and pumping and storage plants to serve the surrounding residential area. Such plants shall conform to the following requirements:

(a) The plot shall not be less than 100 feet in width and 10,000 square feet in area, and as large as necessary to provide required setback area.

(b) No building or structure shall be located nearer to any other residentially zoned property or to any street line than a distance equal to the height of such building or structure.

(c) No unenclosed sewage treatment facilit shall be located nearer to any street line than 125 feet, nor nearer to any other residentially zoned property than 175 feet.

(d) No enclosed sewage treatment facility or water pumping or treatment facility shall be located nearer than 35 feet to any street line nor nearer than 50 feet from any other residentially zoned property.

(e) All plots shall have a landscaped setback area at least 35 feet in width or depth adjacent to all street lines, and adjacent to all plot lines separating the subject plot from other residentially zoned property. The landscaped setback area shall not be used for any

building, structure, fence, wall, parking, storage or other use, except that a fence not over 6 feet in height may be erected in any such setback at least 35 feet from any street lines. The landscaped setback area shall be planted with grass, shrubbery and trees, and no part shall be paved or surfaced except for minimum driveways and walkways for access. All landscaping shall be maintained in a healthy, growing condition,properly trimmed and watered.

(f) In the required landscaped setback area the trees shall be planted in the open space surrounding any exposed equipment area according to the following formulas:

1. One tree per 1,000 square feet of open space for all yard area less than 100 feet in depth or width.

2. One tree per 1,500 square feet of open space for all yard areas greater than 100 feet in depth or width.

3. Minimum size of the trees shall be 8 feet high with a 3 foot spread. Palms shall

count as half a tree and shall be grouped in clusters. The remaining open space shall be planted with grass, ground cover, shrubs or trees.

A sprinkler system shall be provided for all planting areas.

(g) Plant material shall be Florida Grade No. 1 or better and planted according to good horticultural practice. All landscaped areas shall be maintained in a healthy growing condition, properly watered and trimmed. All landscaping shall conform to all other applicable landscape and other regulations.

(h) All machinery, equipment and mechanical or electrical facilities shall be so designed and operated as to minimize noise effect upon the surrounding residential properties.

(i) Plots shall not be used for business, storage or service purposes for a franchised area.

(j) The minimum building height shall be no greater than that of the zoning district in which the subject property is located.

(2) Uses accessory to any of the above uses, when located on the same plot and not involving the conduct of any business, trade, occupation or profession. (Eff. 8-27-79)



Sec. 39-185. Foster care homes and public or private facilities.

(a) *Foster Care Homes.* Foster care homes shall be permitted uses in the following zoning districts:

(1) *No more than five residents supervised:* R-1A, R-1B, R-1C, RS-3 through 5, E-1;

(2) *No more than eight residents supervised:* R-2, R-2U, RD-2 through 10, R-3, R-3U, RM-3 through 15, A-1, E-2.

(b) *Public or Private Facilities.* Public or private facilities which house not more than eight residents shall be a permitted use in all R-3, R-3U, R-4, R-4A, RM-16 through 25, R-5, R-6, A-1 and E-2 zoning districts.

(c) *Residents.* Residents shall be any related or unrelated minors or adults receiving care and services through any public or private agency or individual family that shall have been properly licensed by all applicable federal, state and county agencies.

(d) *Dispersal.* No public or private facility shall be located within 1,500 feet of any other existing public or private facility. Such distance requirement shall be measured and computed by following a straight line from the nearest property line of the proposed facility to nearest property line of the existing private or public facility. Public or private facilities which are in existence on the effective date of this ordinance which have been licensed and approved by either HRS or another applicable regulatory agency and are presently located within 1,500 feet of another public or private facility shall be exempt from this distance requirement.

(e) *Minimum Standards.* All facilities must, if under the jurisdiction of HRS, meet or exceed all applicable HRS rules, regulations, orders and guidelines. Those facilities or individuals not under HRS jurisdiction shall meet or exceed all applicable federal, state or county rules, regulations, orders and guidelines. Any facilities not under the jurisdiction of HRS shall meet the following minimal standards:

(1) [There shall be] 120 square feet inside living space per person of which 35 square feet per person shall be living and dining space and 60 square feet per person shall be bedroom space. Each resident shall have a separate bed.

(2) There shall be one water closet per six residents. There shall be two tubs and/or showers per eight residents.

(3) There shall be one staff to every five residents.

(4) There shall be annual health and fire inspections.

(f) *Required Approval.*

(1) Special exception by the board of adjustment shall be required for all public or private facilities when such facilities are proposed to be located in the following zoning districts: R-4B.

(2) Special exception approval by the board of adjustment shall be required for all public or private facilities when 9 to 16 residents supervised are proposed to be housed in a public or private facility to be located in the following zoning districts: R-2, R-2U, R-3, R-3U, R-4, A-1, E-2.

(3) Foster care homes and public or private facilities providing for nonrelated and related residents, in existence on the effective date of this ordinance, and which are properly licensed, inspected and regulated by HRS or any county agency and which do not meet the requirements of this ordinance shall be considered as nonconforming uses. Such uses shall be subject to section 39-199 of the Zoning Code, and all applicable federal, state or county regulations.

(g) *Standards for Issuance of Special Exceptions.*

(1) Every application for a special exception for a public or private facility shall be accompanied by a tentative approval from all agencies licensing and regulating these facilities. Such approval shall consist of an approved application or letter from the appropriate agency stating that the proposed public or private facility would meet all applicable federal, state or county regulations.

(2) No special exception approval for a public or private facility shall be granted that is in conflict with any applicable federal, state or county regulations.

(3) Persons seeking to use property as a special exception use shall make application to the Broward County

Board of Adjustment and the application shall be subject to all requirements including notice and public hearing as set forth in article VI of the Broward County Zoning Code.

(4) In recommending approval of any special exception, the board of adjustment may also recommend appropriate conditions and safeguards in conformity with these zoning regulations for the protection of residents of public or private facilities as defined herein. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these zoning regulations. (Ord. No. 80-92, § 3, 10-17-80)

Sec. 39-186. Mobile food units and mobile food units limited to the preparation and sale of frankfurters.

(a) Mobile food units shall comply with all applicable provisions of the Florida Administrative Code, chapter 10D and more particularly section 10D-13.32 and the applicable provision of the Broward County Code of Ordinances.

(1) Such mobile food units shall not be required to have public washing or restroom facilities or employee toilet facilities pursuant to state regulation.

(2) Said mobile food units shall comply with applicable State of Florida statutes regarding state-maintained roads and rights-of-way. BROWARD COUNTY HEALTH DEPT

(3) Said mobile food units shall not be located upon or remain upon any public right-of-way within the jurisdiction of Broward County. Mobile food units may be permitted on public property within the jurisdiction of Broward County provided that such use is in conformance with all applicable rules and regulations of whatever nature imposed by Broward County upon the use of such public property. Use of public property under the jurisdiction of Broward County is subject to the provisions of Chapter 21, Article II, Obstructing Public Property, Broward County Code.

(4) Said mobile food units shall not remain on private property for a period to exceed 1 hour at any one time and shall not return to the same location more than 3 times in a 12-hour period. The owner of said unit shall obtain a permit from the building and zoning enforcement division annually, and shall submit route information as part of the application and proof of currency of other required permits.

(5) At no time shall such unit interfere with or obstruct the safe flow of traffic, cause or create any hazard to motorists or pedestrians, or interfere with or obstruct permitted uses.

(b) Mobile food units limited to the preparation and sale of frankfurters shall comply with all applicable provisions of the Florida Administrative Code, chapter 10D, and more particularly section 10D-13.32(7) and all applicable provisions of the Broward County Code of Ordinances, not contrary to the provisions herein.

(1) Mobile food units limited to the preparation and sale of frankfurters shall not be required to have public washing or restroom facilities or employee toilet facilities pursuant to state regulation.

(2) Mobile food units limited to the preparation and sale of frankfurters shall comply with applicable State of Florida statutes and regulations regarding state-maintained roads and rights-of-way.

(3) Mobile food units limited to the preparation and sale of frankfurters shall not be located upon or remain upon any public rights-of-way within the jurisdiction of Broward County. Mobile food units limited to the preparation and sale of frankfurters may be permitted on public property within the jurisdiction of Broward County provided that such use is in conformance with all applicable rules and regulations of whatever nature imposed by Broward County upon the use of such public property. Use of public property under the jurisdiction of Broward County is subject to the provisions of Chapter 21, Article II, Obstructing Public Property, Broward County Code.

PHOTO OF CART
HEALTH DEPT
LETTER FROM
OWNER

ONLY 8 HR
NO SIGNS
SITE PLAN
LOCATIONS

(b) Mobile food units limited to the preparation and sale of frankfurters shall comply with all applicable provisions of the Florida Administrative Code, chapter 10D, and more particularly section 10D-13.32(7) and all applicable provisions of the Broward County Code of Ordinances, not contrary to the provisions herein.

(1) Mobile food units limited to the preparation and sale of frankfurters shall not be required to have public washing or restroom facilities or employee toilet facilities pursuant to state regulation.

(2) Mobile food units limited to the preparation and sale of frankfurters shall comply with applicable State of Florida statutes and regulations regarding state-maintained roads and rights-of-way.

(3) Mobile food units limited to the preparation and sale of frankfurters shall not be located upon or remain upon any public rights-of-way with the jurisdiction of Broward County. Mobile food units limited to the preparation and sale of frankfurters may be permitted on public property within the jurisdiction of Broward County provided that such use in conformance with all applicable rules and regulations of whatever nature imposed by Broward County upon the use of public property. Use of public property under the jurisdiction of Broward County is subject to the provisions of Chapter 21, Article II, Obstructing Public Property, Broward County Code.

(4) Mobile food units limited to the preparation and sale of frankfurters shall only be permitted on private property within zoning districts that permit sales outside a structure.

(5) The owner of said mobile food unit limited to the preparation and sale of frankfurters shall apply to the building and zoning enforcement division for a proper use permit.

(i) The building and zoning enforcement division shall not accept an application for a mobile food unit limited to preparation and sale of frankfurters without written, notarized authorization from the property owner on a form to be supplied by the division.

(ii) At the time of application submittal the applicant shall provide proof of general liability insurance coverage in the minimum amount of $100,000/$300,000 which includes product liability coverage.

(iii) Said permit shall be renewable on an annual basis after inspection and payment of the applicable fee, proof of general liability insurance coverage, and proof of the currency of other required permits.

(6) Said units shall be limited to remaining at a particular location for not more than eight consecutive hours.

(7) Said units shall not remain at any location overnight.

(8) Said units remaining at a particular location beyond the time limit set forth in (6) and (7) shall be viewed as creating a permanent use and shall meet all applicable requirements of the Broward County Code of Ordinances.

(9) At no time shall such unit interfere with or obstruct the safe flow of traffic, cause or create any hazard to motorists or pedestrians, or interfere with or obstruct other permitted uses of the property.

(10) Said unit shall not display any advertising sign other than one confined to the unit itself.

(11) Mobile food units limited to the preparation and sale of frankfurters located on developed property shall comply with the off-street parking requirements set out in section 39-217. At no time shall the unit owner/operator use any of

the parking spaces required for the endeavor to park his or her own motor vehicle.

(12) Mobile food units limited to the preparation and sale of frankfurters may locate on undeveloped private property and shall comply with the following, in addition to all other requirements:

(i) There shall be adequate ingress and egress from the roadway.

(ii) There shall be a minimum frontage of 50 feet on the property.

(iii) Only one mobile food unit limited to the preparation and sale of frankfurters shall be permitted on a single parcel of property owned by the property owner holding title and granting permission for the use of the property.

(iv) [Permittees shall] strictly comply with subsection 39-186(b)(9) of this section. (Ord. No. 82-42, § 1, 8-13-82)

Sec. 39-187. Temporary wayside stands prohibited.

It shall be unlawful in the unincorporated area of Broward County for any person, firm, corporation, business or enterprise to sell, dispense, offer for sale or distribute any item or items from temporary wayside stands except as permitted in the A-1, A-2, E-1 and E-2 zoning districts and as follows:

(a) A permit for the sale of retail merchandise out-of-doors will be issued only for items sold in connection with the following holidays:

(1) Independence Day (July 4);
(2) Halloween (October 31); and
(3) Christmas (December 25).

(b) Any permit issued for sales permitted under this section shall be valid only for a temporary period of time, as prescribed below:

(1) A maximum of 10 days preceding the Fourth of July;
(2) A maximum of 30 days preceding Halloween;
(3) A maximum of 30 days preceding Christmas.

(c) A permittee must, at the time the permit is issued, pay to the county a cleanup deposit fee of $250.00. The deposit will be returned if the permittee restores the permitted location to its original presales condition; otherwise, the deposit will be retained by the county, in whole or in part, and used to restore the location.

(d) Before any permit, as provided by this ordinance, shall be issued for holiday sales, such applicant shall file with the building and zoning enforcement division a performance bond or similar security acceptable to the county naming Broward County as beneficiary in the sum of $1,000.00 executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the general counsel.

The conditions of such security shall be that:

(1) The applicant shall comply fully with all the provisions of the Broward County Code of Ordinances and the statutes of the State of Florida regarding the sale of goods as permitted;
(2) The applicant will pay all judgments rendered against said applicant for any violation of said ordinances and statutes; and
(3) The applicant will pay all judgments and costs that may be recovered against him by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(e) Before any permit for the sale of pyrotechnical items shall be issued for holiday sales, the applicant must provide proof of a public premises liability insurance policy that provides coverage in the amount of $300,000.00 at each sales location, names Broward County as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Risk Management Division.

(f) Before any permit for holiday sales shall be issued, a written sworn application, signed by the applicant, shall be filed with the building and zoning enforcement division at least sixty (60) days prior to the commencement of the appropriate holiday period, as provided in subsection (b), showing:

(1) The name or names of the person or persons responsible for the management or supervision of the applicant's business during the time that is proposed that it will be carried on in Broward County; the local address of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capability in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated and the name and address of its registered resident agent in the State of Florida;

(2) The proposed place or places in Broward County where applicant's business will be conducted and length of time said business will be conducted;

(3) A statement of the nature, character and quality of the goods to be sold or offered for sale by the applicant in Broward County; and

(4) Proof of a State of Florida sales tax number.

(5) For vendors of pyrotechnical items who are required to register with the Division of the State Fire Marshal of the Department of Insurance under Chapter 791, Florida Statutes, proof of a completed registration form. Proof of actual registration shall be submitted prior to permit issuance.

(6) Written notarized permission from the owner of the property, or authorized agent of owner, where the temporary wayside stand will be located.

(g) The permit issued under this ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said

permit shall desire to do business in more than one location within the county, separate permits shall be issued for each location of business, and shall be posted conspicuously in each place of business.

(h) No permittee shall be issued more than 10 permits. For the purpose of this subsection, permittees shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity.

(i) No permit shall be transferred without written consent from the board of county commissioners as evidenced by an endorsement on the face of the permit by the county administrator showing to whom the permit is transferred and the date of the transfer.

(j) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold under Chapter 791, Florida Statutes.

(k) Locations for sales of merchandise permitted under this section are subject to the following restrictions:

(1) Pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted to be made from areas located within 50 feet from:

(i) Any fuel storage facility of any kind; and
(ii) Any area required to provide parking in connection with a restaurant or lounge.

(2) Pyrotechnical items may be sold only if each sales location has been approved by the fire marshal.

(3) Halloween and Christmas items may only be sold at locations lying within any commercial zoning district as well as from any property owned by a nonprofit organization or institution.

(4) A maximum of one 4 foot by 8 foot sign for each 100 feet of street frontage, not to exceed 2 signs for any one location, may be displayed in the connection with such sales. Applicant shall comply with all provisions

tangency; thence run N 41°33′11″ E 700 feet along the tangent extended, to a point of curvature of a curve to the left; thence along the arc of said curve to the left, having a radius of 2,000 feet and a central angle of 83°30′00″, run northeasterly and northwesterly 2,-914.70 feet to a point of tangency; thence run N 42°07′49″ W 410.05 feet along the tangent extended, to a point of curvature of a curve to the right; thence along the arc of said curve to the right, having a radius of 2,026.44 feet and a central angle of 42°07′49″, run northwesterly 1,490.07 feet to an intersection with the north line of Section 9, Township 50 South, Range 41 East, at a point 620 feet east of the northwest corner of said Section 9; thence run due north 185.92 feet along the tangent extended, to a point of curvature of a curve to the right, having a radius of 1,150 feet and a central angle of 23°29′20″, run northeasterly 471.45 feet to a point of tangency; thence run N 23°29′20″ E 793.87 feet along the tangent extended, to a point of curvature to the left; thence along the arc of said curve to the left, having a radius of 2,000 feet and a central angle of 68°01′37″, run northeasterly and northwesterly 2,374.59 feet, to a point of tangency; thence run N 44°32′17″ W 2,189.96 feet along the tangent extended, to a point of curvature of a curve to the right; thence along the arc of said curve to the right, having a radius of 2,400 feet and a central angle of 69°19′25″, run northwesterly and northeasterly 2,903.82 feet, to a point of tangency; thence run N 24°47′08″ E 1, 392.12 feet along the tangent extended, to a point of curvature of a curve to the left; thence along the arc of said curve to the left, having a radius of 3,600 feet and a central angle of 24°51′00″, run northeasterly 1,561.37 feet, to an intersection with the north boundary of Section 32, Township 49 South, Range 41 East, at a point 216.73 feet west of the northeast corner of said Section 32, as measured along the north line of said Section 32, and the terminus of said center line.

Said lands situate in Broward County, Florida, excepting therefrom that portion thereof lying within the right-of-way of Broward Boulevard.

ARTICLE XI. NONCONFORMING USES AND STRUCTURES

Sec. 39-194. Existing uses.

Any lawful use of land or structure existing at the effective date of this ordinance and which by its terms has become a nonconforming use is hereby declared not to be in violation at this ordinance's effective date. Such a nonconforming use shall be subject to all of the provisions of this article pertaining to its continuance, change and discontinuance.

Sec. 39-195. Nonconforming use—Extensions.

The nonconforming use of a building may be extended throughout any part of a building clearly designed for such use but not so used at the effective date of this ordinance. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building nor any additional building on the same plot, not used for such nonconforming use at the effective date of this ordinance. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this ordinance except as provided under Article XIV, Excavation Regulations.

Sec. 39-196. Same—Repair, alteration, enlargement.

No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this ordinance. Provided, that repairs, maintenance and improvement may be carried out in any one year in an amount not to exceed 25 percent of the

assessed value of the structure for that year, and provided that such work does not increase the cubical content of the building nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building occupied by a nonconforming use.

Sec. 39-197. Reconstruction after catastrophe.

If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of rebuilding, repair and reconstruction will exceed 75 percent of the replacement cost of the building or structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

Sec. 39-198. Change of nonconforming use.

(a) In any residential district, any change of nonconforming use in a conforming building shall be to a conforming use.

(b) In any residential district, a nonconforming use in a nonconforming building shall be changed only to a use permitted in the particular residential district involved, except as provided in paragraph (c) below.

(c) There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use except as may be permitted by this ordinance.

(d) Deleted.

(e) Any change of a nonconforming use of land shall be to a conforming use.

(f) All nonconforming junkyards in R-1A, R-1B, R-1C, R-1P, R-1T, R-2, R-2P, R-2U, R-3, R-3U, R-4, R-4A, R-4B, R-5, R-6, T-1, T-1A, T-1B, T-1C, PUD, A-1, E-1 and E-2 districts shall be removed and discontinued within five

years of the effective date of this ordinance. (Eff. 8-22-75; eff. 11-28-77)

Sec. 39-199. Discontinuance or abandonment of a nonconforming use.

(a) If for any reason a nonconforming use of land ceases or is discontinued for a period of more than 60 days, the land shall not thereafter be used for a nonconforming use, except for agricultural uses or except as provided under Article XIV, Excavation Regulations.

(b) If for any reason the nonconforming use of a building ceases or is discontinued for a period of one year or more, the building shall not thereafter be used for a nonconforming use.

(c) Any part of a building, structure or land occupied by a nonconforming use, which use is abandoned, shall not again be occupied or used for a nonconforming use.

(d) Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.

Sec. 39-200. Continuance of nonconforming uses and structures.

Any legal nonconforming use or structure may be continued, except as provided in subsection (f) of section 39-198. (Eff. 11-28-77)

Sec. 39-201. Unlawful use not authorized.

Nothing in this ordinance shall be interpreted as authorization for, or approval of the continuation of the use of structure of premises in violation of any ordinance in effect at the effective date of this ordinance.

Sec. 39-202. District or regulation change.

The foregoing provisions of this article shall also apply to buildings, structures, land, premises or uses which hereafter

become nonconforming due to a change or a reclassification of district or become nonconforming due to a change in district regulations. Where a period of time is specified in this article for the removal or discontinuance of nonconforming buildings, structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

Sec. 39-203. Nonconformity other than use.

The foregoing provisions of this article are intended to apply only to nonconforming uses, and are not intended to apply to buildings and structures, and their plots, existing at the effective date of this ordinance which do not meet the regulations of this ordinance for height, yards, plot size, plot area, coverage, separation or other similar dimensional requirements or limitations. Any additions, extensions or alterations to such existing buildings or structures shall comply with all applicable provisions of this ordinance.

Sec. 39-204. Illegal use.

The casual, temporary or illegal use of land or a building shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such a use.

Secs. 39-205—39-214. Reserved.

ARTICLE XII. OFF-STREET PARKING AND LOADING

Sec. 39-215. Off-street parking required.

(a) Every building, use or structure instituted or erected after the effective date of this article shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

(b) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.

(c) When any building is modernized, altered or repaired, and provided there is no increase in floor area, capacity or change of occupancy, no additional parking space shall be required.

(d) Where a building or use, which existed at the effective date of this ordinance, is enlarged in floor area, capacity or space occupied, off-street parking facilities as specified herein, shall be provided for the additional floor area, capacity or space so created or occupied.

(e) Where a building or use which existed at the effective date of this article is changed in use or occupancy, the new use or occupancy shall provide the minimum amount of off-street parking spaces required by this ordinance for the new use or occupancy. The new use or occupancy shall not be required to conform to aisle width and landscaping requirements when the total off-street parking requirements for the existing and new use is part of an existing off-street parking facility having received previous site plan approval by the building and zoning enforcement division. For the purpose of this section, a change of use or occupancy shall mean a change from one category of off-street parking requirements to another such category under section 39-217.

(f) 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 off-street parking facilities to meet the requirements of and be in compliance with this article. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-216. Location, character and size.

(a) The off-street parking facilities required by this article shall be located on the same plot or parcel of land such facilities are intended to serve, or upon a plot of land, the nearest property line of which is located within 700 feet, airline measurement, of the nearest property line of the premises it is intended to serve. All off-street parking facilities required under this article shall be located on property whereon such off-street parking is a permissable use, and shall be designed, developed and maintained in accordance with all applicable provisions of this article. When the required off-street parking is to be provided upon an additional plot of land, as hereinbefore provided, the owner of such additional plot of land to be used for off-street parking facilities, and the owner of the land intended to be served by such off-street parking facilities located upon the additional plot, shall enter into an agreement with the county, whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional parking area serves, so long as such parking facilities are required; and said agreement shall be approved by the Broward County's Office of General Counsel, and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land, and shall bind the heirs, successors and assigns of said owner; however, another additional plot or plots, complying with the provisions of the Zoning Ordinance, and subject to a recorded agreement as above specified may be substituted for the additional plot of land. In the case of a new or substitute agreement for the use of a plot of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

(b) Each parking space and aisle width required and provided pursuant to the provisions of this article shall not be less than the parking dimension standards set forth in subsections (g), (h), (i) of these regulations. All required

parking spaces shall be directly accessible from a public or private street, alley or easement. All off-street parking areas shall be designed to permit convenient maneuvering of vehicles, and each space shall be accessible without driving over or through any other parking space. No parking space shall be designed to permit backout parking on a public right-of-way, nor shall parking spaces be located so as to require backing into a sidewalk, pedestrian crosswalk or other area of high pedestrial concentration except for parking spaces required for single-family and two-family dwellings. Backout parking shall not be permitted on any street or highway designated on the Broward County Trafficways Plan and on any county collector road having a functional classification designated by the county engineering division.

(c) The required off-street parking facilities shall be clearly delineated by four-inch visible, painted stripping, except for single-family, two-family and townhouse dwellings. Parking stalls which abut landscaped areas, sidewalks, structures or property lines shall be designed with bumper guards, wheel stops, or contiguous curbing. The required bumper guards, wheel stops or contiguous curbing shall be located a minimum of 2½ feet from any landscaped area, sidewalk, structure or property line. When surfaced with grass or lawn, the area between the bumpers, wheel stops or contiguous curbing shall receive credit towards the computation of pervious area, but shall not apply towards the amount of required landscaping. The required off-street parking areas and driveways shall be constructed of at least a six-inch course of native limerock, surfaced with asphaltic concrete or portland concrete material of a type approved by the director of the building and zoning enforcement division. The permitted paving surface shall be maintained in a smooth and well-graded condition. The director of building and zoning enforcement division may approve other types of paving in specific cases where he finds such other types to be equivalent in appearance, durability and imperviousness, to the type of paving hereinbefore specified. Off-street parking areas shall be designed to ensure safe and efficient traffic circulation. The parking facilities shall

Capacity of Assembly Spaces	mber of Viewing Positions
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 200	5
201 to 300	6
301 to 400	7
401 to 500	8
501 to 1000	9 or 2% of total
over 1000	20 plus 1 for each 100 over 1000

EXCEPTION: Restaurants, nightclubs, meeting rooms and dance halls shall be exempted from these provisions, but shall meet the requirements of Sec. 515.6(c) for Group G Occupancy.

(b) Viewing positions for persons in wheelchairs shall be provided in a reasonable and convenient section or sections of the facility by one of the following methods:

(1) By providing portable seats which can easily be removed.

(2) By providing clear space devoid of any portable or fixed seating arrangements.

(c) These positions shall be so located as not to interfere with egress from any row of seats, shall be reached by means of ramps and/or elevators, and shall not infringe upon aisle requirements.

There shall be no steps in the aisles or in the access route used by the physically handicapped to reach the viewing positions, but the aisles may be ramped in accordance with sub-section 515.3.

* 515.5 PARKING SPACES FOR HANDICAPPED

(a) Parking spaces required for the physically handicapped in accordance with the following table shall be not less than 12 feet in width. These automobile parking spaces shall be located as close as possible to elevators, ramps, walkways and entrances.

Total Spaces In Lot	Required Number of Reserved Spaces
0 to 5	0
6 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

(b) Two adjacent parking spaces may share a co[illegible] five foot aisle having a total width of 21 feet.

following table shall be not less than 12 feet in width. These automobile parking spaces shall be located as close as possible to elevators, ramps, walkways and entrances.

Total Spaces in Lot	Required Number of Reserved Spaces
0 to 5	0
6 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

(b) Two adjacent parking spaces may share a common five foot aisle having a total width of 21 feet.

515.6 EXCEPTIONS:

(a) In building maintenance and storage areas, where only employees have occasion to enter and work within such areas cannot reasonably be performed by the handicapped, the provisions of this section need not apply unless such areas provides the only path of egress between areas normally used by the handicapped.

(b) Buildings, except Group G Occupancy, having accessibility at habitable grade levels, where an elevator is not provided and where all facilities and services normally sought and used by the public are provided at the habitable grade level, need not comply with the provisions of this section at floors above such level.

(c) Group G Occupancy buildings on floors required to be accessible, shall have a minimum of 75% of their net floor area accessible on each floor. All public areas shall be accessible and be inclusive in the 75% net floor area minimum.

(d) Buildings in Group G Occupancy with 6,000 square feet or less per floor, having accessibility at habitable grade levels for facilities normally sought and used by the public, shall not be required to comply with the provisions of Sec. 515 of the South Florida Building Code at floors above such levels except where a public elevator service is provided.

(e) Group H Occupancies:

(1) Two-story and three-story buildings with less than 49 units, having accessibility at habitable grade levels, shall not be required to comply with the provisions of this section at floors above such levels except where an elevator is provided.

(2) 25 percent of the total number of living units shall be provided with 29 inches clear passage into the toilet rooms and shall meet the provisions of subparagraph 515.6(e)(3) but need not otherwise comply with the provisions of this section.

(3) Within living units requiring accessibility, hallways having no walk-through openings in the sidewalls may be less than 44 inches wide but shall not be less than 36 inches wide.

(f) The following Occupancies are exempt from the provisions of this section:

(1) Group E (hazardous)

(2) Group I (single family and duplexes)

(3) Group J (Divisions 1, 2, 7 and 8)

(4) Group H (privately-owned condominiums)

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be of sufficient size to allow necessary functions for loading, unloading and parking maneuvers to be carried out on private property, and completely off the street right-of-way.

(d) All off-street parking facilities required by this article shall be drained so as not to cause any nuisances on adjacent or public property and shall be in accordance with the requirements of the appropriate enforcing agency. 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.

(e) A plan shall be submitted with every application for a building permit for any use of structure required to provide off-street parking under this article, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these off-street parking facilities are intended to serve.

(f) No point of any parking space, driveway or aisle shall be closer than three feet to any building or structure entranceway, thus preventing any outside door from encroaching in any parking space, driveway or aisle space.

(g) Each parking space required and provided pursuant to the provisions of this article shall not be less than 9 feet in width, and 18 feet in length, except for spaces utilized for parallel parking. The parallel parking space shall not be less than 9 feet in width and 23 feet in length.

(h) Off-street parking facilities required by this article shall be arranged or designed in the same manner as depicted in Table I, Minimum Space Requirements, at Various Parking Angles for Self-Parking Facilities.

(i) If an internal traffic circulation plan requires emergency vehicles, garbage trucks or trucks moving to or from a loading area to use a parking aisle, that parking aisle shall be at least 24 feet wide.

(j) Every building, use or structure which complies with the off-street parking requirements may provide additional

12'X18'
HANDICAP

parking spaces not required by this article. Such parking spaces may be designed as tandem or attendant parking spaces.

(k) All gasoline service station driveways shall comply with the following requirements for adequate accessibility. Driveways leading to or from gasoline pumps or pump islands shall provide a minimum driveway width of 12 feet for one-way entrance and exit. All driveways which lead to 2 gasoline pump islands shall provide a minimum of 24 feet from curb to curb, between pumps or pump islands.

(l) All drive-in bank facilities shall provide a minimum 10 feet wide vehicular service position between each drive-in teller facility.

(m) All off-street parking facilities shall conform to functional landscaping requirements, sign, drainage, engineering requirements, and all other applicable county regulations.

(n) All outside storage or parking of vehicles, boats, trucks, heavy equipment or motor-driven equipment located in a business or industrial zoned district shall be surfaced with asphalt or concrete material. The storage or parking area shall be drained so as not to cause any nuisances on adjacent or public property. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-217. Amount of off-street parking.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
(1) Single-family dwelling	2.0	Per each dwelling unit, spaces may be tandem.
(2) Two-family dwelling	2.0	Per each dwelling unit, located on single lot of record platted less than 60 feet in width.

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
(3) Two-family dwelling	2.5	Per each dwelling unit, located on single lot of record platted not less than (60) feet in width.
(4) Multiple-family dwelling, town house or row house	1.5	Per each efficiency or one-bedroom apartment unit;
	2.0	Per each two-bedroom apartment unit;
	2.5	Per each three- or more bedroom apartment unit;
In addition	1.0	Per each 10 dwelling units shall be provided and made available free for guests and employees.
(5) Rooming houses, lodging houses, boardinghouses	1.0	Per each rental sleeping room.
(6) Dormitories, fraternities	1.0	Per each 150 square feet of floor area used for sleeping facilities.
(7) Hotels, including clubs, plus other uses operated in conjunction with and/or part of hotel	3.0	Per each 4 sleeping rooms.
Plus		If in addition to sleeping rooms, there are other uses operated in conjunction with and/or as part of the hotel, additional off-street parking space shall be provided for such other uses as would be required by this section if such uses were separated from the hotel, to the extent of 65% of the off-street parking specified in this article for retail stores, offices, service establishments, bars, restaurants, dining rooms, nightclub, cabarets, ballrooms, banquet halls, meeting rooms and auditoriums.

Types of Buildings and Uses	Min. Number of Parking Spaces Required per Indicated Unit	Unit of Measure
(8) Motels, tourist homes, guest cabins, villas, house courts	1.0	Per each guest room, cabin or rental unit.
Plus	1.0	Per every 250 square feet of gross floor area utilized as office use.
(9) Trailer court, camps, parks or mobile home parks	2.0 1.0	Per each mobile or trailer space. Spaces may be tandem.
(10) Recreational vehicle park	1.0	Per each recreational vehicle or tent site.
(11) Hospitals	1.0	Per each patient bed.
Plus	1.0	Per each 1000 square feet of gross floor area.
(12) Sanitariums, convalescent homes, nursing homes for aged or infirm	1.0	Per each 2 beds.
(13) Asylums, orphanages	1.0	Per each 5 beds.
(14) Theaters and other places of assembly having fixed seats	1.0	Per every 4 seats.
(15) Places of assembly, including exhibition halls, (except as included in paragraphs (12) and (13)), convention halls, dance halls, skating rinks, community centers	1.0	Per each 200 square feet of gross floor area occupied by guests, customers, patrons, members or other occupants.
(16) Private clubs, lodges, fraternal organization, union hall	1.0	Per each 200 square feet of gross floor area occupied by guests, customers, patrons, members or other occupants.
(17) Museums and libraries	1.0	Per each 200 square feet of gross floor area.

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
(18) Skateboard park	1.0	Per each 200 square feet of the total square footage of the entire length of ramp area.
Plus		Per each 250 square feet utilized for retail and/or other amusement uses.
(19) Outdoor waterboggen	25.0	Per first flume (slide).
Plus	10.0	Spaces for every flume thereafter.
(20) Tennis courts, racquetball, and handball courts and clubs, or other sport courts (except for any athletic courts which are accessory to any permitted multiple-family development and memberships consists only of residents of the multiple-family development).	2.0	Per each court.
		Additional parking spaces as required for other uses accessory to this use.
(21) Golf course	4.0	Per each golf green.
Plus	1.0	Per every 250 square feet of gross floor area of club house.
Plus		Additional spaces as required for other accessory uses.
(22) Golf driving range, archery range, and other type target ranges	1.5	Per every target position.
Plus	2.0	Required for employee parking.
Plus		Additional spaces as required for other accessory uses.
(23) Miniature golf course	2.0	Per each golf green.
Plus	4.0	Required for employee parking.
Plus		Additional parking spaces as required for other accessory uses.

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
(24) Churches	1.0	Per each 60 square feet of auditorium and chapel area; not including Sunday school classrooms.
Plus		Additional spaces as required for other uses such as nursery, kindergarten or primary or secondary schools.
(25) Stadiums, racetracks, sports arenas, fronton	1.0	Per each 4 seats. The final parking requirements for each use shall be determined by the plat and site plan review committee during site development plan process.
(26) Outdoor swap shop, fairgrounds, circus grounds	1.0	Per each 500 square feet of total area utilized for such use (not including parking areas).
(27) Bowling alley	6.0	Per each alley plus additional spaces required for other uses on the same premises.
(28) Mortuaries	1.0	Per each 4 seats in chapel area and/or rooms for services.
Plus	1.0	Per each 600 square feet of gross floor area of the first floor of permitted structure.
(29) Medical, dental, chiropractic, clinics (comprising of 2 or more doctors, dentist or chiropractor)	1.0	Per every 200 square feet of gross floor area.
(30) Veterinary clinic or office	1.0	Per every 250 square feet of gross floor area. Parking requirements shall not be calculated on square footage of floor area of any interior or exterior dog kennels or runs.

Nursery (A-1) Not Paved – 1/1000#

Type of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
(31) Financial institutions, commercial banks, professional and governmental offices and business offices, offices for individual doctor, dentist or chiropractor.	1.0	Per each 250 square feet of gross floor area.
(32) Restaurant or dinner theater	1.0	Per each 40 square feet of customer service area.
(33) Drive-in restaurant (includes sitdown and takeout food service), carryout restaurant (takeout food service only)	1.0	Per each 50 square feet of gross floor area. TAKE OUT: 1/50
(33)(a) Mobile food units limited to the preparation and sale of frankfurters on a developed plot	2.0	1 for each unit plus 1 for a single customer's vehicle. (The first space required, for the unit itself, may be space available on the plot as shown on the site plan, not needed to meet minimum off-street parking, landscaping or other requirements.)
(34) Bars, nightclub, lounges and bottle club	1.0	Per each 30 square feet of customer service area.
Plus	1.0	Per every 250 square feet of gross floor area in rooms or floor areas not used for customer service area.
(35) Game rooms, amusement arcades, poolhalls, billiard parlors	1.0	Per every 200 square feet of gross floor area.
(36) Health and body clubs	1.0	Per each 250 square feet of gross floor area occupied by guests, customers, patrons or members.
(37) Elementary and middle schools (junior high), public or parochial, or private	1.0	Per each classroom plus one-half of the additional parking spaces for rooms used for

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
		public assembly, as otherwise required by this section.
(38) Senior high school and colleges, public, private or parochial	1.0	Per each classroom 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 in this section, whichever may be greater.
(39) Child care center, day nursery, kindergarten	1.0	Per each 400 square feet of gross floor area.
(40) Retail stores, personal service shops, household repairs or equipment shops, interior decoration shops	1.0	Per each 250 square feet of gross floor area.
(41) Manufacturing and industrial uses, research and testing laboratories, bottling establishments, printing and engraving shops, wholesale stores, laundries, auto repair garage, paint and body shop, gasoline service station	1.0	Per each 400 square feet of gross floor area.
(42) Storage warehouse and storage buildings	1.0	Per each 600 square feet of gross floor area (see category (50)).
(43) Terminal facilities, including airport, railroad passenger and freight station, bus depot and truck terminals	1.0	Per each 2 employees.
Plus	1.0	Per each 4 persons of the normal capacity of use, as customers, patrons and visitors. The final parking requirement for each of these uses shall be determined by

Types of Buildings and Uses	*Min. Number of Parking Spaces Required per Indicated Unit*	*Unit of Measure*
		the plat and site plan review committee during site development plan process.
(44) Commercial bathing beaches and swimming pools	**1.0**	**(Same as above)**

Motel — Semi T-T 25% @ min 10 x 50
Per GG. 5/16/88

Types of Buildings and Uses	Min. Number of Parking Spaces Required per Indicated Unit	Unit of Measure
(45) Yacht club, boat marinas	1.0	Per each boat slip plus additional spaces as required for other accessory uses.
(46) Charter, sightseeing or fishing boat docks	1.0	Per boat slip.
Plus	1.0	Per each (4) persons of the normal capacity of use as customers and visitors plus additional spaces as required for other accessory uses.
(47) Dance, art, music school, art gallery	1.0	Per each 250 square feet gross floor area.
(48) New or used automobile sales, boat sales or other outdoor sales See (N) Page 908	1.0	For each 200 square feet of office and principal showroom space, plus 1 space for each additional 1000 square feet of outdoor display area.
(49) Commercial riding stable, boarding stable, livery stable and dude ranch.	1.0	Per every (2) stalls.
Plus	1.0	Per owner or operator.
Fire House	1.0	Per 400 # Gross F.A.

1/200 IN
1/1000 OUTDR

(50) The category of warehouse or storage building shall apply only when the gross floor area of the proposed structure will be used solely for storage facility on a short- or long-term basis, or where merchandise, products or materials are stored or held primarily for safekeeping until later disposed of or distributed. No structure shall be designated as a warehouse or storage building if it is to be utilized for wholesale or retail sales, or office use. If it is determined by the building and zoning enforcement division that the principal use is not warehouse or storage use, parking requirements will then be based on the use determined as the principal use by the building and zoning enforcement division.

(51) *Uses not specifically mentioned.* The requirements for off-street parking for any use not specifically mentioned in this section shall be the 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 off-street parking.

(52) *Fractional measurements.* When units or measurements determining number of off-street parking spaces result in requirement of fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.

(53) *Mixed uses.* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

(54) *Measurement.* For the purpose of this article, floor area shall mean the gross floor area inside the exterior walls. In stadiums, sports 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 off-street parking requirements. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-218. Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by 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. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-219. Nonconforming uses.

In cases of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations or extensions of use shall be permitted, no building permit and/or certificate of occupancy shall be issued unless or until the off-street parking requirements of this article for a new use of the type involved are applied to such existing use and are fully provided for. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-220. Use of required off-street parking by another building.

No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use unless the type of use indicated that the period of usage will not overlap or be concurrent with each other, as determined by the board of adjustment. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-221. Parking of commercial vehicles.

Off-street 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. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-222. Off-street loading.

(a) 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.

(b) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading

space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

(c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least 10 feet wide by 25 feet long with a 14-foot vertical clearance. Each off-street loading space shall be directly accessible from a street alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

(d) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(1) For each retail complex, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, office buildings, dry cleaning establishment or similar use which has an aggregate gross floor area of:

Over 10,000 sq. ft. but not over 25,000 sq. ft.	1 space
Over 25,000 sq. ft. but not over 60,000 sq. ft.	2 spaces
Over 60,000 sq. ft. but not over 120,000 sq. ft.	3 spaces
Over 120,000 sq. ft. but not over 200,000 sq. ft.	4 spaces
Over 200,000 sq. ft. but not over 290,000 sq. ft.	5 spaces
Plus, for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof	1 space

(2) For each multiple dwelling or apartment hotel having at least 50 dwelling units but not over 100 dwelling units ..... 1 space

(3) For each multiple dwelling having over 100 dwelling units ..... 1 space

Plus, for each additional 100 dwelling units or major fraction thereof ..... 1 space

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

Over 20,000 sq. ft. but not over 40,000 sq. ft. ..... 1 space

Plus, for each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof . 1 space

(5) For any use not specifically mentioned in this section, the requirements for off-street parking for a use which is so mentioned and to which the unmentioned use is similar shall apply.

(e) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting of street loading needs of any other use.

(f) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.

(g) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(h) Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access of

all such required off-street loading facilities. (Ord. No. 80-25, § 1, 4-11-80)

Sec. 39-223. Alternative parking surfaces.

The modifications to parking requirements allowed in this section are intended to permit and encourage the reduction of hard-surface parking areas so as to retain the maximum permeable soil surface and green area while still providing for adequate parking. It is not the intent of this section to define each and every site use where these modifications of parking requirements may be feasible. The plat and site plan review committee may allow the use of these modifications in any instance where such a modification appears appropriate even though the specific site use may not be cited in the following sections.

(1) *Parking ribbons.* The use of hard-surface parking ribbons shall be permitted in situations where the required parking is directly associated with an individual dwelling unit. Such ribbons shall be no less than two feet in width, separated at no greater distance than three feet, and constructed to the specifications of the county engineering department. The remaining required area for each parking space shall be covered with grass, ground cover or other porous landscape material. Such ribbons are primarily intended for use with one-family and two-family dwellings. The use of hard-surfaced parking ribbons for the above-mentioned land uses shall be exempt from plat and site plan review.

(2) *Reduction of hard-surface allowed.*

For certain site uses it shall be allowed for up to 25 percent of the required parking to be reserved in a grassed area. Such a reserved area shall be identified on the site plan and shall include space for all associated accessways, drives, aisles and landscaping. The reserved area may be used for temporary or overflow parking or may exclude all parking. Parking use of the reserved area shall require compliance with

county specifications for grass parking surfaces as required in paragraph (3) below. All reserved areas for temporary or overflow parking shall be designated on the plot it is to serve with a small permanent type sign. A reserved area used for temporary or overflow parking, shall meet all landscaping requirements for vehicular use area except that the 10 percent interior landscaping requirements for parking areas may also be used for parking, provided all required trees shall be located within an area of at least 50 square feet for protection from vehicular intrusion. Conversion of a reserved area to hard-surface parking shall require compliance with all landscaping requirements for vehicular use areas. In no instance shall a reserved area be used to satisfy the landscaping requirements for a contiguous hard-surfaced vehicular use area or to satisfy requirements for open space.

This reduction of hard-surface parking is primarily intended to be allowed for parking associated with the following uses: Multiple-family dwellings, dormitories, fraternities, hospitals, sanitariums, churches, stadiums, sports arena, and theater of the performing arts.

(3) *Grass parking surface.*

The use of a grass parking surface shall be permitted on certain site uses where parking is on an irregular, intermittent or part-time basis. The plat and site plan review committee may allow these modifications of the parking requirements when such modifications appear appropriate, and as long as the use of grass parking surfaces does not adversely affect the appearance or condition of the site use. Such grass parking surfaces shall conform to county specifications, which includes at least a six-inch course of natural limerock, surfaced with the species of grass.

All requirements for landscaping vehicular use areas shall be met and all required interior landscaping requirements for parking areas may be used for parking,

provided all required trees shall be planted in an area of at least 50 square feet, for protection from vehicular intrusion.

Such grass parking surfaces are primarily intended to be allowed for parking associated with places of public assembly, theaters for the performing arts, private clubs, dormitories, fraternity buildings, churches, auditoriums, stadiums, racetracks, fairgrounds, schools, mortuaries and similar uses.

(4) *Maintenance.* The owner or his agent, if any, shall be jointly and severally responsible for the maintenance of all vehicle use areas, whether standard hard-surface or grass. Grass parking areas shall be maintained so as to present a neat appearance to ensure a viable and healthy grass surface. In the event of deterioration of a grass parking surface due to improper or inadequate maintenance or due to parking use too heavy to allow a healthy grass surface, the director of the building and zoning division may require the restoration of the grass surface or the hard-surfacing of the area.

For the purpose of this ordinance, a rolled, rock-based, covered with sand-seal finish, does not comply as a hard surface for required off-street parking facilities. (Ord. No. 80-25, § 1, 4-11-80)

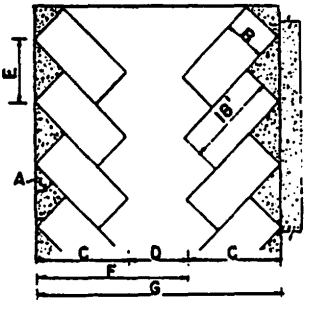
Sec. 39-224. Parking requirements for disabled and handicapped persons.

Off-street parking ramps, spaces and accessibility to buildings for the disabled or handicapped shall comply with the requirements set forth in chapter 553, part 5, of the Florida Statutes, and chapter 515 of the South Florida Building Code. (Ord. No. 80-25, § 1, 4-11-80)

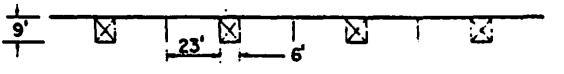
TABLE I
MINIMUM SPACE REQUIREMENTS AT VARIOUS PARKING ANGLES FOR SELF-PARKING FACILITIES

A PARKING ANGLE	B STALL WIDTH	C STALL DEPTH	*D AISLE WIDTH	E CURB LENGTH	F HALF BAY	G FULL BAY
†0°	9.0'	9.0'	12.0'	23.0'	21.0'	30.0'
20°	9.0'	14.6'	11.0'	26.3'	25.6'	40.2'
22.5°	9.0'	15.2'	11.0'	23.5'	26.2'	41.4'
30°	9.0'	16.8'	12.0'	18.0'	28.8'	45.6'
40°	9.0'	18.5'	12.0'	14.0'	30.5'	49.0'
45°	9.0'	19.1'	15.0'	12.7'	34.1'	53.2'
50°	9.0'	19.6'	15.0'	11.7'	34.6'	54.2'
60°	9.0'	20.1'	18.0'	10.4'	38.1'	58.2'
70°	9.0'	20.0'	19.0'	9.6'	39.0'	59.0'
75°	9.0'	19.7'	22.0'	9.3'	41.7'	61.4'
80°	9.0'	19.3'	24.0'	9.1'	43.3'	62.6'
90°	9.0'	18.0'	24.0'	9.0'	42.0'	60.0'

NOTE: ***D — Dimensions are for one-way direction movement. Two-way direction movement requires a minimum of 24 feet wide regardless of parking angle and dimensions given in Table I of the above.**



†0° — Parallel parking shall be designed according to the following diagram:



ARTICLE XIII. REGULATION OF CERTAIN DESIGNATED USES*

Sec. 39-225. Findings and purpose.

In the development, enforcement and amendment of this code, it is recognized that there are uses and accessory uses which because of their very nature are recognized as having serious objectional be characteristics particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. Further, it is recognized that the location of even one such use near a residential area or other incompatible use causes such deleterious effects on the neighborhood and on the businesses that serve the neighborhood. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood. (Ord. No. 93-3, § 2, 1-26-93)

Sec. 39-226. Distance limitations between designated uses.

(a) None of the designated uses set forth in this article, or added from time to time to this article by amendment, shall be located or operated nearer to the same or any other designated use nor nearer to any such church or public, private or parochial, kindergarten, nursery, elementary, middle or high school, or day care center, than 1,000 feet. Measurement of the one 1,000 feet shall be made in accordance with subsection (c) below.

(b) None of the designated uses set forth in this article, or added from time to time to this article by amendment, shall be located or operated nearer than 500 feet to a residentially zoned district. Measurement of the 500 feet shall be made in accordance with subsection (c) below.

***Editor's note**—Ord. No. 77-48, §§ 2—6, adopted Sept. 16, 1977, effective Sept. 26, 1971, amended ch. 39 by adding provisions designated by the editor as art. XIII, §§ 39-225—39-229. The ordinance was amended by Ord. Nos. 78-33 and 85-17. All three of these ordinances were explicitly repealed by § 8 of Ord. No. 93-3, adopted Jan. 26, 1993, effective Feb. 8, 1993, which also implicitly repealed Ord. No. 90-12, which had amended former § 39-225. Sections 2—7 have been included as a new art. XIII, §§ 39-225—39-230.

(c) For the purposes of this article, a designated use or proposed designated use shall be deemed to be within 1,000 or 500 feet of another designated use or church, school, real property, residence, business or residentially zoned district, respectively, as defined or described herein, if any party of the building in which, or plot of land upon which, a designated use is located or proposed to be located within 1,000 feet or 500 feet, as the case may be, as measured by an actual or imaginary straight line upon the ground or in the air, of any party of the building in which, or plot of land upon which, another designated use or such church, school, real property, residence, business or residentially zoned district, respectively, is located. To determine the distances regulated by this article, the person seeking to establish or operate a designated use shall furnish to the county a survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed designated use and any other designated use, church or school, as described in subsections (a) and (b) above. Further, the survey shall indicate the pertinent distances between both the buildings in which the designated use, church or school will operate and the plot of land upon which such use will be located. (Ord. No. 93-3, § 3, 1-26-93)

Sec. 39-227. Designated uses.

The following uses are declared to be "designated uses":

(1) Adult bookstore.

(2) Adult motion picture theater.

(3) Adult mini motion picture theater.

(4) Adult nightclub.

(5) Massage establishment.

(6) Encounter studio. (Ord. No. 93-3, § 4, 1-26-93)

Sec. 39-228. Application to new churches, schools or residentially zoned districts.

Where a designated use is located in conformity with the provisions of this code, the subsequent locating of a church or school within 1,000 feet, or a residentially zoned district within 500 feet,

of such existing designated use shall not be construed to cause such designated use to be in violation of this code. (Ord. No. 93-3, § 5, 1-26-93)

Sec. 39-229. Application to nonconforming uses.

Any existing designated use, which conformed to the regulations in effect when such designated use was established, that becomes nonconforming by the enactment of this article shall be removed or discontinued within five (5) years of the effective date of this article. (Ord. No. 93-3, § 6, 1-26-93)

Sec. 39-230. Penalty.

Any person convicted of a violation of this article shall be punished as provided by law. (Ord. No. 93-3, § 7, 1-26-93)

Secs. 39-231—39-233. Reserved.

ARTICLE XIV. EXCAVATION REGULATIONS

Sec. 39-234. Definition.

For the purposes of these regulations, "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. Excavation as used herein 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.

Sec. 39-235. Permits.

(a) A permit for new excavations shall be obtained from Broward County.

(b) After an original permit for an excavation has been issued, the enforcing officer 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.

(c) Within 30 days after the zoning ordinance is adopted, owners or operators of existing excavations shall submit to the enforcing officer a plat showing their presently owned property adjacent to and forming a continuous property with existing excavation area. The plat shall also show future right-of-way 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:

(1) The owners or operators of excavations existing at the time this code is adopted shall apply for an excavation permit within 30 days after this code is officially adopted.

(2) Section 39-239 "Location" and Section 39-240 "Protection" shall apply to excavations existing at the time this code is adopted.

(d) Yearly renewals of the excavation permit shall be granted to the owners and operators of excavations existing at the time this code is adopted, provided the applicable requirements are complied with.

(e) Any extension, beyond the excavation limits shown in each plat required by subsection (b) above to be filed with Broward County, shall be treated as a new excavation and shall, therefore, be subject to the full requirements of these regulations.

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(f) 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. (Ord. No. 90-12, § 39, 6-26-90)

Sec. 39-236. Plans and surveys.

Applications for original permits shall be accompanied by the following:

(1) A plot plan to show the property owned and controlled by the applicant with reference to streets, highways and contiguous platted areas.

(2) Cross-sections to show approximate elevation and grades at the 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 all of bounding streets and roads.

(4) Upon completion of the excavation, and when there is a question that the excavation is 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-engineer registered as such by the State of Florida.

Sec. 39-237. Performance bond.

The applicant for a permit for an excavation shall post a performance bond, which, effective January 1, 1974, shall be $1,000.00 per acre, not to exceed $100,000.00 per excavation, conditioned upon complete compliance with the regulations of Broward County pertaining to the initiation, conduct and completion of excavations in a manner conforming to this

ordinance within a period of not more than 1 year after the 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 6 months or more. An alternative to the performance bond, the applicant may provide the amount in cash or, in a form acceptable to the county commission, may provide an irrevocable letter of credit, negotiable certificate of deposit or escrow agreement, all of which shall be in the amount as set forth above in order to ensure that the excavation shall be performed in conformance with this code. (Eff. 1-23-78)

Sec. 39-238. Zoning limitations.

(a) 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.

(b) 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.

(c) New excavation shall be a permissible use only in a zoning district wherein such use is permissible under this ordinance, subject to the provisions of this article.

(d) An existing excavation for which a permit is issued pursuant to section 39-235 may be continued and extended pursuant to such permit and shall not be construed to be a nonconforming use.

Sec. 39-239. Location.

(a) 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 mate-

rial 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.

(b) Within the territory described in Section 39-178, Trafficway Frontage Setbacks, Paragraph (b), Territory for Setback Area Requirement, no excavation shall be allowed within 175 feet of the future right-of-way line of any trafficway as defined in Paragraph (f), Trafficways Defined, of the aforesaid section 39-178; provided, however, that the excavation may be extended to within not less than 25 feet of said future right-of-way line, if such excavation is clearly indicated on the plot plan for the excavation and the excavation is backfilled with suitable material to a distance not less than 175 feet from the future right-of-way line. (Ord. No. 82-5, § 1, 2-12-82)

Sec. 39-240. Protection.

During the excavation operations, the premises shall be suitably posted at intervals of 200 feet on the perimeter of the excavation site, with warning signs of such character as may be adequate to warn the public concerning possible hazards. (Ord. No. 82-5, § 2, 2-12-82)

Sec. 39-241. Conduct of operations.

(a) The grading, leveling and sloping of the final banks shall be on a progressive basis as the project develops and the excavation progresses.

(b) 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.

(c) 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. 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.

(d) During the entire operation, dynamite shall not be used except in accordance with state regulations.

(e) The hours of operation shall be limited to the period between the hours of 7:00 a.m. and 6:00 p.m. on weekdays. For purposes of this subsection, the term "weekdays" shall include only the days of the week from Monday through Friday.

(f) Every owner and/or operator of any excavation shall be insured to the extent of $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.

(g) 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. (Ord. No. 87-10, § 1, 3-24-87)

Sec. 39-242. Cleaning up and rehabilitation.

(a) Upon completion of the project, the property shall be dressed up so that it will be left in a presentable condition.

(b) The perimeter of the excavation shall be properly backfilled and graded, 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.

(c) 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 plants, buildings, structures or equipment.

(d) 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.

Sec. 39-243. Filling of excavations.

Excavations may be filled if [a] permit is obtained from Broward County, subject to the following conditions:

(1) [The] applicant for [a] permit and [the] owner of property shall comply with such terms and conditions as may be required to prevent objectionable odors and to prevent the operation from becoming 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 one foot of clear fill shall be provided so that the property shall be in a clean, presentable and sanitary condition.

(3) That the owner of the property and the operator shall post a bond in such amount as may be determined by the enforcing officer as necessary to ensure compliance with the terms and conditions as may be established for the filling permit. In the alternative, the owner or operator may provide the amount in cash or, in a form acceptable to the county commission, may provide an irrevocable letter of credit, negotiable certificate of deposit or escrow agreement, all of which shall be in such amount as may be determined by the enforcing officer as necessary to ensure conformance 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 unless such use conforms to all applicable zoning ordinances and conforms to any applicable regulations of the county health department. (Eff. 1-23-77; Ord. No. 90-12, § 40, 6-26-90)

Sec. 39-244. Special exception regulations.

Excavation operations may be permitted in all A-1 and A-2 zoned districts by special exception approval by the Board of County Commissioners of Broward County, Florida, after notice and public hearing. The following are the minimum requirements and criteria that must be met in order for the board of county commissioners to grant a special exception for an excavation operation in any A-1 or A-2 zoned district. The board may impose additional reasonable standards in particular cases as a condition of approval.

(1) The board shall not grant special excavation approval for a period of time in excess of three years.

(2) The board shall not grant special excavation approval unless the proposed excavation site is a minimum of 10 acres.

(3) A site development plan shall be submitted to the plat and site plan review committee as required by section 39-236 of this code. The committee shall submit a written recommendation to the board prior to the board's holding a public hearing.

(4) A site reclamation plan shall be submitted to the plat and site plan review committee. The committee shall

submit a written recommendation to the board prior to the board's holding a public hearing.

(5) All lands for which a special exception for excavation has been approved shall be reclaimed in accordance with the approved site reclamation plan. The reclamation shall be secured by a reclamation bond in the amount of $200.00 per acre. This bond is in addition to the performance bond required by section 39-237 of this ordinance.

(6) The board of county commissioners may also require dedication of the site for park and open space purposes at the completion of the excavation.

(7) No special exception for an excavation operation or excavation permit shall be issued that is in conflict with any applicable federal, state or county regulation. (Eff.7/14/78)

Secs. 39-245 - 39-253. Reserved.

ARTICLE XV. SPECIAL DISTRICT REGULATIONS

Secs. 39-254 - 39-255. Repealed. (Ord.91- ,Eff. 1/29/91)

Sec. 39-256. Junkyards.

The following regulations shall apply in all junkyards:

(1) The area of land to be 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 junkyard shall be surrounded by a substantial, continuous masonry, wooden or metal fence or wall eight feet in height without openings except for entrance or exit, which openings shall be equipped with unpierced gates.

(4) All nonconforming junkyards in R-1A, R-1B, R-1C, R-1P, R-1T, R-2, R-2P, R-2U, R-3, R-4, R-4A, R-4B, R-5, R-6, T-1, T-1A, T-1B, T-1C, PUD, A-1, E-1 and E-2 districts shall be removed and discontinued within five years of the effective date of this ordinance. (Eff. 8/10/79)

Sec. 39-257. House trailers, mobile homes, travel trailers and other mobile units.

(a) House trailers, mobile homes, travel trailers and other mobile units shall not be considered to be permissible as accessory buildings.

(b) No person shall park, store or occupy a house trailer, mobile home, travel trailer or other mobile unit except:

(1) In an approved mobile home park or recreational vehicle park.

(2) On a parcel of land, not less than 10 acres in area, which is zoned agricultural and which is used primarily for the growing of fruit, vegetables, produce, sod or crops, and where the unit is accessory to such agricultural use. Occupancy of the unit in this instance is limited to the owner of

the property and his family or his employees.

(3) On property which is zoned R-1T, T-1, T-1A, T-1B, T-1C, a house trailer or mobile home may be occupied as a single-family dwelling, providing the plot and the unit conform to all of the requirements of the zoning ordinance.

(4) For a period not in excess of 18 months on A-1, E-1 or E-2 zoned 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 18 months.

(c) A house trailer, mobile home, travel trailer or other mobile unit may be used as a temporary office or shelter incidental to construction on or development of the premises on which the unit is located. The unit shall not be used as a sales office, nor as living or sleeping quarters.

(d) Except as hereinbefore provided, no house trailer, mobile home, travel trailer or other mobile unit shall be parked or stored on residentially zoned property except in a garage or other accessory building. The parking of recreational vehicles on sites containing permitted residential uses shall be in compliance with section 39-261. (Eff.9/13/73)

Secs. 39-258 - 39-290. Reserved.

(b) No person shall park, store or occupy a house trailer, mobile home, travel trailer or other mobile unit except:

(1) In an approved mobile home park or recreational vehicle park.

(2) On a parcel of land, not less than 10 acres in area, which is zoned agricultural and which is used primarily for the growing of fruit, vegetables, produce, sod or crops, and where the unit is accessory to such agricultural use. Occupancy of the unit in this instance is limited to the owner of the property and his family or his employees.

(3) On property which is zoned R-1T, T-1, T-1A, T-1B, T-1C, a house trailer or mobile home may be occupied as a single-family dwelling, providing the plot and the unit conform to all of the requirements of the zoning ordinance.

(4) For a period not in excess of 18 months on A-1, E-1 or E-2 zoned 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 18 months.

(c) A house trailer, mobile home, travel trailer or other mobile unit may be used as a temporary office or shelter incidental to construction on or development of the premises on which the unit is located. The unit shall not be used as a sales office nor as living or sleeping quarters.

(d) Except as hereinbefore provided, no house trailer, mobile home, travel trailer or other mobile unit shall be parked or stored on residentially zoned property except in a garage or other accessory building. The parking of recreational vehicles on sites containing permitted residential uses shall be in compliance with section 39-261. (Eff. 9-13-73)

Sec. 39-258. 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 ordinance relative to buildings or structures hereafter erected upon the plot or premises to which such building or structure shall have been moved.

Sec. 39-259. 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.

Sec. 39-260. Minimum floor elevations.

The top surface of all floors of residential buildings shall be not less than 18 inches, and of nonresidential buildings shall be not less than 6 inches, above the highest point of the crown of all streets adjacent to the plot upon which such buildings are located. However, in those instances where the Broward County Water Resources Management Division has determined that the plot has a water management system that meets the minimum criteria as outlined in the Broward County Water Management Regulations and Standards, as adopted by the Broward County Board of County Commissioners, the minimum permissible floor elevations for residential and nonresidential buildings may comply with the 100-Year Flood Elevation Map, as recorded in the Official Records of Broward County at Miscellaneous Plat Book 4, page 13, and as amended from time to time. (Ord. No. 87-23, § 1, 5-26-87)

EXCEPTION

Sec. 39-261. Recreational vehicles.

The following regulations shall apply to recreational vehicles:

(1) Recreational vehicles may be parked in the open on sites containing a permitted residential use, subject to the following conditions:

(a) Not more than one such vehicle per dwelling unit may be on each site.

(b) Such parking shall be limited to vehicles owned by:

1. The occupant of the residence.
2. House guests of the occupant.

See ADD'T REQ'MTS 1-29-91 →

(c) The location of parked vehicles shall be to the rear of the required front yard for any period of time exceeding 48 hours.

(d) The vehicles shall at all times have attached a valid motor vehicle license plate.

(e) While parked on the site, no service may be performed on the vehicle other than to repair or replace tires or batteries.

(f) At no time while parked in a residential area shall sewer or electrical service connections be made to the vehicle, or any occupancy thereof be permitted.

Sec. 39-262. Mobile collection centers.

The following regulations shall apply to mobile collection centers:

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

(2) For the purpose of this section, a trailer shall be defined as a vehicle mounted on wheels designed to be coupled to and drawn by a motor vehicle.

(3) Minimum length of trailer shall be 20 feet and no trailer shall exceed 40 feet in length.

(4) Only one (1) trailer shall be located on a building site.

(5) One sign per trailer shall be permitted. The sign shall be mounted on the outside of the trailer and state the name of business, address, telephone number and hours of operation.

(6) Business hours shall be limited to 8:00 a.m. to 6:00 p.m., 7 days a week; such hours of operation shall not apply to operation of the mechanical depositories.

(7) Site shall be kept in a clean, safe and sanitary condition.

(8) All mobile collection centers, with the exception of the mechanical depositories, shall be manned by at least one

employee during the hours of operation. If a site is unmanned at any time, it shall be closed for business.

(9) No trailer shall be located any closer than 100 feet from residentially zoned property.

(10) The trailer shall not be located on required parking spaces for the principal business use and shall not impair traffic flow.

(11) No trailer shall be located closer than 50 feet from any street, right-of-way or trafficway.

(12) No mobile collection center shall be located within 1,000 feet of any other mobile collection center. (Ord. No. 86-35, § 3, 8-26-86)

Secs. 39-263—39-271. Reserved.

ARTICLE XVI. SERVICE STATIONS

Sec. 39-272. Size of plot.

A plot to be occupied by a service station shall be not less than 100 feet in width and 100 feet in depth.

Sec. 39-273. Location of service stations.

(a) *Distance Between Service Stations.* There shall be a minimum distance of 750 feet, shortest airline measurement, between the nearest points on any 2 plots occupied or to be occupied for service station purposes; provided that this separation requirement shall not apply to a plot located at the intersection of 2 or more streets.

(b) *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 service station purposes, and any plot occupied for a church, playground, playfield, hospital, elementary or high school.

Sec. 39-274. Clearances required.

(a) 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.

(b) No gasoline pump shall be located within 25 feet of any property which is residentially zoned.

Sec. 39-275. Protective wall.

(a) 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 of a plot occupied as a service station. Such wall or fence shall be three feet six inches in height and shall be continuous and unpierced, except that on an alley line there may be a three-foot opening which is closed by a substantial gate when the opening is not in use.

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

Sec. 39-276. Reserved.

Sec. 39-277. Driveways.

There shall be not more than 2 driveways for entrance and exit to a service station for each 100 feet or major fraction thereof of plot frontage on any street. Driveways shall be not over 42 feet in width at the street line, and there shall be at least 10 feet of landscaped area between any 2 driveways. Measured along the street line, driveways shall be at least 10 feet from 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.

Sec. 39-278. Lighting.

All lights and lighting on a service station shall be so designed and arranged as to not cause a direct glare into residentially zoned property.

Sec. 39-279. Storage of flammable liquids.

(a) All gasoline, benzene, diesel fuel, naphtha or other volatile flammable liquids stored incidental to the operation of a service station shall be kept in underground tanks.

(b) The total capacity of tanks and storage facilities for flammable liquids incidental to the operation of a service station shall not exceed 30,000 gallons.

Sec. 39-280. Accessory uses.

(a) A service station may have any of the following accessory uses: Convenience food store, dairy products, convenience take-out products, and mobile food units limited to the preparation and sale of frankfurters, subject to the following:

(1) A plot to be occupied by a service station and any of the above shall have not less than 150 feet of street frontage and 22,500 square feet of area, except that a plot with an accessory use limited to a mobile food unit limited to the preparation and sale of frankfurters or an accessory use limited to an enclosed structure not exceeding 1,054 square feet providing for the sale of food products for consumption off the premises may comply with the plot requirements set forth in section 39-272.

(2) The accessory use shall be conducted entirely within a completely enclosed building except for a mobile food unit limited to the preparation and sale of frankfurters. No outside display shall be allowed for the accessory use. All products shall be prepackaged except for those sold at a mobile food unit limited to the preparation and sale of frankfurters.

(3) No secondhand or used merchandise shall be offered for sale, displayed or stored.

(4) Facilities for waste storage and disposal shall be located inside of the building being used for the accessory use. Mobile food units limited to the preparation and sale of frankfurters shall provide waste containers for the deposit of food scraps, food wrappings, cups, napkins and discarded single-service articles at the point of service.

(5) Off-street parking shall be provided for the accessory use as required in Article XII, Off-Street Parking and Loading. The off-street parking shall be so designed and located that it does not interfere with the traffic entering the service station for automobile service and fueling; provided, however, that a minimum of four parking spaces shall be provided for any accessory use. If the accessory use is a mobile food unit limited to the preparation and sale of frankfurters located in a service station meeting only the minimum plot size regulations of section 39-272, a minimum of two parking spaces shall be provided for that accessory use.

(6) Only one wall sign will be allowed for the accessory use. The square footage of the sign shall not exceed 32 square feet in area. The area shall be computed as outlined in Article VIII, Section 39-128, Terms Defined. If the accessory use is a mobile food unit limited to the preparation and sale of frankfurters no advertising sign, other than one confined to the unit itself, shall be permitted.

(b) No permit shall be issued for a service station accessory use unless and until a site development plan is submitted and approved by the enforcing official for conformity with this ordinance. A site development plan shall not be required for a mobile food unit limited to the preparation and sale of frankfurters.

(c) The site development plan shall include, in proper form, details and dimensions and scale the following:

(1) The location, character, size and height of all buildings, structures and uses on the plot, including walls or fences.

(2) All curb cuts, driveways, parking areas, loading areas.

(3) Location, size, character, height and orientation of all signs other than flat or marquee signs.

(d) Mobile food units limited to the preparation and sale of frankfurters shall only be permitted in those zoning districts that permit sales outside a structure.

(e) Mobile food units limited to the preparation and sale of frankfurters shall comply with all other applicable provisions of the Broward County Code of Ordinances, not contrary to the provisions herein.

(Ord. No. 82-45, § 1, 8-13-82; Ord. No. 88-29, § 1, 5-24-88)

Secs. 39-281—39-290. Reserved.

ARTICLE XVII. ALCOHOLIC BEVERAGE ESTABLISHMENTS:

The following regulations shall apply to the location, design, construction, operation and maintenance of all places or establishments where alcoholic beverages are sold or dispensed, and shall be in addition to other requirements or limitations of the zoning ordinance:

Sec. 39-291. Separation requirements.

(a) Establishments for the sale or consumption of alcoholic beverages shall be located at least 500 lineal feet from any other such establishment. The required 500-foot distance shall be measured and computed by following a straight line from the nearest point of one building or

ALCOHOL

STATE REGULATED

- BEVERAGE COMMISSION - (USED TO BE) IN LAUDERHILL ON 441 & 22 st. (EXECUTIVE SUIT.)
- ROUTING SHEET FROM BEVERAGE COMM.
  a) ONLY SIGN OR CONSIDER IF IN AN UNINCORPORATED AREA.
  b) PACKAGED SALES MAKE SURE THEY HAVE A OU CERTIFICATE (99% WILL NOT) & SIGN BEV. COMMISSION SHEET AT TIME OF APPLYING FOR OU & STAMP WITH OUR ADDRESS STAMP.
- CONSUMPTION ON PREMISES: MUST HAVE OU.
  a) MUST SUPPLY WITH SURVEY IRREGARDLESS OF SIZE OF ESTABLISHMENT SHOWING RADIUS ES SET FORTH IN CODE. BAR ONLY
  a) SUPPLY US WITH RADIUS SURVEY (FIRST)
  b) ALL PLANS TO DETERMINE SIZE OF CUSTOMER SERVICE AREA IF MORE THAN 3,000 sq/ft SIGN BEV. PAPERS, IF LESS THAN 3000 & MORE THAN 1500 THEY MUST BRING SURVEY SHOWING 1000' RADIUS (AWAY FROM CHURCH OR SCHOOL) IF LESS THAN 1500 MUST BRING SURVEY SHOWING 1000' RADIUS (CHURCHES & SCHOOLS) & 500' FROM OTHER ESTABLISHMENTS SERVING ALCOHOL.
  a) SUPPLY US WITH RADIUS SURVEY (FIRST)
  c) IF NON-PROFIT PRIVATE CLUB THEY MUST BRING BEV. PAPERS INDICATING WHAT TYPE LICENSE APPLYING FOR. AND IF FOR PRIVATE CLUB SIGN PAPERS OFF IRREGARLESS OF sq/ft OF FLOOR AREA.

BAR ONLY

RESTAURANT

structure in which alcoholic beverages are sold or consumed to the nearest point of the other building or structure in which alcoholic beverages are sold or consumed. This requirement shall not apply if one or both of the two establishments is:

(1) An establishment incidental to and within a portion of a building used for a bona fide restaurant having at least 1,500 square feet of customer service area.

(2) An establishment incidental to and within a building used as a hotel with at least 50 rental sleeping rooms and where the entrance to the establishment is within the hotel portion of the building and there is no direct entrance to the establishment from the exterior.

(3) An establishment incidental to and within a bona fide nonprofit club where only members and their guests are served or sold alcoholic beverages.

(b) Establishments for the sale or consumption of alcoholic beverages shall be located not nearer than 1,000 lineal feet to any church or any public, private or parochial, elementary, junior high or high school. The required 1,000-foot distance shall be measured and computed by following a straight line from the nearest point of the lot or property line of the school or church grounds to the nearest point of the building or structure in which alcoholic beverages are sold or consumed. This separation requirement shall not apply to the following:

(1) An establishment incidental to and within a portion of a building uses for a bona fide restaurant, having at least 3,000 square feet of customer service area.

(2) An establishment incidental to and within a portion of a building used as a hotel with at least 100 rental sleeping rooms and where the entrance to the establishment is within the hotel portion of the building and there is not direct entrance to the establishment from the exterior.

(3) An establishment incidental to and within a bona fide nonprofit club wherein only members and their guests are served or sold alcoholic beverages.

(c) For the purpose of determining the distances between establishments for the sale or consumption of alcoholic beverages and churches and schools, the applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any church, school or other establishments selling alcoholic beverages or any place of business for consumption of alcoholic beverages. The survey shall indicate the shortest distance as measured and computed in the manner set forth above. In case there are no churches, schools or existing alcoholic beverage establishments within the distances stated above, the survey shall so certify.

(d) If the proposed establishment is to be located within a shopping center or group of commercial stores within a single structure, the required distances shall be measured and computed by utilizing the main entrance of that proposed establishment rather than the nearest point of the building or structure in which alcoholic beverages are to be sold or consumed. (Eff. 10-9-78)

Sec. 39-292. Limitations and qualifications.

In order to qualify for the exemptions and modifications provided for separation of alcoholic beverage establishments in section 39-859, establishments in hotels and restaurants shall further conform to the following requirements:

(1) *Hotels:* There shall be no show windows, display, sign or other indication of the existence or location of the establishment visible from the exterior of the building other than a lounge sign and/or a sign indicating dancing and entertainment. There shall be no bar, cocktail, beer, wine, liquor or similar sign visible from the exterior of the building.

(2) *Restaurants:* There shall be no show windows, display, sign or other indication of the existence or location of the establishment visible from the exterior of the building other than a lounge sign and/or sign indicating dancing and entertainment. There shall be

no bar, cocktail, beer, wine, liquor or similar sign visible from the exterior of the building.

(3) *Nonprofit private club:* There shall be no windows, display, sign indicating the existence or location of the establishment visible from the exterior of the building, nor shall there be any sign indicating sale of alcoholic beverages visible from the exterior of the building. (Eff. 10-9-78)

Sec. 39-293. Definitions.

(a) For the purposes of this article, the term "church" shall mean an edifice designed and/or arranged for religious services, on land held in fee or on long-term lease by an organized group, which group utilizes such edifice for regular and continuing religious services.

(b) For the purposes of this article, the term "restaurant" shall mean an enclosed building wherein hot food prepared on the premises is available to and is regularly served to patrons seated at tables at all times that alcoholic beverages are served.

(c) For the purpose of this article, the term "bottle club" shall be defined as any business which does not hold a state license for the sale of alcoholic beverages but permits its members, patrons or customers to bring or store their own bottles containing alcoholic beverages for consumption on the premises. The holder of a county license for a bottle club who sells or permits the sale of alcoholic beverages on the premises shall be subject to having the required county zoning certificate immediately revoked by the building and zoning enforcement division of Broward County. (Eff. 10-9-78)

Sec. 39-294. Application to new schools, churches.

Where an establishment for the sale or consumption of alcoholic beverages is located in conformity with the provisions of this article, the subsequent locating of a church or school in the proximity of such existing

establishment shall not be construed to cause such establishment to be in violation of this article. (Eff. 10-9-78)

Sec. 39-295. Beer and wine package store.

There shall be no separation requirement or limitation applicable to the location of places for the sale of beer or wine for consumption off the premises.

Sec. 39-296. Existing establishments.

The provisions of this article shall not be construed to be retroactive, and any existing establishment for the sale of alcoholic beverages which conform to the regulations in effect when such establishment was established shall not be rendered illegal or in violation through the adoption of these regulations.

Secs. 39-297—39-306. Reserved.

16 Pages

ARTICLE XVIII. SIGN REGULATIONS*

Sec. 39-307. Scope.

The provisions of this article shall govern the number, size, location and character of all signs which may be permitted either as a main or accessory use under the terms of this chapter. No signs shall be permitted on a plot either as a main or accessory use except in accordance with the provisions of this article.

Sec. 39-308. Prohibited signs.

The following signs shall not be permitted within the unincorporated area of Broward County:

(a) Animated signs.

(b) Banner signs, except those towed by airplanes.

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*Editor's note—Article XVIII, §§ 39-307—39-343, was revised in its entirety by legislation effective Nov. 16, 1976.

(c) Pennant signs.

(d) Sidewalk and sandwich signs.

(e) Snipe signs.

Sec. 39-309. Political signs.

(a) No political signs shall be placed on property owned or used by Broward County or by any other governmental agencies or units in the unincorporated areas of Broward County.

(b) Political signs shall be permitted on private property with permission of the owner, and in any zoning district, subject to the following regulations:

(1) Such signs shall not exceed 24 square feet in area.

(2) Enforcing official may require proof of the property owner's permission for such signs placed on vacant land.

(3) Such signs shall be limited to 1 sign per plot for each candidate and issue and shall not be erected more than 60 days before the election.

(4) Prior to posting such signs, there shall be deposited with the enforcing official the sum of $5.00 for each sign, but not exceeding $300.00 for any one candidate, committee or issue, to ensure the timely removal of all signs of the candidate, committee and issue; provided, however, that if any candidate, committee or authorized representative for an issue shall certify in writing that such deposit is unreasonably burdensome, such candidate, committee or issue shall be excused from all or part of said deposit upon his or her written promise to remove all of such signs within 14 days after the election.

(5) All such signs shall be removed within 14 days after the election. Each candidate, committee and the depositor for each issue shall remove, or cause to be removed, all of his or its signs, to the reasonable

satisfaction of enforcing official, prior to refunding of the deposit.

(6) Such signs shall also be subject to the other provisions of this article.

Sec. 39-310. Clean sign matter required.

No sign of any matter, including any sign advertising the exact nature and kind of business conducted on the premises, shall be permitted for the exhibition, by posting, painting or in any other matter displaying, of any statement, word, character or illustration of any obscene, indecent or immoral nature.

Sec. 39-311. Advertising signs prohibited.

Advertising signs of any type or size shall not be permitted as a main or accessory use in any zoning district except as provided in this article for A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B-2, B-2A, B-2B, B-3, C-1, M-1, M-2, M-3, M-4, and M-5 districts.

Sec. 39-312. Signs in agricultural and estate districts.

The following signs shall be permitted in A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, E-1, and E-2 districts:

(1) Advertising signs, in agricultural zoning districts except the A-9 zoning district, subject to the provisions of this section and sections 39-311 and 39-325.

(2) Trespassing or caution signs. No such sign shall exceed 12 square feet in area per sign nor extend to a height of more than 5 feet above the ground.

(3) One entrance or exit sign, or one directional sign at each point of ingress or egress on a single plot. No such sign shall exceed 12 square feet in area per sign nor extend to a height of more than 5 feet above the ground.

(4) Handicap signs, on nonresidentially used plots only. No such sign shall exceed 12 square feet in area per sign nor extend to a height of more than 5 feet above the ground.

(5) Real estate signs, not larger than 40 square feet in area and 10 feet in height above the ground.

(6) Temporary construction signs, and combination temporary construction and real estate signs, not larger than 32 square feet in area and 10 feet in height above the ground, not to exceed 1 sign per each street side upon which the plot abuts.

(7) Subdivision signs, not larger than 100 square feet in area per sign and not higher than 10 feet in height above the ground, not to exceed 2 signs at each main entrance to a subdivision.

(8) One wall or one ground sign per plot identifying a permitted use. No such sign shall exceed 50 square feet in area on nonresidentially used plots; no such sign shall exceed 24 square feet in area on residentially used plots.

(9) One directional or one identification sign for each individual building or use on nonresidentially used plots. Such signs may be ground or wall signs. No such sign shall exceed four square feet in area.

(10) Tow-away signs. (Ord. No. 83-69, § 1, 10-4-83)

Sec. 39-313. Signs in R-1, D-1 districts.

The following signs shall be permitted on a plot in R-1A, R-1B, R-1C, R-1T, R-1P and D-1 districts:

(1) One nonilluminated real estate sign not over six square feet in area advertising the sale or rental of the premises upon which it is located. Such sign shall be a wall or ground sign.

(2) One nonilluminated wall or ground sign not over two square feet in area to prohibit trespassing, for safety or for caution.

(3) On a plot containing a permitted nonresidential use, other than an accessory use, there may be 1 identification wall sign not over 12 square feet in area and 1 bulletin sign not over 32 square feet in area, on each street side.

(4) Two nonilluminated, subdivision or project ground signs each having an area not over 128 square feet shall be permitted on a subdivision while under development to advertise the sale of the lots or new houses, provided such subdivision has an area of at least 3 acres.

(5) No sign shall be of the roof or projecting type. The height of any ground sign shall not be higher than 4 feet above the ground, except that a bulletin sign or subdivision sign may extend to a maximum height of 12 feet above the ground. (Rev. 1-30-78; Ord. No. 83-69, § 2, 10-4-83)

Sec. 39-314. Signs in R-2, R-2U and R-2P districts.

(a) The following signs shall be permitted on a plot in R-2, R-2U and R-2P districts:

(1) Signs as permitted in section 39-313.

Sec. 39-315. Signs in multiple-family districts.

The following signs shall be permitted in R-3, R-3U, R-4, R-4A, R-4B, RM-3, RM-4, RM-5, RM-6, RM-7, RM-8, RM-9, RM-10, RM-11, RM-12, RM-13, RM-14, RM-15, RM-16, RM-17, RM-18, RM-19, RM-20, RM-21, RM-22, RM-23, RM-24, and RM-25 districts, and any other district designated for multiple-family residential use:

(1) Trespassing or caution signs. No such sign shall exceed six square feet in area per sign, nor extend to a height of more than five feet above the ground.

(2) One entrance or exit sign, or one directional sign at each point of ingress or egress on a single plot. No such sign shall exceed six square feet in area per sign nor extend to a height of more than five feet above the ground.

(3) Handicap signs. No such sign shall exceed six square feet in area per sign nor extend to a height of more than five feet above the ground.

(4) Real estate signs, not larger than 40 square feet in area and 10 feet in height above the ground. One such sign

shall be permitted for each street side upon which the plot abuts.

(5) Temporary construction signs, and combination temporary construction and real estate signs, not larger than 32 square feet in area and 10 feet in height above the ground, not to exceed 1 sign per each street side upon which the plot abuts.

(6) Subdivision signs not larger than 100 square feet in area per sign and not higher than 10 feet in height above the ground, not to exceed 2 signs at each main entrance to a subdivision.

(7) One wall or ground sign per plot identifying a permitted nonresidential use, each sign not to exceed 35 square feet in area and 10 feet in height above the ground. Such sign may also be a bulletin sign or a combination identification and bulletin sign.

(8) One directional or identification sign for each individual building on residentially used plots. Such signs shall not exceed four square feet in area and shall be a wall sign.

(9) Tow-away signs. (Ord. No. 83-69, § 3, 10-4-83)

Sec. 39-316. Signs in Planned Unit Development (P.U.D.) districts.

(1) Signs for residential uses in Planned Unit Development (P.U.D.) districts shall conform to either section 39-312, 39-313, 39-314, 39-315, 39-317, 39-318 or any other appropriate section of this chapter designating residential sign use so that such sign use shall be consistent with the final site development plan approved for the subject Planned Unit Development (P.U.D.).

(2) Signs for commercial, business or industrial uses in Planned Unit Development (P.U.D.) districts shall conform to either section 39-319, 39-320, 39-321, 39-322, 39-323, 39-324 or any other appropriate section of this chapter designating commercial, business or industrial sign use so that such sign use shall be consistent with the final site development plan approved for the subject Planned Unit Development (P.U.D.).

(3) Signs for recreational uses in Planned Unit Development (P.U.D.) districts shall conform to section 39-331 or any other appropriate section of this chapter for recreational sign use so that such sign use shall be consistent with the final site development plan approved for the subject Planned Unit Development (P.U.D.). (Ord. No. 85-48, § 1, 8-16-85)

Editor's note—Section 39-316, regulating signs in R-4 and R-4A districts, was repealed by § 4 of Ord. No. 83-69, adopted Oct. 4, 1983, effective Oct. 24, 1983. These regulations are now found in § 39-315. Subsequently, § 1 of Ord. No. 25-48, adopted Aug. 16, 1985, effective Aug. 29, 1985, added a new § 39-316.

Sec. 39-317. Signs in R-5 and R-6 districts.

The following signs shall be permitted on a plot in an R-5 or R-6 district:

(1) Signs as permitted in section 39-316.

(2) Where the main use of the premises is a hotel, motel, apartment, villa, bungalow court or any combination thereof, the following signs shall be permitted to advertise such main use:

(a) One ground sign which may have 2 faces each not over 300 square feet in area, not over 25 feet in height above the ground. Such sign may be located in a required front yard or street side yard but shall not extend nearer than 10 feet to any street line or base building line.

(b) One pylon sign which may have 2 faces each not over 300 square feet in area and not higher than 25 feet above the roof line of the main building.

(c) One combination vertical and roof sign which shall not exceed a total area of 400 square feet on either face or be higher than 15 feet above the roof line of a one-story building, and a total area of 800 square feet on either face or a height of 30 feet above the roof line for a building over 1 story in height. Such signs shall not project more than 4 feet beyond the building wall.

(d) One wall sign not exceeding 400 square feet in area for a one-story building, with an additional 100 square feet of area permitted for each story above the first story.

(3) One wall sign not over 32 square feet in area may be used to advertise the special accessory uses permitted in section 39-894(a).

Sec. 39-318. Signs in T-1 districts.

The following signs shall be permitted on a plot in a T-1 district:

(1) Directional signs, each of which shall not exceed 12 square feet in area.

(2) Trespassing and warning signs, each of which shall not exceed 12 square feet in area.

(3) One ground sign which may have 2 faces each not over 150 square feet in area, and not higher than 20 feet above the ground.

(4) One wall sign, not exceeding 50 square feet in area, on an accessory building as permitted in section 39-653.

Sec. 39-319. Signs in B-1 districts.

(a) The following signs shall be permitted on a plot in a B-1 district:

(1) Signs as permitted in section 39-316.

(2) Ground signs each not over 100 square feet in area and not higher than 12 feet above the ground.

(3) Wall signs not exceeding 20 percent of the area of the wall upon which they are placed.

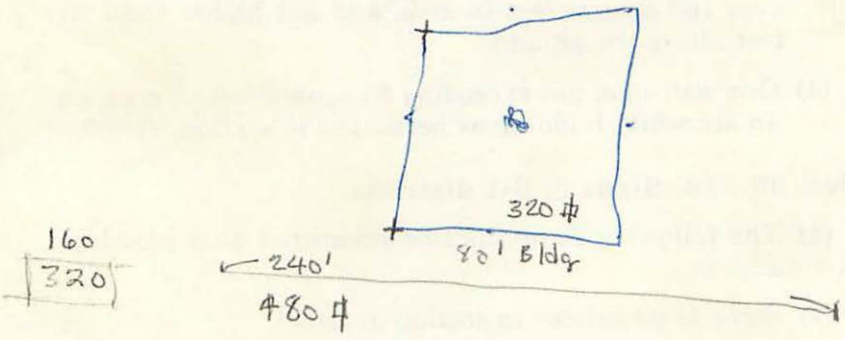
(4) Marquee signs, provided such signs shall not extend beyond the marquee and shall not exceed four feet in height.

(5) Combination vertical and roof signs, provided that such signs shall not exceed 100 square feet in area

and shall not extend more than 4 feet from the building wall and shall not extend more than 5 feet above the roof.

(b) No advertising, projecting or roof signs shall be permitted in a B-1 district except as specified in subsection (a)(5) above.

(c) The aggregate area of all signs on any buildings or premises shall not exceed four square feet in area for each



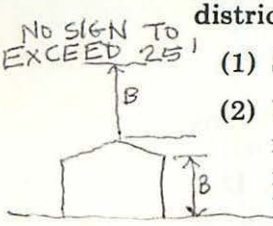
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foot of frontage of the buildings displaying such signs, or two square feet for each foot of frontage of the property occupied by such buildings or devoted to such use, whichever is the greater.

(d) No signs shall be placed within 50 feet of any residentially zoned property in an R-1A, R-1B, R-1C, R-1P, R-1T, R-2, R-2P, R-3, R-4, R-4A, E-1, D-1, R-2U or R-3U district.

Sec. 39-320. Signs in B-2 districts.

The following signs shall be permitted on a plot in a B-2 district:



(1) Signs as permitted in section 39-319.

(2) Wall, ground, roof and pylon signs, provided that the maximum height of a roof sign above the roof shall not be higher than either 25 feet above the roof or the height of the building above the ground; and no roof sign shall obstruct light or air of adjacent property.

(3) Marquee signs.

(4) Combination vertical and roof signs, provided that such signs shall not exceed 200 square feet in area for a one-story building plus an additional 50 square feet of area of each story above the first story, shall not extend more than 4 feet from the building wall and shall not be higher than 15 feet above the roof.

(5) Advertising signs subject to section 39-325.

(6) No signs shall be placed within 50 feet of any residentially zoned property in an R-1A, R-1B, R-1C, R-1T, R-1P, R-2, R-2P, R-3, R-4, R-4A, E-1, D-1, R-2U or R-3U district. No ground sign shall be higher than 25 feet above the ground.

Sec. 39-321. Signs in B-2A and B-2B districts.

The following signs shall be permitted on a plot in B-2A and B-2B districts:

(1) Signs permitted in section 39-320.

Sec. 39-322. Signs in B-3 districts.

The following signs shall be permitted on a plot in a B-3 district:

(1) Signs as permitted in section 39-320.

(2) Roof signs, provided that the maximum height of a roof sign above the roof shall not be higher than either 25 feet above the roof or the height of the building; and no roof sign shall obstruct light or air of adjacent property.

(3) Vertical projecting signs extending not over five feet beyond the wall.

(4) Advertising signs subject to section 39-325.

(5) No signs shall be placed within 50 feet of any residentially zoned property in an R-1A, R-1B, R-1C, R-1T, R-1P, R-2, R-2P, R-3, R-4, R-4A, E-1, D-1, R-2U or R-3U district. No ground sign shall be higher than 25 feet above the ground.

Sec. 39-323. Signs in C-1 districts.

The following signs shall be permitted on a plot in a C-1 district:

(1) Signs permitted in section 39-322.

Sec. 39-324. Signs in M-1, M-2, M-3, M-4 and M-5 districts.

The following signs shall be permitted on a plot in an M-1, M-2, M-3, M-4 and M-5 district:

(1) Signs permitted in section 39-322.

Sec. 39-325. Advertising sign regulations.

Advertising signs, where permitted, shall be subject to the following limitations and requirements:

(1) *Height.* The top of any such signs shall not be higher than 35 feet above the crown of the right-of-way

which provides the plot ingress and egress, and in no case shall double-decker signs be permitted.

(2) *Spacing.* No advertising sign in any zoning district shall be nearer than 1,000 feet to another advertising sign along the same side of a common right-of-way, except advertising signs along interstate highways shall not be less than 1,500 feet apart along the same side of an interstate highway. (Eff.1/29/91)

(3) *Size.* No advertising sign shall exceed 50 feet in length or 750 square feet in area, inclusive of any border and trim, but excluding the base or apron, support and other structural members. The maximum size limitations shall apply to each side of a sign structure; and 2 or more advertising signs may be grouped back-to-back, end-to-end or in a single "V" having an included angle not greater than 30 degrees at a single location. The aggregate area of such signs at a single location facing the same direction shall not exceed 750 square feet, and any such grouping of signs shall not exceed 50 feet in length.

(4) *Calculating number of signs.* A single sign containing an advertisement on one side shall be counted as one sign. Every other sign shall be counted as a separate sign for each face thereof.

(5) *Separation.*

(a) No advertising signs shall be located or placed so as to face a plot on the same street, occupied by a church, public school, public park or playground, beach, civic or scenic area, or cemetery, nor nearer to such uses than 200 feet along a common right-of-way line.

(b) No advertising sign shall be located in any required yard or setback area. No advertising sign shall be located so that any part of such sign

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extends nearer to a street line than any building on contiguous property, which building is within 100 feet of such sign.

(c) No advertising sign shall be located closer than 30 feet to the intersection of any 2 street lines.

(d) No advertising sign shall be located nearer than 50 feet to any residential zone, except in A-1 areas measured along a common right-of-way.

(e) No advertising sign shall be located within 660 feet of the right-of-way of the Sunshine State Parkway, except as herein specified; provided, however, that this requirement shall not apply to advertising signs erected prior to June 20, 1958.

(f) Advertising signs conforming to all applicable provisions of this article may be erected within 660 feet of the right-of-way of the Sunshine State Parkway if such signs are placed on property abutting a street which crosses the Parkway and are located within 100 feet of the right-of-way of such street.

(6) *Setback.* No advertising sign shall be erected closer than 15 feet to an adjacent street right-of-way.

(7) *Angle.* No single-faced advertising sign shall have an interior angle from the road right-of-way to the face of the sign in excess of 45 degrees, except where structural members of the sign are screened by natural or man-made barriers.

(8) *Safety.* The Broward County Division of Traffic Engineering or its successor agencies shall have the authority to order removal of any advertising sign which, upon investigation, and after notice in writing, pursuant to section 39-16, that agency finds to obscure the effectiveness of an official traffic sign or signal or physically interferes with the driver's view of approaching, merging or intersecting traffic.

(9) *Aesthetics.*

(a) Advertising sign structure uprights located in A-1 (limited agricultural zone) shall be screened with plants compatible to Florida with a minimum of one plant per upright. The minimum height of said plant shall be five feet at time of planting.

(b) In all zoning districts, at least once every 12 months, all advertising sign structures shall be painted and message area shall be renewed.

I.D. (c) In all zoning districts, the name of the owner of the sign shall be attached to each advertising sign structure and be legible from the nearest street right-of-way.

(d) In all zoning districts, upright sign supports above the lower edge of the sign which are visible from a right-of-way shall be covered or shielded with a facing.

Sec. 39-326. Strip lighting.

(a) Strip lighting used solely to outline a structure except sign structures, or any part thereof, shall be considered to be and shall be regulated as a form of advertisement. Strip lighting, as above defined, shall be regulated by the provisions of this section and shall not be construed to be subject to other limitations of this article for area, size, character or number of signs.

(b) Strip lighting shall be prohibited in R-1A, R-1B, R-1C, R-1T, R-1P, R-2, R-2P, R-3, R-4, R-4A, T-1, D-1, R-2U, R-3U and B-1 districts.

(c) In the R-5, R-6, B-1, B-2, B-2A and B-2B districts, strip lighting shall be limited to a total footage equivalent to the length (or width) of the building along the street frontage (including any offset thereof). The size of the tubing shall not exceed 15 millimeters, and any transformers for strip lighting shall not be larger than 30 milliamperes.

(d) In the B-3, C-1, M-1, M-2, M-3, M-4 and M-5 districts, strip lighting shall be limited to a total footage

equivalent to twice the length (or width) of the building along the street frontage (including offset thereof). Size of the tubing and transformer shall not be limited.

(e) Neon strip lighting and streamer lights shall be prohibited above the roof level of any buildings, except as part of the permitted roof sign.

Sec. 39-327. Illumination of signs.

(a) Neon-type signs shall be prohibited in the R-1A, or R-1B, or R-1C, or R-1T, or R-1P, or R-2, or R-2P, or R-3, or R-4, or R-4A, or S-1, or E-1, or D-1, or R-2U and R-3U districts. All signs permitted under this article may be illuminated except where specifically permitted as nonilluminated signs.

(b) Illuminated signs located in A-1 zoning districts shall have their lights turned off between the hours of 12:00 midnight and 7:00 a.m.

Sec. 39-328. Bus benches.

Benches and shelters containing advertising and located on private property shall comply with all zoning regulations applicable to signs.

Sec. 39-329. Nonconforming signs.

All nonconforming signs which become nonconforming uses by virtue of a change in zoning of the property upon which such signs are located from a classification permitting such signs to a classification which prohibited such signs at the effective date of this ordinance shall be removed within five years of the effective date of such zoning change, except as provided in section 39-325, subsection (8), which shall be effective immediately upon adoption of this amendment. Section 39-325, subsection (9), shall take effect for all existing advertising signs three years from the effective date of this amendment.

Sec. 39-330. Temporary construction signs.

Temporary construction project ground signs may be erected on premises upon which there is an active building program underway, subject to the following limitations and requirements, provided such signs shall not advertise the sale of the property upon which they are located:

(1) In R-1A, R-1B, R-1C, R-1T, R-1P, R-2, R-2P, D-1 and R-2U districts, 1 such sign not exceeding 32 square feet in area may be erected on each street side upon which the plot abuts.

(2) In all other zoning districts, a single sign of not more than 500 square feet will be permitted for each street front, each sign not to be higher than 25 feet above the ground or the grade of the adjacent road, whichever is higher.

(3) Such signs shall not be erected more than 60 days prior to beginning of actual construction of the project and shall be removed when construction is completed.

(4) If a sign is erected as permitted hereunder, and if construction is not begun within 60 days after the sign is erected or if such construction be not continuously and actively prosecuted to completion, said sign shall be removed.

(5) No sign permitted under this section shall be located closer than 15 feet to any private property line.

Sec. 39-331. Signs in S-1 districts.

The following regulations shall apply to all signs on a plot in an S-1 district:

(1) Signs as permitted in section 39-313.

(2) Directional, trespassing or caution signs shall be permitted, each of which shall be not over 16 square feet in area. Such signs shall be of any permitted type provided that no part of any such sign shall be higher than six feet above grade.

(3) No signs shall be advertising or animated signs.

(4) No strip lighting shall be permitted.

(5) No projecting or roof signs shall be permitted.

Sec. 39-332. Signs prohibited.

Any signs not specifically permitted under these regulations are prohibited.

Sec. 93-333. Special service station sign height limit.

Notwithstanding any other provision of this article, a service station plot adjoining the right-of-way occupied by a freeway or its ingress or egress ramps, may have not more than 1 ground sign higher than 25 feet above the ground, subject to the following limitations:

(1) The height of such sign shall not exceed 60 feet above the ground.

(2) Such sign shall be located at least 10 feet from all plot lines.

(3) There shall be no copy, advertising symbol or sign face on such sign higher than 25 feet above the ground except a horizontal flat or skeleton letter sign not over 30 feet in horizontal dimension and 5 feet in vertical dimension.

(4) Such sign shall have no illumination higher than 25 feet above the ground except on or in the sign limited and defined in subsection (3) of this section. Such illumination shall not be of the flashing, intermittent or color-changing type.

Secs. 39-334—39-343. Reserved.

ARTICLE XIX. SWIMMING POOLS

Sec. 39-344. Enclosure required; permit required prior to erection of pool or fence.

No public or residential swimming pool shall hereafter be erected in the unincorporated areas of Broward County, Florida, unless the same be enclosed by a type of fence as herein provided. Any person, firm or corporation desiring to erect such a pool and fence must first obtain a permit therefor from the Broward County Building, Planning and Zoning Department before commencing construction.

Sec. 39-345. Accessory uses.

In residential districts, the location of accessory swimming pools shall be subject to the following regulations:

(1) Unenclosed pools or pools enclosed only with open mesh screening may be placed in a required side or rear yard subject to limitations below, but shall not be placed in a required front or street side yard.

(2) Any part of a pool which is covered by a roof or enclosed by side walls over five feet in height shall be subject to the limitations on location of a building and shall not be placed in any required yard.

(3) Unenclosed pools or pools enclosed only with open mesh screening shall not be located less than five feet from any side or rear plot line, provided that no pool or pool enclosure shall be placed within a utility or drainage easement.

(4) For the purposes of subparagraph (3) above, in regulating location, the minimum distance requirement from a plot line shall be measured from the exterior of the screen enclosure of a screen-enclosed pool and from the inner edge or waterline of the pool for an enclosed pool.

(5) No public or residential swimming pool shall be erected or constructed unless same be enclosed by a type of fence as follows:

(a) The fence shall take the form of a wooden fence, a wire fence, a rock fence, a concrete block wall or other

A-1
E-1
E-2 → EVERYWHERE ELSE 5FT.

material, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property. The minimum height of said fence shall not be less than four feet. A screened-in patio area completely enclosing the pool shall constitute compliance with this section of this regulation.

(b) The fence shall be erected so that it shall enclose the swimming pool area entirely, prohibiting unrestricted admittance to the enclosed area, except that along waterway plots, no such fence shall be required along the plot line(s) bounded by water.

(c) These regulations shall not apply to swimming pools operated in connection with any hotel, motel or other commercial ventures.

(d) Fences surrounding swimming pools shall not exceed those requirements established in section 39-155 in these regulations. OVER 6 1/2 FT.

(e) Any person, firm or corporation desiring to erect such a pool and fence must first obtain a permit from the building and zoning division before commencing construction. (Eff. 2-14-75)

Secs. 39-346—39-350. Reserved.

ARTICLE XX. JUNK PROPERTY AS NUISANCE*

Sec. 39-351. Definitions.

(1) *Junk:* The term "junk" as used in this article means wrecked, dismantled, partially dismantled, or discarded property which is inoperable. The term "junk" shall include motor vehicles, trailers, boats, machinery, appliances, plumbing fixtures, and other similar items in the previously described condition.

(2) *Enforcement Officer:* The term "enforcement officer" shall refer to any employee of Broward County authorized by the county

*Editor's note—Section 1 of Ord. No. 88-16, adopted Apr. 12, 1988, effective May 2, 1988, repealed art. XX, §§ 39-351—39-357, entitled "Abandoned Property as Nuisance"; and § 2 added a new art. XX, §§ 39-351—39-355. The article was formerly derived from Ord. No. 84-70, §§ 2—8, adopted Sept. 14, 1984, and Ord. No. 87-25, § 1, adopted May 26, 1987.

administrator to enforce the provisions of this article and may also refer to a full-time law enforcement officer employed by the Sheriff of Broward County provided that an agreement between the county and the sheriff is executed to provide for enforcement of this article by employees of the sheriff's department.

(3) *Private Property:* The term "private property" as used in this article means all lands other than public lands. (Ord. No. 88-16, § 2, 4-12-88)

Sec. 39-352. Public nuisance.

(1) The open storage or discarding of junk items on private property within unincorporated Broward County shall be a violation of this article and has been found by the Board of County Commissioners of Broward County to be a nuisance in that such items create an eyesore, become a breeding ground for rats and vermin, constitute an attractive nuisance to children, lead to the accumulation of further junk and garbage, and contribute to the deterioration of both residential and nonresidential areas except in the circumstances described in subsection (2) below.

(2) The storage of junk items in the following circumstances shall not constitute a violation of this section or article:

(a) On property where the storage of junk is a permitted use or a valid nonconforming use and the property is maintained and operated in accordance with all applicable zoning, health and environmental regulations.

(b) The junk is properly stored on residential property in a completely enclosed building in a manner so that the junk item or items are not visible from other public or private property and do not create a health hazard.

(3) The Board of County Commissioners of Broward County has determined that the removal and destruction of junk items after the reasonable opportunity for a hearing is an appropriate means of furthering the health, safety and welfare of Broward County. (Ord. No. 88-16, § 2, 4-12-88)

Sec. 39-353. Abatement; removal.

Whenever an enforcement officer ascertains that a junk item or items are stored or discarded on private property in violation of this article the officer shall:

(1) To the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY

THIS PROPERTY TO WIT:

(setting forth brief description)

LOCATED AT

(setting forth brief description of location) is:

IN VIOLATION OF CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK ITEMS ON PRIVATE PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE JUNK ITEMS A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON _____, AT _____

_____

_____

(address and phone number of Division)

YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO DISPOSAL PURSUANT TO CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES. IF IT IS FOUND THAT THE SUBJECT PROPERTY IS BEING STORED IN VIOLATION OF CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES, THE PROPERTY SHALL BE REMOVED AND DESTROYED BY BROWARD COUNTY.

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH JUNK ITEMS WHO FAIL TO REMOVE OR PROPERLY STORE SUCH ITEMS SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE JUNK ITEMS INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THIS ITEM IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER PLEASE CONTACT THE UNDERSIGNED ENFORCEMENT OFFICER.

THIS NOTICE DATED THIS ___ DAY OF _____, 19 ___ .

SIGNED: _____
(name, title)

_____
(employment address and employment telephone number)

(2) The enforcement officer shall cause a copy of the notice, or a notice in substantially the same form as the notice described in subsection (1) above, to be mailed by registered mail, return receipt requested, to the owner of the real property upon which a junk item is located, the owner to be determined in accordance with the tax rolls of Broward County unless the enforcement officer has actual knowledge of a subsequent property owner.

(3) If the property is a motor vehicle or boat, the officer shall obtain from the Department of Highway Safety and Motor Vehicles or from the Department of Natural Resources, as appropriate, the name and address of the owner of the junk item. and shall cause a notice to be mailed to the owner by registered mail, return receipt requested, which notice shall be in substantially the same form as that provided for by subsection (1) above.

(4) For purposes of this section, notice shall be deemed to have been provided on the date of mailing or posting the last of any of the notices required by this section.

(5) A pretaking hearing shall be held not less than 20 days after the date notice is provided.

(6) At a pretaking hearing at which the hearing officer determines that the items in question are stored or discarded in violation of this article, the hearing officer shall authorize the county to remove and dispose of the property as set forth in section 39-354(2). (Ord. No. 88-16, § 2, 4-12-88)

Sec. 39-354. Hearings; hearing officer.

(1) There is hereby created, for the purpose of conducting hearings pursuant to this article, the position of hearing officer. The hearing officer shall be selected by the county administrator from a list of candidates approved by the Board of County Commissioners of Broward County. The hearing officer shall be a member in good standing with The Florida Bar engaged in the practice of law in Broward County.

(2) The hearing officer, in conducting such hearings, shall make a determination whether the property subject to removal is in violation of the provisions of this article. The hearing officer shall receive evidence from the person contesting the charge, if he or she is present, from anyone who claims an interest in the junk item(s), and from any witnesses the owner or owners wish to present. The hearing officer shall also hear from witnesses presented by the Broward County Building and Zoning Enforcement Division and may hear from those members of the public the hearing officer determines have relevant testimony with regard to the matters at issue. Following a hearing the hearing officer shall make findings of fact and conclusions of law determining whether the property that has been cited with a notice of violation, is in violation of the provisions of this article. In addition, the hearing officer shall prescribe a date by which the junk item must be removed or properly stored by the property owner. That date shall be at least 5 days after the hearing. If the junk is not removed or properly stored by the date set by the hearing officer, Broward County may remove and destroy the junk items.

(3) *Appeals:* Appeals from a decision of a hearing officer are by certiorari to the Seventeenth Judicial Circuit within 30 days of the date of the decision of the hearing officer. Any person who intends to appeal a decision of the hearing officer shall file a notice with the director of the Broward County Building and

Section 2. Chapter 39, Broward County Zoning Code, Article XX, Junk Property as a Nuisance is hereby enacted to read as follows: [Underscoring omitted.]

Article XX

Junk Property as a Nuisance

Sec. 39-351. Definitions.

(1) Junk. The term "junk" as used in this article means wrecked, dismantled, partially dismantled, or discarded property which is inoperable. The term "junk" shall include motor vehicles, trailers, boats, machinery, appliances, plumbing fixtures, and other similar items in the previously described condition.

(2) Enforcement Officer. The term "enforcement officer" shall refer to any employee of Broward County authorized by the County Administrator to enforce the provisions of this article and may also refer to a full-time law enforcement officer employed by the Sheriff of Broward County provided that an agreement between the County and the Sheriff is executed to provide for enforcement of this article by employees of the Sheriff's Department.

(3) Private Property. The term private property as used in this article means all lands other than public lands.

Sec. 39-352. Public Nuisance.

(1) The open storage or discarding of junk items on private property within unincorporated Broward County shall be a violation of this article and has been found by the Board of County Commissioners of Broward County to be a nuisance in that such items create an eyesore, become a breeding ground for rats and vermin, constitute an attractive nuisance to children, lead to the accumulation of further junk and garbage, and contribute to the deterioration of both residential and nonresidential areas except in the circumstances described in subsection (2) below.

(2) The storage of junk items in the following circumstances shall not constitute a violation of this section or article:

(a) On property where the storage of junk is a permitted use or a valid nonconforming use and the property is maintained and operated in accordance with all applicable zoning, health, and environmental regulations.

(b) The junk is properly stored on residential property in a completely enclosed building in a manner so that the junk item or items are not visible from other public or private property and do not create a health hazard.

(3) The Board of County Commissioners of Broward County has determined that the removal and destruction of junk items after the reasonable opportunity for a hearing is an

CODING: ...

Section 2. Chapter 39, Broward County Zoning Code, Article XX, Junk Property as a Nuisance is hereby enacted to read as follows: [Underscoring omitted.]

Article XX

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(2) Enforcement Officer. The term "enforcement officer" shall refer to any employee of Broward County authorized by the County Administrator to enforce the provisions of this article and may also refer to a full-time law enforcement officer employed by the Sheriff of Broward County provided that an agreement between the County and the Sheriff is executed to provide for enforcement of this article by employees of the Sheriff's Department.

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(b) The junk is properly stored on residential property in a completely enclosed building in a manner so that the junk item or items are not visible from other public or private property and do not create a health hazard.

(3) The Board of County Commissioners of Broward County has determined that the removal and destruction of junk items after the reasonable opportunity for a hearing is an

appropriate means of furthering the health, safety, and welfare of Broward County.

Sec. 39-353. Abatement; Removal.

Whenever an enforcement officer ascertains that a junk item or items are stored or discarded on private property in violation of this article the officer shall:

(1) To the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY

THIS PROPERTY TO-WIT:

(setting forth brief description)

LOCATED AT

(setting forth brief description of location) is:

IN VIOLATION OF CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK ITEMS ON PRIVATE PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE JUNK ITEMS A HEARING REGARDING THIS

VIOLATION SHALL BE HELD ON _____,

AT _____

_____

_____

(address and phone number of Division)

YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO DISPOSAL PURSUANT TO CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES. IF IT IS FOUND THAT THE SUBJECT PROPERTY IS BEING STORED IN VIOLATION OF CHAPTER 39, ARTICLE XX, OF THE BROWARD COUNTY CODE OF ORDINANCES, THE PROPERTY SHALL BE REMOVED AND DESTROYED BY BROWARD COUNTY.

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH JUNK ITEMS WHO FAIL TO REMOVE OR PROPERLY STORE SUCH ITEMS SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE JUNK ITEMS INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THIS ITEM IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER PLEASE CONTACT THE UNDERSIGNED ENFORCEMENT OFFICER.

Zoning Enforcement Division no later than 2 business days prior to the date set by the hearing officer for removal of the junk items. Such notice shall advise the division that an appeal will be filed and that the junk items should not be removed. If such a notice is received, the Broward County Building and Zoning Enforcement Division shall not authorize the removal of such junk items until a determination is made whether an appeal has been filed in a timely manner. If an appeal has not been filed within the time provided for appeal, the junk items may be removed immediately, or following the date set by the hearing officer for removal, whichever is later. If an appeal has been filed the property shall not be removed until after the appeal is decided unless removal is authorized by the court. (Ord. No. 88-16, § 2, 4-12-88)

Sec. 36-355. Responsibility for the cost of removal.

(1) If the junk item removed pursuant to this article is a boat or motor vehicle, the last registered owner of the boat or motor vehicle shall have the obligation to pay the costs of removal including Broward County's administrative costs. If the junk item is other than a boat or motor vehicle, then the owner of the property upon which the item is located shall be responsible for the costs of removal.

(2) Broward County shall send by mail the notice to the responsible party specifying the costs of removal and requesting payment within 30 days. If payment is not made, Broward County may seek recovery of its costs by appropriate civil action or as provided by law. (Ord. No. 88-16, § 2, 4-12-88)

Secs. 39-356, 39-357. Reserved.

ARTICLE XXI. FUNCTIONAL LANDSCAPE AND XERISCAPE CODE

Sec. 39-358. Purpose and intent.

The general purposes of this article are as follows:

(a) To promote the establishment of a functional landscape in the unincorporated area of Broward County;

(b) To protect and enhance the aesthetic character of Broward County;

(c) To provide the physical benefits of using plant material as a functional and integral part of Broward County's development;

(d) To provide minimum standards for landscaping new developments or for redevelopment; and

(e) To promote water conservation and vegetation protection objectives by providing for:

(1) The preservation of existing plant communities pursuant to the requirements of Broward County's Tree Preservation Ordinance No. 93-10 [§ 27-342];
(2) The reestablishment of native plant communities;
(3) The use of site-specific plant materials; and
(4) The implementation of xeriscape principles as identified in *South Florida Water Management District's Xeriscape Plant Guide II,* as amended, and as provided by law.

The provisions of this article shall be a minimum standard and shall apply to the unincorporated areas of Broward County. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-359. Definitions.

In addition to the definitions set forth under section 39-128, the following definitions shall apply to this article:

(a) *Accessway:* A private vehicular roadway intersecting a public right-of-way.

(b) *Applicant:* The owner or the authorized agent of the subject property.

(c) *Berm:* A linear earthen mound.

(d) *Canopy:* The upper portion of a tree consisting of limbs, branches and leaves.

(e) *Clear Trunk:* The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

(f) *Clear Wood ("Gray Wood"):* The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

(g) *County:* The department or division of Broward County Government that the county administrator has designated to enforce this functional landscape code.

(h) *Diameter Breast Height (DBH):* The diameter of the tree trunk(s) measured at four and 4½ above grade.

(i) *Ecological Community:* Any one of the native vegetative plant communities as same may be determined pursuant to Chapter 5, article XII, "Natural Resource Areas," § 5-279 et seq., Broward County Code of Ordinances, as same may be amended from time to time.

(j) *Functional Landscaping:* The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.

(k) *Groundcover:* A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

(l) *Hedge:* A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.

(m) *Irrigation:* The method of supplying plant materials with water other than by natural rainfall.

(n) *Landscape/Landscaping:*

(1) When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

(2) When used as a verb, this term shall mean the process of installing or planting materials commonly used in landscaping or environmental design.

(o) *Mulch:* Organic material such as wood chips, pinestraw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(p) *Native Plant Species:* For the purpose of this article, native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by Broward County, or that can be scientifically documented to be native to South Florida.

(q) *Nonvehicular Use Open Space:* All areas, excluding areas defined as vehicular use areas, areas preserved as ecological communities, required landscaping adjacent to public rights-of-way and abutting property, existing structures to remain, and proposed structures. This definition includes areas permanently covered with water.

(r) *Planting Soil:* A medium composed of 30 percent muck or horticulturally acceptable organic material, including solid waste compost.

(s) *Shrub:* A woody plant with several stems produced from the base which could be maintained in a healthy state at approximately a 10- to 12-foot height.

(t) *Site-Specific Plant Materials:* The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(u) *Tree:* A self-supporting, woody perennial plant, usually with one vertical stem or maintrunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(v) *Turf:* The upper layer of soil matted with roots of grass and covered by viable grass blades.

(w) *Vegetation:* Angiosperms, gymnosperms, ferns and mosses.

(x) *Vehicular Encroachment:* Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(y) *Vehicular Use Area:* Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(z) *Vine:* Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(aa) *Xeriscape:* A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-360. Landscape plan approval.

(a) All buildings, structures and changes of use requiring a Development Order in accordance with chapter 5, article IX of the Broward County Code of Ordinances shall require submittal of a landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to chapter 481, part II, Florida Statutes. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property. The landscape plan shall meet the following requirements:

(1) A minimum scale of 1 inch equals 50 feet.

(2) Location of all trees, vegetation, or ecological communities to be preserved, or tree survey as approved by the Broward County Department of Natural Resource Protection, if applicable;

(3) Location and outline of existing buildings and site improvements to remain.

(4) Location and outline of proposed buildings, site improvements, and water bodies.

(5) Location of all landscape material to be used.

(6) Landscape material schedule listing all plants being used with their botanical and name, their quantity and size, and degree of drought tolerance (as determined by the *South Florida Water Management District Xeriscape II,* as amended) and indication of whether native to South Florida.

(7) Spacing of plant material (where appropriate).

(b) The irrigation plan shall meet the following requirements:

(1) A minimum scale of 1 inch equals 50 feet.

(2) Location of existing trees, vegetation and ecological communities to remain, if applicable.

(3) Location of existing buildings, paving, and site improvements to remain.

(4) Location of proposed buildings, paving, site improvements, and water bodies.

(5) Main location, size and specifications.

(6) Valve location, size and specifications.

(7) Pump location, size and specifications or water source.

(8) Backflow prevention device type and specifications.

(9) Controller locations and specifications.

(10) Zone layout plan (minimum scale 1″ = 20′):

a. Indicating headtype, specifications and spacing; and
b. Indicating methods used to achieve compliance with xeriscape principles as required by section 125.568, Florida Statutes. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-361. Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described.

(a) Topsoil shall be of the minimum quality as specified in the plant materials section of this article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of 6 inches of topsoil around and beneath the rootball. A minimum of 3 inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(b) All trees shall be properly guyed and staked at the time of planting until establishment. The use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the rootball remains even with the soil grade.

(c) All landscape areas, excluding single-family residences and duplex dwellings, shall be provided with an automatically operating, underground irrigation system designed to have 100 percent coverage with 100 percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.

(1) Pursuant to section 373.62, Florida Statutes, any irrigation system installed after May 1, 1991, shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

(2) Use of nonpotable water, including, but not limited to, water from a canal, lake or a treated water source, in the irrigation of landscaped areas is required when determined to be available and safe.

(3) Preserved ecological communities shall not be irrigated unless required by the Broward County Department of Natural Resource Protection. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-362. Landscaped area maintenance.

(a) An owner of land subject to this article shall be responsible for the maintenance of said land and landscaping so as to present a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(b) Three inches of clean, weed-free, organic mulch shall be maintained over all areas originally mulched at all times. Turfgrass shall be mowed regularly.

(c) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(d) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(e) An owner is responsible to ensure that landscaping that has been required to be planted pursuant to this article, or installed in compliance with the landscape requirements previously in effect, be maintained in Florida Grade One condition, including but not limited to single-family residences, multifamily, commercial or industrial sites. If landscaping is found to be in a state of decline, dead, or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this article shall be used. If any preserved vegetation dies which is being used to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-363. Plant material.

(a) *Quality:* Plant materials used in accordance with this article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of *Grades and Standards for Nursery Plants,* parts I and II, State of Florida Department of Agriculture and Consumer Services, as amended. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.

(b) *Native Vegetation:* The following percentage of all vegetation, excluding all turfgrass and groundcovers, required to be planted by this code shall be indigenous to South Florida. In order to facilitate growers who may need to reassess field stock, the following dates are established to institute minimum percentages:

(1) Thirty percent upon the effective date of this article [December 6, 1993; and

(2) Thirty-five percent beginning January 1, 1995.

(c) *Preserved/Created Ecological Communities:* Ecological communities shall be preserved or created as required by chapter 5,

article XII, Broward County Code of Ordinances. Sites which consist of five acres or more, where there is no viable ecological community, the applicant shall show on the landscape plan an area or areas equivalent to 2½ percent of the site to be planted and preserved as an ecological community, pursuant to the conservation goals, objectives and policies of the 1989 Broward County Comprehensive Plan, Volume 2, Adopted Components. Sites which consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For sites of five acres or more, this shall constitute an additional requirement.

(d) *Trees:*

(1) Trees shall be of a species having an average mature crown of greater than 20 feet and having trunk(s) which can be maintained with over 6 feet of clear wood. Trees or palms having an average mature crown spread of less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot crown spread. Such a grouping shall count as one tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than 20 percent of the total tree requirements for any provision herein, and shall have a minimum of 6 feet of clear wood. On projects requiring more than 10 trees, a minimum of 2 species shall be used.

(2) Trees used in the required landscaping adjacent to a public right-of-way are subject to approval by Broward County so that the character of the public street can be maintained.

(3) The following plant species shall not be planted as required or optional landscaping:

Botanical Name	*Common Name*
Bischofia javanica	Bischofia, Toog
Casuarina spp.	Australian Pine
Melaleuca quinquenervia	Melaleuca, Punk Tree, Paperbark
Schinus terebinthifolius	Brazilian Pepper, Florida Holly
Rhodomyrtus tomentosa	Downy Rose Myrtle
Leucaena leucocephala	Lead Tree, Jumbie Bean

Botanical Name	*Common Name*
Ardisia solanacea	Shoebutton Ardisia

(4) The following plant species shall be prohibited after July 1, 1994:

Botanical Name	*Common Name*
Acacia auriculiformis	Earleaf Acacia

(5) The following species shall not be used as required landscaping, and shall not, in the aggregate, constitute more than 10 percent of the total number of trees to be installed. *Ficus* spp. may only be used to meet required landscaping when planted as a hedge, but shall not constitute more than 10 percent of the total number of required shrubs.

a. Brittle Species List.

Botanical Name	*Common Name*
Acacia auriculiformis	Earleaf Acacia
Araucaria heterophylla	Norfolk Island Pine
Dalbergia sissoo	Indian Rosewood
Grevillea robusta	Silk Oak

b. *Species with invasive root systems list:* The following, and other species whose roots are known to cause damage to pavement or utilities, shall not be planted closer than 25 feet to a public right-of-way, public easement or public improvement, or any structure:

Botanical Name	*Common Name*
Brassaia actinophylla	Schefflera
Ficus spp.	Ficus

(6) In addition to the species listed in paragraphs (3), (4) and (5) above, the county shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of the Broward County Code of Ordinances.

(7) Tree species shall be a minimum overall height of 10 to 12 feet, Florida Grade One material, with a minimum trunk

diameter at breast height (DBH) of 2½ inches and a minimum of 4½ feet of clear trunk immediately after installation. Minimum canopy spread shall be characteristic of the species at such height and DBH requirements. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this article. No credit shall be granted for preserved trees which are in extremely poor condition or declining health.

(e) *Shrubs and Hedges.*

(1) Shrubs shall be a minimum of two feet, full to base, and planted two feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two feet in height above the vehicular open space pavement surface that directly abuts the shrubs at time of planting.

(2) Hedges, when required, shall be planted and maintained so as to form a continuous, unbroken solid, visual screen, with a height of three feet, within 1 year after planting.

(f) *Vines.* Vines shall be a minimum of 30 inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, planted at 10-foot intervals, to meet landscape buffer requirements as specified.

(g) *Groundcover.* Groundcovers shall be planted with a minimum of fifty percent (50%) coverage with 100 percent coverage occurring within 6 months of installation.

(h) *Turf:*

(1) All turf areas shall be sodded using species suitable as permanent lawns in Broward County, including St. Augustine, Bahia, and their cultivars. Large turf areas not subject to erosion, such as playfields, may be grassed with methods other than sod using permanent species suitable for Broward County.

(2) Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape and shall be placed so that it can be irrigated separately from planting beds.

(3) Turfgrass areas shall be consolidated and limited to those areas on the site that require pedestrian traffic, provide for recreation use or provide soil erosion control such as on slopes or in swales, or surface water management areas, and where turf is used as a design unifier, or other similar practice use. Turf areas shall be identified on the landscape plan.

(4) The following percentages shall apply to turf areas:

a. No more than 80 percent of the required landscape area for single-family and duplex dwellings may be in turfgrass.
b. No more than 60 percent of the required landscape area for multifamily dwellings may be in turfgrass.
c. No more than 50 percent of the required landscape area for other development uses may be in turfgrass.

(i) *Topsoil:* Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a minimum of 30 percent muck or horticulturally acceptable organic material. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-364. Landscape requirements for vehicular use areas.

(a) *Applicability:* All vehicular use areas shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other vehicular uses on, under, or within buildings and parking areas serving single- or two-family dwellings.

(b) *Required Landscaping Adjacent to Public Rights-of-Way and Abutting Properties:* On the site of a building or open lot providing a vehicular use area where such area will not be entirely screened visually by an intervening building or structure from

any abutting right-of-way and property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

(1) A strip of land at least 5 feet in depth, located between the abutting right-of-way and the vehicular use area and the abutting property lines and vehicular use area which is exposed to the abutting right-of-way, shall be landscaped; such landscaping shall include 1 tree for each 30 lineal feet or fraction thereof. Such tree shall be between the abutting right-of-way and the abutting property lines and vehicular use areas. In addition, a hedge, berm, wall or other durable landscape barrier shall be placed along the inside perimeter of such landscape strip and shall be maintained at a height of 3 feet along the abutting right-of-way and shall not be greater than 8 feet in height, nor less than 3 feet in height along abutting property lines. If such durable barrier is of nonliving material, for each 10 feet thereof, 1 shrub or vine shall be planted along the street side of such barrier. The remainder of the required landscape area shall be landscaped with turfgrass, groundcover, or other landscape treatment, excluding paving, turfgrass not to exceed the maximum amount allowable in the xeriscape requirements. This buffer may not be counted toward meeting the interior landscape requirements.

(2) All property other than the required landscaped strip lying between the right-of-way and vehicular use areas shall be landscaped with turfgrass or other groundcover; if turfgrass is used, it shall not exceed the xeriscape requirements.

(3) Necessary accessways from the public right-of-way through all such landscaping shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

(c) *Parking Area Interior Landscaping.* An area, or a combination of areas, equal to 10 percent of the total vehicular use area exclusive of perimeter landscape buffers required under this subsection shall be devoted to interior landscaping. Any perimeter

landscaping provided in excess of that required by this section shall be counted as part of the interior landscaping requirements, as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection. No more than 10 contiguous parking stalls shall be installed along the same parking aisle. The 11th space shall be a landscaped peninsula of a minimum of 90 square feet with a minimum of 1 tree and 3 shrubs planted in such a manner so as to fulfill landscape requirements. All parking stalls shall be no more than 50 feet from a tree, measured from the tree trunk. In addition, there shall be a minimum of 1 tree planted for every landscaped area, and in no instance shall there be less than 1 tree and 3 shrubs for each 200 square feet or fraction thereof of required interior landscaped areas of the parking stalls in that aisle. Landscaped areas, walls, structures and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs located a minimum of 2½ feet from any landscaped area. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-365. Sight distance for landscaping adjacent to public rights-of-way and points of access.

When an accessway intersects a public right-of-way or a recorded ingress or egress easement, or when the subject property abuts the intersection of 2 or more public rights-of-way, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and 8 feet with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than 5 feet from the edge of any roadway and 3 feet from the edge of any alley or pavement. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-366. Nonvehicular use open space.

All nonvehicular open space on any site shall conform to the following requirements:

(a) *General Landscape Treatment:*

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular use open space areas not covered by paving or structures, using the required percentages specified in section 39-363(h)(4) above. No substance which prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.

(2) Each structure shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance.

(b) *Shrub and Tree Requirements:* Shrubs and trees shall be planted in the nonvehicular open spaces to meet the following requirements:

Percent of Site in Nonvehicular Open Space (NOS)	*Tree and Shrub Requirements*
Less than 30%	1 tree and 10 shrubs per 2,000 square feet
30—39%	1 tree and 8 shrubs per 2,500 square feet
40—49%	1 tree and 6 shrubs per 3,000 square feet
50% or more	1 tree and 6 shrubs per 3,500 square feet

(c) *Screening of Equipment:* Dumpsters, mechanical equipment and electrical transformers shall be screened on at least 3 sides by landscape material that is a minimum of 30 inches in height. Such screening shall not interfere with normal operation of equipment.

(d) *Minimum Landscape Credits and Adjustments:* An owner shall receive credit against the minimum landscape code requirements of this article for preservation, replacement or relocation of existing trees as set forth under in the Broward County Tree Preservation Ordinance 93-10 [§ 27-342], other than preserved ecological communities, on a one-for-one basis. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-367. Buffers between residential and nonresidential properties.

(a) Where any district zoned business, except B-2A districts, is separated by a street, alley, canal or public open space from a residential district, any plot in such nonresidential district adjacent to such separator shall be provided with a landscape buffer at least 10 feet in depth. In any district zoned commercial or industrial, such landscape buffer shall be at least 15 feet in depth. The landscape buffer shall meet the landscaping requirements for vehicular use areas or general open space, whichever is applicable in total or in part.

(b) Where a business district directly abuts a residential district without any separator between them, any plot in such business district shall be provided with a landscape buffer at least 10 feet in depth adjacent to the residential district.

(c) Where any commercial or industrial district directly abuts a residential district without a separator or buffer between them, any plat in such commercial or industrial district shall be provided with a landscape buffer at least 20 feet in depth adjacent to the residential district.

(d) Where any district zoned or used for business, commercial or industrial, abuts a park, environmentally sensitive land site (ESL), or urban wilderness area, whether directly or when separated by a street, alley, canal or public open space, a minimum of 25 feet of landscape buffer shall be provided along such right-of-way or property line. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-368. Single-family and duplex dwellings landscape requirements.

All new single-family and duplex dwellings shall conform to the following minimum landscaping requirements:

(a) *Landscape Plans:* Detached single-family residences and duplex dwellings may submit landscape plans in the form of a plant specification list stating quantity, size, and quality of plant material, including planting specifications, as required by this article.

(b) *General Landscape Treatment:* Trees, turfgrass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving; turfgrass should not exceed 80 percent of open space, so as to conform to xeriscape requirements.

(c) *Shrub and Tree Requirements:*

(1) A minimum of 3 trees of 2 different species and 10 shrubs shall be planted per lot. For all lots larger than 8,000 square feet in area, additional shrubs and trees shall be provided at the rate of 1 tree and 3 shrubs per 3,000 square feet of lot area; however, there shall be no more than 10 trees and 30 shrubs required per acre.

(2) Where possible, a minimum of 2 trees shall be required in the front of the lot. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.

(3) Trees required in this subsection shall have a minimum overall height of 10 feet to 12 feet with a minimum canopy spread characteristic of the species at such height and DBH requirements. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-369. Nonconforming properties.

(a) Existing developed properties, including single-family or duplex dwellings, which are not in compliance with this article shall be brought into conformity with these regulations, to the maximum extent feasible, upon the occurrence of any one of the following events:

(1) The total square footage of the vehicular use area is increased; or

(2) There is a structural addition which increases the combined total gross floor area of all existing buildings on the property more than 5,000 square feet or by 25 percent, whichever is less; or

(3) Any change of use requiring a development order as set forth in chapter 5, article IX, of the Broward County Code of Ordinances; or

(4) Any owner of a parcel of land which was developed prior to the date of the enactment of this article [November 23, 1993], regardless of the use, shall meet at least 50 percent of the requirements of this article for new nonvehicular use area and new vehicular use area by January 1, 1998. In order to encourage compliance with this article, if a vehicular use area cannot be redesigned and the owner is unable to meet this 50 percent requirement, the owner, after demonstrating the maximum extent to which the vehicular use area can be brought into compliance with this article, shall be permitted to reduce the number of required parking spaces by a maximum of 20 percent to accommodate the additional landscaping. (Ord. No. 93-43, § 2, 11-23-93)

Sec. 39-370. Landscape manual.

Broward County shall prepare and, from time to time, revise a landscape manual which shall provide an illustration of the requirements of this article. Said manual shall be made available to the public. (Ord. No. 93-43, § 2, 11-23-93)

ARTICLE XXII, XXIII. Reserved

Secs. 39-371—39-389. Reserved.

ARTICLE XXIV. ADULT CONGREGATE LIVING FACILITIES

Sec. 39-390. Intent.

It is the intent of these regulations regarding the establishment of adult congregate living facilities to further the State of Florida policy and Broward County Land Use Plan, 1977, as amended, goal of providing for the establishment of adult congregate living facilities. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-391. Procedure.

(1) An applicant wishing to establish an adult congregate living facility must obtain a certificate of occupancy.

(2) The applicant for the certificate of occupancy shall submit to the building and zoning enforcement division the following information, and any other information requested by Broward County in order to determine compliance with this article:

(a) In cases where the facility is to be constructed, or located in a structure which will be altered, the applicant must submit all site and building plans required to determine compliance with the Broward County Zoning Code and the South Florida Building Code, the Broward County Edition.

(b) The applicant shall provide information stating the maximum number of residents that shall be housed in the facility and the name of the proposed facility and address of the proposed facility.

(c) The applicant shall submit all documentation, plans and calculations necessary to show compliance with the facility standards of the state as well as any additional standards imposed by this article, the South Florida Building Code, the Broward County Edition and applicable fire codes.

(3) Upon review by the building and zoning enforcement division and the office of planning, of the documents and plans submitted, the building and zoning division shall provide a letter to the applicant in a format to be prescribed by the director of the office of planning which states:

(a) The name of the applicant.

(b) The proposed name of the facility.

(c) The street address of the facility.

(d) That the adult congregate living facility is a permitted use in the zoning district.

(e) That based upon the documentation provided by the applicant, the adult congregate living facility meets the density of the Broward County Land Use Plan, 1977, as amended,

and the Unincorporated Area Land Use Plan, 1979, as amended.

(f) The maximum number of units permitted in the adult congregate living facility.

(4) Prior to issuance of a building permit, the applicant shall comply with all applicable provisions of chapter 5 of the Broward County Code of Ordinances which contains the Broward County Land Development Code.

(5) The certificate of occupancy for an adult congregate living facility shall be issued contingent upon the owner or operator presenting the building and zoning enforcement division with a copy of a license for the facility within 90 days. Failure to submit a copy of a valid current license, or to maintain with the building and zoning enforcement division a copy of a current valid license for the facility shall result in revocation of the certificate of occupancy, after notice to the property owner of record for the facility. The certificate of occupancy may be reissued upon presentation of a copy of a valid license. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-392. Density of the adult congregate living facilities.

The residential density of adult congregate living facilities shall be determined according to the following categories:

(1) *Adult congregate living facility I:*

(a) *Adult congregate living facility IA:* Where the residents of an adult congregate living facility I live together as a single housekeeping unit, they shall comprise one residential unit.

(b) *Adult congregate living facility IB:* Where the residents of an adult congregate living facility I occupy separate dwelling units which include kitchen facilities and bathroom facilities, each such separate dwelling unit shall comprise one residential unit. However, the density shall be calculated by one-half the number of sleeping rooms, including sleeping rooms for caretakers, if by that calculation the density would be greater.

(2) *Adult congregate living facility II:*

(a) *Adult congregate living facility IIA:* Where the residents of an adult congregate living facility II live together as a single housekeeping unit, the number of units shall be equal to one-half the number of sleeping rooms, including sleeping rooms for caretakers.

(b) *Adult congregate living facility IIB:* Where the residents of an adult congregate living facility II occupy separate dwelling units which include kitchen and bathroom facilities, each such separate dwelling unit shall constitute one residential unit. However, the density shall be calculated by one-half the number of sleeping rooms, including sleeping rooms for caretakers, if by that calculation the density would be greater.

(3) *Adult congregate living facility III:*

(a) *Adult congregate living facility IIIA:* Where the residents of an adult congregate living facility III do not occupy separate dwelling units (as defined in section 39-128) which include kitchen and bathroom facilities, the number of residential units shall be equal to one-half the number of sleeping rooms, including sleeping rooms for caretakers.

(b) *Adult congregate living facility IIIB.* In a residential zoning district where the residents of an adult congregate living facility III occupy separate dwelling units which include kitchen and bathroom facilities, each such separate dwelling unit shall constitute one unit. However, the density shall be calculated by one-half the number of sleeping rooms, including sleeping rooms for caretakers, if by the calculation the density would be greater. The density of an adult congregate living facility III located in a B-1, B-2 or CF zoning district shall be equal to one-half the number of sleeping rooms. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-393. Zoning districts permitting adult congregate residential facilities.

(a) *Adult Congregate Living Facility IA:* This facility is a permitted use in the following zoning districts: A-1, A-2, R-2, R-3,

R-4, R-4A, R-4B, R-5, R-6, RD-6 through RD-10, RM-6 through RM-10, RM-11 through RM-16, RM-17 through RM-25 and PUD. In addition facilities which have five or fewer residents may be located in E-1, E-2, R1-A through R1-C, R-2U, R-3U, RM-3 through RM-5, RS-3 through RS-5 and RD-2 through RD-5 zoning districts.

(2) *Adult Congregate Living Facility IB:* This facility is permitted in R-3, R-3U, R-4, R-4A, R-4B, R-5, R-6, RD-6 through RD-10, RM-6 through RM-10, RM-11 through RM-16, RM-17 through RM-25 and PUD zoning districts.

(3) *Adult Congregate Living Facility IIA:* This type of facility is permitted in the following residential zoning districts: R-3, R-3U, R-4, R-4A, R-4B, R-5, R-6, RD-6 through RD-10, RM-6 through RM-10, RM-11 through RM-16, RM-17 through RM-25 and PUD.

(4) *Adult Congregate Living Facility IIB:* This type of facility is permitted in R-3, R-3U, R-4, R-4A, R-4B, R-5, R-6, RD-6 through RD-10, RM-6 through RM-10, RM-11 through RM-16, RM-17 through RM-25 and PUD zoning districts.

(5) *Adult Congregate Living Facility IIIA:* This type of facility is permitted in the following zoning districts: R-4, R-4A, R-4B, R-5, R-6, RM-11 through RM-16, RM-17 through RM-25 and PUD. This type of facility is also permitted in B-1, B-2 and CF zoning districts subject to the allocation of reserve units in accordance with the method provided by the Broward County Land Use Plan, 1977, as amended, regarding special residential facilities III.

(6) *Adult Congregate Living Facility IIB:* This type of facility is permitted in R-4, R-4A, R-4B, R-5, R-6, RM-11 through RM-16, RM-17 through RM-25 and PUD zoning districts. This type of facility may also be located in a B-1, B-2 and CF zoning district subject to the allocation of reserve units in accordance with the method provided by the Broward County Land Use Plan, 1977, as amended, regarding special residential facilities III. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-394. Development standards.

(1) *Licensing:* All adult congregate living facilities must be licensed by the State of Florida or exempt from licensing re-

quirements under chpater 400 of the Florida Statutes. All facilities must at a minimum meet all applicable State of Florida laws and regulations regarding that facility.

(2) *District Regulations:*

(a) In addition to the requirements imposed by this article, all adult congregate living facilities must meet the district regulations for the number of units per acre, size of plot, plot coverage, yards, open space, height, setback and minimum floor area set out in the Code of Ordinances sections governing the district in which the facility is located.

(b) Adult congregate living facilities located in nonresidential zoning districts shall be required to provide a 25-foot setback on all sides.

(3) *Dispersal:* No adult congregate living facility shall be located within 1,500 feet of any other adult congregate living facility. This distance requirement shall be measured and computed by following a straight line from the nearest property line of the proposed facility to the nearest property line of an existing facility. Adult congregate living facilities which are in existence on the effective date of this ordinance [July 8, 1986] which have been licensed by the state and which are presently located within 1,500 feet of another adult congregate living facility shall be considered nonconforming provided they were permitted by this ordinance at the time they were established. Where an approved site plan for an adult congregate living facility complex consists of a number of buildings it shall not be necessary for the individual buildings to meet this dispersal requirements.

(4) *Signs:* Adult congregate living facilities shall be subject to the sign regulations for residential structures within the zoning district in which the facility is located.

(5) *Design Standards:* In residential zoning districts, a facility which is to be constructed, or an existing building or buildings which are altered to accommodate an adult congregate living facility, must be designed in a manner which will resemble the types of residential structures permitted in the zoning district.

(6) *Number of Persons per Sleeping Room:* The maximum number of persons per sleeping room shall be determined in accordance

60 sq ft per person BED RM AREA

with the space requirements of the state. However, in no circumstance may the number of persons per sleeping room exceed four.

(7) *Accessory Uses:* Along with the accessory uses permitted in the zoning district for a residential structure, the following additional accessory uses are permitted in adult congregate living facilities: common dining rooms, central kitchens, nursing stations, examining rooms, chapels, prayer rooms, libraries and offices used for the administration of the facility. These uses shall be operated exclusively to provide service to the residents and their guests.

(8) *Parking:*

(a) Adult congregate living facilities with a IA, IIA or IIIA designation shall provide a minimum of 0.4 of a space per resident. Any fractional portion of a space shall be equivalent to an additional space. In an adult congregate living facilities IA, the spaces may be tandem.

(b) Adult congregate living facilities with a IB, IIB or IIIB designation shall provide a minimum of 1 space per dwelling unit provided that in no event shall the number of spaces be less than 0.4 of a space per resident.

(c) In addition to subsection (8)(a) and (b) above, adult congregate living facilities IIA and IIIA shall provide 1 parking space for each 10 residents, and adult congregate living facilities IIB and IIIB shall provide 1 parking space for each 10 dwelling units, for staff and visitor parking.

(d) A developer may apply for alternative parking surfaces as provided under Section 39-223(2) if the facility is a single-family or two-family dwelling, and section 39-223(3) for all other adult congregate living facilities. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-395. Development of adult congregate living facilities along with nonresidential uses.

An adult congregate living facility may be developed to include nonresidential uses only when it is developed as a residential Planned Unit Development (PUD) under chapter 39, article LII,

sections 39-880 through 39-890, provided that the project complies with the applicable Broward County and Unincorporated Area Land Use Plan requirements. The conditions and requirements of chapter 39, article LII shall control with the following exceptions:

(1) A residential PUD containing only an adult congregate living facility and no more than the percentage of nonresidential uses as permitted in section 39-395(2) below, may be developed on no less than five acres of contiguous land. A residential PUD containing only an adult congregate living facility and not more than 49 percent nonresidential uses permitted by 39-395(3) may be developed on no less than 10 acres of contiguous land.

(2) The supporting uses permitted under section 39-883(a)(3) shall be limited to the following: pharmacy gift shop, sundries, barbershop, beauty parlor, off-premises dry cleaning and shoe repair.

These uses shall be limited to 10 percent of the square footage of the total gross interior floor area of the adult congregate residential facility and must be located within the facility.

(3) The following are also permitted uses in a residential PUD which has an adult congregate living facility as the principal use and may be located in separate buildings: nursing homes, outpatient surgery, clinics and medical and dental offices. These uses, together with those uses permitted in section 39-395(2) above, may comprise up to 49 percent of the net developable land area of the residential PUD district. These uses may be developed in accordance with section 39-883(d)(3) of chapter 39, article LII, Broward County Code of Ordinances. (Ord. No. 86-27, § 2, 6-24-86)

Sec. 39-396. Conversion to other uses.

Adult congregate living facilities which are converted to other uses, including other residential uses, must comply with all district regulations for the new use at the time of conversion. (Ord. No. 86-27, § 2, 6-24-86)

ARTICLE XXV. RESERVED

Secs. 39-397—39-400. Reserved.

ARTICLE XXVI. LIMITED AGRICULTURAL A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS

The following regulations shall apply in all A-1 and A-2 districts:

Sec. 39-401. Purpose of districts.

A-1 Limited Agricultural, and A-2 General Agricultural Districts are intended to apply to those areas of unincorporated Broward County, the present or prospective use of which is primarily agricultural. The regulations of these districts are intended to protect, preserve and enhance agricultural uses in compliance with the Agricultural land use designation of the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan. These districts are also intended to apply to non-agriculturally designated lands, to permit a reasonable use of property, including the continuation of agricultural uses until such time as the ultimate use of the property is determined in accordance with the Future Unincorporated Area Land Use designation. (Ord. No. 91-35, § 1, 9-11-91)

Sec. 39-402. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) *In an A-1 Limited Agricultural District:*

(a) One-family dwellings on a plot at least 35,000 square feet in area with 125 feet street frontage, except that a plot platted as a single lot or acquired prior to the effective date of this ordinance may be utilized for a one-family dwelling if the plot has at least 10,000 square feet of area and 100 feet street frontage.

(b) Home occupation and office of doctor, dentist, lawyer, architect, engineer or similar professional office uti-

lizing not over 25 percent of the floor space of a one-family dwelling occupied by the operator of the home occupation or by the professional man.

(c) Hospital, convalescent home, nursery home, not including insanity, feeble-mindedness, epileptics, drug addicts, alcoholics, penal or correctional institutions.

(d) Church, convent, monastery, parish house.

(e) Library, museum and similar institution of noncommercil nature.

(f) Publicly owned or operated building and uses, including community buildings, public parks, playgrounds, beaches, but excluding dumps, sanitary fill or incinerators.

(g) Golf course, country club, private club, outdoor recreation club, provided all buildings are located at least 50 feet from any street and at least 100 feet from any private plot line.

(h) Grove, produce farm, truck garden, horticultural farming, botanical garden, floriculture, nursery, sod farm, crop raising, hydroponic garden, greenhouse, slat house, forestry, beekeeping with use or keeping of animals only as incidental and accessory thereto.

(i) Cattle or stock grazing, dairy farm, not including hog raising, dude ranch, riding stable, livery stable, boarding stable.

(j) Raising of fish. Raising of poultry on property, part of which was used for poultry raising prior to June 1, 1962.

(k) Noncommercial boat pier or slip or boathouse for docking of private watercraft.

(l) Railroad right-of-way and tracks, passenger and freight terminal, team tracks, but not including yards, shops or roundhouses.

(m) Permanent or temporary structure to house farm labor personnel on a farm site with capacity of 1 family or 2 persons for each 5 acres in said farm site, if said farm personnel are employed on the same farm site on which the structure is located and said structures are located at least 300 feet away from any other property under separate and different ownership.

(n) Wayside stands for display or sale of farm products produced on the premises.
(o) Existing cemetery, crematory, columbaruim or mausoleum, or the expansion of existing cemeteries as of November 15, 1974.
(p) Eleemosynary or philanthropic institution.

or

(v) If powered:

A. Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for development in a potentially catastrophic situation;

B. Has a fuel capacity not exceeding five U.S. gallons;

C. Is not capable of more than 55 knots calibrated air speed at full power in level flight; and

D. Has a power-off stall speed which does not exceed 24 knots calibrated air speed.

2. *[Stolport regulations:]*

a. Such use shall be located on a plot having at least 10 acres in area and shall be not less than 300 feet in width. No stolports shall be located closer than 3.5 miles from any other existing stolport or airport. Such distance requirements shall be measured and computed by following a straight line from the nearest property line of the proposed stolport to the nearest property line of any existing stolport or airport.

b. Any building or roofed structure, on a plot utilized for such use, shall be located at least 50 feet from any property line.

c. No parking shall be located within 10 feet of any plot line.

d. Hours of operation of a stolport shall be confined between the hours of sunrise and sunset.

e. All operations shall comply with Federal Aviation Administration detailed restrictions on airspace utilization (FAR part 103).

f. Accessory uses which are customarily and incidental to the principle [principal] use shall include but not be limited to the following:

(i) Sale of fuel.
(ii) Sale and rental of ultralights.
(iii) Maintenance of ultralights.
(iv) Hangers.
(v) Tiedowns.
(vi) Food and beverage, not including take-out.

g. [*Time limitation:*] The board of county commissioners shall not grant special exception approval of a stolport for a period of time in excess of 1 year.

h. *Prohibited uses:* All type aircraft other than ultralight vehicles, including single- and twin-engine aircraft, helicopters, hot air balloons and dirigibles.

(2) *In an A-2 General Agricultural District:*

(a) Any use permitted in an A-1 district.

(b) Animal hospital, veterinary clinic, animal boarding place, dog kennel, fur farm.

(c) Raising of poultry, hogs, sheep, goats, poultry slaughtering and dressing.

(d) Accessory uses and structures. (Eff. 11-15-74; eff. 4-23-76; eff. 7-14-78; eff. 12-4-78; eff. 8-27-79; Ord. No. 81-7, § 2, 2-13-81; Ord. No. 84-65, § 1, 8-17-84; Ord. No. 85-16, § 1, 3-15-85)

Sec. 39-403. Uses prohibited.

The permissible uses enumerated in section 39-402 above shall not be construed to include, as a principal or accessory use, any of the following:

(1) Manufacturing or industrial establishments.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer. Display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products. Drilling, removal, storage processing or sale.

(6) Building supplies or materials display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of merchandise, except as permitted in a wayside stand.

Sec. 39-404. Height.

No building or structure shall be erected or altered to a height exceeding 60 feet.

Sec. 39-405. Plot size.

Plots for any permitted use shall have a minimum area of 35,000 square feet and a minimum frontage of 125 feet, except as hereinafter provided. The minimum plot size for any residential use within land designated Agriculture by the certified Future Unincorporated Area Land Use Element of the Broward County Comprehensive Plan shall comply with the density requirements as set forth in the 1989 Broward County Land Use Plan, Plan Implementation Requirements, Permitted Uses in Future Land Use Categories, "Agricultural Use." (Ord. No. 91-35, § 2, 9-11-91)

Sec. 39-406. Plot coverage.

The combined area occupied by all main and accessory buildings and structures shall not exceed 20 percent of the plot area for a plot 1 acre or more in area, and shall not exceed 25 percent of the plot area for a plot less than 1 acre in area.

Sec. 39-407. Front yard.

Every plot shall have a front yard not less than 25 feet in depth.

Sec. 39-408. Side yard.

(a) Every plot shall have a side yard on each side, each of which shall be not less than 25 feet in width unless a greater width is required under section 39-410 following, except that a side yard for a 1-family dwelling shall not be required to exceed 10 feet unless a greater width is required under subsection (b) below.

(b) Upon corner plots there shall be a front yard as hereinbefore specified and a side yard on the side street at least 25 percent of the plot width in width, provided that no such street side yard shall be required to exceed 25 feet in width.

Sec. 39-409. Rear Yard.

Every plot shall have a rear yard not less than 25 feet in depth.

Sec. 39-410. Yard modifications.

The yard requirements specified in sections 39-407, 39-408 and 39-409 above shall be subject to the following:

(1) Yard requirements shall not apply to portions of land or land used for permissible uses and which do not contain buildings, and which do not contain structures over 20 feet in height.

(2) Where a portion of a tract of land is utilized for a building or buildings as the principal use, the plot of land occupied by such buildings shall be provided with all required yards, the measurement of which shall be from such building or buildings.

(3) The minimum front, side and rear yards hereinbefore specified shall be increased as follows:

(a) Where a plot contains a building exceeding 30 feet in height, all front, side and rear yards shall be increased by at least 1 foot for each foot by which the height of such building exceeds 30 feet.

(b) Any structure 20 feet or more in height shall be set back from all plot lines at least 1 foot for each 2 feet by which the height of the structure exceeds 20 feet.

(4) This section shall not supersede section 39-411 following.

Sec. 39-411. Limitations of uses.

(1) Structures for raising, boarding or housing of animals, except hogs, such as barns, feed lofts, and stables, pens and coops, shall not be located within 100 feet of any plot line, provided that a barn or stable with a capacity of not over 4 horses, cattle, sheep, goats or wildlife pets and further provided that a pen or coop housing not over 10 fowl or rabbits may be located at least 50 feet from a side or rear plot line.

(2) Structures for raising hogs, such as pens, sties, shelters, feeders, and the like shall not be located within 200 feet of any plot line.

(3) Hogs shall not be placed, kept or permitted within 100 feet of any plot line, within 500 feet of a dwelling under different and separate ownership nor within 500 feet of any residentially zoned property. (Ord. No. 81-7, § 3, 2-13-81)

Sec. 39-412. Minimum floor area.

The minimum floor area of a single-family dwelling shall be 600 square feet, except for temporary housing for migratory farm labor.

Secs. 39-413—39-422. Reserved.

ARTICLE XXVII. UTILITY A-3 DISTRICT*

Sec. 39-423. Purpose of district.

The A-3 Utility District is intended to apply to areas within which certain kinds of utility installations will be a necessary and appropriate use. (Ord. No. 91-35, § 3, 9-11-91)

Sec. 39-424. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Any use permitted in an A-2 district, subject to the limitations and requirements specified for such use in an A-2 district.

(2) Public utility and public service buildings, not including power plants.

(3) Sewage or water pumping stations, lift stations, tanks, reservoirs or treatment plants.

(4) Radio or television transmitting or receiving station, structure or tower.

(5) Research park, for investigation and experimentation in fields of inquiry such as medical, biological, chemical, agricultural and others of a similar nature but not including any manufacturing, sales or display of any product on the

*Editor's note—Section 3 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, changed the title from "Agricultural-Utility A-3 District" to "Utility A-3 District."

premises. Accessory uses shall include offices, libraries, laboratories, clinics, hospitals, barns, storage, shops and dwellings.

(6) Accessory uses and structures.

Sec. 39-425. Uses prohibited.

The permissible uses enumerated in section 39-424 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

(1) Manufacturing or industrial establishments.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer display, storage, service, repair or sale.

(5) Oil, asphalt, or petroleum products drilling, removal, storage, processing or sale.

(6) Building supplies or materials display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of merchandise.

Sec. 39-426. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 500 feet.

Sec. 39-427. Plot size.

Every plot shall be at least 5 acres in area, except that a lift station on a sewer line may be located on a plot at least 75 feet wide and 7,500 square feet in area, and except that an electric transformer substation and switching station may be located on a plot size of not less than 2.0 acres. (Ord. No. 84-34, § 1, 4-13-84)

Sec. 39-428. Coverage.

The combined area occupied by all buildings and structures shall not exceed 20 percent of the plot area.

Sec. 39-429. Yards.

(a) Every plot shall be provided with yards not less than 50 feet in depth or width, except as hereinafter specified for lift stations.

(b) Any structure used as part of a sewage treatment plant, water treatment plant, or water pumping plant, including tank, bins, settling basins, reservoirs and other similar facilities, shall be located at least 100 feet from any plot line.

(c) Any structure or building exceeding 20 feet in height shall not be located nearer to any property in separate or different ownership than a distance equal to half the height of such structure or building.

Sec. 39-430. Yard modifications.

On a plot used only for a sewage lift station and having no building over 10 feet in height and no structure over 25 feet in height, the required yards shall be reduced to 25 feet in depth or width.

ARTICLE XXVIII. AGRICULTURAL-AMUSEMENT A-4 DISTRICT*

The following regulations shall apply in all A-4 districts:

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*Editor's note—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

"Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands. Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4, Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Dis-

Sec. 39-431. Purpose of district.

The A-4 Agricultural-Amusement District is intended to apply to undeveloped areas within which certain types of recreational uses will be appropriate to a rural environment.

Sec. 39-432. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Any use permitted in an A-1 district subject to the limitations and requirements specified for such use in an A-1 district.

(2) Outdoor recreational establishments of a commercial nature, including drive-in theater, miniature golf course, golf or baseball driving range, swimming pool, bathing beach, picnic grounds.

(3) Amusement pier, mechanical riding devices, carnivals, circuses, animal display, aquarium, menagerie, exhibit museum, and similar facilities.

(4) Stadium, amphitheater, arena.

(5) Outdoor rifle, shotgun or pistol shooting range.

(6) Racetrack for animals or vehicles.

(7) Accessory uses and structures.

Sec. 39-433. Uses prohibited.

The permissible uses enumerated in section 39-432 above shall not be construed to include, either as a principal or

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posal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with Section 125.66(6), Florida Statutes (1990 Supp.)."

accessory use, any of the following, which are listed for emphasis:

(1) Manufacturing or industrial establishment.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.

(6) Building supplies or material display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of merchandise except as accessory to a permitted use.

Sec. 39-434. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 100 feet.

Sec. 39-435. Plot size.

Every plot shall be not less than 150 feet in width and shall be at least 1 acre in area.

Sec. 39-436. Coverage.

The combined area occupied by all buildings and structures shall not exceed 20 percent of the plot area.

Sec. 39-437. Yards.

(a) Every plot shall be provided with yards adjacent to all plot lines, and each such yard shall not be less than 50 feet in depth measured perpendicularly to the plot line.

(b) In addition to the above-required yards, any buildings or structure shall be set back from all plot lines an

additional 1 foot for each foot by which the height of such building or structure exceeds 25 feet in height.

Sec. 39-438. Yard modifications.

Notwithstanding any limitation or requirement specified in section 39-437, the following uses and structures shall not be located nearer to any property in separate and different ownership than the following:

(1) For go-cart tracks, no racing	50 feet
(2) For mechanical riding devices	200 feet
(3) For racetracks	500 feet
(4) For stadium, amphitheater or arena	300 feet

Sec. 39-439. Limitations of uses.

(a) Parking areas shall not be located nearer than 25 feet to any street or alley plot line nor nearer than 50 feet to any other plot line.

(b) Parking area shall be surfaced with a hard, durable, dustless material having an asphaltic or portland cement binder, and shall be maintained in good, clean condition.

ARTICLE XXIX. AGRICULTURAL-EXCAVATION A-5 DISTRICT*

The following regulations shall apply in all A-5 districts:

Sec. 39-440. Purpose of district.

The A-5 Agricultural-Excavation District is intended to apply to undeveloped areas, the future character of which is undetermined, wherein there are natural deposits which can

*Editor's note—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

"Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands. Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4,

be removed without serious damage to the ultimate development of the county.

Sec. 39-441. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.

(2) Sand, gravel, rock or stone pit or quarry or other operation involving the extraction or mining of natural material. Removal of earth or topsoil.

(3) Crushing, screening and processing of materials mined or excavated on the premises, including concrete batching or mixing and asphalt mixing.

(4) Accessory uses and structures.

Sec. 39-442. Uses prohibited.

The permissible uses enumerated in section 39-441 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

(1) Manufacturing or industrial establishments, except incidental to mining operations on the premises.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Disposal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with Section 125.66(6), Florida Statutes (1990 Supp.)."

(4) Automobile, truck or trailer display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale, except incidental to mining operations on the premises.

(6) Building supplies or material display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of merchandise.

Sec. 39-443. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 100 feet.

Sec. 39-444. Plot size.

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

Sec. 39-445. Yards.

Every plot shall conform to all of the provisions of Article XIV, Excavation Regulations.

Sec. 39-446. Limitations of uses.

(a) No building or structure shall be located nearer than 100 feet to any plot line.

(b) No mixing or batching plant, or bin, tank, silo or structure incidental to such plant, shall be located nearer than 300 feet to any property in separate and different ownership.

Secs. 39-447—39-456. Reserved

ARTICLE XXX. AGRICULTURAL-DISPOSAL A-6 DISTRICT*

Sec. 39-457. Purpose of district.

The A-6 Agricultural-Disposal District is intended to apply to areas appropriate for the disposal of materials wherein such disposal will not adversely affect desirable future development.

Sec. 39-458. Uses permitted.

No building or structure, or part hereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.

(2) Dump, sanitary landfill, incinerator, or resource recovery facility.

(3) Accessory structures and uses. (Ord. No. 84-87, § 1, 12-14-84)

Sec. 39-459. Uses prohibited.

The permissible uses enumerated in section 39-458 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

***Editor's note**—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

"Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands. Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4, Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Disposal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with Section 125.66(6), Florida Statutes (1990 Supp.)."

(1) Manufacturing or industrial establishments.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.

(6) Building supplies or material display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of used or secondhand merchandise.

Sec. 39-460. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 200 feet. (Ord. No. 84-87, § 2, 12-14-84)

Sec. 39-461. Plat size.

(a) A plot used for disposal of refuse, not including garbage or animal refuse, shall be not less than five acres in area.

(b) A plot used for disposal of refuse, including garbage or animal refuse, shall be not less than 20 acres in area.

(c) A plot used for an incinerator or resource recovery facility shall be not less than 20 acres in area. (Ord. No. 84-87, § 3, 12-14-84)

Sec. 39-462. Plot coverage.

The combined area occupied by all main and accessory buildings and uses shall not exceed 10 percent of the plot area.

Sec. 39-463. Yards.

(a) Every plot shall have side and rear yards at least 50 feet in depth or width and a front yard at least 75 feet in depth.

(b) Every plot used for disposal of refuse, including garbage or animal refuse, shall have yards adjacent to all plot lines not less than 100 feet in depth.

(c) No part of any incinerator or its appurtenant attached building or structures shall be located within 500 feet of any plot line.

Sec. 39-464. Limitations of uses.

Any plot utilized for a dump, sanitary landfill, incinerator, or resource recovery facility shall be used, operated and maintained in accordance with the following regulations:

(1) An attendant shall be kept on duty during hours the disposal area is open to control deposit of refuse.

(2) The disposal area shall be enclosed sufficiently by a fence with gate or by other means so as to limit use to authorized periods, and for proper purposes.

(3) No burning of refuse shall be permitted within 10,560 feet of any residentially zoned property in the incorporated or unincorporated territory of Broward County, except by combustion in a completely enclosed incinerator or resource recovery facility of adequate design and operation to prevent emission of fly ash and dense smoke. There shall be no burning of refuse between the hours of 7:00 p.m. and 7:00 a.m.

(4) No refuse to be deposited within any required yard.

(5) Refuse is to be compacted daily and topped by a soil cover daily.

(6) Maximum depth of fill shall not exceed 125 feet above existing ground level. (Ord. No. 84-87, § 4, 12-14-84)

Secs. 39-465—39-475. Reserved.

ARTICLE XXXI. AGRICULTURAL-RESTRICTED DISPOSAL A-7 DISTRICT*

Sec. 39-476. Purpose of district.

The A-7 Agricultural-Restricted Disposal District is intended to apply to areas appropriate for the disposal of materials on a restricted basis, wherein such restricted disposal will not prevent proper development of surrounding territory.

Sec. 39-477. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.

(2) Dump, sanitary fill, disposal area.

(3) Accessory structures and uses.

Sec. 39-478. Uses prohibited.

The permissible uses enumerated in section 39-477 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

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*Editor's note—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

"*Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands.* Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4, Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Disposal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with Section 125.66(6), Florida Statutes (1990 Supp.)."

(1) Manufacturing or industrial establishments.

(2) Wholesale, warehouse or storage establishments.

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer display, storage, service, processing or sale.

(5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.

(6) Building supplies or material display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of used or secondhand merchandise.

Sec. 39-479. Height.

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

Sec. 39-480. Plot size.

(a) A plot used for disposal of refuse, not including garbage or animal refuse, shall be not less than five acres in area.

(b) A plot used for disposal of refuse, including garbage or animal refuse, shall not be less than 20 acres in area.

Sec. 39-481. Plot coverage.

The combined area occupied by all main accessory buildings and uses shall not exceed 10 percent of the plot area.

Sec. 39-482. Yards.

(a) Every plot shall have side and rear yards at least 50 feet in depth or width and a front yard at least 75 feet in depth.

(b) Every plot used for disposal of refuse, including garbage or animal refuse, shall have yards adjacent to all plot lines not less than 100 feet in depth.

Sec. 39-483. Limitations of uses.

Any plot utilized for a dump or for deposit of refuse shall be used, operated and maintained in accordance with the following regulations:

(1) An attendant shall be kept on duty during hours the disposal area is open to control deposit of refuse.

(2) The disposal area shall be enclosed sufficiently by a fence with a gate or by other means so as to limit use to authorized periods, and for proper purposes.

(3) There shall be no burning or incineration of any kind.

(4) No refuse is to be deposited within any required yard.

(5) Refuse is to be compacted daily and topped by a soil cover daily.

(6) Maximum depth of fill shall not exceed 10 feet above existing ground level.

Secs. 39-484—39-494. Reserved.

ARTICLE XXXII. AGRICULTURAL-SANITARY FILL A-8 DISTRICT*

Sec. 39-495. Purpose of district.

The A-8 Agricultural-Sanitary Fill District is intended to apply to areas appropriate for the burying of certain types of refuse without adverse effect upon surrounding property.

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*Editor's note—Section 4 of Ord. No. 91-35, adopted Sept. 11, 1991, effective Sept. 23, 1991, reads as follows:

"*Section 4. Interim Prohibition on Certain Rezonings of Agriculturally Designated Lands.* Lands designated Agricultural on the Future Unincorporated Area Land Use Map shall not be rezoned to any of the following districts for a period of eighteen (18) months from the effective date of this ordinance: A-4,

Sec. 39-496. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole *or in part*, for other than one or more of the following specified uses:

(1) Any use permitted in an A-1 district, subject to the limitations and requirements specified for such use in an A-1 district.

(2) Dump or place of disposal for nonorganic refuse and limited organic refuse.

(3) Accessory uses and structures.

Sec. 39-497. Prohibited uses.

The permissible uses enumerated in section 39-496 above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

(1) Manufacturing or industrial establishments.

(2) Wholesale, warehouse or storage establishments.

Agricultural Amusement; A-5, Agricultural Excavation; A-6, Agricultural Disposal; A-7, Agricultural-Restricted Disposal; and, A-8, Agricultural-Sanitary Fill. This interim prohibition may be lifted by the Board prior to the expiration of the eighteen (18) month period if the Board determines that the rezoning of agriculturally designated lands to the above-listed districts will not prevent or impair the implementation of the Rural Areas Study or that the Rural Areas Study has been substantially implemented in the unincorporated area. Such determination shall be set forth in an ordinance adopted by the Board in compliance with Section 125.66(6), Florida Statutes (1990 Supp.)."

(3) Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale.

(4) Automobile, truck or trailer display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products drilling, removal, storage, processing or sale.

(6) Building supplies or material display, storage or sale.

(7) Contractor, construction or equipment yard.

(8) Display, storage or sale of used or secondhand merchandise.

(9) Disposal, dumping or burying of waste or discarded foods of animal or vegetable origin.

(10) Burning of refuse or waste materials.

Sec. 39-498. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 15 feet.

Sec. 39-499. Plot size.

A plot for a use first permitted in an A-8 district shall not be less than 5 acres in size.

Sec. 39-500. Plot coverage.

The combined area occupied by all main and accessory buildings and structures shall not exceed one percent of the plot area.

Sec. 39-501. Yards.

(a) Every plot shall have yards not less than 50 feet in depth adjacent to all private plot lines and all alley lines.

(b) Every plot shall have yards not less than 100 feet in depth adjacent to all street lines; provided, that an accessory building not over 400 square feet in area may be located in the aforesaid 100-foot yard if placed not less than 50 feet from any street line.

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Sec. 39-502. Limitations of uses.

The use of a plot for sanitary fill purposes shall be subject to the following limitations and conditions:

(1) An attendant shall be kept on duty during hours the sanitary fill area is open to control deposit of refuse.

(2) The sanitary fill area shall be enclosed sufficiently by a fence with gate or by other means so as to limit use to authorized periods, and for proper purpose.

(3) There shall be no burning or incineration of any kind.

(4) No refuse is to be deposited within any required yard.

(5) Refuse is to be compacted daily and topped by a soil cover daily, such soil cover to be not less than 12 inches in depth.

(6) Maximum depth of fill shall not exceed 10 feet above existing ground level.

(7) Refuse deposited in sanitary fill shall not include any waste or discarded foods, food products or food materials of animal or vegetable origin.

Secs. 39-503—39-513. Reserved.

ARTICLE XXXIII. CEMETERY DISTRICT A-9*

Sec. 39-514. Definitions.

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

Cemetery: Shall mean any one, or a combination of, more than one of the following: Located within the unincorporated limits of Broward County, in a place used or to be used,

*Editor's note—Article XXXIII, §§ 39-514—39-524, is derived from legislation effective Apr. 19, 1974.

and dedicated or designated, for cemetery purposes for human remains; a burial park for human remains; a mausoleum, for crypt or vault entombment of human remains; a columbarium, for cinerary inurnment for human remains.

Sec. 39-515. Purpose of district.

The cemetery district is intended to apply to all areas to be used for burial parks, mausoleums, columbariums or any cemetery use.

Sec. 39-516. Uses permitted.

The cemetery district shall be used specifically for the cemetery purposes as described in the definitions of chapter 559, Florida Statutes; and no other uses shall be permitted, except those which are necessary accessory uses for the operation of the cemetery.

Sec. 39-517. Plot size.

A cemetery shall be a minimum of 30 acres as required by chapter 559, Florida Statutes.

Sec. 39-518. Access.

Access to the cemetery shall be from a dedicated public street, and all driveways and internal streets shall conform to section 39-180 and any and all other county regulations regarding access, driveways and internal streets.

Sec. 39-519. Off-street parking.

Ten off-street parking spaces shall be provided for cemetery employees. In addition, the minimum of one parking space per acre of the cemetery shall be provided.

Off-street parking spaces for employees shall be surfaced with a hard-surface material such as asphalt or concrete. All other parking shall be hard surface or shall conform to section 39-223 for alternative parking surfaces.

Sec. 39-520. Buffers.

Around the property lines of all cemeteries a 10-foot wide strip of land shall be devoted to a buffer between the cemetery and the adjacent property, including street rights-of-way. This buffer shall contain a decorative fence, wall or hedge which is a minimum of four feet in height and a maximum of eight feet in height. The buffer shall also contain landscaping material, including shrubs and trees, which will create an effective screen along the property lines. Fence details and landscaping plans for the buffer strip shall be submitted with the required plan.

The required screening and buffer strip shall be maintained in good condition at all times.

No signs shall be permitted to be attached to or hung from the required screening.

Cross reference—Landscape buffers between residential and nonresidential property, § 39-182(i)(7).

Sec. 39-521. Location of structures.

All structures which are accessory to the principal use shall be erected or located at least 25 feet from the street right-of-way line and at least 10 feet from the side and rear lot lines. Mausoleums and other burial structures shall be located at least 150 feet from street right-of-way lines and at least 50 feet from side and rear lot lines.

Sec. 39-522. Sight distances.

All ornamental walls, fences, hedges and gates shall conform to the sight distance requirements of section 39-182 of this ordinance.

Sec. 39-523. Health standards.

Prior to approval of zoning, the applicant shall show documentary proof from the director of the Broward County Health Department that the proposed cemetery will meet all health standards of chapter 67-1185, Florida Statutes.

Sec. 39-524. Plan review.

Prior to any public hearings of a new zoning petition, the petitioner shall submit to the site plan review committee for review a site plan meeting the minimum requirements for a preliminary site development plan as prescribed by section 39-180. The petitioner shall also submit to the site plan review committee architectural renderings of all structures which are proposed to be built on the cemetery site. The recommendations of this committee shall be available to the zoning board prior to any public hearings.

The petitioner shall also show documentary proof that licensed utility companies have agreed to provide all necessary utilities.

Secs. 39-525—39-535. Reserved.

ARTICLE XXXIV. ESTATE E-1 DISTRICT

Sec. 39-536. Purpose of district.

The E-1 Estate District is intended to apply to areas to be used for single-family dwellings on plots of substantial size, with incidental keeping of some domestic animals for use by the occupants of the dwelling.

Sec. 39-537. Uses permitted.

(a) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than one of the following uses:

(1) Any use permitted in an R-1A, R-1B or R-1C district, subject to the limitations and requirements specified for such use in section 39-578.

(2) Uses accessory to any of the above uses when located on the same plot and not involving the conduct of any business, trade, occupation or profession, including:

a. Guest house for gratuitous guests.

b. Servants' quarters.

NO KENNELS

c. Keeping of poultry or fowl not exceeding 25 in total number, provided such poultry or fowl are kept in an enclosure which is located at least 50 feet from any plot line.

d. Keeping of horses and cows not exceeding four in total number for a plot of minimum permitted size. Where the plot exceeds 35,000 square feet in area, 1 additional horse may be kept for each acre of plot area in excess of 35,000 square feet. Any roofed structure for shelter of such animals shall be located at least 50 feet from any plot line.

e. Home occupation and office of doctor, dentist, architect, engineer or similar professional office, utilizing not over 25 percent of the floor space of the 1-family dwelling occupied by the professional man.

(3) Accessory uses on a plot that exceeds 2.3 acres in area shall include the following:

a. Grove, produce farm, truck garden, horticultural farming, botanical garden, floriculture, plant nursery, sod farm, crop raising, hydroponic garden, greenhouse, slat house and beekeeping.

b. Cattle and stock raising, dude ranch, riding stable, livery stable, boarding stable, not including hog raising. All structures for the housing of animals shall be at least 50 feet from any property line.

c. Wayside stands for display or sale of farm products produced on the premises.

(b) Residence on floating homes or vessels shall not be permitted at moorages located on or immediately adjacent to property zoned E-1. (Eff. 12-4-78)

Sec. 39-538. Size of plot.

(a) Every plot shall not be less than 125 feet in width and contain not less than 1 gross acre. One-family dwellings may be permitted on smaller plots which:

E-1

(1) Contain 35,000 square feet or more in net area and not less than 125 feet in plot width; and

(2) Were of public record prior to September 18, 1979; and

(3) Have not been at any time since September 18, 1979, contiguous with another plot or plots in common ownership which could be combined into a single plot of at least one gross acre; or

(4) Are included within an approved plat in which the average density is not more than 1 family dwelling per gross acre; in no case, however, shall this exemption be construed to allow construction to take place, on property zoned E-1, on lots which are less than 35,000 square feet in net area, except as permitted in subparagraph (5) of this section.

(5) When a plot which was recorded prior to January 1, 1973, and contained 35,000 square feet or more in area was reduced in size due to dedication for right-of-way for public use, the resulting plot need be no larger than 125 feet in width and 30,000 square feet in net area. Said plot shall not be further subdivided.

(6) It is the responsibility of the applicant to provide evidence of compliance with the above exceptions.

(b) A plot used for a permitted sewage lift or pumping station, or for a transformer substation, need be no larger than necessary to provide required yards and setbacks. (Ord. No. 81-20, § 1, 4-10-81)

Sec. 39-539. Plot coverage.

The combined area occupied by all buildings and roofed structures shall not exceed 20 percent of the area of the plot.

Sec. 39-540. Height.

No building or structure shall be erected or altered to a height exceeding 40 feet, except that a permitted nonresidential building or structure may extend to a height of 60 feet.

Sec. 39-541. Front yard.

Every plot shall have a front yard not less than 50 feet in depth.

Sec. 39-542. Side yard.

Every plot shall have a side yard on each side, each of which shall be not less than 25 feet in width, provided that the required side yard shall be increased by 1 foot for each foot in height of structure exceeding 40 feet.

Sec. 39-543. Rear yard.

Every plot shall have a rear yard not less than 25 feet in depth.

Sec. 39-544. Minimum floor area.

A 1-family dwelling as a principal use shall have a minimum floor area of 1,500 square feet.

Sec. 39-545. Accessory use setbacks.

Accessory use structures shall observe the same setbacks (side, front and rear) as the principal uses.

Secs. 39-546—39-556. Reserved.

ARTICLE XXXV. AGRICULTURAL ESTATE E-2 DISTRICT

Sec. 39-557. Purpose of district.

The E-2 Agricultural Estate District is intended to apply to areas to be used for single-family dwellings on plots of 1.8 acres or more, with vocational agricultural use of the land permitted.

Sec. 39-558. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following uses:

E-2

(1) Any use permitted in an R-1A district, subject to the limitations and requirements specified for such use in section 39-578.

(2) One animal per 10,000 square feet of plot area. See # 6

(3) Water pumps, windmills or any other such watering service, providing said plot is fenced to contain said animals and has potable water available, landscaped, with no attached structures to water source, and any shed covering the water device shall not exceed five feet in width, eight feet in length and seven feet in height.

(4) Uses accessory to any of the above uses when located on the same plot and not involving the conduct of any business or trade including:

a. Guest house for gratuitous guests.

b. Servants' quarters.

NO KENNELS

E-2

c. Keeping of fowl not exceeding 25 in total number, provided such poultry or fowl are kept in an enclosure which is located at least 50 feet from any plot line.

d. Keeping of horses, cows and llamas not exceeding 1 animal for each 10,000 square feet of plot area. Any roofed structure for shelter of such animals shall be located at least 50 feet from any plot line. No feed lot or storage of animals shall be permitted.

(5) Accessory uses on a minimum size plot:

a. Home occupation and office of doctor, dentist, architect, engineer or similar professional office utilizing not over 25 percent of the floor space of the 1-family dwelling occupied by the professional man.

b. Grove, produce farm, truck garden, horticultural farming, botanical garden, floriculture, plant nursery, sod farming, crop raising, hydroponic garden, greenhouse and slat house.

c. Wayside stands for display or sale of farm products produced on the premises.

(6) Accessory uses on a plot that exceeds 4.5 acres in area shall include the following:

a. Cattle or stock grazing, private riding instructions, training or breeding horses, boarding stable, but excluding hog raising. One animal permitted per 10,000 square feet of plot area, plus 1 additional animal per 10,000 square feet of plot area, if sheltered. All structures for the housing of animals shall be at least 50 feet from any property line.

(b) Residence on floating homes or vessels shall not be permitted on moorages located on or immediately adjacent to properties zoned E-2. (Eff. 11-16-73; eff. 12-4-78; Ord. No. 87-15, § 1, 4-28-87)

GK

Sec. 39-559. Size of plot.

Every plot shall be not less than 125 feet in width and contain not less than 80,000 square feet in area; except that a plot having a minimum area of 35,000 square feet and a minimum width of 125 feet, the size of which was established as a matter of record prior to November 18, 1977, may be utilized for a single-family dwelling.

Sec. 39-560. Plot coverage.

The combined area occupied by all buildings and roofed structures shall not exceed 10 percent of the area of the plot.

Sec. 39-561. Height.

No building or structure shall be erected or altered to a height exceeding two stories.

Sec. 39-562. Front yard.

Every plot shall have a front yard not less than 50 feet in depth.

Sec. 39-563. Side yards.

Every plot shall have a side yard on each side, each of which shall be not less than 25 feet in width, provided that the required side yard shall be increased by 1 foot for each foot in height of the structure exceeding 24 feet.

Sec. 39-564. Rear yard.

Every plot shall have a rear yard not less than 25 feet in depth.

Sec. 39-565. Minimim floor area.

A 1-family dwelling as a principal use shall have a minimum floor area of 1,500 square feet.

Sec. 39-566. Accessory use setbacks.

Accessory use structures shall observe the same setbacks (side, front and rear) as the principal use.

ADMINISTRATIVE

R1- A-B-C

SET BACKS — ON A CUL DA SAC
Per SM & G.G 4/6/84

START AT FRONT Property Line (ARC)
set BACK TO min Property width
(60' RIC) (75 RIB) To establish Building
Line.