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

Reprint
1984

VARIANCE PROCESS

BEFORE DEADLINE

Site plan application meeting. The senior plans examiner and assistant zoning official attend's this meeting in order to advise any potential variance petitioners of their options regarding their proposed site plan submittal.

Miscellaneous consultations. Senior planner via face-to-face consultation and/or phone consultation advises potential applicant of the variance process including the identification of required documents, the nature of the proceeding, and appeals process.

Accepting application. At the time of application, the very first activity that occurs is the determination of the subject property's zoning and the zoning of any surrounding properties. Once completed, the plans must then be reviewed to determine what sections of the code need to be varied(occasionally this occurs at the site plan application meeting). The sections must be clearly identified prior to accepting the application. The top front of the folder is filled out with all the relevant information received during the application process. Once complete, the senior planner provides all relevant information regarding the variance process and answers any questions the applicant may have. Finally, an application fee is collected, the application is validated, and the petitioner is given a receipt.

With the application process complete, all of the information provided from the petitioner and the plan review staff must then be transcribed on the second page of the application. This includes other preliminary research (IE tax folio identification, discussion among staff for history of the subject property, ECT.) of the petition.

APPLICATION DEADLINE (3RD FRIDAY OF EVERY MONTH)

WEEK #1 (See Week #6)

Maps - Associate planner produces three (3) 8.5" X 11" zoning maps of the subject property and its surrounding area. One map is and aerial, the second is a zoning map, the is a buffer map identifying all lots within the mailing radius. All maps are at a scale of 1":300'.

Research - Senior planner researches property for permit history and outstanding violations. This activity must be completed prior to the staff recommendation report. This task includes searching for prior variances, pending violations, pending or prior permits, pending plats or site plans, and pending or prior Certificates of Use. The information collected is recorded on the front of the case file folder and all relevant material is included in the back up (the agenda book).

Folio research/labels - Buffer map is cross referenced against various Property Appraiser's's Office data sources in order to locate the tax folio number of each property within the map's buffered area. Sources used include but are not limited to micro films, computers, ready books or any other source necessary. Each folio number is recorded by hand an then later transferred to another sheet which is them sent over to OIT for them to generate the computer printed labels. Labels are returned from OIT within two (2) weeks.

WEEK #2 (See Week #7)

Routing - Every variance must be routed to any division that may have an issue relevant to the petition at hand. Routing must be completed prior to the staff recommendation report. Senior planner identifies to which agency the petition will be routed. Each form is prepared, per agency, in the computer and all supporting documentation is copied and attached. Response time ranges for two (2) days to three (3) weeks.

Preparation of Minutes - The secretary II is responsible for this task. This activity must be completed so it can be included in the agenda book. The minutes are not verbatim. They have to be included in the agenda books.

WEEK #3 (See Week 8)

Data in Computer - The Secretary II enters the data in a computer program called Corner Stone. This must be done before the notifications can be mailed, the ad is sent to the newspaper, the agenda and agenda books are produced, as well as of other necessary activities.

Prepare and Fax Ad - This activity is done by the Secretary II and must be completed 15 day before the hearing. This activity can not be completed until steps, *accepting applications and Data in Computers,* is complete. The ad is produced from the information inputted into Corner Stone. The ad must include all the variance petitions that are to go before the Board of Adjustment. This ad is to be published in the Sun Sentinel and must be advertise at a minimum of ten (10) days prior to the hearing. A copy of the add is included each variance petition folder that it references.

Contact Board Members - Secretary II contacts by telephone the members of the Board to confirm their attendance.

WEEK #4

Photos - Associate planner inspects subject property, checks property against survey, and photographs relevant items. Photos are down loaded for computer presentation and copies printed for the file.

Mail outs - *This process must be completed ten days prior to the hearing. Several tasks must be completed* before this process is done. First, The area maps must be complete for they are included in the mailing. Next, all of the variances must be entered into a program called "Corner Stone". The information must be complete or else the mailings will not contain all of the germane information. When this information is entered, the front sheet for the mailings can be printed. At this point the Secretary I must prepare the front page and map page into a front and back single page copy and then print as many copies that are necessary for each variance. Every envelope must also have the labels generated above attached to them. Once complete, the envelops are stuffed with their respective notifications and sent to the mail room for postage and mailing.

The petitioners must receive their notification by certified mail. This includes completing an affidavit of mailing, having it notarized, and placed in each case file.

WEEK # 5

Reports - The senior planner writes the staff recommendation for the staff report. The Secretary II prepares the portion of the report with pertinent information that was entered into the computer.

Agenda Books - Senior planner transmits to secretary II one (1) complete agenda book. The Secretary II makes twenty (20) copies to be distributed to the Board, the County Commission, and the division. This involves taking all of the relevant material and putting it into a format that will fit into an 8 ½" by 11" sized agenda book and printing enough copies for all the board members and staff.

WEEK #6 (WEEK #1 OF THE NEXT VARIANCE PROCESS)

Contact Board Members - The secretary II is responsible for this task. It involves contacting by telephone the members of the Board to confirm their attendance.

WEEK #7 (WEEK #2 OF THE NEXT VARIANCE PROCESS)

Board of Adjustment Hearing (The first Thursday of every month - no hearing in July) *This hearing* meets once a month, it starts at 7:30 P.M. and runs two and a half hours to fours hours.

WEEK #8 (WEEK #3 OF THE NEXT VARIANCE PROCESS)

Decision Letters - The letters are generated by the secretary II and signed by the senior planner. The decision of the Board is sent to the petitioners certified mail. This includes completing an affidavit of mailing, having it notarized, and placed in each case file.

Resolutions -The secretary II prepares resolution and transmits same to senior planner for review. Resolutions must be signed by the Board chair within ten (10) days of the hearing.

BROWARD COUNTY
FLORIDA

Zoning Code Services Division
Governmental Center Annex
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

(954) 468-3434 • FAX (954) 468-3401

DATE: January 19, 2001

TO: All employees
Zoning Code Services Division

FROM: Susan G. Pierce, Director
Zoning Code Services Division

SUBJECT: **CEC-16 ZONING VARIANCES AND ADMINISTRATIVE APPEALS**

1. APPLICABILITY:

The procedure herein shall apply immediately.

2. REFERENCES:

Chapter 39, Article V, Broward County Code of Ordinances.

3. PROCEDURE:

3.1 An application for variance is based upon one of the following occurrences concerning the subject of the request:

A. A violation issued;

B. A denied site plan or zoning permit application;

C. A denied certificate of use application;

D. A meeting with the property owner concerning why the proposed structure or use does not meet the Zoning Code.

3.2 An Administrative Appeal is filed after the applicant has submitted, in writing, a request for an administrative decision from the Zoning and Official and the Zoning Official issues said opinion to the applicant. The appeal must be filed within 30 days of the decision.

3.3 Form 502-116, Application for Variance, or form 501-117, Application for Administrative Appeal, is given to the applicant who reads instructions for submittal.

3.4 If the application is for a variance, the applicant completes the second page of

Form 502-116, signs same and has the signature notarized. The application, a sealed survey, plans and any other required documentation are submitted to the Senior Planner. The Senior Planner then identifies the codes sections to be varied, the folio number and zoning designation of the subject property then records the data on the Form 502-818 (Rev. 01/01), Variance Request - Case Data. The Senior Planner then advises the petitioner of the fee (per fee schedule in effect), prepares Form 502-01, Fees Statement, and transmits Form 502-116 and Form 502-01 with the check, cash or money order from the petitioner to a Zoning Plans Examiner, Associate Planner or Zoning Technician, who enters the tax folio number, property address and petitioner's name in the data base, at which time a file number and hearing date is automatically assigned through the data base. The Zoning Plans Examiner, Associate Planner or Zoning Technician then processes the transaction through the cash register in accordance with Administrative Order For Cash Handling and Depositing Procedures, Volume I or II, Broward County Administrative Code, Volume 8. The yellow copy of Form 502-01 is given to the applicant and the applicant is advised of the hearing date. All submitted documents and Form 502-818 (Rev. 01/01) are then placed in a file folder and the file number is written on the tab by the Zoning Plans Examiner, Associate Planner or Zoning Technician. The file is given back to the Senior Planner.

3.5 If the application is for an Administrative Appeal, the applicant completes the application page on Form 502-117, Application for Administrative Appeal, signs same and has the signature notarized. The Senior Planner or Zoning Official reviews the application and advises the applicant of the fee (per fee schedule in effect). The Senior Planner or Zoning Official then prepares Form 502-01, collects the application fee (check, cash or money order) and transmits Form 502-01 and the fee to an Associate Planner, Zoning Plans Examiner or Zoning Technician for processing through the cash register in accordance with Administrative Order For Cash Handling and Depositing Procedures, Volume I of II, Broward County Administrative Code, Volume 8. The Associate Planner, Zoning Plans Examiner or Zoning Technician then gives the yellow copy of Form 502-01 to the applicant, advises the applicant of the hearing date, places all submitted documents and Form 502-117 in the file folder and transmits to the Senior Planner or Zoning Official who completes Form 502-819, Administrative Appeal - Case Data.

3.6 Prior to the applicant leaving, the Senior Planner will briefly advise the applicant about the Board of Adjustment and other procedures associated with variances or Administrative Appeals (as the case may be).

3.7 The Senior Planner then identifies the agencies that the petition is to be internally routed to, prepares Forms 502-118a through 502-118m (as needed), Pre-Variance Routing Forms, copies all plans submitted to include with said forms and prepares Form 502-118,Variance Routing Memo and transmits to applicable routed agencies.

3.8 The Senior Planner then completes all remaining information on Form 502-818 (Rev. 01/01), Variance Case Data, or Form 502-919 (Rev. 01/01) (internal form),

Administrative Appeal - Case Data, and transmits the file to an Associate Planner to prepare a location and zoning map of the property under consideration for the variance or administrative appeal. The Associate Planner places the location and zoning maps in the file and then compiles a list of all surrounding property owners within 300 feet of the subject property from the Broward County Tax Roll. The tax folio numbers of all surrounding properties are listed on Forms 502-37, Notification Labels for Petition, the form is copied for the files, and the original is transmitted to the Office of Information Technology for printing of address labels. The Associate Planner then transmits the file back to the Senior Planner who researches the permit history and violation status of the property, recording the information on Form 502-818 Rev. 01/01) or 502-819 (Rev. 01/01)(as the case may be). The file is then transmitted to the Secretary II.

3.9 The Secretary I then enters all application information in the computer from Form 502-818 (Rev. 01/01) or 502-819 (Rev. 01/01)(as the case may be). When the address labels are printed by the Office of Information Technology, they are transmitted to the Secretary II who generates Form 502-28a, Notice of Hearing - Zoning Variance, or 502-28b, Notice of Hearing - Administrative Appeal, from the computer for each case scheduled for hearing. The secretary then calculates the total number of notices to be sent for each case using the printed address labels, makes the correct amount of photocopies of Form 502-28a or 502-28b (as the case may be), with the location map printed on the reverse side, places address labels on envelopes, inserts one copy of Form 502-28a or 502-28b (as the case may be) in each envelope and mails via regular first class mail, with the exception that the notices sent to the petitioner, the property owner and the agent (if any) are sent via certified mail, return receipt requested. The original Form 502-28a or 502-28b is placed in the case file and the Secretary II prepares Form 502-820, Affidavit of Mailing - Notices of Public Hearing, and Form 502-840, Affidavit of Mailing - Certified Mail, signs the forms and has same notarized. The forms are then placed the case file.

3.10 The Secretary II then generates a newspaper advertisement from the computer, listing all cases to be heard at the scheduled hearing and the details of each case, and obtains a Direct Payment Voucher Number through the Purchasing Division for submittal to the Sun Sentinel. A copy of the newspaper advertisement is made and Form 502-88, Legal Ad, is prepared stating billing information, the Direct Payment Voucher number and required date of publication. The secretary II then transmits the newspaper advertisement to the Sun Sentinel at least 15 days prior to the hearing. The advertisement must be published in the legal notices section of the newspaper at least 10 days prior to the hearing.

3.11 The Senior Planner visits subject property to photograph same. The survey is compared against the property to be sure that it is up-to-date. The Senior Planner then records the type of uses of the subject property and the surrounding properties on Form 502-818 (Rev. 01/01) or 502-819 (Rev. 01/01)(as the case may be). The land use information is transmitted to the Secretary II who enters the information into the computer. Photographs are printed and included with file and

incorporated into the computerized presentation.

3.12 The Senior Planner reviews the file of property under consideration and prepares a staff recommendation. The report is e-mailed to the Secretary II to be included in the Staff Report (Form 502-119a, Variance Request, or Form 502-119b, Administrative Appeal). The Senior Planner or an Associate Planner then compiles the necessary documentation from the file that will comprise the agenda package for all of the cases to be heard at the scheduled hearing. The agenda package is then transmitted to the Secretary II for the compilation and printing of the agenda book.

3.13 The Secretary II then generates Form 502-126, Board of Adjustment Agenda. Form 502-126 and the minutes from the previous hearing are compiled, copied 11 times, a cover sheet indicating the meeting date is made, and all off the copies are punched and bound with a fastener. Eight of the copies are then mailed to the Board Members and to the Board Attorney, and the remaining three copies are distributed to the Senior Planner, the Zoning Official and one for the permanent file. Fifty copies of the agenda are made.

3.14 Approximately two days prior to the meeting the Secretary II contacts Board members to ascertain whether a quorum will be present at the hearing. (A quorum consists of four members of the seven member board.)

3.15 The Senior Planner prepares and presents all of the variance petitions to the Board. The Zoning Official presents administrative appeals to the Board. The Secretary II takes the minutes, runs the tape recorder and calls the roll for votes on motions made.

3.16 After the meeting the Secretary II enters all hearing results in the computer and generates either Form 502-34 (Rev. 01/01), Resolution (Final Order) Granting Variance, Form 502-122, Resolution (Final Order) Denying Variance, Form 502-120 , Variance Request - Order of Continuance, Form 502-124, Resolution Overturning Administrative Decision, or Form 502-123, Resolution Upholding Administrative Decision (depending on the action of the Board). The Resolutions and Orders of Continuance are transmitted to the Board Attorney for review and subsequently transmitted back to the Secretary II. The Senior Planner makes arrangements for the Board Chair to sign and date the Resolutions and Orders of Continuance within ten (10) days following the hearing. The Zoning Official countersigns all Forms 502-122, 502-124 and 502-123 and returns same to the Secretary II for placement in the petition file. Enough copies are then made by the Secretary II to accomplish mailing for each case to the petitioner, the petitioners agent, and the property owner. Three additional copies are also made and distributed as follows:

One copy to the Zoning Counter personnel
One copy to the Enforcement Board Coordinator
One copy to each file.

The original signed Resolutions are transmitted to the Zoning Official. The original signed Forms 502-120 are placed in the petition file.

3.17 Within 180 days following approval of a variance by the Board, The Zoning Official must determine that all conditions placed on the approval, or any other code requirements relating to the variance have been met. Upon making this determination, the Zoning Official signs and dates Form 502-34 (Rev. 01/01) and the signature is notarized. The Secretary II enters any zoning permit or certificate of use information in the computer database, makes one copy of Form 502-34, 502-122, 502-123 and 502-124 for the file and transmits the original forms to the Records Division for recordation in the Public Records.

3.18 The secretary II then transcribes the minutes of the meeting. The minutes are then included in the next agenda book to be approved by the Board. After approval of the minutes by the Board, the original minutes are transmitted to the file storage area for filing by meeting date.

3.19 After recordation, the Records Division returns the recorded forms to the Zoning Code Services Division. The Secretary II keeps the original recorded forms in the file and sends a copy to the petitioner, the petitioner's agent and the real property owner (if different from the petitioner) by regular first class mail. The recording information is entered into the computer database by the Secretary II. The file is then transmitted to the file storage area for filing in tax folio number sequence.

3.20 At least 30 days prior to expiration of the 180 day time limit to use an approved variance, the Secretary II determines whether the Resolution has been signed and recorded. If it has not, Form 502-125, Variance Pre-Expiration Letter, is generated from the computer for signature by the Senior Planner and mailed to the petitioner, the property owner (if different) and the agent (if any) advising them of the upcoming expiration.

3.21 If the Zoning Code Official finds that the conditions or code requirements relating to the variance have not been met, the Secretary II is directed to generate Form 502-35 (Rev. 01/01), Variance Expiration Letter (Variance Nullification), from the computer for signature by the Senior Planner. The secretary II makes one copy of Form 502-35 (Rev. 01/01) for the file, sends the original to the petitioner, and sends one copy to the property owner and agent. All are mailed by regular first class mail. The file is then transmitted to the file storage area for filing by tax folio number sequence.

5. RESCISSION:

This procedure replaces and rescinds CEC-05 Board of Adjustment.

SGP:sm

Attachments

RULES AND PROCEDURES
FOR THE
BROWARD COUNTY BOARD OF ADJUSTMENT

I. OFFICE AND ELECTIONS:

A. The Officers of the Broward County Board of Adjustment shall consist of:

1. Chair

2. Vice Chair

3. Secretary

B. Officers shall be nominated from the floor at the meeting at which the elections are to be held.

C. Term of office shall be two (2) years, which term is to commence at the conclusion of the election of all officers.

D. Regular elections shall be held at the regular ~~March~~ JANUARY meeting in odd numbered years. Voting shall be by open ballot.

E. Special elections for replacement of officers shall be held at the next regular meeting after the office becomes vacant.

II. DUTIES OF OFFICERS:

A. Chair:

1. Preside at all meetings.

B. Vice-Chair:

1. Perform the duties of the Chair in the Chair's absence.

BOARD -

C. Secretary:

1. Read Correspondence

2. Preside when the Chair and Vice-Chair are absent.

D. Staff Responsibilities:

1. Keep the minutes and be responsible therefor.

2. Transmit reports and recommendations to the Board of County Commissioners.

3. Be responsible for all correspondence.

4. Be responsible for all agenda.

5. Be responsible for notices for Board meetings.

6. Prepare notices of election of Officers of the Board of Adjustment and give Notice of election to all Board members, at the ~~February~~ DECEMBER meeting.

OR SIMPLE MAJORITY OF DESIGNATED POSITIONS TO 7 (QUORUM SET TO CHANGE TO 8)

III. QUORUM:

A quorum for the conduct of business shall consist of four (4) currently appointed and sitting members of the Board.

IV. MEETINGS:

A. Board meetings shall be held by the Code and Zoning Enforcement Division. Meetings shall begin at 7:30 p.m. on the first Thursday of each month, unless otherwise determined in advance.

POSSIBLY EARLIER TIME 7:00 P.M.?

B. Special meetings may be called with the written approval of a majority of the currently appointed and sitting members of the Board, or by the County Commission.

C. All meetings shall be open to the public.

V. ORDER OF BUSINESS:

A. The order of business of all public meetings shall be as follows:

1. Roll Call

2. Announce Quorum

3. Open Meeting

4. Staff Comments

   a) Additions

   b) Deletions

   c) Withdrawals

   d) Requests for Continuances — LETTER OR APPEARANCE? DELEGATION REQUESTS?

5. Approval of the Minutes of the Previous Meeting.

   a) Ask Board Members for any Changes to Minutes.

   b) Ask for motion to approve (as amended if applicable).

   c) Ask for second

   d) Announce who made motion and second.

   e) Call for voice vote and announce that minutes are approved as submitted or as amended.

6. Explain Briefly:

   a) Quasi-judicial hearing

   b) Right to call and examine witness

   c) Everyone who will speak may be sworn

   Note: Unsworn testimony not given the same weight as sworn testimony.

d) If applicant agrees with staff recommendation, may waive the right to evidentiary hearing, and if no audience member or Board member wishes to speak on issue, Board may vote on materials present.

e) Those in favor of petition will speak first, those opposed, will speak second. Board may limit time.

f) All documents and/or photos shall become part of the record, and must be retained by the staff.

g) Board may exclude evidence or testimony, which is not relevant.

7. Public Hearing:

a) Announcement of item by Chair with reference to Petition Number and Petitioner's name.

b) Chair asks if there are any conflicts or exparte communication.

c) Staff report including recommendation for approval, denial or other.

d) Applicant.

e) Proponents.

f) Opponents.

g) Motion and second; vote to close the public hearing. Announce who made Motion, and second.

h) Discussion of the Petition by the Board.

i) Motion, second and vote by roll call when voting on the petition. Repeat motion and state who made motion and second.

j) Announce result of vote.

VI. ABSENTEEISM:

A. The members of the Board of Adjustment shall service at the pleasure of the Board of County Commissioners. A member of the Board of Adjustment who has three (3) consecutive absences from meetings shall be automatically removed as a member of the Board. The automatic removal of a Board member under the provisions of this section shall not be deemed effective until Broward County confirms that the member has received written notice from the County Administrator or designee of the reason for the removal of the Board member. In the event of the automatic removal of a Board member under the provisions of this section, the Broward County Commissioner who appointed the member may reappoint the member when extenuating circumstances are found to exist for the member's absences. After thirty (30) days following notification of the occurrence of a vacancy on the Board of Adjustment due to any reason whatsoever, the County Administrator or designee will follow the Procedures set forth in the Broward County Administrative Code relating to said vacancy.

VII. AMENDMENT:

A. These Rules and Procedures may be amended by a vote of a simple majority of those present at any meeting or special meeting at which a quorum is present, provided that the proposed amendment change has been presented to the Board, in writing, at least one (1) week prior to such meeting.

B. These Rules and Procedures may be suspended by the unanimous consent of those present at any meeting at which there is a quorum.

VIII. PROCEDURE:

A. ROBERT'S RULES OF ORDER NEWLY REVISED, shall be the final authority on all parliamentary procedure, except as otherwise provided in these Rules and Procedures. The Chair shall conduct the business of the Board in a manner which conforms to these Rules and shall provide the public and each member of the Board a fair and adequate opportunity to be heard in an orderly manner.

The attorney for the Board shall make the final ruling on the procedure in question.

B. A procedure which is inconsistent with Robert's Rules of Order Newly Revised, or these Rules shall not render the action taken in connection therewith invalid. A complaining party who alleges that he or she has suffered substantial and material prejudice as the result of a deviation in procedure shall request reconsideration of the matter in writing to the Code and Zoning Enforcement Division within five (5) days of the date the alleged procedural impropriety has occurred.

C. The Chair may limit the time granted to each person or to each side with a view toward orderly and prompt handling of matters.

D. Any member may submit or state in writing, the reasons for voting for or against a motion.

E. Roll Call vote shall be in random order on each petition. Unless a member declares a conflict of interest, all members present shall vote. The Chair shall vote last. The voting of each member shall be "YES" (in favor of motion) or "NO" (opposed to motion).

F. No member shall vote in his or her official capacity upon any measure which inures to his or her special private gain, or shall knowingly vote in his or her official capacity upon a measure which inures to the special private gain of any principal by whom he or she is retained; or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in Section 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain of a relative or business associate of the public officer. Such member shall, prior to the vote being taken, publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and shall comply with the provisions of state law concerning conflict of interest.

G. No member shall participate in any matter which would inure to his or her special private gain; which he or she knows would inure to the special private gain of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain of a relative or business associate of the member, without first disclosing the nature of his or her interest in the matter.

H. The Board's approval of a petition shall be determined by a majority of those voting.

I. In the event a motion to approve a variance fails, a motion to deny the petition shall be made by a Board member voting against the first motion. Said motion to deny shall include the findings for the motion.

J. In the event of a tie vote on a motion to deny a variance or appeal of administrative decision, the variance shall be denied.

IX. All Board members shall be supplied with these Rules and Procedures, and a copy of the Broward County Zoning Ordinance, immediately upon appointment to the Board.

CONDUCT OF QUASI-JUDICIAL HEARINGS

[THE CHAIR OR THE ATTORNEY WILL READ THE FOLLOWING PARAGRAPHS PRIOR *TO THE* START OF THE REGULAR QUASI-JUDICIAL PROCEEDINGS]

All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material, or argument will be allowed unless the Commission chooses to request additional testimony. The Commission will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Commission agenda packets will be considered as evidence without authentication.

All witnesses who intend to give sworn testimony should be sworn at this time.

***[ALL APPLICANTS*, ALL AGENTS FOR APPLICANTS AND ALL PERSONS WHO WISH TO GIVE SWORN TESTIMONY SHALL BE SWORN AT THE BEGINNING OF THE QUASI-JUDICIAL PROCEDURE.]**

GENERAL ANNOUNCEMENT PRIOR TO THE ITEM BEING HEARD: Prior to testifying would you please state your name and whether you have been sworn.

The first matter to be heard is Agenda Item number _____.

1. Would staff briefly describe the nature of this agenda item.

2. The applicant may now present whatever sworn testimony he or she wishes including which items on the staff report the applicant objects to and whether the applicant agrees with the remaining items.

   Would the staff like to ask the applicant any questions?

   Would any Commissioner like to ask the applicant any questions?

2. Does the applicant have any other witnesses to present at this time?

   Would the witness please state your name and whether you have been sworn.

Pleas give your testimony regarding the items in question.

Would the staff like to ask the witness any questions?

Would any Commissioner like to ask the witness any questions?

[The above procedure should be followed for all witnesses who will be giving sworn testimony on behalf of the applicant.]

3. Does staff have any additional information or exhibits other than what is included in the backup to the agenda item?

   Would the applicant like to ask the staff any questions?

   Would any Commissioner like to ask the staff any questions?

4. Are there any interested persons who would like to testify?

   Please step forward state your name and whether you wish to give sworn testimony or unsworn statements.

   Please proceed.

   If the interested person has given sworn testimony the applicant and staff have the opportunity to ask the witness questions.

   Would any Commissioner like to ask the interested person any questions?

   [The above procedure should be followed for all interested persons.]

5. Would any Commissioner like to call any additional witnesses?

   [If additional witnesses are called, the above procedure shall be followed.]

6. Would the applicant or staff like to make any concluding remarks?

7. The Board will now deliberate. No further testimony or comments will be taken and Board members should not ask any further questions of persons presenting testimony.

[IF A COMMISSIONER DETERMINES THAT HE OR SHE HAS ADDITIONAL QUESTIONS, THE CHAIR MAY RE-OPEN THAT PART OF THE HEARING.]

(LOOK FOR 39-39 THRU 39-49 CODE SECTIONS)

ZONING PAMPHLET
SUPPLEMENT NO. 89
February 2001

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 89 to Volume III.

Remove old pages	*Insert new pages*
vii—ix	vii—ix
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
731—734	731—734
745, 746	745—746.1
776.10.15—776.10.18	776.10.15—776.10.18.2
776.10.25—776.10.28	776.10.25—776.10.28.1
776.10.35, 776.10.36	776.10.35, 776.10.36
776.10.43—776.14	776.11—776.14.3
777, 778	776.33—778
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909—930	909—930.3
953—978	953—978.15
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985—987	985—992.7
1003—1012	1003, 1004
1015—1025	1015, 1016
1039—1046	1039—1046
1047—1118	1047, 1048
1121—1124	1121—1123
1205—1228	1205—1213
1397	1397, 1398
1413—1458	1413—1447

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(850) 576-3171
1-800-262-CODE

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ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 1999-55, enacted October 12, 1999.

See the Zoning Ordinance Comparative Table for further information.

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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ZONING PAMPLET
SUPPLEMENT NO. 87
October 1999

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 87 to Volume III.

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ZONING PAMPHLET
SUPPLEMENT NO. 86
March 1999

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 86 to Volume III.

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ZONING PAMPHLET
SUPPLEMENT NO. 85
August 1998

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 85 to Volume III.

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SUPPLEMENT NO. 84
March 1998

ZONING CODE

County of

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Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 83
December 1997

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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Remove old pages	*Insert new pages*
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ZONING PAMPHLET
SUPPLEMENT NO. 82
August 1997

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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Remove old pages	*Insert new pages*
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Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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ZONING PAMPHLET
SUPPLEMENT NO. 81
April 1997

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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Remove old pages	*Insert new pages*
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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ZONING PAMPHLET
SUPPLEMENT NO. 80*
November 1996

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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Remove old pages	*Insert new pages*
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*NOTE—Zoning pamphlet was not affected in Supplement No. 79.

ZONING PAMPHLET (ADDENDUM)
SUPPLEMENT NO. 78
April 1996

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 78 to Volume III.

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ZONING PAMPHLET
SUPPLEMENT NO. 78
March 1996

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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ZONING PAMPHLET
SUPPLEMENT NO. 76
October 1995

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 76 to Volume III.

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SUPPLEMENT NO. 75
VOLUME III
August 1995

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 94-56, enacted December 13, 1994.

See the Zoning Ordinance Comparative Table for further information.

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ZONING PAMPHLET
SUPPLEMENT NO. 72
December 1994

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 72 to Volume III.

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ZONING PAMPHLET
SUPPLEMENT NO. 71
July 1994

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 71 to Volume III.

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Note—This pamphlet was not affected in Supplement No. 70.

ZONING PAMPHLET
SUPPLEMENT NO. 69
August 1993

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 69 to Volume III.

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This pamphlet was not affected in Supplements No. 66 through 68.

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ZONING PAMPHLET
SUPPLEMENT NO. 65
January 1992

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida as they appear in Supplement No. 65 to Volume III.

Remove old pages	*Insert new pages*
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This pamphlet was not affected in Supplement No. 64.

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ZONING PAMPHLET
SUPPLEMENT NO. 63
July 1991

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 63 to the Volume III.

Remove old pages	*Insert new pages*
vii, viii	vii, viii
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ZONING PAMPHLET
SUPPLEMENT NO. 62
April 1991

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Code of Broward County, Florida, as they appear in Supplement No. 62 to the Volume III.

Remove old pages	*Insert new pages*
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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1-800-342-CODE (Florida)

SUPPLEMENT NO. 61
VOLUME III
December, 1990

FIRE CODE

ZONING CODE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 90-20, enacted August 14, 1990.

See the Code Comparative Table for further information.

This Volume was unaffected in Supplement No. 60.

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MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(904) 576-3171
1-800-262-CODE (National)
1-800-342-CODE (Florida)

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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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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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. 51

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. 51 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

August, 1988

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

ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

September, 1987

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

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SUPPLEMENT NO. 45

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. 45 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

June, 1987

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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 apppear in Supplement No. 43 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

January, 1987

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

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ZONING ORDINANCE

County of

BROWARD, FLORIDA

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This Supplement is a reprint of the changes in the Zoning Ordinance of the Code of Broward County, Florida, as they appear in the Supplement No. 42 to Volume II.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

October, 1986

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ZONING ORDINANCE

County of

BROWARD, FLORIDA

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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. 41 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

August, 1986

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ZONING PAMPHLET
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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. 40 to Volume III.

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Tallahassee, Florida

May, 1986

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

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. 39 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

January, 1986

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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. 38 to Volume III.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

October, 1985

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

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ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Ordinance, of the Code of Ordinances, Broward County, Florida, as they appear in Supplement No. 37 to the main volume.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

August, 1985

ZONING PAMPHLET
SUPPLEMENT NO. 36

ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement is a reprint of the changes in the Zoning Ordinance, of Broward County, Florida, as it appears in Supplement No. 36 to the main volume.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

August, 1985

ZONING ORDINANCE

County of

BROWARD, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 84-70, enacted September 14, 1984
Ordinance No. 84-87, enacted December 14, 1984.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

May, 1985

BROWARD COUNTY ZONING CODE
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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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BROWARD COUNTY ZONING CODE*

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

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, hous-

ing, light, air, water supply, sewerage, sanitation and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated development; that prevent overcrowding of land and undue concentration of population; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends.

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

Sec. 39-2. Short title; scope.

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

ARTICLE II. DEFINITIONS

Sec. 39-3. General construction of terms.

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

number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" shall include the word "structure." The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used. The word "land" shall include water surface and land water.

Sec. 39-4. Terms defined.

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

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

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

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

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

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

(1) Designed or used for the viewing of adult material by one or more persons; and

(2) Accessible to all persons, regardless of whether a fee is charged for access.

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

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

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

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

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

(1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations; recordings or other audio matter; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(Ord. No. 1999-44, § 1, 8-24-99)

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

Adult Nightclub: Any establishment which provides food or beverage for consumption on the premises and which features live adult entertainment exposing "Specified Anatomical Areas" for observation by patrons therein.
(Ord. No. 77-48, § 1.08, 9-16-77; Ord. No. 78-33, § 1(1.08), 6-27-78; Ord. No. 85-17, § 1, 3-15-85; Ord. No. 93-3, § 1.05, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

Adult Theater: A place or establishment, other than a private residence, that consists of an enclosed building, or portion thereof, or an open-air area used for viewing of adult material. "Adult arcades" and establishments having adult booths are considered to be "adult theaters."
(Ord. No. 77-48, § 1.04, 9-16-77; Ord. No. 93-3, § 1.03, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

Adult Video Store: An establishment that offers adult films or video materials for sale or rent for commercial gain, for viewing off of the premises, unless the establishment demonstrates that the adult material is accessible only by employees or persons eighteen (18) years or older at the establishment.
(Ord. No. 1999-44, § 1, 8-24-99)

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

Alcoholic beverage establishment: Any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a fast-food or full service restaurant as defined in section 39-221 of this code, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on or off of the premises, and not in conjunction with a meal. Establishments which provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.
(Ord. No. 1999-44, § 1, 8-24-99)

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

Alter: "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a nonconforming building, structure or use; the erection or placement of any sign; the digging or filling of any water area; the addition, removal or modification of any paving or landscaping.
(Ord. No. 93-44, § 3, 11-23-94)

Antenna: A transmitting and/or receiving device and/or relays used for personal wireless services, that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.
(Ord. No. 1998-35, § 3, 10-13-98)

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

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

Arterial: A street having that meaning given in Section 334.03(15), Florida Statutes. (Arterials in Broward County are shown on the Broward County Trafficways Plan.)
(Ord. No. 1999-39, § 1, 6-22-99)

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

Automobile Repair, 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.

Bar, Lounge or *Saloon:* Any place devoted primarily to the retailing and consumption on the premises of malt, vinous or other alcoholic beverages not in conjunction with meals or with food prepared on the premises.
(Ord. No. 1999-44, § 1, 8-24-99)

Bed and Breakfast: A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with meals, and which also serves as residence of the operator.
(Ord. No. 96-17, § 1, 5-28-96)

Bottle club: Any business or private club which does not hold a State of Florida license for the sale of alcoholic beverages, but which permits its members, patrons or customers to bring or store their own bottles containing alcoholic beverages for consumption on the premises.
(Ord. No. 1999-44, § 1, 8-24-99)

Building: Any structure having a solid roof and solid walls on all sides and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
(Ord. No. 96-17, § 1, 5-28-96)

Business Zoned Property: Shall mean any land or water area whose zoning district classification is B-1, B-2, B-2A, B-2B, B-3 or C-1 under this code.

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

Certificate of Use: A document issued by the zoning official, after approval of inspections of the premises by Broward County code enforcement officers, officially authorizing buildings, structures or uses consistent with the terms of the zoning code and any other applicable codes and statutes.
(Ord. No. 93-44, § 3, 11-23-93)

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

Child Care Center: A place for the day care and instruction of children not remaining overnight.
(Ord. No. 96-17, § 1, 5-28-96)

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

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

Code Enforcement Officer: The officers and employees of the department, division or agency of Broward County, to whom the duty of enforcing the terms of the zoning code or other applicable codes is assigned as set forth in the Broward County Administrative Code.
(Ord. No. 93-44, § 3, 11-23-93)

Collocation: The use of a single support structure and/or site by more than one wireless communication provider.
(Ord. No. 1998-35, § 3, 10-13-98)

Commercial equestrian operations: Commercial riding stables and riding instruction, livery stables, horse training, breeding or boarding facilities.
(Ord. No. 1997-13, § 1, 3-11-97)

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

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

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

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

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

(5) [*Business vehicle:*] Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes police and security vehicles which are providing security services to the area where the vehicle is parked.

(Ord. No. 90-12, § 8, 6-26-90)

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

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

(Ord. No. 96-17, § 1, 5-28-96)

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

(Ord. No. 96-17, § 1, 5-28-96)

Community Residential Facility: A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, and which is licensed by the State of Florida or other government agency for such purposes.
(Ord. No. 96-17, § 1, 5-28-96)

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

Contiguous: Directly adjoining; immediately adjacent to; contiguous plots have at least one side of each plot which touches one side of the other plot or plots with no separator between the plots such as a public right-of-way, canal, river, or railroad.
(Ord. No. 95-30, § 20, 11-28-95)

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

Convention Center: A building or complex of buildings designed and arranged to provide a room or rooms for the assembly of groups or organizations for meetings, training seminars, etc., and which may include a public lodging establishment.
(Ord. No. 1999-44, § 1, 8-24-99)

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

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

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

Density: The maximum number of dwelling units permitted on one net acre of property.
(Ord. No. 96-17, § 1, 5-28-96)

Developed: Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structure bearing overhead power transmission lines that carry at least five hundred kilovolts (500 KV) of electrical power, provided such lands contain no other buildings or structures.
(Ord. No. 95-30, § 20, 11-28-95; Ord. No. 1999-45, § 8, 8-24-99)

Display: An arrangement of goods reflecting the occupation or business, wares or other objects used or sold on the premises, for the purpose of bringing the subject thereof to the attention of others without the use of a sign.
(Ord. No. 1998-27, § 1, 9-8-98)

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

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

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

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

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

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

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

Dwelling, Multiple-Family: A residential building on a plot, consisting of two (2) or more dwelling units, having at least two (2) common party walls with adjacent dwelling units, except for end or corner units.
(Ord. No. 96-17, § 1, 5-28-96)

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

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

Dwelling unit: A room or group of rooms not less than 400 square feet in total floor area, which include a kitchen and

sanitary facilities designed to provide complete, long-term living accommodations for one family, with no access to adjoining dwelling units.
(Ord. No. 1997-13, § 1, 3-11-97)

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

Educational Center or School: A premises or site upon which facilities of public or private primary or secondary schools, vocational and technical schools, colleges and universities licensed by the Florida Department of Education are located, including the areas of buildings, campus open space, dormitories, recreational facilities, and parking.
(Ord. No. 1999-44, § 1, 8-24-99)

Employment agency, day labor: An establishment which secures primarily temporary employment for persons who assemble at and are transported from the establishment, in the construction trades, property maintenance or unskilled labor fields.
(Ord. No. 1999-23, § 1, 5-11-99)

Encounter Studio: All establishments offering nude encounter sessions between persons, nude dance encounter sessions, or any establishment, other than an adult nightclub, where private nude performances are offered.
(Ord. No. 77-48, § 1.11, 9-16-77; Ord. No. 93-3, § 1.10, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

Environmentally Sensitive Lands: Those lands defined as environmentally sensitive in the 1989 Broward County Land Use Plan.
(Ord. No. 2000-03, § 1, 1-25-00)

Erected: Built, constructed, reconstructed or moved on or upon any property.
(Ord. No. 1999-45, § 8, 8-24-99)

Escort or Dating Service: An establishment where customers, patrons or members are provided with an escort or companion on a short-term basis, or which arranges for social meetings between two or more people.
(Ord. No. 1999-44, § 1, 8-24-99)

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmen-

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

Established Grade: The average elevation of the streets abutting the plot.
(Ord. No. 96-17, § 1, 5-28-96)

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

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

Fire Protection Facilities: A building or complex of buildings that house the offices and services of an organized body of people trained and employed to extinguish fires.
(Ord. No. 84-69, § 1, 9-14-84)

First Floor Level: The lowest habitable floor area of a building. This definition shall not include parking garages or floor areas devoted exclusively to mechanical equipment used to energize, heat, cool, or otherwise service the building in which it is located. (Ord. No. 96-17, § 1, 5-28-96)

Floor Area: 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)

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

area. It shall also be considered a "friction or lap dance" regardless of whether the touch or touching is direct or through a medium.
(Ord. No. 1999-44, § 1, 8-24-99)

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

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

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

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

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)

Guyed tower: A wireless communication tower that is supported, in whole or in part, by guy wires and ground anchors.
(Ord. No. 1998-35, § 3, 10-13-98)

Habitable room area: The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.
(Ord. No. 1997-13, § 1, 3-11-97)

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

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

Health Spa: For the purpose of this code, the term "health spa" shall mean and include all health studios, exercise salons, relaxation 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 officers appointed by the board of county commissioners.
(Ord. No. 94-7, § 2, 2-22-94; Ord. No. 95-48, § 8, 11-28-95)

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

Holiday Wayside Stand: A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.
(Ord. No. 96-17, § 1, 5-28-96)

Home Office: An office designed for and operated as a business location in a dwelling unit, and carried on by persons residing in

the dwelling unit involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation which requires or permits customers or patrons to visit the dwelling.
(Ord. No. 96-17, § 1, 5-28-96)

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

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.
(Ord. No. 84-69, § 1, 9-14-84)

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

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

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

Industrially Zoned Property: 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 dogs or cats are boarded or bred for commercial gain.
(Ord. No. 1999-45, § 8, 8-24-99)

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

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

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

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

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

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

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

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

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

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

(Ord. No. 1998-35, § 3, 10-13-98)

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

(Ord. No. 86-35, § 1, 8-26-86)

Mobile Food Unit: Any vehicle-mounted food service establishment, except a mobile food unit limited to the preparation and sale of frankfurters, which is self-propelled or otherwise movable

from place to place, meeting all applicable requirements of Florida Administrative Code, chapter 10D-13.32, and the Broward County Code of Ordinances, which does not remain in one location for more than 1 hour.
(Ord. No. 82-44, § 1, 8-13-82)

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

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)

Modeling and lingerie studio: An establishment which offers persons the opportunity to photograph models which are clothed in lingerie or which offers encounter sessions with models which are clothed in lingerie.
(Ord. No. 1999-44, § 1, 8-24-99)

Monopole Tower: A wireless communication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.
(Ord. No. 1998-35, § 3, 10-13-98)

Mooring Pilings: Any appliance used to secure a vessel, other than to a pier or dock, which is not carried aboard such vessel as regular equipment when under way.
(Ord. No. 88-17, § 1, 4-26-88; Ord. No. 96-17, § 1, 5-28-96)

Motel: A public lodging establishment where access to the individual units is primarily from the exterior of the building and parking facilities for use of guests are near their quarters.
(Ord. No. 1999-44, § 1, 8-24-99)

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

Neighborhood:

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

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

(Ord. No. 1999-39, § 1, 6-22-99)

Nightclub: A restaurant, dining room, bar or other similar establishment providing food and beverage for consumption on the premises wherein floor shows or other forms of live entertainment by persons are provided for guests.
(Ord. No. 1999-44, § 1, 8-24-99)

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.

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

Nonresidential zoning districts: All zoning districts except A-1, A-2, E-1, E-2, Rural Estates, Rural Ranches, residential PUD, residential PDD, R-1A to R-1C, R-1P, D-1, R-2, R-2U, R-2P, RD-4 to RD-10, R-3, R-3U, R-4, R-4A, R-4B, RM- 5 to RM-25, T-1, T-1A through T-1C, R-1T, RS-2 to RS-6.
(Ord. No. 1998-35, § 3, 10-13-98; Ord. No. 1999-39, § 1, 6-22-99)

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)

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

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

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

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

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

Outdoor Event: A carnival, circus, concert or festival shall be classified as an outdoor event if it has mechanical rides and

amplified music or sounds. Commercial promotions, shows, sales, and other similar types of events providing entertainment and/or food service shall also be classified as outdoor events.
(Ord. No. 1997-52, § 1, 12-9-97)

Package Store: An establishment where the sale of alcoholic beverages in containers for consumption off the premises is the predominate purpose of the establishment.
(Ord. No. 1999-44, § 1, 8-24-99)

Panel Antenna: An array of antennas designed to concentrate a radio signal in a particular area.
(Ord. No. 1998-35, § 3, 10-13-98)

Person: Any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or any combination thereof, or other entity.
(Ord. No. 78-33, § 1(1.12), 6-27-78; Ord. No. 93-3, § 1.11, 1-26-93; Ord. No. 1999-44, § 1, 8-24-99)

Place of Worship: A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five (5) years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.
(Ord. No. 1999-44, § 1, 8-24-99)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public or Private Facility: Means 1 or more dwelling units in a single structure on a single lot or parcel of record, regularly occupied by no more than 16 related or unrelated minors or adult

persons and operated by public service agency or private care agency in accordance with section 39-185 of this code. This definition shall not include adult congregate living facilities.
(Ord. No. 80-92, § 1, 10-17-80; Ord. No. 86-27, § 1, 6-24-86)

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

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

Quarry: A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials for use on the premises where the excavation occurs shall not be included in this definition.
(Ord. No. 1997-13, § 1, 3-11-97)

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

Recreational Vehicle: Shall mean one of the following:

(1) *Camping trailer:* A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls

which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.

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

(3) *Motor home:* A vehicular unit which does not exceed the length and width limitations provided in 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 seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed 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 appurtenances 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).

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

(Ord. No. 1999-39, § 1, 6-22-99)

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

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

Residence: 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 than at a commercial marina or commercial yacht club shall be rebuttably assumed to be in residence aboard such floating home or vessel.
(Eff. 12-4-78)

Resident, Adult Congregate Living Facility: An individual receiving care in an adult congregate living facility.
(Ord. No. 86-27, § 1, 6-24-86)

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

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

Resort: A public lodging establishment which provides recreational facilities and entertainment for guests. This term shall

also include facilities which provide physical or psychological therapeutic services in conjunction with recreation and entertainment.
(Ord. No. 1999-44, § 1, 8-24-99)

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

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

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

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

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

Service Station: Any building or land used for retail sale and dispensing of automobile fuels and oils. A service station may furnish supplies, equipment and minor repair services, including used tires, to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.
(Eff. 10-9-78)

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

Shopping Center: A group of 3 or more individual tenant spaces in a nonresidential building, each of which share at least one common wall with another unit.
(Ord. No. 1999-23, § 1, 5-11-99)

Shopping Center Outparcel: A commercial building, which provides its own required parking, landscaping and pervious areas, which is contiguous on at least two sides to a shopping center.
(Ord. No. 1999-23, § 1, 5-11-99)

Side Yard, Street: A yard extending between a front and rear yard which directly abuts a street.
(Ord. No. 96-17, § 1, 5-28-96)

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

Specified Anatomical Areas:

(1) Less than completely and opaquely covered:

a. Human genitals and pubic region;

b. Cleavage of the human buttocks;

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

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

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

Specified Sexual Activities:

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

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

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

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

(5) Friction or lap dancing.

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

Stealth Facility: Any wireless communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and wireless communication and/or personal wireless services towers designed to look like light poles, power poles or trees.
(Ord. No. 1998-35, § 3, 10-13-98)

Story: A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds of the area of the first floor level shall not be considered a story except for determining the height of the building. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade.
(Ord. No. 96-17, § 1, 5-28-96; Ord. No. 1998-27, § 9-8-98)

Street: A public thoroughfare or any other vehicular accessway recorded in the public records of Broward County, Florida, for the sole purpose of providing access to and from abutting properties, and which is at least fifty (50) feet in total width.
(Ord. No. 96-17, § 1, 5-28-96)

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

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

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

Temporary Wayside Stand: Any portable facility, other than a mobile food unit or mobile food unit limited to the preparation and sale of frankfurters, such as a vehicle, table, bin, awning, canopy, booth, bench or any other type of display area situated on or adjacent to a public or private street or road right-of-way whereupon there are no sanitary facilities or off-street parking facilities as required by the South Florida Building Code and the Broward County Code of Ordinances, respectively, and which portable facility is utilized for the purpose of selling, offering for sale, or dispensing any item to the general public.
(Ord. No. 82-44, § 1, 8-13-82)

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

Timeshare: A building consisting of three (3) or more individual dwelling units, where each dwelling unit is purchased, owned or sold to more than one owner on the basis of a specified amount of time that the unit can be occupied by each owner.
(Ord. No. 96-17, § 1, 5-28-96)

Townhouse: A one-family dwelling constructed as part of a series or group of attached dwellings with a common party wall or fire separation wall connecting each dwelling unit and with a property line running through the center of the common party wall or fire separation wall. Dwellings attached only by an open breezeway; or other unroofed wall or fence are not included in this definition.
(Ord. No. 96-17, § 1, 5-28-96)

Trailer: A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may

be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another.
(Ord. No. 87-33, § 1, 6-23-87)

Translucent: Any material which allows the passage of light, but does not permit a clear view of any object or person.
(Ord. No. 96-17, § 1, 5-28-96)

Transportation facilities: Transportation facilities shall include airports, heliports, shipping docks, railroad or bus terminals and all other such facilities which provide for mass public transportation or freight services.
(Ord. No. 1999-24, § 1, 5-11-99)

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

Use (v.): "Use" or "used" shall mean the establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.
(Ord. No. 93-44, § 3, 11-23-93)

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

Use 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 recreation or governmental buildings, cemetery, crematory, mausoleum, library, art gallery, museum, educational, recreational or social center, church, nursery school, child care center, public, private or parochial schools, hospital, sanitarium, convalescent home, orphanage, institutions for the aged, indigent or infirm, community garage, private club, lodge, fraternity, sorority, educational, philanthropic or eleemosynary institutions, medical or dental office or clinic, college or university.

Use, 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.

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

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

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

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

Whip Antenna: A cylindrical antenna that transmits signals in 360 degrees.
(Ord. No. 1998-35, § 3, 10-13-98)

Wholesale store: A commercial establishment primarily for the sale of merchandise directly to the ultimate consumer, but which also provides for the resale of new merchandise to other commercial enterprises as an accessory use.
(Ord. No. 1999-23, § 1, 5-11-99)

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

Wireless Communication Facility: An antenna, stealth facility or wireless communication tower.
(Ord. No. 1998-35, § 3, 10-13-98)

Wireless Communication Tower: A guyed, monopole or self-support/lattice tower, constructed as a free-standing structure, containing one or more antennas, used in the provision of personal wireless services, excluding radar towers, amateur radio support structures licensed by the Federal Communications Commission (FCC), private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable codes.
(Ord. No. 1998-35, § 3, 10-13-98)

Yard: A space on the same plot with a structure or use, open and unobstructed from the ground to the sky except by encroach-

ments specifically permitted in the zoning ordinance. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines.

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

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

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

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

Yard Sale: The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building.
(Ord. No. 96-17, § 1, 5-28-96)

Zoning Board: The Zoning Board of Broward County.

Zoning Official: The director of the code and zoning enforcement division or his/her designee.
(Ord. No. 93-44, § 3, 11-23-93)

Secs. 39-5—39-9. Reserved.

ARTICLE III. ADMINISTRATION AND LEGAL PROVISIONS*

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

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

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

§§ 39-3—39-5 were amended.

§§ 39-6, 39-7 were repealed.

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

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

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

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§§ 39-10—39-16 were repealed.

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

§ 39-10 was added.

code shall govern; except that where the regulations of the other law or ordinance are more restrictive than those of this code, the other shall govern.
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 3, 11-28-95)

Sec. 39-11. Zoning district maps.

(a) The areas assigned to these districts, the designations of same, and the boundaries of said districts shown upon the maps hereto attached and made a part of this 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.
(Ord. No. 95-50, § 3, 11-28-95)

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

Sec. 39-12. District boundaries.

(a) Unless otherwise shown, the district boundaries are 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 of 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 or 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.

(c) *Water areas.*

(1) The water surface and the land under the water surface, of all canals, rivers, waterways, ponds, lakes and other water areas in Broward County not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the zoning district maps. Where the zoning districts shown on the zoning district maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the center line or midpoint of the water area.

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

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

(e) *Railroad rights-of-way.* Where not otherwise indicated on zoning district maps or specified in this code, railroad rights-of-way are hereby placed in the same zoning district as indicated or specified for abutting property, except that where the zoning districts are different on opposite sides of a railroad right-of-way, the railroad right-of-way is hereby placed in the more restricted district of the two zoning districts abutting the right-of-way. (Ord. No. 95-50, § 4, 11-28-95)

Sec. 39-13. 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 39-12(d), 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; Ord. No. 95-50, § 5, 11-28-95)

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

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

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

Sec. 39-15. Permits required.

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

(b) Any permit issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance or approval of a final inspection, whichever occurs first. Any expired permit which

is not renewed within sixty (60) days of the date of expiration shall become void; and any new permit shall be subject to all current requirements of the Broward County Zoning Code.

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

(d) A construction layout survey shall be submitted to the zoning official or designee prior to or at commencement of construction of any building or structure on undeveloped property to ensure compliance with the approved site plan. Such survey shall also indicate all easements and rights-of-way of record.
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 93-44, § 1, 11-23-93; Ord. No. 95-50, § 6, 11-28-95)

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

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

(b) No license, permit or certificate shall be issued by any department, agency or official of Broward County for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve, in any way, or constitute a violation of this code, or upon any premises where a violation of this code is pending or unresolved.
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 7, 11-28-95)

Sec. 39-17. Plans and surveys.

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

(1) A site plan in triplicate, drawn to scale, showing the actual dimensions of the plot involved in the application, the location of the structure proposed, yards and setbacks,

easements and rights-of-way, as well as such other pertinent information as may be necessary for the enforcement of this code.

(2) Three sealed copies of a boundary survey for plots which are comprised of a portion of a platted lot, tract or parcel or otherwise described by metes and bounds. Such surveys shall indicate all easements and rights-of-way of record.

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

(1) A site plan in triplicate, drawn to scale, showing the actual dimensions of the plot involved in the application.

(2) Three sealed copies of an as-built survey describing and depicting the plot involved in the application and indicating all easements and rights-of-way of record.

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

(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 8, 11-28-95)

Sec. 39-18. Administration.

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

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

Sec. 39-19. Certificates required.

(a) No commercially or industrially zoned building or structure, or part thereof, or premises zoned 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 of the certificate shall be posted at the business location at all times.

(b) The zoning official shall notify the holder of any certificate of use, in writing, of the zoning official's intent to revoke a certificate of use for any of the following reasons:

(1) The zoning official has reasonable grounds to believe that the premises is being used in a manner that is inconsistent with, or contrary to, the provisions of the zoning code or any other applicable code or statute;

(2) In the event of a conviction of any owner, operator, manager, supervisor, or any employee acting at the direction or with the knowledge of the owner, operator, manager, or supervisor, by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the business operation;

(3) It has been ascertained that the holder of the certificate of use falsified any information on the application for the certificate of use; or

(4) The holder of the certificate of use, or the holder's designated manager, operator or supervisor refuses to permit an authorized law enforcement officer or code enforcement officer to inspect the premises during normal business hours for the purpose of investigating a complaint which has been filed against the business operation.

(c) All written notifications from the zoning official of the intent to revoke a certificate of use shall be sent to the certificate holder by certified mail, return receipt requested, with a copy by regular mail, to the business location. The notice shall state the following:

> THE HOLDER OF THE CERTIFICATE OF USE SHALL HAVE TEN (10) DAYS FROM THE DATE OF THIS NOTIFICATION TO EITHER BRING THE PREMISES INTO COMPLIANCE OR TO REQUEST A HEARING, IN WRITING, BEFORE THE BROWARD COUNTY CODE ENFORCEMENT BOARD.
>
> IF NO WRITTEN REQUEST FOR A HEARING IS RECEIVED BY THE ZONING OFFICIAL WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTIFICATION BY THE CERTIFICATE HOLDER, THE CERTIFICATE OF USE SHALL BE CONSIDERED REVOKED.

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

Sec. 39-20. Right of entry.

For the purpose of enforcing the provisions of this code, officials and inspectors shall have a right of entry as provided by law whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under this code. The office of the county attorney is hereby authorized to seek inspection warrants as necessary.
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 10, 11-28-95)

Sec. 39-21. Validity.

Should any article, section, paragraph, sentence, clause, phrase, or other part of this code be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the code as a whole, or any part thereof, other than the part so declared to be invalid.
(Ord. No. 90-12, § 2, 6-26-90; Ord. No. 95-50, § 10, 11-28-95)

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

ARTICLE IV. DISTRICT AND REGULATION CHANGES*

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

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Board of

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

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

County Commissioners may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Code or amendments thereto.
(Ord. No. 1998-08, § 1, 4-28-98)

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

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

(b) The zoning board shall consist of fourteen (14) members, who shall serve at the pleasure of the Board of County Commissioners, in compliance with section 1-233, Broward County Code of Ordinances. Each County Commissioner shall appoint two (2) members who are either residents of the unincorporated area of Broward County or who own real property in the unincorporated area. If a member of the zoning board ceases to meet the residency or real property ownership requirements for any reason except annexation, he or she shall notify the appointing Commissioner, the chair of the zoning board, and the County Administrator, and he or she shall cease to be a member of the zoning board. If a member ceases to meet the residency or real property ownership requirement by reason of annexation, he or she shall be permitted to complete his or her term consistent with section 1-233 of the Broward County Code of Ordinances. A replacement member shall be designated pursuant to section 1-233, Broward County Code of Ordinances. Members shall serve without compensation but, to the extent permitted by law, shall be paid actual expenses incurred in performance of their duties.

(c) Such zoning board shall hold a public hearing before submitting its final report and recommendations, and the Board of County Commissioners shall not hold its public hearing or take

any action until it has received the final recommendation of such zoning board, or as otherwise provided in section 39-29(b), (c) and 39-30(c).

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

(e) The zoning board shall meet as determined by the Code and Zoning Enforcement Division. Special meetings must be requested in writing and approved by a majority of the zoning board at a regularly scheduled public hearing.
(Ord. No. 1998-08, § 2, 4-28-98)

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

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

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

Sec. 39-27. Notices of public hearing.

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

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

(1) For all County-initiated petitions for rezoning, notice shall be sent to all property owners and the mayor and city manager of any municipality within the petitioned area and all property owners and the mayor and city manager of any municipality within a radius of three hundred (300) feet from the perimeter of the petitioned area;

(2) For all owner-initiated petitions for rezoning, all property owners within a radius of five hundred (500) feet of the perimeter of the petitioned area, except that such radius shall be extended to one thousand (1,000) feet when any such request is in or contiguous to any rural, estate, or agricultural district.

(3) Such notice shall include the location and description of the subject property, the date, time, and place of the hearing, and an explanation of the request.

(4) Property owners and addresses for notice shall be determined in accordance with the current tax roll of Broward County, Florida, unless there is actual knowledge of a subsequent property owner.

(c) No public hearing shall be commenced by the zoning board or the Board of County Commissioners unless an affidavit of proof of required notice publications, posting and mailing (if applicable) is presented to the zoning board or Board of County Commissioners for review, and subsequently submitted to the County Administrator, or his or her designee, for filing with the minutes of the meeting.
(Ord. No. 1998-08, § 4, 4-28-98)

Sec. 39-28. Basis for recommendations.

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

(a) Whether there exists an error or ambiguity which must be corrected;

(b) Whether there exists changed or changing conditions which make approval of the request appropriate;

(c) The testimony of any applicants, their agents or representatives;

(d) The recommendation of staff;

(e) The testimony of the public;

(f) Whether the request is consistent with the goals, objectives, policies, and intent of the Broward County Comprehensive Plan;

(g) Whether the request is consistent with the densities, intensities, and general uses set forth in the Broward County Comprehensive Plan and the Land Use Element Map;

(h) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;

(i) Whether the request will place an undue burden on existing infrastructure and whether capacity exists for any projected increase that may be generated;

(j) Whether the permitted uses in a requested rezoning are compatible with existing and proposed uses in the general vicinity; except, however, nonconforming uses of neighboring lands, structures, or buildings shall not be considered as support for approval of any request; and

(k) Whether, for oceanfront properties, the following goals would be supported:

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

(2) The need to ensure the protection and enhancement of sea turtle nesting;

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

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

(Ord. No. 1998-08, § 5, 4-28-98)

Sec. 39-29. Zoning board recommendations.

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

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

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

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

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

zoning board recommending denial of the rezoning originally petitioned, a new public hearing shall be required.

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

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

(3) Recommend approval of the request;

(4) Recommend denial of the request;

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

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

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

(2) Recommend approval of the amendment;

(3) Recommend approval of the amendment with amendments;

(4) Recommend denial of the amendment;

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

(Ord. No. 1998-08, § 6, 4-28-98; Ord. No. 1999-55, § 1, 10-12-99)

Sec. 39-30. County Commission public hearings.

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

(1) *Denials and resubmission.* A denial by the Board of County Commissioners of a requested rezoning is a denial with prejudice. If an application is denied:

a. No application for the same district classification on any part of the same property shall be heard by the zoning board for a period of twelve (12) months from the date of denial by the Board of County Commissioners.

b. No application for any kind of rezoning on any part of the same property shall be heard by the zoning board for a period of six (6) months from the date of denial by the Board of County Commissioners.

(2) Any proposed rezoning or development of regional impact shall be in the form of an ordinance.

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

(1) Any proposed amendment to the Zoning Code shall be in the form of an ordinance.

(2) The Board of County Commissioners shall consider public input, the recommendations of the zoning board, if applicable, and the recommendations of staff in considering any ordinance amending the Zoning Code.

(3) At the conclusion of the public hearing, the Board of County Commissioners shall:

a. Adopt the ordinance as proposed;

b. Adopt the ordinance in part or with amendments consistent with the advertised notice of public hearing;

c. Defer the proposed ordinance to a future date; or

d. Reject the proposed ordinance.

e. Any amendments proffered which are not consistent with the advertised notice of public hearing shall be considered as a recommendation for initiation of a new amendment, requiring compliance with all provisions of this article.

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

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

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

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

within six (6) months from the date of such publication, the permit or development order shall be issued if it is consistent with existing permitted land uses or zoning district requirements.
(Ord. No. 1998-08, § 8, 4-28-98)

Sec. 39-32. Appeals.

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

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

ARTICLE V. VARIANCES AND APPEALS*

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

(a) *Appointments and qualifications:* The Board of County Commissioners shall appoint a board of adjustment to hear and decide requests for variances and appeals to administrative decisions relating to provisions of the Broward County Zoning Code ("Code"). The board of adjustment shall be comprised of seven (7) members who shall serve at the pleasure of the Board of County Commissioners in compliance with section 1-233, Broward

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

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

County Code of Ordinances. Each County Commissioner shall appoint one (1) member who is either a resident of the unincorporated area of Broward County or who owns real property in the unincorporated area. If a member of the board of adjustment ceases to meet the residency or real property ownership requirements for any reason except annexation, he or she shall notify the appointing Commissioner, the Chair of the board of adjustment, and the County Administrator, and he or she shall cease to be a member of the board of adjustment. If a member ceases to meet the residency or real property ownership requirements by reason of annexation, he or she shall be permitted to complete his or her term consistent with section 1-233 of the Broward County Code of Ordinances. A replacement shall be designated pursuant to section 1-233 of the Broward County Code of Ordinances. Members shall serve without compensation but, to the extent permitted by law, may be paid actual expenses incurred in the performance of their duties.

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

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

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

(1) Defer the matter to a subsequent public hearing to be held not more than sixty (60) days after the originally scheduled hearing; or

(2) Act upon the matter, either denying the petitioner's request or approving the petitioner's request.

(3) Render a written finding of fact on all matters heard. Such findings shall be rendered within ten (10) days after the public hearing, with copies provided to all parties of record. Findings relating to variances shall be in the form of a resolution. Upon verification that all conditions and limitations of a variance approval have been satisfied, including permits, certificates, or licenses, the resolution approving a variance shall also be signed by the zoning official, or designee, and recorded in the public records of Broward County, Florida.

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

(Ord. No. 1998-09, § 2, 4-28-98)

Sec. 39-36. Applications for hearings.

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

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

(1) A current as-built survey, sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property for which the variance is requested, indicating all improvements on the property, including setbacks from property boundaries, and all easements and rights-of-way of record;

(2) A site plan indicating the proposed construction and indicating the areas for which the variance is requested; and

(3) Any other information necessary to explain the request.

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

(1) The code section(s) being appealed;

(2) The decision(s) being appealed;

(3) The decision(s) being requested;

(4) Supporting statements, documents, etc.; and

(5) If the appeal relates to specific property, an as-built survey sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property in question, all improvements on the property, including setbacks, and all easements and rights-of-way of record.

(d) The Department of Planning and Environmental Protection shall schedule a public hearing on any request for variance or appeal to an administrative decision within forty-five (45) days of acceptance of any application or as soon thereafter as possible.
(Ord. No. 1998-09, § 2, 4-28-98; 1999-55, § 1, 10-12-99)

Sec. 39-37. Staff review.

The appropriate divisions within Broward County shall review all requests for variances and submit written comments relative thereto, whereupon a recommendation shall be presented to the board of adjustment at the public hearing.
(Ord. No. 1998-09, § 2, 4-28-98)

Sec. 39-38. Notices.

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

(b) *Notice to surrounding properties:* All owners of property within three hundred (300) feet of any property for which a variance is requested or which is the subject of an appeal of an administrative decision shall be notified of the hearing by regular first class mail at least ten (10) days prior to any hearing.

(c) *Content:* All required notices shall contain the petitioner's name, location and description of the property in question, the nature of the request, the Code sections involved, the time, date, and place of the hearing, and a statement explaining the right to appeal any decision of the board of adjustment.

(d) *Determination of ownership:* Property owners for purposes of providing notice shall be determined to be the person, persons, or legal entity shown on the current tax roll of Broward County, unless there is actual knowledge of a subsequent owner.
(Ord. No. 1998-09, § 2, 4-28-98)

Sec. 39-39. Authority.

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

(1) height

(2) yards

(3) offstreet parking and loading

(4) landscaping and buffers

(5) separation of uses

(6) plot coverage

(7) such other provisions of the Code which do not specifically prohibit such requests

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

(b) An appeal from any order, requirement, decision, or determination made by the zoning official must be filed within thirty (30) days after rendition of the order, requirement, decision or determination, whereupon the board of adjustment shall have the authority to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination made by the zoning official in the interpretation or enforcement of any provision of the Code. The board of adjustment shall have all the powers of the official from whose decision the appeal is taken. (Ord. No. 1998-09, § 2, 4-28-98)

Sec. 39-43. Time limits.

(a) Any variance authorized by the board of adjustment which relates to a structure or use requiring a permit, shall expire one hundred eighty (180) days from the date of the final finding and determination of the board of adjustment if:

(1) no zoning permit, certificate of use, or other required license has been issued based upon and incorporating the variance, and

(2) if all conditions and limitations of the variance have not been satisfied.

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

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

(d) Whenever the board of adjustment has taken action to reject a variance, the board of adjustment shall not consider any further request for any other variance on any part of the same property for a period of six (6) months from the date of such action.
(Ord. No. 1998-09, § 2, 4-28-98)

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

The decision of the board of adjustment on any variance or appeal from an administrative decision is final. Appeal of the board of adjustment's decision shall be by petition for writ or certiorari to the circuit court pursuant to the Florida Rules of Civil Procedure, within thirty (30) days of the rendition of the board of adjustment's findings.
(Ord. No. 1998-09, § 2, 4-28-98)

Secs. 39-45—39-49. Reserved.

ARTICLE VI. SIGNS

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

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

(1) Are compatible with their surroundings;

(2) Are legible under circumstances in which they are seen;

(3) Are expressive of the identity of individual businesses or organizations or the community as a whole;

(4) Promote the aesthetic appearance of the community; and

(5) Effectively and efficiently communicate the intent and nature of the business.

(Ord. No. 1998-27, § 2, 9-8-98)

Sec. 39-51. Definitions.

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

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

Aggregate frontage:

(1) *Interior plots:* The actual lineal street frontage;

(2) *Through plots:* The total actual lineal street frontage on both streets;

(3) *Corner plots:* The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;

(4) *Interrupted corner plots:* The sum of the actual street frontages exclusive of outparcels.

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

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

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

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

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

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

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

Billboard sign: A sign which directs attention to a business, commodity, service, product, activity or ideology not conducted,

sold, offered, available or propounded on the premises where such sign is located and the copy of which is intended to be changed periodically.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height of sign:

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

(2) All other free-standing signs: Height shall be measured from the elevation of the sidewalk adjacent to the sign location to the top of the sign. In the event no sidewalk exists, height shall be measured from the crown of the right-of-way at its closest point to the sign location.

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

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

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

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

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

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

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

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

Mansard roof (or wall): A false roof projecting over the front of a building; a sloping section of an exterior wall above the roof line

of a building at an angle with the exterior wall from which it extends. It may be covered with roofing material to simulate a roof, but serves as an aesthetic rather than functional purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pennant sign: (see banner or pennant sign).

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

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

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

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

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

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

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

Pylon sign: A sign affixed to a pylon.

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

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

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

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

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

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

Sign face: The part of a sign, visible from one direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination

used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

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

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

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

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

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

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

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

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

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

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

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

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

Window sign: A sign located on a window, door or other transparent surface, or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the public. This term shall not include merchandise located in a window or interior signs.
(Ord. No. 1998-27, § 2, 9-8-98)

Sec. 39-52. Prohibited signs.

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

(1) Animated signs;

(2) Banner or pennant signs, except as permitted by section 39-242;

(3) Balloon signs, except as permitted by section 39-242;

(4) Bench signs on privately owned property;

(5) Billboard signs within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts, except for any lawfully erected billboard sign existing on the effective date of this ordinance along any portion of the interstate or federal-aid primary highway system. For the purposes of this ordinance, the interstate and the federal-aid primary highway system shall mean U.S. 27, I-75, Sawgrass Expressway, Flamingo Road from the Miami-Dade County line to I-595, University Drive from the Miami-Dade County line to Sample Road, Florida

Turnpike and the Turnpike Extension, U.S. 441 (S.R. 7), I-95, U.S. 1, I-595, Sample Road from University Drive to U.S. 1;

(6) Flags, except as permitted by sections 39-242 and 39-60;

(7) Pole signs, except as expressly permitted;

(8) Projecting signs;

(9) Roof signs, extending above the roof line;

(10) Sandwich or sidewalk signs, except as permitted by section 39-242;

(11) Snipe signs;

(12) Trailer signs, except as permitted by section 39-242; and

(13) Vehicle signs.

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

Sec. 39-53. Nonconforming signs.

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

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

(b) Abandonment of a sign, as defined in section 39-51;

(c) Repair or reconstruction of a sign in disrepair, regardless of the reason for the deteriorated condition of the sign;

(d) Relocation of any sign for any reason; or

(e) Expiration of any temporary sign permit.

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

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

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

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

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

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

2. Billboard signs for which a permit was issued two (2) years prior to the effective date of this ordinance or less shall be removed within seven (7) years of the effective date of this ordinance.

(b) No variance may be granted from the provisions of this section to allow a billboard sign which is within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts along any portion of the interstate or federal-aid primary highway system to be enlarged, extended, reconstructed or structurally altered. No variance may be granted from the provisions of this section to

allow a nonconforming billboard sign to be enlarged, extended, reconstructed or structurally altered or to remain for longer than the applicable amortization period. However, repairs, maintenance, and improvements may be carried out in any one calendar year in an amount not to exceed fifty (50) percent of the market value of the sign for that year and, provided, that such work does not increase the height, size or setback deficiency of the nonconforming sign. Changeable copy signs and embellishments shall be prohibited on all nonconforming billboard signs.

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

Sec. 39-54. Sign permits.

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

(a) The name, address, and telephone number of the owner of the proposed sign:

(b) An indication of the specific type of sign and sign structure:

(c) The address and legal description of the plot where the sign will be located;

(d) A plan or design of the sign, drawn to scale, showing the dimensions, square foot area, sign face, copy, height of letters, colors, lighting, and the sign structure;

(e) The location and type of all other signs on the same plot;

(f) For free-standing signs, the overall height of the sign;

(g) For building, wall, parapet, facade, graphic, individual letter, pylon, and roof signs, the building frontage and height of the building wall, parapet, facade or pylon, or silhouette of the building;

(h) For window signs, the building frontage and height of the building wall, parapet, facade or pylon, the area of all windows, and the area of such windows to be used for signs; and

(i) New billboards shall be subject to subsections (a) through (f) and section 39-15 and 39-17, except that the sign plan shall not be required to indicate the sign copy and no permit shall be required for change of copy. For change of copy, which includes an embellishment, the owner of a billboard shall submit within twenty (20) days the following:

a. A certificate that the embellishment complies with the provisions of this section; and

b. A copy of the artistic rendering of the copy containing the embellishment with dimensions indicated.

(2) A licensed sign contractor shall be required for all signs.

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

(a) Building identification signs;

(b) On-premises directional signs;

(c) Flags, as permitted by section 39-60;

(d) Garage sale signs;

(e) General information signs;

(f) Hanging signs;

(g) Interior signs;

(h) Model signs;

(i) Nameplate signs;

(j) Opinion signs, regardless of size;

(k) Real estate signs;

(l) Religious signs; and

(m) Use-related informational signs.

(4) Permits shall not be required for the following signs:

(a) Holiday or seasonal signs;

(b) Murals;

(c) Public service signs; and

(d) Traffic control signs.

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

(6) Permit renewal.

(a) All signs existing at the effective date of this article shall be inspected and cataloged by the Code and Zoning Enforcement Division to ascertain whether such signs comply with the provisions of this article. A written notice shall be served upon the sign owner advising of the status of the sign and the necessary procedure for obtaining a sign label.

1. Signs that were lawfully permitted but do not comply with the provisions of this article shall be determined to be nonconforming and may remain, subject to section 39-53, and provided a sign label is obtained within thirty (30) days from the date notice from the Code and Zoning Enforcement Division is received. A renewal permit shall be obtained annually thereafter.

2. Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from the Code and Zoning Enforcement Division.

3. Signs that were not lawfully permitted but which comply fully with this article shall require a permit within thirty (30) days from receipt of notice from the Code and Zoning Enforcement Division.

(b) Whenever any business is sold, transferred or otherwise changes ownership and said business has a permitted sign and a valid sign label, at the time of the change of ownership or transfer of business, the new owner(s) shall file an application with the Code and Zoning Enforcement Division which reflects the change of ownership, the existing sign permit number, the name(s), address(es), and telephone number(s) of the new owner or person(s) in possession of the business, and shall pay all appropriate transfer and renewal fees.

(c) All sign permits, except billboard signs, shall be renewed annually no later than the date of initial permit issuance. Billboard signs shall be renewed in January of each year. Each sign face of a billboard sign shall be considered a separate sign.

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

(6) Permit revocation. Permits for signs may be revoked by the zoning official, or designee, if it is determined that any sign fails to comply with the terms of this article and the owner of such sign fails to bring the sign into conformity within thirty (30) days from receipt of any written notice of noncompliance.
(Ord. No. 1998-27, § 2, 9-8-98)

Sec. 39-55. Maintenance and removal.

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

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

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

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

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

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

(a) *Internally illuminated message.* The sign face is made of an opaque material and the copy is cut out of the material and replaced with translucent material. The sign's light source is inside the sign.

(b) *Internally illuminated sign.* The sign face is made of translucent material with an internal light source.

(c) *Back lighting.* The copy is raised beyond the sign face and the lighting illuminates the copy from behind in the form of back lighting or reversed channel lighting.

(d) *Shielded spotlight.* The sign face and copy are lighted by spotlights specifically directed at it. Such spotlights shall

be fully shielded so that they are not visible from streets or adjoining property and so that there is no light spillage beyond the sign face.

(e) *Neon.* The copy is conveyed through the use of neon tubing or the sign face is outlined by neon tubing.

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

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

(6) *Monument signs.*

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

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

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

(8) *Setbacks.* Free-standing signs of any type shall not be subject to front yard or street side setbacks specified in any zoning district, but shall be located no closer than five (5) feet

from any dedicated right-of-way or recorded road easement and shall not be closer than three (3) feet from any other privately owned property and, in nonresidential districts, not closer than twenty-five (25) feet from any residentially zoned property. Setbacks shall be measured from the edge of the sign face, cabinet, border or the outermost portion of the sign structure, whichever is closer to the plot line.

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

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

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

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

(13) *Window signs.* Window signs, including neon signs, shall not cover more than twenty (20) percent of any individual window or door area.
(Ord. No. 1998-27, § 2, 9-8-98)

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

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

(1) *Building wall signs, graphic signs, canopy signs, marquee signs, pylon signs or roof signs.*

(a) Letters, cabinets or borders shall not exceed the height of any canopy or marquee upon which the sign is affixed;

(b) The maximum length shall not exceed eighty (80) percent of the building frontage; and

(c) The total area of the sign shall not exceed twenty (20) percent of the aggregate building frontage.

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

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

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

The maximum area of any such sign shall be in accordance with the following:

Aggregate Frontage (in Feet)	**Maximum Area of Sign (in Square Feet)*
100 feet or less	32**
101—250	48**

Aggregate Frontage (in Feet)	**Maximum Area of Sign (in Square Feet)*
251—500	60
501—1,000	80
Over 1,000 feet	120

*The maximum areas specified apply to each sign face of a double-faced sign.
**The maximum height of these signs shall not exceed fourteen (14) feet.

(Ord. No. 1998-27, § 2, 9-8-98)

Sec. 39-58. Permitted permanent signs.

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

(1) *Agricultural uses.* The following non-illuminated signs shall be permitted for agricultural uses such as farms, fish breeding, ranches, equestrian operations, groves or plant nurseries:

(a) One free-standing identification sign which shall be either a monument sign or a fence or free-standing wall sign or a panel sign, not larger than thirty-two (32) square feet in area. Such signs may include changeable copy to indicate the currently available products or services or may be an opinion sign; and

(b) Directional and general information signs.

(2) *Billboard signs.* Billboards shall be permitted in agricultural, business, industrial and transportation districts and shall be subject to the limitations and requirements set forth below, provided that any such signs shall be located at least 1,500 feet from any other billboard sign or at least 1,500 from any public school or residentially zoned district other than agricultural zoning districts. Any lawfully erected billboard sign along any portion of the interstate or federal-aid primary highway system which is within 1,500 feet of another billboard sign or within 1,500 feet of a public school or residentially zoned district other than agricultural zoning districts shall be subject to the limitation and requirements set forth

below, however, the above shall not be construed to require any lawfully erected billboard to be altered to meet the criteria set forth below. Any non-conforming billboard sign existing lawfully on the effective date of this ordinance [Ord. No. 2000-22] or which becomes nonconforming as of the effective date of this ordinance shall be subject to the limitations and requirements set forth below for the remainder of the amortization period.

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

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

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

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

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

(e) Spacing.

1. No billboard shall be closer than 1,500 feet from any other billboard sign along the same side of a common right-of-way. Any billboard

less than one hundred (100) feet from the intersection of any two (2) rights-of-way shall be subject to spacing along both rights-of-way.

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

(f) Setbacks.

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

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

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

(h) Changeable copy. Billboard signs which conform to all requirements of this code may be changeable copy signs, provided:

1. The static display time for each message is a minimum of six (6) seconds;

2. The time to completely change from one message to the next is a maximum of two (2) seconds;

3. The change of message occurs simultaneously for the entire sign face;

4. The billboard sign contains a default design that will freeze the changeable copy in one position should a malfunction occur; and

5. The billboard sign is in compliance with all provisions of this article and is not a nonconforming use.

(3) *Gasoline stations and convenience stores.* The following signs, which may include logos, shall be permitted for gasoline stations and convenience stores:

(a) One (1) free-standing identification sign in the form of a panel sign, monument sign or fence or free-standing wall sign;

(b) Canopy signs;

(c) One (1) building wall sign on each building frontage. If an additional business is located within the principal building, one (1) additional building wall sign may be utilized provided the aggregate sign area of both signs does not exceed twenty (20) percent of the building frontage;

(d) Directional or general information signs, which shall be building wall signs and incorporated into the maximum sign size;

(e) Gasoline price rate signs shall be incorporated into the sign area of the free-standing identification sign, not to exceed twenty (20) percent of the sign area but not smaller than fifteen (15) square feet;

(f) Gasoline price rate signs placed on gasoline pumps shall not exceed six (6) square feet in total area per pump unit dispenser;

(g) Window signs, any or all of which may be use-related informational signs;

(h) Building identification signs;

(i) Changeable copy signs incorporated into a free-standing or building wall sign; and

(j) Signs for gasoline stations and convenience stores may be illuminated by any of the methods specified in section 39-56(3).

(4) *Hotels and motels.* The following signs, which may include logos, shall be permitted for hotels and motels:

(a) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign along the primary frontage. One (1) additional such sign shall be permitted on a secondary frontage not to exceed three-quarters (3/4) of the permissible height and one-half (1/2) of the permissible area of the primary sign;

(b) Changeable copy signs incorporated into the sign area of a free-standing sign or as a marquee sign;

(c) One (1) building wall sign or one pylon sign on each building frontage;

(d) Directional or general information signs;

(e) Strip lighting;

(f) One (1) additional building wall sign shall be permitted for identification of a restaurant or lounge accessory to the hotel or motel, not to exceed twenty-five (25) percent of the maximum permissible area for such signs;

(g) Canopy signs; and

(h) Signs may be illuminated by any means specified in section 39-56(3).

(5) *Multiple family residences.* The following signs shall be permitted for all multiple family residences:

(a) Two (2) building identification signs for each building on a multiple family plot, which shall be building wall signs, monument signs or hanging signs, and which shall not exceed five (5) square feet in sign area per sign. Monument signs shall not be higher than five (5) feet;

(b) One (1) nameplate sign per dwelling unit, not to exceed one and one- half (1½) square feet in sign area;

(c) Directional and general information signs;

(d) Opinion signs, not larger than five (5) square feet in sign area;

(e) Garage sale signs, subject to section 39-241, "yard sales"; and

(f) Building identifications may be illuminated by shielded spotlights or internal illumination.

(6) *Open space, conservation and outdoor recreational uses.* The following signs shall be permitted for open space, conservation, and recreational uses and properties:

(a) One (1) nonilluminated building identification sign for each individual building, not to exceed five (5) square feet in sign area. Such signs shall be building wall signs or monument signs. Monument signs shall not be higher than six (6) feet in height;

(b) One (1) free-standing identification sign at each entrance, not to exceed fifty (50) square feet in sign area. Such signs may include changeable copy. Such signs may be illuminated by any means specified in section 39-56(3), except that illumination shall be prohibited in conservation districts; and

(c) Nonilluminated directional and general information signs.

(7) *Free-standing schools, places of worship, community facilities, and hospitals.* The following identification signs, which may include logos or religious signs, shall be permitted for free-standing schools, places of worship, community facilities, and hospitals:

(a) One (1) free-standing identification sign, which may be double-faced and which may be a monument sign, fence or free-standing wall sign or panel sign along the frontage. If there is frontage on more than one street, one (1) sign shall be permitted along the primary or principal frontage, and one (1) additional sign shall be permitted along one additional frontage, not larger than three-quarters (3/4) the permissible height and one-half (1/2) the permissible area of the primary frontage sign. Box or cabinet signs may be internally illuminated. Painted or graphic signs may be illuminated by shielded spotlights. Individual letter signs may be illuminated either by internal illumination or by shielded spotlights;

(b) One (1) identification sign in the form of a building wall sign, graphic sign, canopy sign, marquee sign or pylon sign on each building frontage. Such signs may be box or cabinet or individual letter signs. Signs may be illuminated by internal illumination or shielded spotlights;

(c) Changeable copy signs and use-related information signs;

(d) Directional and general information signs;

(e) Building identification signs;

(f) Opinion signs; and

(g) Outdoor event signs as permitted by section 39-245.

(8) *Shopping centers, office parks, industrial complexes, major employment centers, and other multiple tenant buildings.* The following signs, which may include logos and religious signs, shall be permitted for shopping centers, office parks, industrial complexes, major employment centers, and other multiple tenant buildings:

(a) One (1) free-standing identification sign in the form of a monument sign, panel sign, fence or free-

standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters (3/4) of the permissible height and one-half (1/2) the permissible area of the primary sign. Such signs may include any of the following:

1. Directory signs;
2. Changeable copy signs; and
3. Building identification signs.

(b) One (1) building wall sign, graphic sign, canopy sign, awning sign, or pylon sign for identification of each tenant, which may be illuminated by any means specified in section 39-56(3), "General Requirements for Permanent Signs." Individual letter signs may only be internally illuminated;

(c) One (1) under canopy sign for each tenant;

(d) Directional and general information signs;

(e) Opinion signs;

(f) Strip lighting;

(g) Window signs, any or all of which may be use-related informational signs;

(h) One (1) nameplate for each tenant in an office complex, not to exceed six (6) square feet in sign area;

(i) Building identification signs; and

(j) Menu signs adjacent to a drive-through facility not visible from a street or other thoroughfare and not higher than eight (8) feet. A logo may be affixed to any side of the sign, not to exceed three (3) square feet in area.

(9) *Single and two-occupant commercial and industrial properties, shopping center outparcels, and other nonresidential uses not specifically mentioned.* The following signs, which may include logos and religious signs, shall be permitted for single and two-occupant commercial and industrial properties, including shopping center outparcels:

(a) One (1) free-standing identification sign, which may be a panel sign, monument sign or a fence or

free-standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters (3/4) the height and one-half (1/2) the permissible area of the primary sign. Such sign may include one (1) or both occupants of the property and may include changeable copy signs;

(b) One (1) of the following for each occupant:

1. Canopy sign
2. Marquee sign
3. Pylon sign
4. Awning sign

(c) Directional and general information signs;

(d) Opinion signs;

(e) Window signs, any or all of which may be use-related signs;

(f) Strip lighting;

(g) Building identification signs;

(h) Menu signs adjacent to a drive-through facility, not visible from a street or other thoroughfare, and not higher than eight (8) feet. A logo may be affixed to any side of the sign not containing menu information, not to exceed three (3) square feet in sign area;

(i) One (1) building wall sign, graphic sign, canopy sign, awning sign or pylon sign for identification of the tenant(s); and

(j) Signs may be illuminated by any means specified in section 39-56(3).

(10) *Single family residences.* The following signs shall be permitted for all single family residences:

(a) One (1) identification sign or nameplate or religious sign, not larger than three (3) square feet in area, which shall be a building wall sign, a fence or free-standing wall sign or a hanging sign;

(b) Opinion sign;

(c) General information signs not exceeding a total of three (3) square feet in area for all such signs;

(d) Garage sale signs subject to section 39-241; and

(e) No sign shall be illuminated.

(11) *Subdivision signs.* Subdivision signs shall be permitted in all residential zoning districts subject to the following limitations:

(a) Two (2) signs shall be permitted at the primary entrance to a subdivision, neighborhood or multiple family complex, a maximum of thirty-two (32) square feet in sign area per sign and not exceeding eight (8) feet in height. One (1) additional sign shall be permitted at any other entrance, one-half (1/2) the permissible area and three-fourths (3/4) the permissible height of a primary sign;

(b) Subdivision signs shall be monument signs or fence or free-standing wall signs; and

(c) Signs may be illuminated by any means specified in section 39-56(3).

(12) *Theaters.* The following signs, which may include logos, shall be permitted for theaters:

(a) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign;

(b) One (1) identification sign which may be a building wall sign;

(c) A changeable copy sign, limited to sign copy indicating the title of the performance or activity, the MPAA rating, the hours and date of the event, the name of the production company or sponsor, and/or the major star. Such sign may either be incorporated into the free-standing identification sign or may be a canopy or marquee sign. Multiple screen theaters may be permitted additional changeable copy area, not to exceed twenty-five (25) square feet per additional screen, over and above the maximum permitted sign area;

(d) Directional and general information signs;

(e) Strip lighting; and

(f) All signs shall be internally illuminated.

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

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

Figure 1.

Key to Zoning Districts

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

Sign Type/Function Permissibility by Zoning Category

X = Afirmative ☐ *Negative* *C = Conditional*	*Zoning Categories*													
	Agri	*Rural*	*Est*	*R6*	*RM*	*Bus*	*Ind*	*MH*	*PEC*	*Transp*	*CF*	*CR*	*OSR*	*Con*
FUNCTIONAL SIGNS														
Billboard Sign	X					X	X			X				
Building Identification Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Changeable Copy Sign	X	X	X	X	X	X	X		X	X	X	X	X	
Contractor Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Directional Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Directory Sign						X	X		X	X	X			
Election Sign	X	X	X	X	X	X	X	X	X		X	X		
Flags	X	X	X	X	X	X	X	X	X	X	X	X	X	

X = Afirmative □ Negative C = Conditional	Zoning Categories													
	Agri	*Rural*	*Est*	*R6*	*RM*	*Bus*	*Ind*	*MH*	*PEC*	*Transp*	*CF*	*CR*	*OSR*	*Con*
Garage Sale Sign	C	C	C	C	C			C						
Gasoline Price Rate Sign						X	X		X	X				
General Information Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Grand Opening Sign					C	C	C		C	C		C		
Holiday or Seasonal Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Identification Sign	X	X	X		X	X	X		X	X	X	X	X	
Logo	X	X	X		X	X	X		X	X		X	X	
Menu Sign						X	X		X			X		
Model Sign	X	X	X	X	X			X						
Nameplate Sign	X	X	X	X	X	X	X	X	X	X	X	X		
Off-premises Sign						X	X		X					
Opinion Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Outdoor Event Sign	C	C	C	C	C	C	C	C	C	C	C	C	C	
Project Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Service Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Real Estate Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Religious Sign	X	X	X	X	X	X	X	X			X			
Sales Office Sign	X	X	X	X	X	X	X	X	X					
Subdivision Sign	X	X	X	X	X	X	X	X	X					
Traffic Control Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Use-related Informational Sign						X	X		X	X	X	X	X	

X = Afirmative □ Negative C = Conditional	Zoning Categories													
	Agri	*Rural*	*Est*	*R6*	*RM*	*Bus*	*Ind*	*MH*	*PEC*	*Transp*	*CF*	*CR*	*OSR*	*Con*
STRUCTURAL SIGNS														
Animated Sign														
Balloon Sign						C	C		C			C	C	
Banner or Pennant Sign						C	C		C			C	C	
Bench Sign						X	X		X	X	X			
Box or Cabinet Sign						X	X		X	X	X	X		
Building Wall Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Canopy Sign						X	X		X			X	X	
Double-faced Sign					X	X	X		X	X	X	X		
Fence or Free-standing Wall Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Free-standing Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Graphic Sign					X	X	X		X		X			
Hanging Sign	X	X	X	X	X			X						
Illuminated Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	
Individual Letter Sign						X	X		X	X	X	X		
Marquee Sign						X	X		X					
Monument Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Neon Sign						X	X		X					
Nonilluminated Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Panel Sign						X	X		X	X	X	X		
Pole Sign														
Projecting Sign														

X = Afirmative □ Negative C = Conditional	Zoning Categories													
	Agri	*Rural*	*Est*	*R6*	*RM*	*Bus*	*Ind*	*MH*	*PEC*	*Transp*	*CF*	*CR*	*OSR*	*Con*
Pylon Sign					X	X	X		X	X	X			
Roof Sign						X	X		X					
Sandwich or Sidewalk Sign						C	C		C		C	C		
Snipe Sign														
Strip Lighting					X	X	X		X	X		X		
Trailer Sign						C	C		C		C	C		
Under Canopy Sign						X	X		X	X	X	X		
Vehicle Sign														
Window Sign						X	X		X					

Sec. 39-59. Master sign plans.

(1) For all plots having more than two (2) tenants displaying signs, a master sign plan shall be approved by the Code and Zoning Enforcement Division.

(2) No sign permits shall be issued contrary to the master sign plan.

(3) The master sign plan shall meet all of the provisions of this article and shall include the following:

(a) An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the plot;

(b) A site plan, drawn to scale, indicating the location of all free-standing signs erected or to be erected on the plot, including setbacks;

(c) A scale drawing of all free-standing signs depicting the sign type, height, dimensions and sign area, including the sign structures;

(d) For directory signs or other signs providing for more than one tenant, the amount of sign area allocated for each tenant shall be indicated;

(e) The standards for letter styles, letter colors, letter heights, and background colors to be used for the various types of signs on the plot. The size and type of items of information may be varied for major or anchor tenants in a shopping center; and

(f) The types of illumination to be used for each type of sign.

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

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

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

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

(8) All existing signs on the plot must conform to the master sign plan within a period of one (1) year from approval of the plan. (Ord. No. Ord. No. 1992-27, § 9-8-98)

Sec. 39-60. Temporary signs.

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

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

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

(a) Contractor signs

(b) Election signs

(c) Model signs

(d) Project signs

(e) Real estate signs

(f) Sales office signs

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

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

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

(a) For parcels less than one (1) acre in area, a maximum of twelve (12) square feet in sign area and six (6) feet in height above the ground;

(b) For parcels between one (1) and ten (10) acres in area, a maximum of sixteen (16) square feet in area and six (6) feet in height above the ground; and

(c) For parcels over ten (10) acres in area, a maximum of twenty- four (24) [square] feet in sign area and eight (8) feet in height above the ground.

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

(a) one model sign shall be permitted at the location of each model on a residential development under construction not to exceed three (3) square feet in sign area per sign and three (3) feet in height above the ground; and

(b) one election sign shall be permitted for each street frontage per plot for each candidate and issue.

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

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

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

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

(a) May only be displayed while the premises are actually available for inspection by a prospective buyer or tenant;

(b) May be off-premises signs, provided they are not less than four hundred (400) feet apart, are not more than three (3) square feet in area, are not more than three (3) feet in height; and

(c) May only be displayed on private property.

(d) Information boxes shall not be considered a sign.

(11) All temporary signs shall be removed within ten (10) days after the conclusion of the election, to which any temporary sign pertains, or the development, construction or sale of any building or property to which any temporary sign pertains, or shall be removed after the expiration of six (6) months from the erection of the sign, whichever occurs first.
(Ord. No. Ord. No. 1992-27, § 9-8-98)

Secs. 39-61—39-68. Reserved.

ARTICLE VII. NONCONFORMING USES AND STRUCTURES

Sec. 39-69. Establishment of nonconforming use.

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

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

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

(1) A sealed survey dated prior to the effective date of the resolution or ordinance which precluded the use, indicating that the use and buildings and structures accessory thereto were in existence;

(2) Three (3) sworn affidavits from persons having personal knowledge of the existence of the use and any accessory buildings and structures prior to the effective date of the resolution or ordinance which precluded the use;

(3) Verifiable photographs indicating the existence of the use and any accessory buildings and structures prior to the effective date of the resolution or ordinance which precluded the use;

(4) Copies of building permits issued prior to the effective date of the resolution or ordinance which precluded the use, indicating the proposed use and the size and location of any accessory buildings or structures.

(5) If, after review the use is determined to have met all requirements of this article, a certificate of legal nonconformity shall be issued by the zoning official, or designee.

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

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

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

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

(c) *Repair, alteration, enlargement of buildings and structures used for nonconforming uses.* No structure utilized for a nonconforming use shall be enlarged, extended or structurally altered, unless the use is changed to one which complies with the provisions of this code, provided, that repairs and maintenance may be carried out in any one year period in an amount not to exceed twenty-five percent (25%) of the assessed value of the structure for that year, and further provided that such work does not increase the cubical content of the building nor the floor area devoted to the nonconforming use, nor increases the number of dwelling units. Improvements required by Article VI, "Signs," Article VIII, "Functional Landscaping and Xeriscaping," Article XVII, "Commercial Districts," or Article XVIII, "Industrial Districts," shall be exempt from this subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a building occupied by a nonconforming use.
(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

Sec. 39-71. Change of nonconforming use.

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

(b) Any change of a nonconforming use shall be to a conforming use.
(Eff. 8-22-75; eff. 11-28-77; Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

Sec. 39-72. Discontinuance, destruction or abandonment of a nonconforming use.

(a) *Nonconforming use of land.* If for any reason a nonconforming use of land ceases or is discontinued for a period of more than sixty (60) days, the land shall not thereafter be used for a nonconforming use.

(b) *Nonconforming use of building or structure.* If for any reason the nonconforming use of a building or structure ceases or is discontinued for a period of six (6) months or more, the building or structure shall not thereafter be used for a nonconforming use.

(c) *Reconstruction after catastrophe.* If any nonconforming building or structure in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of rebuilding, repair and reconstruction will exceed fifty-one percent (51%) of the replacement cost of the same building or structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located. For purposes of this subsection, multiple-family residential buildings in multiple-family residential districts which are nonconforming insofar as maximum density, shall be exempt from this subsection and may be reconstructed to the same density, height, setbacks, plot coverage and amount of off-street parking as was originally provided, subject to compliance with the Land Development Code and subject to availability and allocation of reserve units.
(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

Sec. 39-73. Unlawful use not authorized.

(a) Nothing in this article shall be interpreted as authorization for, or approval of the continuation of the use of a structure or premises in violation of any ordinance or resolution in effect at the time the use was initially begun at the premises.

(b) The casual, temporary or illegal use of land or a building or structure, or part thereof, shall not be sufficient to establish the existence of a nonconforming use or to create any vested rights in the continuance of such a use.
(Ord. No. 2000-30, § 1, 6-13-00)

Sec. 39-74. Nonconformity other than use.

(a) The foregoing provisions of this article are intended to apply only to nonconforming uses, and are not intended to apply to uses permitted in the zoning district in which they are located in existing buildings and structures, and their plots, which do not conform to this code insofar as height, yards, plot size, plot area,

coverage, separation or other similar dimensional requirements or amount of off-street parking. Any additions, extensions or alterations to such existing buildings or structures shall comply with all applicable provisions of this code. In the event any such building or structure is damaged or destroyed by fire, flood, explosion, collapse, wind, war or other catastrophe, such building or structure may be reconstructed with the same dimensional requirements and amount of off-street parking as the original building or structure, provided there is no change of use as defined in section 39-215(d), "Off-street parking required."

(b) If the occupancy of a building, or part thereof, by any nonresidential use permitted in the zoning district in which it is located, but which does not comply with this code insofar as dimensional requirements, separations or amount of off-street parking, ceases for any reason for a period of six (6) months, such use shall not thereafter be permitted to occupy the building, or part thereof, unless the building, or part thereof, and plot thereon are in full compliance with this Code.
(Ord. No. 95-50, § 13, 11-28-95; Ord. No. 2000-30, § 1, 6-13-00)

ARTICLE VIII. FUNCTIONAL LANDSCAPING AND XERISCAPING

Sec. 39-75. Purpose and intent.

The general purposes of this Article are as follows:

(a) To promote the establishment of a functional landscape in the unincorporated area of Broward County;

(b) To protect and enhance the aesthetic character of Broward County;

(c) To provide the physical benefits of using plant material as a 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 and Abuse Ordinance, Chapter 27, Article XIV;

(2) The reestablishment of native plant communities;

(3) The use of site-specific plant materials; and

(4) The implementation of xeriscape principles as identified in *South Florida Water Management District's Xeriscape Plant Guide II,* as amended, and as provided by law.

The provisions of this Article shall be a minimum standard and shall apply to the unincorporated areas of Broward County. (Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 1, 5-11-99)

Sec. 39-76. Definitions.

In addition to the definitions set forth under Article II, section 39-4, the following definitions shall apply to this article:

(a) *Accessway:* A private vehicular roadway intersecting a public right-of-way.

(b) *Applicant:* The owner or the authorized agent of the subject property.

(c) *Berm:* A linear earthen mound.

(d) *CPTED:* Acronym for Crime Prevention Through Environmental Design; design approach to reduce crime and fear of crime by creating a safe climate within a building environment.

(e) *Canopy:* The upper portion of a tree consisting of limbs, branches and leaves.

(f) *Clear Trunk:* The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

(g) *Clear Wood ("Gray Wood"):* The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

(h) *County:* The department or division of Broward County government that the County Administrator has designated to enforce this functional landscape code.

(i) *Diameter Breast Height (DBH):* The diameter of the tree trunk(s) measured at four and one-half (4½) feet above grade.

(j) *Disturbed land/ground:* Any land where the original natural vegetation has been removed, displaced, overtaken or raked.

(k) *Ecological Community:* Any one of the native vegetative plant communities as same may be determined pursuant to Chapter 5, Article XII, "Natural Resource Areas," § 5-279 et seq., Broward County Code of Ordinances, as same may be amended from time to time.

(l) *Functional Landscaping:* The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.

(m) *Groundcover:* A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

(n) *Hedge:* A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.

(o) *Irrigation:* The method of supplying plant materials with water other than by natural rainfall.

(p) *Landscape / Landscaping:*

(1) When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

(2) When used as a verb, this term shall mean the process of installing or planting materials commonly used in landscaping or environmental design.

(q) *Mulch:* Organic material such as wood chips, pinestraw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(r) *Native Plant Species:* For the purpose of this Article, native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by Broward County, or that can be scientifically documented to be native to South Florida.

(s) *Nonvehicular Use Open Space:* All areas, excluding areas defined as vehicular use areas, areas preserved as ecological communities, required landscaping adjacent to public rights-of-way and abutting property, existing structures to remain, and proposed structures. This definition includes areas permanently covered with water.

(t) *Planting Soil:* A medium composed of thirty (30) percent muck or horticulturally acceptable organic material, including solid waste compost.

(u) *Shrub:* A woody plant with several stems produced from the base which could be maintained in a healthy state at approximately a 10- to 12-foot height.

(v) *Site-Specific Plant Materials:* The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(w) *Tree:* A self-supporting, woody perennial plant, usually with one vertical stem or maintrunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(x) *Turf:* The upper layer of soil matted with roots of grass and covered by viable grass blades.

(y) *Vegetation:* Angiosperms, gymnosperms, ferns and mosses.

(z) *Vehicular Encroachment:* Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(aa) *Vehicular Use Area:* Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(bb) *Vine:* Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(cc) *Xeriscape:* A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 2, 5-11-99)

Sec. 39-77. Landscape plans.

(a) All buildings, structures and changes of use requiring a Development Order in accordance with Chapter 5, Article IX of the Broward County Code of Ordinances shall require submittal

of a landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to Chapter 481, Part II, Florida Statutes, as amended. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property. The landscape plan shall meet the following requirements:

(1) A minimum scale of one (1) inch equals fifty (50) feet.

(2) Location of all trees, vegetation, or ecological communities to be preserved, or tree survey as approved by the Broward County Department of Planning and Environmental Protection, if applicable.

(3) Location and outline of existing buildings and site improvements to remain.

(4) Location and outline of proposed buildings, site improvements, and water bodies.

(5) Location of all landscape material to be used.

(6) Landscape material schedule listing all plants being used with their botanical and common name, their quantity and size, and degree of drought tolerance (as determined by the *South Florida Water Management District Xeriscape Plant Guide II,* as amended) and indication of whether native to South Florida.

(7) Spacing of plant material (where appropriate).

(b) The irrigation plan shall meet the following requirements:

(1) A minimum scale of one (1) inch equals fifty (50) feet.

(2) Location of existing trees, vegetation and ecological communities to remain, if applicable.

(3) Location of existing buildings, paving, and site improvements to remain.

(4) Location of proposed buildings, paving, site improvements, and water bodies.

(5) Main location, size and specifications.

(6) Valve location, size and specifications.

(7) Pump location, size and specifications or water source.

(8) Backflow prevention device type and specifications.

(9) Controller locations and specifications.

(10) Zone layout plan (minimum scale 1″ = 20′):

a. Indicating headtype, specifications and spacing; and

b. Indicating methods used to achieve compliance with xeriscape principles as required by Section 125.568, Florida Statutes.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 3, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99)

Sec. 39-78. Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described.

(a) Topsoil shall be of the minimum quality as specified in the plant materials section of this Article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of six (6) inches of topsoil around and beneath the root ball. A minimum of three (3) inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of eighteen (18) inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(b) All trees shall be properly guyed and staked at the time of planting until establishment. The use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.

(c) All parking islands and landscape strips shall be installed with continuous curbing or landscape timbers to prevent damage to the plant material and the displacement of topsoil and mulch.

(d) All landscape areas, excluding single-family residences and duplex dwellings, shall be provided with an automatically

operating, underground irrigation system designed to have one hundred (100) percent coverage with one hundred (100) percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.

(1) Pursuant to 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) Automatic controlling devices shall be used on all irrigation systems.

(4) Preserved ecological communities shall not be irrigated unless required by the Broward County Department of Planning and Environmental Protection.

(5) On non-conforming lots under five thousand (5,000) square feet in size requiring landscape upgrades, irrigation may be accomplished by the installation and use of hose bibs.

(e) Inspections of site for landscape installation:

(1) A pre-inspection of the site will be required to determine site conditions and appropriate use and selection of landscape material prior to installation.

(2) A final landscape inspection will be required upon completion.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 4, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99)

Sec. 39-79. Maintenance of landscaped areas.

(a) An owner of land subject to this Article shall be responsible for the maintenance of said land and landscaping so as to present

a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(b) Three inches of clean, weed-free, organic mulch shall be maintained over all areas originally mulched at all times. Turfgrass shall be mowed regularly.

(c) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(d) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(e) An owner is responsible to ensure that landscaping that has been required to be planted pursuant to this Article, or installed in compliance with the landscape requirements previously in effect, be maintained in Florida Grade One condition, including but not limited to single-family residences, multifamily, commercial or industrial sites. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article shall be used. If any preserved vegetation dies which is being used to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, 5-11-99)

Sec. 39-80. Plant material.

(a) *Quality:* Plant materials used in accordance with this Article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of *Grades and*

Standards for Nursery Plants, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.

(b) *Native Vegetation:* The following percentage of all vegetation, excluding all turfgrass, required to be planted by this code shall be indigenous to South Florida. In order to facilitate growers who may need to reassess field stock, the following dates are established to institute minimum percentages:

(1) Forty (40) percent as of June 1, 1999;

(2) Fifty (50) percent as of January 1, 2001.

(c) *Preserved / Created Ecological Communities:* Ecological communities shall be preserved or created as required by Chapter 5, Article XII, Broward County Code of Ordinances. Sites which consist of five acres or more, where there is no viable ecological community, the applicant shall show on the landscape plan an area or areas equivalent to two and one-half (2½) percent of the site to be planted and preserved as an ecological community, pursuant to the conservation goals, objectives and policies of the 1989 Broward County Comprehensive Plan, Volume 2, Adopted Components. Sites which consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For sites of five acres or more, this shall constitute an additional requirement.

(d) *Trees:*

(1) Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunk(s) which can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty (20)-foot crown spread. Such a grouping shall count as one tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than twenty (20) percent of the total tree requirements for any provision herein, and shall have a minimum of six (6) feet of clear wood. On projects requiring more than ten (10) trees, a minimum of two (2) species shall be used.

(2) Non-conforming sites with lots under three thousand (3000) square feet or with less than five (5) feet of

nonvehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot maturity, with canopy equivalent at such height.

(3) Trees used in the required landscaping adjacent to a public street are subject to approval by Broward County so that the character of the public street can be maintained.

(4) The following plant species shall not be planted as required or optional landscaping and, in addition, these species shall be removed from the construction sites:

Botanical Name	*Common Name*
Acasia auriculiformis	Earleaf Acasia Ficus
ficus spp.	
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
Ardisia solanacea	Shoebutton Ardisia

(5) The following species shall not be used as required landscaping, and shall not, in the aggregate, constitute more than ten (10) percent of the total number of trees to be installed.

a. Brittle Species List.

Botanical Name	*Common Name*
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 twenty-five (25) feet to a public right-of-way, public easement or public improvement, or any structure:

Botanical Name	*Common Name*
Brassaia actinophylla	Schefflera

(6) The County shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this Article.

(7) Tree species shall be a minimum overall height of ten (10) to twelve (12) feet, Florida Grade One material, with a minimum trunk diameter at breast height (DBH) of two and one-half (2½) inches and a minimum of four and one-half (4½) feet of clear trunk immediately after installation. Minimum canopy spread shall be characteristic of the species at such height and DBH requirements. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this Article. No credit shall be granted for preserved trees which are in extremely poor condition or declining health.

(e) *Shrubs and Hedges.*

(1) Shrubs shall be a minimum of two (2) feet, full to base, and planted two (2) feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two (2) feet in height above the vehicular open space pavement surface that directly abuts the shrubs at time of planting.

(2) Required buffer hedges shall be planted and maintained so as to form a continuous, unbroken solid, visual screen, with a maximum height of three (3) feet, to be attained within one (1) year after planting.

(3) Ficus spp., when planted as a hedge, may be used to meet the requirements of dumpster enclosure, mechanical equipment and electrical transformer screening only.

(f) *Vines.* Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, planted at ten (10)-foot intervals, to meet landscape buffer requirements as specified.

(g) *Groundcover.* Groundcovers shall be planted with a minimum of fifty percent (50%) coverage with one hundred percent (100%) coverage occurring within six (6) months of installation.

(h) *Turf:*

(1) All turf areas shall be sodded using species suitable as permanent lawns in Broward County, including St. Augustine, Bahia, and their cultivars. Large turf areas not subject to erosion, such as playfields, may be grassed with methods other than sod using permanent species suitable for Broward County.

(2) Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape and shall be placed so that it can be irrigated separately from planting beds.

(3) Turfgrass areas shall be consolidated and limited to those areas on the site that require pedestrian traffic, provide for recreation use or provide soil erosion control such as on slopes or in swales, or surface water management areas, and where turf is used as a design unifier, or other similar practice use. Turf areas shall be identified on the landscape plan.

(4) The following percentages shall apply to turf areas:

a. No more than eighty (80) percent of the required landscape area for single-family and duplex dwellings may be in turfgrass.

b. No more than sixty (60) percent of the required landscape area for multifamily dwellings may be in turfgrass.

c. No more than fifty (50) percent of the required landscape area for other development uses may be in turfgrass.

(i) *Xeriscape.*

(1) A minimum of twenty (20) percent of the pervious area on single family and duplex dwellings must be in xeriscape

landscape, with the exception of Agricultural, Rural and Estate zoning districts (See section 39-85 for these requirements).

(2) A minimum of forty (40) percent of the pervious area of multifamily dwellings must be in xeriscape landscape.

(3) A minimum of fifty (50) percent of the pervious area of all other development uses must be in xeriscape landscape.

(j) *Topsoil:* Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a minimum of thirty (30) percent muck or horticulturally acceptable organic material.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 6, 5-11-99)

Sec. 39-81. Landscape requirements for vehicular use areas.

(a) *Applicability:* All vehicular use areas serving nonresidential uses shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other vehicular uses on, under or within buildings and parking areas serving single- or two-family dwellings.

(b) *Required Landscaping Adjacent to Streets and Abutting Properties:* On the site of a building or open lot providing a vehicular use area for a nonresidential use where such area will not be entirely screened visually by an intervening building or structure from any abutting street(s) and property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

(1) Except for Office Park "OP" Districts, a strip of land at least five (5) feet in depth, located between the abutting street(s) and the vehicular use area and the abutting property lines and vehicular use area which is exposed to the abutting street shall be landscaped. Office Park "OP" Districts shall require at least ten (10) feet to be landscaped. Such landscaping shall include one (1) tree for each thirty (30) lineal feet or fraction thereof. The first tree shall be set back ten (10) feet from the intersection of

the ingress/egress and the street, which setback shall be limited to groundcover only. Such tree shall be between the abutting street and the abutting property lines and vehicular use areas. In addition, a hedge, berm, wall or other durable landscape barrier, to begin after the first ten (10) feet, shall be placed along the inside perimeter of such landscape strip and shall be maintained at a maximum height of three (3) feet, to meet CPTED principles, along the abutting street. If such durable barrier is of nonliving material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted along the street side of such barrier. The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving, turfgrass not to exceed the maximum amount allowable in the xeriscape requirements. This buffer may not be counted toward meeting the interior landscape requirements.

(2) All property other than the required landscaped strip lying between the street and vehicular use areas shall be landscaped with turfgrass or other groundcover; if turfgrass is used, it shall not exceed the xeriscape requirements.

(3) Necessary accessways from the public street through all such landscaping shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

(c) *Parking Area Interior Landscaping.* An area, or a combination of areas, equal to (10) percent of the total vehicular use area exclusive of perimeter landscape buffers required under this subsection shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this section shall be counted as part of the interior landscaping requirements, as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection. All parking areas shall be so arranged so that if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five (5) feet in width. Other suitable solutions or innovative designs may be substituted when approved by the Development Manage-

ment Division and Code and Zoning Enforcement Division. In addition, there shall be a minimum of one (1) tree planted for every landscaped area, and in no instance shall there be less than one (1) tree and three (3) shrubs for each two hundred (200) square feet, or fraction thereof, of required interior landscaped areas of the parking stalls in that aisle. In addition, all approved grass parking areas will meet the same requirements as paved parking, and will not be calculated in the pervious space requirements. Landscaped areas, walls, structures and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs located a minimum of two and one-half (2½) feet from any landscaped area.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95); Ord. No. 1999-25, § 7, 5-11-99)

Sec. 39-82. Sight distance for landscaping adjacent to street intersections and points of access.

When the subject property abuts the intersection of two (2) or more streets, all landscaping within the triangular area located within twenty-five (25) feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between thirty (30) inches and eight (8) feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five (5) feet from the edge of any roadway and three (3) feet from the edge of any alley or pavement.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 8, 5-11-99)

Sec. 39-83. Nonvehicular open space.

All nonvehicular open space on any site shall conform to the following requirements:

(a) *General Landscape Treatment:*

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular open space areas not covered by paving or structures, using the required per-

centages specified in Section 39-80(h)(4) above. No substance which prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.

(2) Each structure shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of twenty (20) percent of the front of the structure being planted with shrubs at a minimum of two (2) feet in height.

(b) *Shrub and Tree Requirements:* Shrubs and trees shall be planted in the nonvehicular open spaces to meet the following requirements:

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 three (3) sides by landscape material that is a minimum of thirty (30) inches in height. Such screening shall not interfere with normal operation of equipment. In addition, bus shelters which are located within property lines shall be screened with plant material a minimum of two (2) feet in height on three (3) sides, and one canopy tree, ten (10) feet in height.

(d) *Signs:* All freestanding sign installations require the installation and establishment of plant material to enhance the structure, at a minimum of one shrub for every two (2) feet of lineal width of the sign structure on each side; and ground cover, a minimum of five (5) feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(e) *Billboard signs:* All billboards require the installation and establishment of plant material to enhance the structure at a minimum of four (4) trees, chosen from a list of trees that will attain a height of not more that fifteen (15) feet, and a minimum of one shrub for every two (2) feet of lineal width of the sign structure on each side of tree line.

(f) *Minimum Landscape Credits and Adjustments:* An owner shall receive credit against the minimum landscape code requirements of this Article for preservation, replacement or relocation of existing trees as set forth under in the Broward County Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV, other than preserved ecological communities, on a one-for-one basis.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 9, 5-11-99)

Sec. 39-84. Buffers between residential and nonresidential properties.

(a) Where any plot zoned or used for nonresidential uses, except industrtial uses, is separated by a street, alley, canal or public open space from a residential plot, any such nonresidential plot adjacent to such separator shall be provided with a landscape buffer at least ten (10) feet in depth. Any plot zoned or used for industrial uses shall provide a landscape buffer at least fifteen (15) feet in depth. The landscape buffer shall meet the landscaping requirements for vehicular use areas or general open space, whichever is applicable in total or in part.

(b) Where a plot zoned or used for nonresidential uses, except industrial uses, is contiguous to a residentially zoned or used plot, any such nonresidential plot shall be provided with a landscape buffer at least ten (10) feet in depth adjacent to the residential district or use.

(c) Where any plot zoned or used for industrial purposes is contiguous to a residentially zoned or used plot, any such industrial plot shall be provided with a landscape buffer at least twenty (20) feet in depth adjacent to the residential district or use.

(d) Where any plot zoned or used for business, nonresidential or industrial purposes, is contiguous to a park, environmentally sensitive land site (ESL), or urban wilderness area, whether directly or separated by a street, alley, canal or public open space, a minimum of twenty-five (25) feet of landscape buffer shall be provided along such street or property line.

(e) Where any plot zoned for Office Park (OP) is adjacent to any of the above uses, the buffer shall be double the size required in subsections (a), (b), (c) or (d) above.
(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 10, 5-11-99)

Sec. 39-85. Single-family and two-family dwellings landscape requirements.

All new single-family and duplex dwellings shall conform to the following minimum landscaping requirements:

(a) *Landscape Plans:* Detached single-family residences and duplex dwellings may submit landscape plans in the form of a landscape permit application, which includes acceptable plant material choices, to be chosen by the applicant, from a list provided by Broward County, stating quantity, size, and quality of plant material, including planting specifications, as required by this Article. Actual landscape drawings are not required for single family and duplex dwellings.

(b) *General Landscape Treatment:* Trees, turfgrass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving; with xeriscape to be a minimum of twenty (20) percent of the open space of the site.

(1) For single-family residences in Agricultural, Rural, and Estate Districts, xeriscape requirements shall be based on the immediate one acre of property surrounding the principal building with seven thousand five hundred (7,500) square feet of xeriscape landscape being required to meet the xeriscape requirements. In addition, sod/turf may be used in

the front yard but may not extend past the first one acre of property in the rear of the principal building. The remainder of the property must be maintained, either in its natural state, in pasture land or other approved open space. This area, however, may not contain any invasive species (Melaleuca, Brazilian Pepper, Australian Pine, etc.), which must be removed from the site.

(c) *Shrub and Tree Requirements:*

(1) A minimum of three (3) trees of two (2) different species and ten (10) shrubs shall be planted per lot. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of one (1) tree and three (3) shrubs per three thousand (3,000) square feet of lot area; however, there shall be no more than ten (10) trees and thirty (30) shrubs required per acre.

(2) Where possible, a minimum of two (2) trees shall be required in the front of the lot. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.

(3) Trees required in this subsection shall have a minimum overall height of ten (10) feet to twelve (12) feet with a minimum canopy spread characteristic of the species at such height and DBH requirements.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 11, 5-11-99)

Sec. 39-86. Nonconforming properties.

(a) Any property developed prior to November 23, 1993, regardless of the use, which was not brought into at least fifty (50) percent compliance with Ordinance No. 93-43 within the required five-year period, shall meet at least fifty (50) percent of the requirements of this Article by October 1, 1999. In order to encourage compliance with this Article, if a vehicular use area cannot be redesigned and the owner is unable to meet this fifty

(50) percent requirement, the owner, after demonstrating the maximum extent to which the vehicular use area can be brought into compliance with this Article, shall be permitted to:

(1) Reduce the number of required parking spaces by a maximum of twenty (20) percent to accommodate the additional landscaping. Sites with limited pervious area shall install only native plant material to assist in achieving the fifty (50) percent compliance; or

(2) Where it is determined by Broward County on properties used for commercial, industrial and multiple family dwelling purposes, that conditions are unfavorable for full landscape compliance due to plot size or other environmental conditions, payment may be made to a landscape fund which shall be maintained by the Code and Zoning Enforcement Division to assist property owners who prove a financial hardship exists in complying with this Article. Payment for such exemptions shall be based on twenty (20) percent of the amount of landscaping required for the square footage of the property, plus administrative fees. Such payment amounts and administrative fees shall be set by resolution of the County Commission. In cases of financial hardship on properties used for single family purposes, Code and Zoning Enforcement Division shall have the authority to grant extensions of time for compliance with this Article.

(3) Permits issued to attain compliance to the landscape code requirements, including parking lot reconfiguration, will be valid for ninety (90) days from date of issuance.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 12, 5-11-99)

Sec. 39-87. Landscape manual and materials.

Broward County shall prepare and, from time to time, revise a landscape manual and informational materials which shall provide an illustration of the requirements of this Article. Said manual and materials shall be made available to the public.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 13, 5-11-99)

Secs. 39-88—39-99. Reserved.

ARTICLE IX. GENERAL PROVISIONS*

Sec. 39-100. Applicability.

The provisions of this article shall apply to all zoning districts. (Ord. No. 2000-17, § 1, 4-25-00)

Sec. 39-101. Reduction of required areas prohibited.

No plot area, yard, setback, clearance, separation, parking area, landscape area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this code; and if already less than the minimum required by this code for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided for any building, structure or use for the purpose of complying with the provisions of this code, shall be included as part of a yard, setback, clearance, parking area or other space required under this code for another building, structure, or use, unless specifically permitted under this code.
(Ord. No. 2000-17, § 4, 4-25-00)

Sec. 39-102. Wireless communication facilities.

(1) *Intent.* The regulations and requirements of this Ordinance are intended to:

(a) Promote the health, safety and general welfare of the citizens by regulating the siting of wireless communication facilities;

(b) Accommodate the growing needs and demand for wireless communication facilities;

***Editor's note**—Ord. No. 2000-17, adopted April 25, 2000, amended and renumbered the provisions of former Art. IX, §§ 39-144—39-151, 39-153—19-155, 39-157, 39-159, 39-163, 39-164, 39-166—39-168, 39-173, 39-183—39-185, 39-187, 39-188. Sections 1, 4—6, 12, 16, 17 of Ord. No. 2000-17 created a new Art. IX as herein set out. See the Zoning Ordinance Comparative Table at the end of this volume for a listing of ordinances which amended the former Art. IX.

(c) Provide for the appropriate location and development of wireless communication towers and antennas within the unincorporated area of the County;

(d) Minimize adverse visual effects of wireless communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

(e) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower and monopole structures;

(f) Protect residential areas and land uses from potential adverse impacts of wireless communication facilities and antennas by maximizing uses of any new or existing wireless communication towers through shared use, i.e., collocation, to reduce the number of facilities needed;

(g) Prevent possible impacts to airspace in the area surrounding airports and eliminate potential interference with radio communications and navigational aids;

(2) *Permitted Facilities.*

(a) Only stealth facilities shall be permitted as a principal use in the following zoning districts:

1. Agricultural Estate District
2. General Agricultural District
3. Estate District
4. Estate District
5. Rural Estates District
6. Rural Ranches District
7. Single family residential Planned Unit Development (PUD) and single-family residential Planned Development District (PDD)
8. RM-17 to RM-25 High Density Residential - only roof top stealth antennas permitted.

(b) Wireless communication towers may be permitted as a principal use in Conservation Districts with proper permits as follows:

1. Any wireless communication tower in a Conservation District shall be constructed to accommodate no less than three (3) wireless communication providers.

2. For lands lying west of U.S. 27 or up to five hundred (500) feet east of the easterly right-of-way line of U.S. 27, wireless communication towers may be erected up to one mile north and one mile south of the right-of-way line of Interstate 75 (Alligator Alley). The maximum height of any such tower shall be two hundred fifty (250) feet.

3. Wireless communication towers in all other Conservation Districts shall be subject to the minimum standards set forth in subsection (d) below.

(c) Except as otherwise provided, wireless communication facilities may be permitted as a principal use in all nonresidential zoning districts.

(d) Minimum standards. Every wireless communication tower must meet the following minimum standards:

1. Height/setbacks and related location requirements.

a. The height of a wireless communication tower shall not exceed one hundred and fifty (150) feet unless the zoning district in which the proposed wireless communication tower is to be located or subsection (b) above allows a greater height. The height of a roof top wireless communication tower shall comply with subsection (3) of this section. Height shall be measured from the crown of the road of the nearest public street.

b. All wireless communication towers up to one hundred (100) feet in height shall not be located in a required landscape buffer and shall be set back on all sides a distance equal to

either the underlying setback requirement in the applicable zoning district or as provided in this section, whichever is greater; towers in excess of one hundred (100) feet in height shall be set back one additional foot per each foot of tower height in excess of one hundred (100) feet.

c. All non-stealth wireless communication towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.

d. Non-stealth wireless communication towers shall not be located within seven hundred and fifty (750) feet of any existing non-stealth wireless communication facility.

e. All buildings and other structures to be located on the same property as a wireless communication tower shall conform with the setbacks established for the underlying zoning district.

f. All towers located within twenty thousand (20,000) feet of an airport shall be reviewed for possible impacts to airspace or potential interference with radio communications or navigational aids; and, in addition, shall be reviewed for compliance with all applicable Federal Aviation rules and regulations, including but not limited to, height, lighting, permitting, licensing.

2. Buffering.

a. An eight (8) foot fence shall be required around the base of any tower, as measured from the finished grade of the site.

b. Plant material consistent with Article VIII, Functional Landscaping and Xeriscaping, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or

wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties.

c. Landscaping consistent with Article VIII, Functional Landscaping and Xeriscaping, shall be installed around any accessory buildings or structures.

3. High voltage and "No Trespassing" warning signs. Notwithstanding the requirements of Article VI, "Signs," the following minimum sign standards shall apply:

a. If high voltage is necessary for the operation of the wireless communication tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

b. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

c. The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

d. The warning signs may be attached to free standing poles if the content of the signs may be obstructed by landscaping.

4. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the wireless communication tower, unless repairs to the tower are being made.

5. Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including, but not limited to, company name, banners, streamers, shall be strictly prohibited.

6. Colors. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over wireless communication towers, wireless communication towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as non-contrasting gray.

7. Lighting. No signals, lights or illumination shall be permitted on a wireless communication tower unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusiveness to the surrounding community.

(3) *Antennas not located on wireless communication towers.*

(a) Antennas shall be permitted as follows:

1. Stealth roof top or building mounted antennas not exceeding twenty (20) feet above roof line shall be permitted in all zoning districts.

2. Non-stealth roof top or building mounted antennas shall only be permitted not exceeding fifteen (15) feet above roof line of the subject building.

(b) Minimum standards. Building roof top antennas shall be subject to the following minimum standards.

1. No commercial advertising shall be allowed on an antenna;

2. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;

3. Any related unattended equipment building shall not contain more than seven hundred and fifty (750) square feet of gross floor area or be more than twelve (12) feet in height; and

4. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent (25%) of the roof area;

5. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices;

6. If located within twenty thousand (20,000) feet of an airport, each application shall be reviewed for possible impacts to airspace or potential interference with radio communications or navigational aids; and, in addition, shall be reviewed for compliance with all applicable Federal Aviation rules and regulations, including but not limited to, height, lighting, permitting, licensing.

(4) *Existing wireless communication facilities.*

(a) Existing wireless communication facilities shall not be rendered non-conforming uses by this ordinance. The use of existing facilities for purposes of collocating additional antennas shall be encouraged.

(b) Increases in height of an existing tower or conversion of an existing tower to a stealth or other design shall be treated as a new tower and shall be subject to all the requirements of this ordinance, except separations required between towers.

(c) Owners of existing facilities shall be required to comply with this ordinance to replace or relocate an existing facility.

(d) Wireless communication antennas may be placed on existing towers.

(5) *Abandoned wireless communication facilities.*

(a) The County may require removal of an abandoned wireless communication facility within thirty (30) days after notice of abandonment has been provided to the owner of the wireless communication tower and the real property owner.

(b) A wireless communication facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.

(c) Where a wireless communication facility is abandoned but not removed within the specified time frame, the County may remove the facility and place a lien on the property following the procedures (but not the criteria) for demolition of an unsafe building/structure in the South Florida Building Code, Broward Edition.

(d) Where a facility is removed by the owner, said owner shall restore the area to as good as condition prior to the placement of the facility, unless otherwise instructed by the County.

(e) Where a facility is utilized for other purposes, including but not limited to light standards and power poles, it shall not be considered to be abandoned.

(6) *Collocation of antennae and facilities.* To encourage a reduction in the number of wireless communication towers that may be required to meet the increasing demand for wireless service the following collocation standards shall be required:

(a) Any owner of a wireless communications tower shall permit other wireless communication providers to install or collocate antennae or facilities on such towers, if available space and structural capacity exists.

(b) Wireless communication towers shall be structurally designed to accommodate the collocation of antennae and facilities as follows:

1. All wireless communication towers, except for stealth towers, over eighty (80) feet and up to and including one hundred and fifty (150) feet in height shall be structurally designed to accommodate at least two (2) providers.

2. All wireless communication towers, except for stealth towers, exceeding one hundred and fifty (150) feet in height shall be structurally designed to accommodate at least three (3) providers.

(7) *Criteria for wireless communications facilities modifications.* In addition to the authority granted to the Board of Adjustment in Section 39-39 of this Code, modifications to certain wireless communication facility requirements provided in this Section may be approved by the Board of Adjustment as a special exception where the conditions of this ordinance hinder transmission, subject to the hearing procedures in Article V, "Variances and Appeals" and in accordance with the following:

(a) A request for modification shall include the following:

1. A description of how the modification addresses any adverse impact which might occur as a result of approving the modification.

2. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.

3. A technical study which documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by a qualified radio frequency engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

4. For a modification of the setback requirement, the application shall identify all property where the proposed facility, tower or antenna could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation and the result of such attempts.

(b) The Board of Adjustment shall consider the request for modification based on the following criteria:

1. The facility, tower or antenna as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.

2. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.

3. In the case of a request for modification to setback requirements, the applicant must demonstrate with written evidence that the setback requirement cannot be met on the property and that the alternative site is closer in proximity to residentially zoned property or that a modification to the setback requirement will reduce the visual impact of the facility, tower or antenna.

4. In the case of a request for modification to separation or buffer requirements, the applicant must provide written technical evidence from a qualified radio frequency engineer that the proposed facility, tower or antenna must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and the applicant is willing to provide approved landscaping and other buffers to screen the tower from being visible to residentially zoned property.

5. In the case of a request for modification of maximum height for towers and telecommunications facilities, that the modification is necessary to:

   Facilitate collocation of wireless communications facilities in order to avoid construction of a new tower; or

   Meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from a qualified radio frequency engineer that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily.

(c) The Board may include conditions on the site where the facility, tower or antenna is to be located to mitigate any adverse impacts which arise in connection with the approval of the modification.

(d) Any decision by the Board of Adjustment to deny a request for a special exception as set forth above shall be in writing and supported by substantial evidence contained in a written record.

(e) Any decision by the Board of Adjustment granting a request for a special exception as set forth above, shall be in writing in the form of a resolution, supported by substantial evidence contained in a written record.

(Ord. No. 2000-17, § 5, 4-25-00)

Sec. 39-103. Exclusions from height limits.

Scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at maximum horizontal section, thirty percent (30%) of the roof area, and flagpoles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five percent (25%). Parapet walls may extend not more than five (5) feet above the allowable height of a building.

(Ord. No. 2000-17, § 6, 4-25-00)

Sec. 39-104. County uses.

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

(Ord. No. 2000-17, § 12, 4-25-00)

Sec. 39-105. Temporary wayside stands.

It shall be unlawful in the unincorporated area of Broward County for any person, firm, corporation, business or enterprise

to sell, dispense, offer for sale or distribute any item or items from temporary wayside stands except as permitted for farm products in the agricultural, estate and rural zoning districts.
(Ord. No. 2000-17, § 16, 4-25-00)

Sec. 39-106. Separations and other measurements.

Any separation, distance limitation or setback required by this Chapter shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such separations, distance limitations or setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.
(Ord. No. 2000-17, § 17, 4-25-00)

Sec. 39-107. Beach area lighting restrictions.

(a) *Definitions:* For purposes of interpreting this section, the following terms shall be defined as herein prescribed:

Beach shall mean the zone of unconsolidated sandy material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

Beachfront lighting shall mean lighting located within two hundred (200) feet of the beach. For fixtures within multistory structures, this distance shall be measured from the window.

Directly visible shall mean the sight of any portion of a light fixture's lamp from any location on the beach while the light fixture is lighted.

Footcandle shall mean a measure of light intensity equal to one lumen per square foot.

Illumination shall mean greater than five-tenths (0.5) footcandle of artificial light.

Lighting or *lights* shall mean any source of light from a manufactured device.

Low-profile lighting shall mean a light fixture that places the source of light at a height no greater than forty-eight (48) inches from the ground, and is designed in such a way that light is directed downward from a hooded light source.

New development shall mean new construction and alteration of existing structures that includes modification of exterior lighting.

Turtle nesting season shall mean May 1 through October 1 of each year.

Window treatment shall mean window tinting with a shading coefficient (the percent of incident radiation passing through a window) of forty-five hundredths (0.45) or less, blackout draperies, shadescreens, verticals, or blinds.

(b) *Existing Development:*

(1) Existing beachfront lighting shall comply with the following provisions by October 1, 1989.

a. Lights illuminating buildings or property shall be shielded or screened in such a manner that light does not also illuminate the beach, or shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., during turtle nesting season. However, low-pressure sodium or other light fixtures that do not emit wavelengths shorter than five hundred thirty (530) nanometers, and low-profile lighting shall not be restricted by this section.

b. Lights located within the interior of multistory structures shall be screened by window treatments on windows facing the ocean, or shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., during turtle nesting season.

c. Where possible, public street lights shall be shielded and aimed so as to minimize backlighting and so that the bulk of illumination is directed away from the beach.

(c) *New Development:*

(1) Applicants for site plan approval for new development within two hundred (200) feet of the beach shall submit a lighting plan. No light shall be constructed or installed that illuminates or is otherwise directly visible from the beach. However, lighting fixtures may be installed with hoods or shields, screened with vegetation or other permanent physical objects, aimed away from the beach area, or located in any other manner that the applicant demonstrates will prevent beach illumination or direct visibility of light fixtures.

(2) Applicants for site plan approval for new development of multistory structures shall be required to record restrictive covenants or otherwise require compliance with subsection (b)(1)(b) above, as a condition of site plan approval.

(3) This section shall not restrict or prohibit the use of low-pressure sodium or other light fixtures that do not emit wavelengths shorter than five hundred thirty (530) nanometers, or low-profile lighting.

(d) *Violations, Penalty and Enforcement:* Any private property owner, occupant, or other person who violates this section may be punished in accordance with section 125.69, Florida Statutes. Each day the violation continues shall be deemed a separate offense. In addition, violations of this section may be enforced by the Broward County Code Enforcement Board, restrained by injunction, or abated by any other means provided by law.
(Ord. No. 2000-17, § 19, 4-25-00)

Secs. 39-108—39-129. Reserved.

ARTICLE X. PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY

Sec. 39-130. Purpose and intent.

(a) It shall be the purpose and intent of this article to:

(1) Establish and define minimum standards for the proper care and maintenance of public and private properties within the unincorporated areas of Broward County, and the swale areas contiguous to such lands, to provide an environment free of junk vehicles and vessels, derelict aircraft, junk, litter, garbage, debris, trash, overgrown groundcover and hedges, and unmaintained buildings, to preserve the public health and safety, protect and enhance property values and enhance the quality of life in Broward County;

(2) Establish procedures for the abatement of unsanitary and unsafe conditions created by the accumulation of junk, litter, garbage, debris, trash, overgrown groundcover and hedges, and unmaintained buildings on lands;

(3) Encourage the use of approved landfill and resource recovery sites by clarifying the duty of property owners to take reasonable precautions to prevent, discourage or eliminate unauthorized dumping of junk, litter, garbage, debris or trash upon lands; and

(4) Require owners of real and personal property to be responsible for the costs of removal of junk vehicles, items, and vessels, derelict aircraft, litter, garbage, debris, trash, and overgrown groundcover and hedges.

(b) This article shall not be construed to:

(1) Discourage property owners from planting, preserving or maintaining native vegetation in its natural state upon their land;

(2) Prohibit the collection of garbage or recyclable materials in authorized receptacles for collection by authorized garbage and trash collectors or authorized collectors of recyclable materials; nor the placement of debris in the swale area for a reasonable time, not to exceed two (2) days prior to the date for a special bulk collection by an authorized garbage or trash collector; or

(3) Require clearing activities in violation of chapter 5, article XII, Broward County Code of Ordinances, "Natural Resource Areas."

(c) In order to restore, enhance, and maintain the health, safety, and welfare of properties in the unincorporated areas of Broward County and promote an attractive community in which people may reside and do business, this article is intended to apply to all existing buildings and structures on developed properties in unincorporated Broward County and to all undeveloped properties within unincorporated Broward County.
(Ord. No. 1999-45, § 1, 8-24-99)

Sec. 39-131. Definitions.

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

Airport property: Property owned or controlled by Broward County as a public-use airport having regularly scheduled international passenger service.

Debris: Waste materials resulting from the construction or demolition of structures or buildings or waste accumulation of lawn, grass, shrubbery, tree trimmings, fruit or other matter usually created as refuse in connection with trees or other landscape plants.

Derelict aircraft: Aircraft stored in the open to which one or more of the following applies:

a. An aircraft that does not hold a current and valid airworthiness certificate issued by the Federal Aviation Administration, or other appropriate aircraft certifying author-

ity, together with necessary endorsement by an appropriately rated certificate holder that the aircraft is in airworthy condition;

b. An aircraft which has been issued a condition notice by the Federal Aviation Administration that specifies that the aircraft has one or more conditions which causes it to be not airworthy;

c. An aircraft which has had major components, accessories, flight controls, portions of the airframe or engines removed so as to render the aircraft not airworthy.

Developed area: Any quarter section of land which is approximately seventy-five (75) percent developed.

Garbage: Every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other organic matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as a breeding or feeding material for flies, insects or animals.

Junk items: Wrecked, dismantled, partially dismantled or discarded items including, but not limited to, tires, machinery, appliances, plumbing fixtures, household items, unusable construction materials, and other similar items which are inoperable, unusable or in deteriorated condition.

Junk property: Junk items, junk vehicles, junk vessels and derelict aircraft, as those terms are defined herein.

Junk vehicles and vessels: Vehicles, trailers or vessels which are wrecked, dismantled, partially dismantled or discarded, and which are inoperable or in a severely deteriorated condition.

Litter: Discarded paper, paper or plastic products, and containers of any kind.

Overgrown groundcover: Grass, weeds, and other low-growing plants, except native vegetation that, by the nature of their own horizontal growth habits, cover the ground and which are not regularly cared for and maintained and grow in an uncontrolled

manner exceeding six (6) inches in height in developed areas, and exceeding eighteen (18) inches in height in developed agricultural, estate and rural areas.

Swale: That portion of a public right-of-way intended to provide drainage which lies between private property and the actual pavement of the public right-of-way.

Trash: Every waste accumulation of sweepings, dust, rags, cartons or any other such discarded material, except garbage, junk, and litter.
(Ord. No. 1999-45, § 2, 8-24-99)

Sec. 39-132. Public nuisances.

(a) The open storage or discarding of junk vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash, and litter, except in facilities approved by Broward County for storage or discarding of such items or materials, the maintenance of overgrown groundcover or vegetation, and unmaintained buildings within unincorporated Broward County are prohibited. Such storage and discarding has been determined by the Board of County Commissioners to constitute a public nuisance in that such items create an eyesore to the community, become a breeding ground for rats and other vermin, create an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash, litter, and debris, and contribute to the deterioration of both residential and nonresidential areas.

(b) The Board of County Commissioners has determined that the removal of overgrown groundcover and hedges, junk items, trash, garbage, litter and debris after providing notice to the property owner and a reasonable period of time in which to remove the items is an appropriate means of furthering the health, safety and welfare of the citizens of Broward County.

(c) The Board of County Commissioners has determined that the removal and destruction of junk vehicles and vessels and derelict aircraft from private property and the removal and sale of junk vehicles, items, vessels and derelict aircraft from airport

property after the reasonable opportunity for a hearing is an appropriate means of furthering the health, safety, and welfare of the citizens Broward County.
(Ord. No. 1999-45, § 9, 8-24-99)

Sec. 39-133. Duty to maintain property.

(a) It shall be the responsibility of all property owners in the unincorporated area of Broward County to maintain their property and contiguous swale free of junk vehicles and vessels, junk items, garbage, trash, litter, debris and unmaintained buildings.

(b) The open storage of debris, garbage, trash, litter, junk vehicles and vessels or derelict aircraft shall be permitted only on property where such storage is a permitted use or a valid nonconforming use and the property is maintained and operated in accordance with all applicable zoning, health, and environmental regulations.

(c) Junk vehicles and vessels and junk items may be stored on residential property only within a completely enclosed building in a manner so that the junk is not visible from other public or private property and does not create a health hazard. Such storage shall only be permitted as an accessory use.

(d) In developed areas, it shall be the responsibility of all owners of undeveloped parcels of land one (1) net acre or less and developed parcels of land to maintain such lands and contiguous swales free of overgrown hedges and groundcover. This provision shall not apply to land or parcels of land located in rural, estate and agricultural districts.

(e) It shall be the responsibility of all property owners of developed land to maintain buildings or structures on their property in a state of good repair. "State of good repair" shall mean:

(1) *Building color.* All buildings shall be maintained free of chipping paint, graffiti or other discoloration.

(2) *Doors and windows.* All door and window openings on occupied buildings shall be covered by windows and doors

in working order with no cracks, holes or other signs of disrepair. Any door and window coverings shall be painted to match the remainder of the building.

(3) *Accessory structures.* Any accessory structure on a plot, including attached or detached carports and garages, awnings, screen porches, utility buildings, and wood decks shall be maintained free of visual disrepair, including bent, broken or missing fence posts, slats or other fencing materials, cut or missing mesh screening or broken or missing decking materials. Concrete fences shall be finished with stucco on both sides and painted in a color compatible with the principal and accessory buildings on the plot. The use of shipping containers shall not be permitted as accessory buildings on residentially-used property. Truck bodies shall be prohibited in all zoning districts as accessory buildings. Signs shall be maintained in accordance with requirements of section 39-55 of this Code.

(f) It shall be the responsibility of any property owner and the authorized occupant of public property to maintain the premises free of any junk vehicles, items, and vessels, derelict aircraft, debris, trash, garbage, and litter, except for junk vehicles, vessels or derelict aircraft stored within a building or other facility approved by the governmental authority having jurisdiction over such public property.
(Ord. No. 1999-45, § 3, 8-24-99)

Sec. 39-134. Procedure for violations; notices.

(a) *Private property.*

(1) Whenever a code enforcement officer ascertains that a junk vehicle, vessel or derelict aircraft is stored or discarded on private property in violation of this article, the officer shall, to the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

THIS PROPERTY TO WIT:

(setting forth brief description)

LOCATED AT (setting forth brief description of location) IS:

IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES, WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK VEHICLES, VESSELS OR DERELICT AIRCRAFT ON PRIVATE PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE, OR THE _____ DAY OF _____, ____. YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY FILING AN APPEAL WITH THE ZONING CODE SERVICES DIVISION, 115 SOUTH ANDREWS AVENUE ANNEX, SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301. CONTESTS TO THE DETERMINATION OF BROWARD COUNTY MUST BE RECEIVED BY THE DIVISION NO LATER THAN THE DATE SET FORTH ABOVE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE ABOVE-REFERENCED PROPERTY OR FILE A CONTEST BY THE DATE SET FORTH ABOVE, THE PROPERTY SHALL BE REMOVED AND DESTROYED BY BROWARD COUNTY.

IF YOU FILE A CONTEST TO THE DETERMINATION OF BROWARD COUNTY WITH THE ZONING CODE SERVICES DIVISION, A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON THE _____ DAY OF _____, ____. AT

_____

_____

(address and phone number of Division)

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH ABOVE-REFERENCED ITEM(S) WHO FAIL TO REMOVE OR PROPERLY STORE SUCH PROPERTY SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE PROPERTY, INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THE PROPERTY IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER, PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER.

THIS NOTICE DATED THIS _____ DAY OF _____, ____

SIGNED: _____

(name, title)

_____

(employment address and employment telephone number)

(2) Whenever a code enforcement officer determines that overgrown groundcover or hedges, junk items, debris, garbage, litter or trash are being stored on private property or in the swale in violation of this article, the officer shall cause a notice to be provided to the property owner of the real property upon which the overgrown groundcover or hedges, junk items, debris, garbage, litter or trash are located. If the junk items, overgrown groundcover or hedges, debris, garbage, litter or trash are located in the swale, the notice shall be provided to the owner of the real property contiguous to the swale. The owner shall be determined in accordance with the tax rolls of Broward County, unless the code enforcement officer has actual knowledge of a subsequent property owner. The notice shall be in substantially the following form:

NOTICE OF VIOLATION

NOTICE IS HEREBY PROVIDED TO:

(Property owner)

(Property owner mailing address)

THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39, ARTICLE X, "PROPERTY MAINTENANCE," FOR THE REASON(S) SPECIFIED:

_____Groundcover exceeding 6″ in height

_____Groundcover exceeding 18″ in height (agricultural, estate or rural areas)

_____Overgrown shrubs or other such vegetation

_____Storage of junk items, debris, garbage, litter or trash

_____Other-describe:_____

_____

SECTION(S) VIOLATED:_____

_____

LOCATION: (Property Address)

LEGALLY DESCRIBED AS: (Legal Description)

YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE WITH ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY" OF THE BROWARD COUNTY CODE OF ORDINANCES WITHIN:

_____TEN (10) DAYS, IF ON PRIVATE PROPERTY

_____FIVE (5) DAYS, IF ON-SWALE

FROM THE DATE OF THIS NOTICE.

TO BRING THE PROPERTY INTO COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work required to correct the violation and general explanation of any debris that must be cleared, if applicable)_____

_____

_____

_____

_____

FAILURE TO CORRECT THE VIOLATION AND CALL FOR A REINSPECTION WITHIN THE TIME SPECIFIED MAY RESULT IN BROWARD COUNTY CORRECTING THE VIOLATION OR CAUSING IT TO BE CORRECTED AND ASSESSING THE PROPERTY OWNER FOR THE COSTS AND EXPENSES OF CLEARING THE PROPERTY.

THE ESTIMATED COST FOR THE COUNTY TO CLEAR THE PROPERTY IS $ (indicate amount) . IF BROWARD COUNTY IS REQUIRED TO CLEAR THE PROPERTY AND THE COSTS AND EXPENSES ARE NOT PAID BY THE PROPERTY OWNER WITHIN THIRTY (30) DAYS, A SPECIAL ASSESSMENT LIEN MAY BE RECORDED AGAINST THE PROPERTY. A SPECIAL ASSESSMENT LIEN SHALL BE A FIRST LIEN SUPERIOR TO ALL OTHER LIENS ON THE PROPERTY AND SHALL BE EQUAL TO THE LIEN OF ALL STATE, COUNTY, DISTRICT, AND MUNICIPAL TAXES UNTIL PAID.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL _____ AT (954) _____, BROWARD COUNTY ZONING CODE SERVICES DIVISION.

Notice provided by _____

Code Enforcement Officer

Print Name: _____ Date:_____

(b) *Airport property.* Whenever a code enforcement officer ascertains that a junk vehicle, vessel, item or derelict aircraft ("junk property") is stored or discarded on airport property in violation of this article, the officer shall, to the extent possible, cause a notice to be placed upon each such item in substantially the following form:

NOTICE OF VIOLATION

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

THIS PROPERTY TO WIT:

(setting forth brief description)

LOCATED AT

(setting forth brief description of location) IS:

IN VIOLATION OF CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES WHICH PROHIBITS THE IMPROPER STORAGE OR DISCARDING OF JUNK VEHICLES, VESSELS, ITEMS OR DERELICT AIRCRAFT ON AIRPORT PROPERTY, AND MUST BE REMOVED OR PROPERLY STORED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE, OR ON THE _____ DAY OF _____, ___ YOU MAY CONTEST THE DETERMINATION BY BROWARD COUNTY THAT THIS ITEM IS SUBJECT TO REMOVAL PURSUANT TO CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES BY FILING AN APPEAL WITH THE ZONING CODE SERVICES DIVISION, 115 S. ANDREWS AVENUE ANNEX, SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301. CONTESTS TO THE DETERMINATION OF BROWARD COUNTY MUST BE RECEIVED BY THE DIVISION NO LATER THAN THE DATE SET FORTH ABOVE. IF YOU FAIL TO REMOVE OR PROPERLY STORE THE JUNK PROPERTY, OR FILE A CONTEST BY THE DATE SET FORTH ABOVE, THE PROPERTY SHALL BE REMOVED AND SOLD BY BROWARD COUNTY BY PUBLIC OUTCRY. THE PROPERTY MAY BE RECLAIMED AT ANY TIME PRIOR TO SALE BY CONTACTING THE BROWARD ZONING CODE SERVICES DIVISION, 115 S. ANDREWS AVENUE ANNEX, SECOND FLOOR, FORT LAUDERDALE, FLORIDA 33301.

IF YOU FILE A CONTEST TO THE DETERMINATION OF BROWARD COUNTY WITH THE ZONING CODE SERVICES

DIVISION, A HEARING REGARDING THIS VIOLATION SHALL BE HELD ON THE _____ DAY OF _____, ____ AT_____

_____

(address and phone number of Division)

PERSONS RESPONSIBLE FOR THE REMOVAL OF SUCH JUNK PROPERTY WHO FAIL TO REMOVE OR PROPERLY STORE SUCH ITEM(S) SHALL BE RESPONSIBLE FOR ALL COSTS OF DISPOSAL OF THE JUNK PROPERTY INCLUDING THE COSTS OF REMOVAL, DISPOSAL, AND ADMINISTRATIVE COSTS, IF THIS PROPERTY IS NOT REMOVED OR STORED AS REQUIRED BY THIS NOTICE.

FOR FURTHER INFORMATION REGARDING THIS MATTER, PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER.

THIS NOTICE DATED THE _____ DAY OF _____, ____.

SIGNED:_____

(name, title)

_____

(employment address and employment telephone number)

(c) If the junk vehicle, vessel or derelict aircraft is on private property, the code enforcement officer shall cause a copy of the notice, or a notice in substantially the same form as the notice described in section (a) above, to be mailed by certified mail, return receipt requested, to the owner of the real property upon which the junk vehicle, vessel, or derelict aircraft is located, the owner to be determined in accordance with the tax rolls of Broward County, unless the enforcement officer has actual knowledge of a subsequent property owner.

(d) If the junk vehicle, vessel, item or derelict aircraft is on airport property, the code enforcement officer shall cause a copy of the notice, or a notice in substantially the same form as the notice described in subsection (b) above, to be mailed by certified mail,

return receipt requested, to the lessor of the property, with a copy forwarded to the Director of the Broward County Aviation Department. If the item is derelict aircraft, as that term is defined herein, notice shall be sent to the owner of the aircraft, as reflected in the most recent airworthiness certificate issued by the Federal Aviation Administration. A copy of the notice shall also be sent to the Director of the Broward County Aviation Department.

(e) If the item is a motor vehicle or boat, the officer shall obtain from the Department of Highway Safety and Motor Vehicles or from the Department of Environmental Protection, as appropriate, the name and address of the owner of the item and, in addition to the notice requirements set forth in subsections (c) and (d) above, shall cause a notice to be mailed to the owner by certified mail, return receipt requested, which notice shall be in substantially the same form as that provided for by subsection (a) or (b) above.

(f) Pursuant to Chapter 162, Florida Statutes, in addition to notice as provided by subsections (a) and (b), notice may be provided by posting. Such notice shall be posted for at least ten (10) days in at least two (2) locations, one of which shall be the property upon which the junk property is alleged to exist and the other shall be at the front door of the courthouse of Broward County. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting. Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by mail as required by subsections (c), (d) and (e).

(g) If a contest is filed with the Zoning Code Services Division pursuant to subsection (a) or (b), a pre-taking hearing shall be held no more than twenty (20) days after the date the notice of violation is issued.

(h) *Unmaintained buildings and structures.* If a code enforcement officer determines that any building or structure is being maintained in a state of disrepair, a notice of violation shall be sent to the property owner in accordance with the notice proce-

dures specified in Chapter 162, Florida Statutes, as incorporated by Chapter 8½, article I, of the Broward County Code of Ordinances. The notice shall be in substantially the following form:

NOTICE OF VIOLATION

NOTICE IS HEREBY PROVIDED TO:

(Property owner)

(Property owner mailing address)

THAT THE FOLLOWING DESCRIBED PROPERTY IS IN VIOLATION OF CHAPTER 39, ARTICLE X, "PROPERTY MAINTENANCE," FOR THE REASON(S) SPECIFIED:_____

_____

_____

_____

LOCATION: (Property Address)

LEGALLY DESCRIBED AS: (Legal Description)

SECTION(S) VIOLATED:_____

_____

YOU ARE HEREBY REQUIRED TO BRING THE PROPERTY INTO COMPLIANCE WITH ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY" OF THE BROWARD COUNTY CODE OF ORDINANCES WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE OR THE _____ DAY OF: _____, ____. TO BRING THE PROPERTY INTO COMPLIANCE, YOU ARE REQUIRED TO: (Explanation of work required to correct the violation)___

_____

_____

_____

FAILURE TO CORRECT THE VIOLATION AND CALL FOR A REINSPECTION WITHIN THE TIME SPECIFIED MAY

RESULT IN FURTHER ENFORCEMENT ACTION BEING TAKEN AGAINST YOU INCLUDING THE IMPOSITION OF A LIEN AGAINST YOUR PROPERTY.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL _____ AT (954) _____, BROWARD COUNTY ZONING CODE SERVICES DIVISION.

Notice provided by _____

Code Enforcement Officer

Print Name: _____ Date:_____

(Ord. No. 1999-45, § 2, 8-24-99)

Sec. 39-135. Abatement of violations.

(a) *Abatement of violations relating to land clearance.* If the land-clearing violation is not corrected following notice as set forth in section 39-134(a), Broward County may correct the violation by clearing the property or causing it to be cleared, removing of causing the removal of litter, debris, garbage, overgrown groundcover or hedges, junk items or conducting such other activity necessary to bring the property into compliance with this article. Broward County shall send notice by mail to the responsible party specifying the costs of removal, administrative costs, including the cost of prosecution, and requesting payment within thirty (30) days of the mailing.

(b) *Abatement of violations relating to unmaintained buildings and structures.* Any building or structure which is not brought into compliance with this article within thirty (30) days from the date of notice shall be enforced pursuant to the provisions contained in Chapter 162, Florida Statutes, as incorporated in Chapter 8½ of the Broward County Code of Ordinances. If authorized pursuant to § 162.09, Florida Statutes, Broward County may make all reasonable repairs to bring the property into compliance and charge the property owner for the reasonable cost of the repairs.

(Ord. No. 1999-45, § 5, 8-24-99)

Sec. 39-136. Pre-taking hearings for junk vehicles, vessels, items, and derelict aircraft.

(a) There is hereby created the position of hearing officer for the purpose of conducting hearings pursuant to this article. The hearing officer shall be selected by the County Administrator from a list of candidates approved by the Board of County Commissioners. The hearing officer shall be a resident of Broward County and a member in good standing with The Florida Bar engaged in the practice of law in Broward County.

(b) *Pre-taking hearings for junk vehicles and vessels, derelict aircraft; junk items on airport property.* If a contest has been filed with the Zoning Code Services Division to any notice of violation issued pursuant to the requirements of section 39-134, the hearing officer shall conduct a hearing and make a determination as to whether the vehicle, vessel, item or aircraft is in violation of the provisions of this article. The hearing officer shall receive evidence and testimony from the person(s) contesting the charge, if present, or his or her representative; from anyone claiming an interest in the vehicle, vessel, aircraft or junk item; from any witness(es) the owner(s) of the vehicle, vessel, aircraft or junk item wish to present; from any witness(es) presented by Broward County; and those members of the public the hearing officer determines have relevant evidence or testimony. Hearsay evidence shall be admissible to support other testimony but shall not be sufficient alone to support a finding. Sworn testimony shall be given greater weight than unsworn testimony. Following a hearing, the hearing officer shall make findings of fact and conclusion of law determining whether the junk property cited with a notice of violation is in violation of the provisions of this article. In addition, the hearing officer shall prescribe a date by which the junk property must be removed or properly stored by the property owner. The date shall be at least five (5) business days after the hearing. If the junk property is not removed or properly stored by the date set by the hearing officer, Broward County may remove and destroy the junk property. If the junk property is on airport property, the item(s) shall be ordered sold at public outcry pursuant to § 705.18, Florida Statutes, after giving notice of the time and place of sale in a publication of general circulation within the County where the airport is located and written notice

to the owner, if known. Such auction shall be held no sooner than thirty (30) days after the notice of violation is issued. The rightful owner of such property may reclaim same at any time prior to sale.

(c) Any person who intends to appeal a decision of the hearing officer relating to a junk property shall file a notice with the Director of the Zoning Code Services Division no later than two (2) business days prior to the date set by the hearing officer for removal of the junk property. Such notice shall advise the Division that an appeal will be filed and that the junk property should not be removed. If such notice is received, the Zoning Code Services Division shall not authorize the removal of such junk property until a determination is made whether an appeal has been filed in a timely manner. If an appeal has not been filed within the time prescribed, the junk property may be removed immediately, or following the date set by the hearing officer for removal, whichever is later. If an appeal has been filed, the junk property shall not be removed until after the appeal is decided unless removal is authorized by the court.

(d) All appeals to the decisions of the hearing officer shall be writ of certiorari to the Seventeenth Judicial Circuit within thirty (30) days after rendition of the decision.
(Ord. No. 1999-45, § 10, 8-24-99)

Sec. 39-137. Responsibility for costs of junk property removal.

(a) *Private property.* If the junk property removed by Broward County pursuant to this article is a boat or motor vehicle located on private property, the last registered owner of the boat or motor vehicle and/or the owner of the property on which the boat or motor vehicle is located shall have the obligation to pay the costs of removal, including an administrative fee, which shall be set by the Board of County Commissioners to offset the costs of administering and enforcing this article. If the junk property is other than a boat or motor vehicle and is located on private property, the owner of the property upon which the item is located shall be responsible for the costs of removal.

(b) *Airport property.* If the junk property removed by Broward County pursuant to this article is a boat, motor vehicle or derelict aircraft located on airport property, Broward County shall be entitled to recover its costs of storage, transportation, and publication of notice from any moneys realized from the sale of the item. Any moneys remaining after recovery of Broward County's costs shall, unless another use is required by federal law, be deposited in the state school fund. If the moneys realized from the sale of the item are insufficient to reimburse Broward County for its costs of storage, transportation, and publication of notice, the last registered owner of the boat, motor vehicle or aircraft shall be responsible for the costs.

(c) Broward County shall send notice by mail to the responsible party specifying the costs of removal, administrative costs, including the cost of prosecution, and requesting payment within thirty (30) days of the notice. If payment is not made, Broward County may seek recovery of its costs by appropriate civil action or as provided by law.
(Ord. No. 1999-45, § 11, 8-24-99)

Sec. 39-138. Pre-assessment and special assessment hearings relating to land clearance.

(a) If any owner whose property has been cleared by Broward County fails to pay the bill sent pursuant to section 39-135 within 30 days, the Board of County Commissioners may, by resolution, levy a special assessment on behalf of Broward County against the property for costs of clearance, together with interest thereon from the date such costs became due at the maximum rate allowed by law for special assessments, plus all costs related to assessment and recording of the lien as provided by resolution of the Board. The Board may levy the total costs incurred or any mitigated or reduced amount recommended by the Director of the Finance and Administrative Services Department at the conclusion of the pre-assessment hearing specified in subsection (c) or may levy any amount less than the total costs which the Board finds appropriate and equitable.

(b) *Notice.* At least fifteen (15) days before the Board of County Commissioners shall consider levying the costs and recording a

special assessment lien, notice of the date and place when such consideration will be made shall be published in a newspaper of general circulation in the county and shall also be sent by certified mail, return receipt requested, to the property owner as shown on the current tax roll of Broward County, unless the code enforcement officer has actual knowledge of a subsequent property owner. Evidence that notice has been mailed as provided in this section, together with proof of publication, shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the property owner actually received such notice. Both notices shall contain the following:

(1) A statement that, prior to the date set for the public hearing before the Board of County Commissioners, the property owner or his, her or its authorized representative may contest any of the costs, fees or expenses described in the notice at an informal hearing before the Director of the Broward County Finance and Administrative Services Department, or the director's designee (hereinafter collectively referred to as "director");

(2) The name, address, and telephone number of a Broward County employee to contact to request an informal hearing as specified in subsection (c);

(3) A statement that the informal hearing will be held at a time and place to be set by the director;

(4) A statement that the property owner, or his, her or its authorized agent or representative (hereinafter collectively referred to as "property owner") should bring any witness, pictures, records, receipts or other documentation to the informal hearing which the property owner feels are relevant to the violation;

(5) A statement that, in lieu of attending the informal hearing, the property owner may submit written documentation pertaining to the violation to the director for consideration at the informal hearing; and

(6) A statement that the property owner shall have the right to appear at the public hearing before the Board of

County Commissioners to discuss the violation regardless of whether or not the property owner requests or participates in an informal hearing procedure.

(c) At the informal pre-assessment hearing, the director may consider the statements of the property owner and other persons with personal knowledge pertaining to the violation, and any documentation or information submitted which pertains to the violation.

(d) At the conclusion of the informal hearing, based on the amount of costs and administrative fees incurred by the county in clearing the property and any statements and documentation presented at the informal hearing, the director may recommend settlement, adjustment, or otherwise compromise the violation pursuant to the provisions of Section 1-51.3, "Claims against or on behalf of the county; limit, rules and regulations; role of county attorney," Broward County Code of Ordinances ("Code"). Recommended settlements, adjustments, or compromises of land clearance costs and fees up to twenty-five hundred dollars ($2,500.00) may be forwarded to the chair of the Board of County Commissioners pursuant to the provisions of section 1-51.3(A) of the Code. Recommended settlements, adjustments, or compromises of land clearance costs and fees in excess of twenty-five hundred dollars ($2,500.00) shall be approved by the Board of County Commissioners pursuant to section 1-51.3(E)(1) of the Code.

(e) Nothing contained herein shall prohibit Broward County from seeking recovery of its costs by appropriate civil action or as provided by law.

(f) *Priority of special assessment lien.* The special assessment lien levied pursuant to this section shall be a first lien superior to all other liens on the property and shall be equal to the lien of all state, county, district and municipal taxes until paid.
(Ord. No. 1999-45, §§ 6, 7, 8-24-99)

Secs. 39-139—39-194. Reserved.

ARTICLE XI. ALCOHOLIC BEVERAGE AND ADULT ENTERTAINMENT ESTABLISHMENTS*

Sec. 39-195. Alcoholic beverage establishments in general.

The following regulations shall apply to the location, design, construction, operation and maintenance of all alcoholic beverage establishments and shall be in addition to other requirements or limitations of this code.
(Ord. No. 1999-44, § 2, 8-24-99)

Sec. 39-196. Separation requirements for alcoholic beverage establishments.

Alcoholic beverage establishments shall be located at least five hundred (500) lineal feet from any other such establishment and at least one thousand (1,000) lineal feet from any educational center, place of worship or child care center.

(a) The required five hundred (500)-foot distance shall be measured and computed by following a straight line from

*Editor's note—Ord. No. 1999-44, §§ 2—14, adopted Aug. 24, 1999, renumbered and amended the provisions of former Art. XI, §§ 39-125—39-137. Former Art. XI pertained to similar subject matter and derived from an Ord. effective 10-9-78; Ord. No. 93-3, §§ 2—7, 1-26-93; Ord. No. 95-50, §§ 14, 16, 11-28-95.

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the nearest point of the existing building or structure, or part thereof, in which an alcoholic beverage establishment is located to the nearest point of the building or structure in which an alcoholic beverage establishment is proposed to be located.

(b) The required one thousand (1,000)-foot distance shall be measured and computed by following a straight line from the nearest point of the plot or property line of the educational center, place of worship or child care center to the nearest point of the building or structure, or part thereof, in which the alcoholic beverage establishment is proposed to be located.

(c) Distance separation requirements shall not apply if one (1) or both of the two (2) establishments is:

(1) An alcoholic beverage establishment within a hotel, motel, resort or convention center; or

(2) An alcoholic beverage establishment operated as part of a permitted outdoor event.

(d) For the purpose of determining the distance between alcoholic beverage establishments and places of worship, educational centers, child care centers, and other alcoholic beverage establishments, the applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any place of worship, education center, child care center and any existing alcoholic beverage establishment. The survey shall indicate the shortest distance as measured and computed in the manner set forth herein. In case there are no places of worship, educational centers, child care centers or existing alcoholic beverage establishments within the distances set forth herein, the survey shall so certify.

(e) If the proposed establishment is to be located within a single building or structure containing multiple tenants, which includes an existing alcoholic beverage establishment, educational center, place of worship or child care center, the required distances shall be measured and

computed by utilizing the main entrances of the proposed establishment and the existing alcoholic beverage establishment, educational center, place of worship or child care center therein.

(Ord. No. 1999-44, § 3, 8-24-99)

Sec. 39-197. Alcoholic beverage establishments; application to new educational centers, places of worship or child care centers.

Where an alcoholic beverage establishment is located in conformity with the provisions of this article, the subsequent locating of a place of worship, educational center or child care center within one thousand (1,000) lineal feet of the existing alcoholic beverage establishment shall not be construed to cause such establishment to be in violation of this article or to be considered a non-conforming use.

(Ord. No. 1999-44, § 6, 8-24-99)

Sec. 39-198. Existing alcoholic beverage establishments.

Except as provided in section 39-197, any existing alcoholic beverage establishment which does not conform to the provisions of this Article but which conformed to the regulations in effect when such establishment began operating and which was approved by Broward County through the issuance of a zoning certificate or certificate of use shall be considered a legal nonconforming use, subject to the provisions of Article VII, "Nonconforming Uses and Structures," of this code.

(Ord. No. 1999-44, § 8, 8-24-99)

Sec. 39-199. Adult entertainment establishments; findings and purpose.

In the development, enforcement and amendment of this code, it is recognized that there are uses and accessory uses which because of their very nature are recognized as having serious objectionable characteristics particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. Further, it is recognized that the location of even one such use

near a residential area of other incompatible use causes such deleterious effects on the neighborhood and on the businesses that serve the neighborhood. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
(Ord. No. 1999-44, § 9, 8-24-99)

Sec. 39-200. Distance limitations for adult entertainment establishments.

(a) No adult entertainment establishment shall be located or operated nearer to any other adult entertainment establishment nor nearer than one thousand (1,000) feet to any place of worship, child care center or educational center, except vocational and technical schools, colleges and universities. Measurement of the one thousand (1,000) feet shall be made in accordance with subsection (c) below.

(b) No adult entertainment establishment shall be located or operated nearer than five hundred (500) feet to a residentially zoned district. Measurement of the five hundred (500) feet shall be made in accordance with subsection (c) below.

(c) For the purposes of this article, an adult entertainment establishment shall be deemed to be within one thousand (1,000) feet of another adult entertainment establishment, place of worship, child care center or educational center, excluding vocational and technical schools, colleges and universities, or within five hundred (500) feet of a residentially zoned district, as defined in section 39-4, "Terms defined," of this code, if any part of the building in which an adult entertainment establishment is proposed to be located is within one thousand (1,000) feet of the plot where another adult entertainment establishment is located; or is within one thousand (1,000) feet of the plot of land upon which a place of worship, child care center or educational center, excluding vocational and technical schools, colleges and universities, is located; or within five hundred (500) feet of the district boundary line of a residentially zoned district, as measured by an actual or imaginary straight line upon the ground or in the air. To determine the distances regulated by this article, the person seeking to

establish or operate an adult entertainment establishment shall furnish to the County a survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed adult entertainment establishment and any other adult entertainment establishment, residentially zoned district, place of worship, child care center, or educational center, excluding vocational and technical schools, colleges and universities in the manner set forth herein.
(Ord. No. 1999-44, § 10, 8-24-99)

Sec. 39-201. Adult entertainment establishments; application to new places of worship, educational centers, child care centers or residentially zoned districts.

Where an adult entertainment establishment licensed in accordance with Chapter 20, Article XVI, "Adult Entertainment Code," is located in conformity with the provisions of this code, the subsequent locating of a place of worship, educational center or child care center within one thousand (1,000) feet, or a residentially zoned district within five hundred (500) feet, of the adult entertainment establishment shall not be construed to cause the establishment to be in violation of this code or to be classified as a nonconforming use.
(Ord. No. 1999-44, § 12, 8-24-99)

Sec. 39-202. Nonconforming adult entertainment establishments.

Except as provided in section 39-201, any existing adult entertainment establishment licensed in accordance with chapter 20, Article XVI, "Adult Entertainment Code," which conformed to the regulations in effect when such adult entertainment establishment was established, that becomes nonconforming by the enactment of this article shall be removed or discontinued within five (5) years of the effective date of this article.
(Ord. No. 1999-44, § 13, 8-24-99)

Sec. 39-203. Penalty.

Any person convicted of a violation of this article shall be punished as provided by law.
(Ord. No. 1999-44, § 14, 8-24-99)

Secs. 39-204—39-214. Reserved.

ARTICLE XII. OFF-STREET PARKING AND LOADING

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

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

(b) All existing off-street parking facilities and all off-street parking facilities instituted after the effective date of this article shall be maintained and continued as an accessory use as long as the building with which the off-street parking facilities are associated continues to exist.

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

(d) When any building or use, either existing prior to the effective date of this article or constructed or instituted subsequent to the effective date of this article is changed in use or occupancy, or is increased in capacity, floor area or density, the minimum amount of off-street parking spaces required by this article shall be provided for the gross floor area occupied by any new use or occupancy and for any increased floor area or capacity or overall density. Any such change in use or occupancy or increase in floor area, capacity or density shall also comply with requirements of article VIII, Functional Landscaping and Xeriscap-

ing, and section 39-163, District Boundary Line Plots, Broward County Zoning Code, and shall also comply with chapter 5, article IX, Broward County Land Development Code. For the purpose of this section, a change of use or occupancy shall mean a change from one category of off-street parking requirements to another such category under section 39-228.

(e) Any change of use or occupancy or any increase in floor area, capacity or density which would result in more than a fifty percent (50%) increase of parking spaces to the existing off-street parking facilities shall require the entire premises to be brought into full conformance with the requirements of this article, as a condition of the issuance of any site plan approval or permit required for such changes.

(f) *Maintenance:* It shall be unlawful for any owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with the required parking facilities, apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to occupy such building, or structure, for any purpose without providing the off-street parking facilities to meet the requirements of and be in compliance with this article. Failure to maintain the required off-street parking facilities in accordance with this article shall constitute grounds for revocation of any certificate of use issued for use of the premises.

(g) It shall be unlawful to use any part of private or public property for off-street parking or storage of vehicles which is not constructed, designated and maintained in compliance with this article, except that in one-family detached dwelling residential zoning districts the temporary parking of operable, currently licensed private passenger vehicles shall be permitted in the swale area of rights-of-way 60 feet or less in width which are not designated as a collector or arterial by the Broward County Trafficways Plan or non-trafficway collector roads.
(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 1, 11-28-95)

Sec. 39-216. Nonconforming uses.

In cases of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where repairs, alterations or refurbishing are carried out in accordance with article VII, Nonconforming Uses and Structures, the existing off-street parking facilities shall also be repaired and refurbished and landscaping installed to the maximum extent possible without reducing the amount of existing parking spaces on site by more than 20 percent.
(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 2, 11-28-95)

Sec. 39-217. Location, character and size.

(a) *Location:* The off-street parking facilities required by this article shall be located on the same plot or parcel of land such facilities are intended to serve, except that for nonresidential uses, a separate plot, the nearest property line of which is located within 500 feet, airline measurement, from the nearest property line of the premises it is intended to serve, may be used to satisfy twenty-five percent (25%) of the required off-street parking. All off-street parking facilities shall be located on property which is in a zoning district permitting such use, and shall be designed, developed and maintained in accordance with all applicable provisions of this article. When the required off-street parking is to be provided upon an additional plot of land, the owner of such additional plot of land and the owner of the land intended to be served by such off-street parking facilities shall enter into an agreement with the county, whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional parking area serves, so long as such parking facilities are required; and said agreement shall be approved by the Office of the County Attorney for Broward County, and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land, and shall bind the heirs, successors and assigns of said owner; however, another additional plot or plots, complying with the provisions of the Zoning Code, and subject to a recorded agreement as above specified may be substituted for the additional plot of land. In the case of a new or substitute agreement

for the use of a plot of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

(b) *Size:* Each parking space and aisle width shall not be less than the parking dimension standards depicted in Table I, Minimum Space Requirements, at Various Parking Angles for Self-Parking Facilities. If a parking aisle requires access for emergency vehicles, garbage trucks or trucks moving to or from a loading area, that parking aisle shall be at least 24 feet wide.

(c) *Access:* All required parking spaces shall be directly accessible from a public or private street, alley or recorded ingress and egress easement. All off-street parking areas shall be designed to permit safe maneuvering of vehicles, and each space shall be accessible without driving over or through any other parking space, except for one-family detached dwellings, two-family dwellings, and townhouses having a carport or garage as part of the dwelling unit. No parking space shall be designed to permit backout parking onto a public right-of-way, except a dedicated alley, nor shall parking spaces be located so as to require backing onto or across a sidewalk, pedestrian crosswalk or other area of high pedestrian concentration except for one-family detached and two-family dwellings and townhouses which have an attached carport or garage as part of the townhouse unit. Backout parking shall not be permitted in any case, on any street or highway designated on the Broward County Trafficways Plan or as a non-trafficway collector road.

(d) *Parking space designation:* All required off-street parking spaces shall be clearly delineated by four-inch wide, yellow or white, painted striping, except for one-family detached and two-family dwellings and townhouse dwellings which have an attached carport or garage as part of the townhouse unit, and except for nonresidential uses in rural and agricultural districts which shall require bumper guards or wheel stops in lieu of striping. Parking stalls which abut landscaped areas, sidewalks, structures or property lines shall be designed with bumper guards, wheel stops or contiguous curbing. The required bumper

guards, wheel stops or curbing shall be located a minimum of two and one-half (2½) feet from any landscaped area, sidewalk or property line.

(e) *Overhead garage doors:* No required off-street parking space may be located in front of any overhead garage door or other loading area in a nonresidential building, except self-storage warehouses. Such area may, however, be used to satisfy the requirements of section 39-229, off-street loading, providing sufficient driveway or aisle width according to Table I is provided adjacent to such off-street loading area.

(f) *Composition:* Unless otherwise specifically permitted herein the required off-street parking areas, access aisles and driveways shall be constructed of at least a six-inch course of native limerock, surfaced with asphaltic concrete or portland concrete. Brick or interlocking pavers may be utilized for one-family and two-family dwellings, and townhouses with attached carports or garages as parking and driveway facilities. The permitted paving surface shall be maintained in a smooth and well-graded condition. Off-street parking areas shall be designed to ensure safe and efficient traffic circulation. The parking facilities shall be of sufficient size to allow necessary functions for loading, unloading and parking maneuvers to be carried out on private property, and completely off the street right-of-way.

(g) *Grass parking:* 25 percent of the required off-street parking facilities may be provided through the use of grass parking for the following specific uses:

(1) Theaters and convention centers

(2) Schools

(3) Religious facilities

(4) Hospitals

50 percent of the required off-street parking facilities may be provided through the use of grass parking for the following specified uses:

(1) Stadiums and sports arenas

(2) Racetracks, fairgrounds, circus grounds

(3) Outdoor recreation establishments

(4) Funeral homes, mortuaries, cemeteries

(5) Outdoor flea market or swap meet

Required off-street parking facilities for buildings and uses in agricultural, estate and rural zoning districts may be provided through the use of grass parking.

Grass parking surfaces shall conform to county specifications, which includes at least a six (6) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use. All requirements for landscaping vehicular use areas shall be met as well as all required interior landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by article VIII of this chapter or pervious area requirement of chapter 5, article IX of the Broward County Land Development Code.

(h) *Setbacks:*

(1) *Nonresidential:*

a. Pedestrian walkways shall be at least ten (10) feet from any building wall which provides less than 20 percent visibility at eye level, from the interior to the exterior of the building, through windows or doors.

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

(2) *Residential:* All driveways and parking spaces for one-family attached and detached dwellings on separate plots or lots of record shall be set back at least two and one-half (2½) feet from any side property line.

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

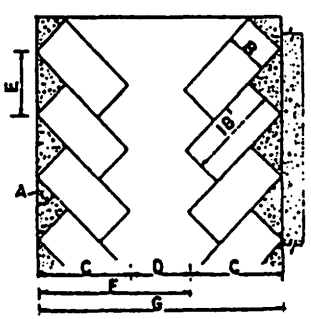
(j) *Identification of parking lots:* All off-street parking areas required by this article shall be provided with identification as to purpose and location in the form of signage visible to vehicular

traffic when such parking areas are not clearly evident from a street or alley. Signage shall comply with all requirements of this chapter for location, size and permitting.
(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-23, § 1.01, 6-6-95; Ord. No. 95-49, § 3, 11-28-95; Ord. No. 1997-12, § 1, 3-11-97)

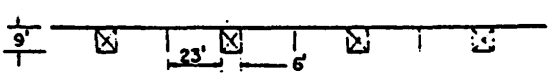
TABLE I
MINIMUM SPACE REQUIREMENTS AT VARIOUS PARKING ANGLES FOR SELF-PARKING FACILITIES

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

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



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



Sec. 39-218. Additional and overflow parking.

Every building, use or structure which complies with the off-street parking requirements of this article may provide additional parking spaces. Such parking spaces may be designed as tandem if attendant parking is utilized.
(Ord. No. 95-49, § 4, 11-28-95)

Sec. 39-219. Drive-through facilities.

(a) Businesses that provide a drive-through service are required to provide drive-through service lanes or stacking spaces for stacking or queuing, as separate and distinct lanes from the circulation lanes necessary for entering or exiting the plot.

(b) Each drive-through lane or stacking space shall be separated from other on-site lanes or aisles. Each such drive-through lane or stacking space shall be curbed, striped, marked or otherwise distinctly delineated.

(c) Drive-through lanes leading to or from gasoline pumps or pump islands shall provide a minimum width of 12 feet for one-way entrance and exit. All drive-through lanes which lead to 2 gasoline pump islands shall provide a minimum of 24 feet from curb to curb, between pumps or pump islands.

(d) All drive-in bank facilities shall provide a minimum 8 feet wide vehicular service position between each drive-in teller facility.

(e) A separate and distinct escape lane shall be provided, unless the drive-through lane and stacking spaces adjoin and are parallel to a parking aisle at least 24 feet in width. A public street or alley shall not be counted as an escape lane.

(f) Drive-through lanes or stacking spaces shall not conflict or otherwise hamper access to or from any parking space.

(g) Pedestrian walkways shall be clearly separated from drive-through lanes or stacking spaces.

(h) Except for drive-in teller facilities at banks and gasoline pump island drive-through lanes as specified above, any other drive-through lane or stacking space is hereby defined as being nine (9) feet wide by 22 feet in length.

(i) Inbound drive-through lanes or stacking spaces shall be counted from the first stopping point. Outbound drive-through lanes or stacking spaces shall be counted from the last stopping point.

(j) The required amount of stacking spaces shall be as described in section 39-228(f) of this article. Any business not listed in section 39-228(f) shall have the same requirements as the most similar use described therein as determined by the zoning official.
(Ord. No. 95-49, § 5, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97)

Sec. 39-220. Plans.

Plans as required by section 39-17, Site Plans and Surveys, and chapter 5, article IX of the Broward County Land Development Code, shall be submitted with every application for a permit or development order for a new building, an addition to an existing building, or for a change in the use of any existing building or plot of land required to provide off-street parking under this article, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. An off-street parking data box on the site plan shall list the project's off-street parking provided in reference to the satisfaction of all off-street parking regulations of this article including proposed building and site usage and parking totals showing required versus provided.
(Ord. No. 95-49, § 6, 11-28-95)

Sec. 39-221. Calculating required parking.

(a) *Uses not specifically mentioned.* The parking requirements for uses not specifically mentioned shall be the same as provided in this article for the most similar use as determined by the zoning official.

(b) *Fractional spaces.* When units or measurements determining the total number of required off-street parking spaces result in a fractional space, any such fraction shall require a full off-street parking space.

(c) *Mixed uses.*

(1) In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the various uses computed separately and off-street parking for any other use, except for shopping centers, general industrial complexes and storage or distribution warehouses as specified in section 39-228(b)(42), 39-228(c)(2) and 39-228(c)(8).

(2) Shared usage: Section 39-222 designates the requirements for time of operation differences between uses.

(d) *Measurements.* Gross floor area shall mean the gross floor area inside the exterior walls. In stadiums, sports arenas, religious facilities, bars and other places of assembly in which occupants utilize benches, pews, stools or other similar seating facilities, every twenty (20) lineal inches of such seating shall be counted as one seat for the purpose of computing off-street parking requirements.

(e) *Open air seating.* Open air seating shall mean any seating area without a heating or cooling system and where a minimum of two (2) sides are open and unenclosed by walls other than canvas or mesh screening.

(f) *Full service restaurant.* A full service restaurant shall mean a restaurant which functions for the purpose of serving complete meals, prepared and cooked in a kitchen within the restaurant to people seated at tables on the premises.

(g) *Fast food restaurant.* A fast food restaurant shall mean a restaurant which functions for the purpose of serving either meals or individual food items, prepared and cooked in a kitchen within the restaurant to people either seated at tables on the premises or for consumption off the premises.
(Ord. No. 95-49, § 7, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97)

Sec. 39-222. Shared usage.

Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) separate permitted uses when it is clearly established by the applicant that the two (2) uses will utilize the spaces at different times of the day, week, month or year, such as a church sharing spaces with a retail store. A recordable covenant, with the correct legal description, shall be

submitted by the owners of the property and the two (2) businesses or tenants involved in a form acceptable to the office of the county attorney. The covenant shall be recorded in the public records of Broward County at the applicant's expense, and shall run with the land. The covenant shall provide that the use or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses, shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the county may collect attorneys' fees if litigation is necessary to enforce the requirements of this section.
(Ord. No. 95-49, § 8, 11-28-95)

Sec. 39-223. Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by 2 or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article. In such cases, a recorded agreement shall be executed in the same manner as provided for in section 39-217(a).
(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 9, 11-28-95)

Sec. 39-224. Use of off-street parking facilities.

Parking spaces approved in conformance with this article may be used only for parking of vehicles of owners, tenants, employees and customers utilizing the building or site served by such required parking space. The following uses and activities shall not be permitted in required off-street parking facilities:

(1) Parking to serve an off-site building;

(2) Storage, repair or commercial display of any vehicles, equipment or merchandise;

(3) Parking or storage of commercial vehicles owned, operated or used in the business of a commercial occupant of a building between the hours of 8:00 a.m. and 5:00 p.m.;

(4) Parking of recreational vehicles, boats and accessory equipment on nonresidentially zoned or used property; and

(5) Parking of any vehicle, which due to its size, shape, contents or location, creates an obstruction or public safety hazard or which cannot be contained within a single designated parking space.

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 10, 11-28-95)

Sec. 39-225. Storage lots for vehicles, boats and equipment.

All open air storage lots for vehicles, boats or trucks located in a commercial zoning district shall be surfaced with asphalt or concrete. All open air storage lots for commercial vehicles, heavy equipment or other motor-driven equipment in an industrial zoning district may be on a non-paved surface, provided same is compacted, stabilized and dust-free.

(Ord. No. 95-49, § 11, 11-28-95)

Sec. 39-226. Lighting.

All off-street parking facilities serving multiple-family residential developments containing eight (8) or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards within five (5) years from the effective date of this article.

(a) For the purpose of this section, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.

(b) Intensity of illumination:

(1) Open-air parking areas shall provide an average illumination intensity of 1 footcandle equal to 1 lumen per

square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than 1/4 footcandle.

(2) Enclosed parking areas shall provide an average illumination intensity of 50 footcandles at the entrance, 10 footcandles in traffic lanes and 5 footcandles in vehicle parking areas.

(3) Automatic teller machines (ATM) shall be provided with a maintained minimum of 3 footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the 3 footcandle standard.

(4) The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.

(5) Overspill of lighting onto adjacent properties or rights-of-way shall not exceed 3 footcandles vertical and shall not exceed 1 footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to minimize offensiveness to persons on neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.

(6) All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with 1/2 light levels permitted from midnight to dawn. Enclosed parking areas shall maintain the lighting levels specified in this section 24 hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.

(c) Compliance requirements:

(1) A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site

plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this section.

(2) Subsequent construction must comply with the lighting plan.

(3) As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the zoning official or designee stating that the installation has been field checked and meets the requirements of this section.

(d) Maintenance requirements: All lighting installations required by this article shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

(Ord. No. 95-49, § 12, 11-28-95)

Sec. 39-227. Parking for disabled persons.

All applicable state and federal laws relating to parking spaces for certain disabled persons in all public and private parking areas, including minimum dimensions, requirements, location and posting of signs shall be adhered to on all proposed developments and parking facilities which require revisions.

(Ord. No. 95-49, § 13, 11-28-95)

Sec. 39-228. Amount of off-street parking.

(a) The following minimum amounts of off-street parking shall be provided for all residential buildings and uses:

	Types of Buildings and Uses	Min. Number of Parking Spaces Required per Indicated Unit	Unit of Measure
(1)	One-family detached dwelling	2.0	Per each dwelling unit
(2)	Two-family dwelling	2.0	Per each dwelling unit
(3)	Townhouse or villa	2.0	Per each dwelling unit located on a single lot of record
	Plus	1.0	Per each 5 dwelling units for guests
(4)	Multiple-family dwelling	1.5	Per each efficiency or one-bedroom apartment unit
		2.0	Per each two-bedroom apartment unit
		2.5	Per each three- or more bedroom apartment unit
	Plus	1.0	Per each 5 dwelling units for guests
(5)	Group dwelling	1.0	Per each room
	Plus	2.0	For owner or manager
(6)	Dormitory, fraternity	1.0	Per each 2 beds
	Plus	1.0	For owner or manager
(7)	Community residential facility	1.0	Per each 2 bedrooms
	Plus	1.0	Per each 4 bedrooms for owner and staff
(8)	Time-share apartment	1.5	Per each apartment unit
	Plus	1.0	Per each 10 apartments for guests and staff
(9)	Mobile home park	2.0	Per each mobile home
(10)	Clubhouse or recreation building for residential development	1.0	Per each 200 square feet of gross floor area

(b) The following minimum amounts of off-street parking shall be supplied for all business and commercial buildings and uses:

(1)	Hotel, bed and breakfast	3.0	Per 4 sleeping rooms
	Plus		65% of the required amount of parking specified in this section for other uses when operated in conjunction with and as part of a hotel
(2)	Motel	1.0	Per each guest room
	Plus	5.0	For manager and staff
	Plus		65% of the required amount of parking specified in this section for other uses when operated in conjunction with and as part of a motel
(3)	Sports arena, auditorium	1.0	Per 4 fixed seats
	Plus	1.0	Per 200 square feet of assembly area not having fixed seating
(4)	Bowling center	5.0	Per bowling lane
	Plus	1.0	Per 200 square feet of gross floor area of the remainder of the building
(5)	Amusement center, game room, pool or billiard center	1.0	Per 200 square feet of gross floor area
(6)	Bingo hall	1.0	Per 70 square feet of gross floor area
(7)	Private club, lodge, union hall	1.0	Per 100 square feet of gross floor area
(8)	Gym, fitness center	1.0	Per 150 square feet of gross floor area
(9)	Skating rink, dance hall	1.0	Per 100 square feet of gross floor area minus restrooms, storage rooms, offices and other areas prohibited to the general public
(10)	Theater	1.0	Per each 4 seats
(11)	Full-service restaurant, dinner theater	1.0	Per 100 square feet of gross floor area

	Plus	1.0	Per 200 square feet of open air seating area
(12)	Fast food restaurant	1.0	Per 50 square feet of customer service area and seating
	Plus	1.0	Per 200 square feet of remaining floor areas
	Plus	1.0	Per 200 square feet of open air seating area
(13)	Bar, lounge, tavern, pub, nightclub, bottle club	1.0	Per 30 square feet of customer service area
	Plus	1.0	Per 250 square feet of remaining floor area
	Plus	1.0	Per 2 lineal feet of bar seating
(14)	Take-out restaurant, delicatessen, bakery	1.0	Per 50 square feet of customer service area
(15)	Mobile food unit	1.0	For the food unit
	Plus	2.0	For customers
(16)	Food catering, food delivery	1.0	Per 400 square feet of gross floor area
(17)	Business and professional office	1.0	Per 250 square feet of gross floor area
	Or	1.0	Per individual business, whichever results in a greater required amount
(18)	Medical, dental, psychiatric, chiropractic, veterinary office or clinic	2.0	Per each patient examination room
	Plus	1.0	Per 250 square feet of remaining floor area
(19)	Government office, bank, financial institution	1.0	Per 200 square feet of gross floor area
(20)	Post office, courier service	1.0	Per 50 square feet of customer service area
	Plus	1.0	Per 200 square feet of remaining floor area

(21)	Retail store, personal service shop, not otherwise specified	1.0	Per 300 square feet of gross floor area
	Or	1.0	Minimum for each individual retailer
(22)	Wholesale store, home improvement center	1.0	Per 500 square feet of gross floor area in buildings less than 20,000 square feet
		1.0	Per 1,000 square feet of gross floor area in buildings 20,000 square feet or more
(23)	Retail furniture, flooring, appliance store	1.0	Per 500 square feet of gross floor area
(24)	Supermarket, department store	1.0	Per 150 square feet of retail sales area
	Plus	1.0	Per 500 square feet of warehouse storage area
	Plus	1.0	Per 200 square feet of remaining floor area
(25)	Convenience store	1.0	Per 150 square feet of gross floor area
	Plus		Stacking spaces as required for gasoline pumps
(26)	Beauty salon, nail salon, barber shop	1.0	Per 250 square feet of gross floor area
(27)	Photocopy or printing shop	1.0	Per 500 square feet of gross floor area
(28)	Repair shops for household and personal items	1.0	Per 250 square feet of gross floor area
	Or	1.0	Minimum if less than 250 square feet
(29)	Dry cleaning or laundry drop-off and pick-up	1.0	Per 250 square feet of gross floor area
(30)	Coin laundry	1.0	Per 500 square feet of gross floor area
(31)	Mobile collection center	2.0	Per trailer unit
(32)	Auto cleaning, detailing	4.0	Minimum

(33)	Self-service or automated car wash		See stacking spaces in sec. 39-228(f)
(34)	Auto repair garage, auto paint or body shop	3.0	Per service bay
	Plus	1.0	Per outside storage area (no wrecked or junk vehicles may be stored outside building)
	Plus	1.0	Per 600 square feet of separate parts storage floor area
(35)	Indoor flea market	1.0	Per 300 square feet of vendor area
(36)	Outdoor flea market, swap meet	1.0	Per 500 square feet of vendor area
(37)	Auction house	1.0	Per 4 fixed seats
	Plus	1.0	Per 40 square feet of non-fixed-seat assembly area
	Plus	1.0	Per 500 square feet of remaining floor area
(38)	Auto sales, rental or leasing (wholesale or retail)	1.0	Per 200 square feet of gross floor area of office/showrooms
	Plus	1.0	Per 2,000 square feet of outside vehicular display
	Plus		Parking as required in (34) above for accessory repair and body shop
(39)	Truck, boat, equipment sales or rental	1.0	Per 400 square feet of gross floor area
	Plus	1.0	Per 2,000 square feet of outside display or storage area
(40)	Plant nursery, tree farm or other crops	3.0	Minimum
(41)	Retail plant nursery, open air produce market or other open air display areas not otherwise specified	1.0	Per each 1,000 square feet of display area open to the public
(42)	Boarding and breeding kennel	1.0	Per 600 square feet of gross floor area

(43)	Shopping center:		If gross aggregate floor area is less than 10,000 square feet, all uses shall be calculated separately
	10,000 to 40,000 square feet of gross floor area	1.0	Per 200 square feet (limited to 5% of total floor area for restaurants, bars, theaters or clubs)
	40,000 to 200,000 square feet of gross floor area	1.0	Per 250 square feet (limited to 10% of total floor area for restaurants, bars, theaters or clubs)
	Over 200,000 square feet of gross floor area	1.0	Per 300 square feet (limited to 20% of total floor area for restaurants, bars, theaters or clubs if restaurants, bars, theaters or clubs exceed percentages as limited above, such facilities shall be calculated as would be required if such uses were separate and distinct)

(c) The following minimum amounts of off-street parking shall be provided for all industrial uses of buildings and properties:

(1)	Each individual business in a building	1.0	Minimum or parking as required following, whichever results in a greater amount of off-street parking
(2)	Manufacturing, assembly, general industrial	1.0	Per 500 square feet of gross floor area (first 10,000 square feet)
	Plus	1.0	Per 1,000 square feet over 10,000 square feet
	Accessory offices and showrooms less than 10% of gross floor area of building	0.0	No additional spaces required
	Accessory offices and showrooms more than 10% of gross floor area	1.0	Per 300 square feet of office or showroom area of building

(3)	Research or testing laboratory	1.0	Per 500 square feet of gross floor area
(4)	Contractor shop, storage yard and salvage yard	1.0	Per 400 square feet of gross floor area
	Plus	1.0	Per 5,000 square feet of outside storage area
	Plus	1.0	Per truck, trailer, etc. used in conjunction with the business
(5)	Fuel distributor	1.0	Per truck, trailer, etc. used in conjunction with the business
	Plus	1.0	Per each 2 employees and executives
(6)	Food processing, bottling establishment	1.0	Per 500 square feet of gross floor area
(7)	Self-storage warehouse	1.0	Per 200 storage units
	Plus	2.0	For office and manager's quarters (limited to 1,200 square feet gross floor area)
	Plus		A 10-foot wide parking lane on either side of any driveway which provides access to storage units. Such parking lanes shall be delineated along the entire length of the building or buildings which the parking lane serves.
(8)	Storage and distribution warehouse:		
	Under 20,000 square feet	1.0	Per 500 square feet of gross floor area
	20,000 to 40,000 square feet	1.0	Per 1,000 square feet of gross floor area
	Over 40,000 square feet of gross floor area	1.0	Per 2,000 square feet of gross floor area

	Accessory offices and showrooms less than 10% of gross floor area of building	0.0	No additional spaces required
	Accessory offices and showrooms more than 10% of gross floor area of building	1.0	Per 300 square feet of office area
(9)	Penal institution	1.0	Per employee calculated per largest work shift

(d) The following minimum amounts of off-street parking shall be provided for all outdoor recreational uses and properties:

(1)	Recreational vehicle park, tent camp	1.0	Per each site
(2)	Skateboard park	1.0	Per 200 lineal feet of ramp
	Plus	1.0	Per 250 square feet of gross floor area of buildings used for accessory uses such as snack bars, game rooms, retail, etc.
(3)	Waterslide	25.0	Per first flume (slide)
	Plus	10.0	Per each additional flume
	Plus		Parking as required for other uses
(4)	Commercial pool	1.0	Per 50 square feet of water area
	Plus		Parking as required for other uses such as bars, restaurants, etc.
(5)	Marina, charter boat	1.0	Per boat slip
	Plus		Parking as required for other uses such as bars, restaurants, retail, etc.
(6)	Golf course	4.0	Per golf green
	Plus	1.0	Per 250 square feet of gross floor area of clubhouse, pro shop, restaurant, etc.
(7)	Miniature golf course	2.0	Per hole

	Plus	4.0	For employees
	Plus		Parking as required for other uses on site
(8)	Target range, batting cage	1.5	Per target position
	Plus	2.0	For employees
	Plus		Parking as required for other uses on site
(9)	Sports court	2.0	Per court
	Plus		Parking as required for other uses on site
(10)	Stadium, racetrack, arena, fairground	1.0	Per each 5 seats
	Plus	1.0	Per 250 square feet of gross floor area of buildings on site
(11)	Outdoor recreation club, retreat	10.0	Per net acre of plot designated for such use
	Plus		Parking as required for other uses on site
(12)	Equine riding or boarding stable	1.0	Per each 4 stalls
	Plus	1.0	For the owner
(13)	Public parks and public recreation areas, other than county owned or operated facilities		Determined by the agency facilitating and maintaining the use
(14)	Nonprofit community centers (i.e. child or adolescent activity centers, athletic facilities, etc.)	1.0	Per 400 sq. ft. of assembly areas
	Plus	1.0	Per each staff member

(e) The following minimum amounts of parking shall be provided for uses of buildings or property specified below:

(1)	Hospital	1.0	Per patient bed
	Plus	1.0	Per 1,000 square feet of gross floor area

(2)	Animal hospital	1.0	Per 200 square feet of gross floor area in waiting and treatment rooms and offices
(3)	Nursing home, sanitarium, convalescent or rehabilitation home	1.0	Per each 2 beds
	Plus	1.0	Per each 200 square feet of office and administration area
(4)	Library, museum, art gallery	1.0	Per each 200 square feet of gross floor area
(5)	Places of worship	1.0	Per each 4 seats
	Or	1.0	Per 50 square feet of worship area, whichever results in a greater amount of required parking
(6)	Funeral home, mortuary	1.0	Per each 4 seats
		25.0	Minimum spaces
(7)	Cemetery	1.0	Per each 20 grave sites
(8)	Child care center, preschool	1.0	Per 400 square feet of gross floor area
	Plus		Stacking spaces as specified in section 39-228(f)
(9)	Elementary and middle schools	1.0	Per classroom
	Plus	1.0	Per 400 square feet of auditorium or other assembly area
	Plus		Stacking spaces as specified in Section 39-228(f)
(10)	Senior high school	1.0	Per classroom
	Plus	1.0	Per each 5 students
	Plus	1.0	Per 400 square feet of gross floor area of administration, office and assembly areas
(11)	College or university	1.0	Per classroom
	Plus	1.0	Per each 3 students

	Plus	1.0	Per 200 square feet of gross floor area of administration, office and assembly areas
(12)	Art, music, theatrical school	1.0	Per 250 square feet of gross floor area
(13)	Business, trade and vocational school	1.0	Per 60 square feet of classrooms
	Plus	1.0	Per 200 square feet of remaining areas
(14)	Telephone exchange, other buildings housing automatic or special equipment where no customers or patrons visit or are served	1.0	Per 500 square feet of gross floor area
(15)	Terminal (air, bus, train, etc.)	1.0	Per each 4 seats in waiting rooms, lounges, restaurants, etc.
	Plus	1.0	Per each 2 employees

(f) Stacking spaces necessary per service position or drop-off point for the provisions of this section shall be determined using the following table:

Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
Bank	6	1
Beverage, food	6	1
Dry cleaning	3	1
Attendant car wash	10	6
Automatic car wash	6	4
Automatic car wash as accessory use	3	2
Gasoline/diesel fuel pump island	4	1
Day care center	3	3
Skating rink	3	3
Elementary, middle or high school	6	4

Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
All other facilities	4	2

(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-23, § 1.02, 6-6-95; Ord. No. 95-49, § 14, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97; Ord. No. 1998-06, § 2, 3-24-98)

Sec. 39-229. Off-street loading.

(a) On the same plot with every structure or use specified herein which is hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, so that vehicles for these services may use this space without interfering with the public use of streets, alleys and off-street parking areas by pedestrians and vehicles.

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

(c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least twelve (12) feet wide by forty-five (45) feet long with a 14-foot vertical clearance, except that for plots containing an aggregate amount of less than 10,000 square feet of gross floor area of buildings, and except for office buildings and banks, an off-street loading space may be ten (10) feet in width by twenty-five (25) feet long. Each off-street loading space shall be directly accessible from a street, alley or driveway without crossing or entering any other required off-street loading space, shall be clearly marked as to purpose, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Off-street loading spaces shall not be located in a parking aisle and shall not be more than thirty

(30) feet from the building which the off-street loading space serves. Any pedestrian walkway crossing ingress and egress to an off-street loading space shall be clearly marked.

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

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

Over 2,000 sq. ft. but not over 20,000 sq. ft.	1 space

Over 20,000 sq. ft. but not over 60,000 sq. ft.	2 spaces
Over 60,000 sq. ft. but not over 120,000 sq. ft.	3 spaces
Over 120,000 sq. ft. but not over 200,000 sq. ft.	4 spaces
Over 200,000 sq. ft. but not over 290,000 sq. ft.	5 spaces
Plus, for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof	1 space

(2) For each auditorium, convention hall, exhibition hall, museum, hotel, sports arena, stadium, hospital, or similar use which has an aggregate gross floor area of:

Over 20,000 sq. ft. but not over 40,000 sq. ft.	1 space
Plus, for each additional 40,000 sq. ft. over 40,000 sq. ft. or major fraction thereof	1 space

(3) For any use not specifically mentioned in this section, the requirements for off-street parking for a use which is so mentioned and to which the unmentioned use is similar shall apply. One-family and two-family dwellings and multiple-family dwellings shall not require off-street loading facilities.

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

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

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

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

(i) All off-street loading facilities shall be located on the plot which they are intended to serve.
(Ord. No. 80-25, § 1, 4-11-80; Ord. No. 95-49, § 17, 11-28-95; Ord. No. 1997-13, § 4, 3-11-97)

Secs. 39-230—39-234. Reserved.

COND. USES

ARTICLE XIII. CONDITIONAL USES

Sec. 39-235. Purpose and intent.

Certain uses may be harmonious under special conditions and in specific locations within a zoning district, but may not be appropriate under the general conditions of the zoning district regulations as stated. These uses are set forth in this article subject to specific limitations intended to protect the health, safety, and welfare of adjacent properties, contribute to the community as a whole, comply with the policies and objectives of the Broward County Land Use Plan, and provide flexibility of design.
(Ord. No. 96-16, § 2, 5-28-96)

Sec. 39-236. Compliance with conditions.

The permitted conditional uses listed in this article shall not be subject to waiver of any provision of this article by the Board of Adjustment or Board of County Commissioners.
(Ord. No. 96-16, § 2, 5-28-96)

Sec. 39-237. Home offices.

Home offices. Home offices as defined in section 39-4 shall be permitted in all residential zoning districts subject to the following limitations:

(1) Not more than ten percent (10%) of any dwelling unit may be used for a home office.

(2) No merchandise or equipment related to the home office shall be stored at, delivered to or dispensed from the dwelling unit, or from any accessory building or structure on the property, except office equipment or supplies required for daily office operations.

(3) Commercial vehicles associated with the home office in all residential districts except A-1 and A-2 shall be subject to section 39-275(7), General Provisions, residential zoning districts. Commerical vehicles in A-1 and A-2 districts shall be subject to section 39-245(3)(d).

(4) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.

(5) A certificate of use shall be obtained for any home office. In addition to the requirements of section 39-19, certificates of use for home offices shall comply with the following:

a. A floor plan of the dwelling unit, drawn to scale, shall be submitted with an application for a certificate of use for a home office, designating the room or rooms to be occupied by the home business.

b. Any certificate of use issued for a home office shall be renewed one year after initial issuance, and each subsequent year thereafter.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-31, § 2, 9-8-98)

Sec. 39-238. Outdoor event permits.

Permits for certain outdoor events may be issued subject to compliance with this section. The following outdoor events may be permitted in the zoning districts designated:

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

Event	*Permitted Zoning Districts*
(b) Concerts, festivals	Commercial, industrial, and commercial recreation
(c) Commercial promotions, shows, sales, events	Commercial and industrial

(1) *Minimum site requirements.* All outdoor events shall require a minimum of one net acre of open space with not less than two hundred (200) feet of street frontage on a public street having a right-of-way width of at least seventy (70) feet.

(2) *Setbacks.* No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than one hundred (100) feet from a public or private street line, and not less than three hundred (300) feet from any privately owned property in agricultural, estate, and rural districts.

(3) *Access.* Vehicular access onto any plot used for an outdoor event shall be from a public street which provides the minimum required street frontage specified above. No vehicular traffic shall be allowed ingress to or from the plot through any other residential street.

(4) *Parking.* Off-street parking shall comply with requirements of Article XII insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

(5) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street or other vehicular use area.

(6) *Temporary structures, exhibits, and mechanical riding devices.* Temporary structures, exhibits, and mechanical

riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within seven (7) days after the conclusion of the event.

(7) *Signs.* One temporary sign advertising the event may be erected on the plot where the event will be held not more than fourteen (14) days prior to the event. Such signs shall be no larger than twenty-four (24) square feet in sign area and no higher than ten (10) feet above the ground. The sign shall be set back at least ten (10) feet from the front plot line and shall not be located within twenty-five (25) feet of the intersection of any two (2) public or private streets. The sign shall be removed by the permit holder at the conclusion of the outdoor event.

(8) *Frequency and duration.* No outdoor event shall be permitted for a period of time exceeding seven (7) consecutive days. No more than two (2) of each category of outdoor event permits shall be issued on any plot during a calendar year. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday.

(9) *Liability insurance.* Before any permit for an outdoor event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of three hundred thousand dollars ($300,000.00). The policy must name Broward County as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Broward County Risk Management Division prior to issuance of any outdoor event permit.

(10) *Performance bond.* Before any permit for an outdoor event is issued, a performance bond or similar security acceptable to the county and naming Broward County as beneficiary in the sum of one thousand dollars ($1,000.00), shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security must be approved by the Office of the County Attorney, and shall be in effect for the duration of the outdoor event and for six (6) months subsequent to the end of the event. The security shall be released at the conclusion of the six-month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

a. The applicant shall comply fully with all the provisions of the Broward County Code of Ordinances and all other applicable county, state or federal laws regarding the sale of goods as permitted;

b. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

c. The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(11) *Plans.* A plan, drawn to scale, shall be submitted to the zoning official, or designee, at the time of permit application indicating the following:

a. Plot dimensions;

b. Adjoining streets and points of access to the plot;

c. Location of all activities and temporary structures and setbacks from plot lines;

d. Location and use of any permanent buildings and uses existing on the plot;

e. Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.

(12) *Permit applications.* A permit application shall be submitted to the Zoning Official, or designee, at least thirty (30) days prior to the outdoor event. The permit application shall include the following:

a. The name and address of the applicant;

b. The address and legal description of the plot where the event will be held;

c. The date or dates of the event;

d. The type of event and sponsor, if any;

e. The plan required by subsection (11) above;

f. An executed performance bond as required in subsection (10) above;

g. Proof of insurance as required in subsection (9) above;

h. Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;

i. A notarized affidavit of proof of posting the notice sign required by Section 39-238(16) herein; and

j. The applicable processing and inspection fee, in accordance with the fee schedule in effect.

(13) *Agency reviews.* Prior to issuance of a permit for an outdoor event, the following agencies shall review and approve the event in accordance with applicable statutes, ordinances and codes:

a. Broward County Traffic Engineering Division;

b. Broward County Risk Management Division;

c. Broward County Engineering Division;

d. Health Department (State of Florida) if approval is required;

e. Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;

f. Broward County Fire Rescue Division;

g. Broward County Building and Permitting Division;

h. Broward County Sheriff's Office; and

i. Department of Planning and Environmental Protection.

(14) *Permit issuance.* Within twenty (20) days subsequent to filing of the application, Broward County shall review the application, inspect the plot, and either issue or reject the permit. Reasons for rejection shall be in writing to the applicant. If the application and plot are in compliance with this section and any other applicable code, statute or ordinance, the zoning official, or designee, shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of two hundred fifty dollars ($250.00) to Broward County to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.

(15) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the county. The cleanup deposit shall be used for restoration of the location.

(16) *Posting of notice.* The applicant must post a sign of sufficient size at least thirty (30) days prior to the

beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.

(17) *Not-for-profit corporations holding events on their own property.*

a. Not-for profit corporations which abut or are adjacent to agricultural, estate, and rural districts which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond (subsection (10)) and a cleanup deposit (subsection (14)). However the not-for-profit corporation shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event.

b. Not-for-profit corporations which abut or are adjacent to other residentially zoned districts which hold outdoor events on their own property shall be subject to the following requirements:

1) The property shall consist of a minimum of one net acre of open space with not less than two hundred (200) feet of street frontage on a public street having a right-of-way width of at least fifty (50) feet.

2) No mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from any residentially zoned plot. No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from a public or private street line.

3) The not-for-profit corporation shall comply with the following provisions of Section 39-238: access (subsection (3)), parking (subsection (4)), lighting (subsection (5)), temporary structures

(subsection (6)), signs (subsection (7)), frequency and duration (subsection (8)), liability insurance (subsection (9)), plans (subsection (11)), permit applications (subsection (12)), agency reviews (subsection (13)), permit issuance (subsection (14)) except for the requirement for a clean up deposit, site restoration (subsection (15)), and posting of notice (subsection (16)) provisions of Section 39-238 of the Broward County Zoning Code.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1997-52, § 2, 12-9-97; Ord. No. 1999-55, § 1, 10-12-99)

Sec. 39-239. Holiday wayside stands.

(1) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

Holiday	*Maximum Time Period*
Independence Day (July 4)	10 days preceding July 4
Halloween (October 31)	30 days preceding October 31
Christmas (December 25)	30 days preceding December 25

An application, signed by the applicant, for a holiday wayside stand permit shall be filed with the zoning official, or designee, at least thirty (30) days prior to commencement of the sales period for Halloween and Christmas and at least sixty (60) days prior to commencement of the sales period for Independence Day. The application shall contain the following:

(a) The notarized signature of the applicant;

(b) The names and permanent addresses of all persons responsible for the management or supervision of the holiday wayside stand; the local address of such person or persons while engaged in such business; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise);

(c) The name and address of the person, firm or corporation for whose account the business will be conducted, if any; and if a corporation, under the laws of that state in which it is incorporated and the name and address of its

registered agent in the State of Florida; and the federal employer's identification number (EIN) or social security number of the business owner;

(d) The exact address and legal description of the property where the holiday wayside stand will be located;

(e) Proof of a State of Florida sales tax number;

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

(g) Written, notarized permission from all owners of record of the property, or authorized agent of the owner, where the holiday wayside stand will be located;

(h) Proof of a public premises liability insurance policy that provides coverage in the amount of three hundred thousand dollars ($300,000.00) at each sales location, naming Broward County as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Risk Management Division;

(i) A performance bond or similar security acceptable to the county naming Broward County as beneficiary in the sum of one thousand dollars ($1,000.00) executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the Office of the County Attorney, and shall be in effect for the duration of the sales period and for six (6) months subsequent to the end of the sales period. The security shall be released at the conclusion of the six-month time

period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

1. The applicant shall comply fully with all the provisions of the Broward County Code of Ordinances and all other applicable county, state, or federal laws regarding the sale of goods as permitted;

2. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

3. The applicant will pay all judgments and costs that may be recovered against the applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(j) *Not-for-profit corporations having holiday wayside stands on their own property.* Not-for-profit corporations which have holiday wayside stands on their own property, for other than the sale of pyrotechnical items, shall not be subject to the requirements for obtaining a performance bond and a cleanup deposit. However, the not-for-profit corporation shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the sales period for the holiday wayside stand.

(2) *Number of permits.* No permittee shall be issued more than ten (10) permits. For the purpose of this subsection, permittee shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity. At any given location permitted under this section, there shall be a maximum of one (1) holiday wayside stand. Each individual sales location shall require a separate permit.

(3) *Permitted locations:* Locations for sales of merchandise permitted under this section are subject to the following restrictions:

(a) Pyrotechnical items may only be sold at locations within a commercial or industrial zoning district. Such sales shall not be permitted in areas located within fifty (50) feet of:

1. Any fuel storage facility of any kind; and

2. Any area required to provide parking in connection with a restaurant or lounge.

(b) Pyrotechnical items may be sold only if each sales location has been approved by the Broward County Fire Marshal.

(c) Halloween and Christmas items may be sold at locations within a commercial or industrial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.

(d) There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) locations permitted under this section. For purposes of determining which permit application of two or more applications proposing sites within one thousand five hundred (1,500) feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.

(4) *Conditions of permits.*

(a) A permittee must, at the time the permit is issued, pay to the county a cleanup deposit fee of two hundred fifty dollars ($250.00). The deposit will be returned if the permittee restores the permitted location to its original presale condition within one (1) week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the county and used to restore the location.

(b) The permit issued pursuant to this section shall be posted conspicuously at the sales location.

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

(d) One (1) temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one (1) week after the end of the sales period.

(5) *Signs.* One 4 foot by 8 foot sign on each side of the plot abutting a public street shall be permitted in connection with an approved holiday wayside stand during the sales period. Such signs shall comply with all applicable codes, including permitting requirements.
(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-06, § 3, 3-24-98)

Sec. 39-240. Off-site parking lots.

As permitted by section 39-217, Location, Character and Size, for off-street parking facilities, a plot within five hundred (500) feet of a nonresidential plot may be used to supply twenty-five percent (25%) of the required off-street parking for the nonresidential plot. Such off-site facilities shall be permitted in all zoning districts except open space and conservation districts subject to the following conditions.

(1) Except as provided in paragraph (8) of this section, the minimum plot size for off-site parking lots shall be ten thousand (10,000) square feet of net area with a minimum street frontage of one hundred (100) feet on a public right-of-way at least sixty (60) feet in width which is designated as a collector or arterial road on the Broward County Trafficways Plan.

(2) Except as provided in paragraph (8) of this section, access to the parking lot shall only be from the designated collector or arterial road.

(3) A landscape buffer at least ten (10) feet in depth shall be provided on all sides of the plot in accordance with Article VIII, Functional Landscaping and Xeriscaping.

(4) A decorative, translucent visual barrier shall be provided at least two and one-half (2½) feet inside the perimeter of the required landscape buffer on any side which is contiguous to a residential district. The minimum height of such visual barrier shall be four (4) feet and the maximum height shall be eight (8) feet measured from the established grade. The visual barrier shall be in one of the following forms:

a. A translucent fence or wall; or

b. Landscape material dense enough to provide only translucent visibility.

(5) The off-site parking facility must comply with all requirements of Article XII, Off-Street Parking and Loading.

(6) No signs shall be permitted except entrance or exit signs or signs identifying the purpose of the off-site parking lot. Such signs shall be no larger than six (6) square feet and not higher than four (4) feet above the ground unless affixed flush on the required visual barrier. No exterior illumination of such signs shall be permitted.

(7) Off-site parking lots shall be used only for the temporary parking of operable, currently licensed private passenger vehicles of patrons of the nonresidential property which the parking lot serves.

(8) Where a residential plot used for off-site parking is contiguous to or separated from the nonresidential property it serves by a dedicated alley, such plot may be used for all or any portion of required parking for the nonresidential plot it serves. The provisions of paragraphs (1) and (2) of this section shall not be applicable, provided the off-site parking is accessed only from the dedicated alley or from the nonresidential plot it serves.

(Ord. No. 96-16, § 2, 5-28-96; Ord. No. 1998-06, § 4, 3-24-98)

Sec. 39-241. Yard sales.

On any plot used for residential purposes two (2) yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three (3) consecutive days.

Signs may not exceed two (2) square feet in size and shall be exempt from permit requirements. The signs may not be displayed more than one (1) day prior to the yard sale. Signs must be removed at the end of the yard sale.

(Ord. No. 96-16, § 2, 5-28-96)

Sec. 39-242. Temporary promotional signs.

(a) Any commercial enterprise, other than a home office, which has been issued a certificate of use, may make application for a temporary sign permit for any of the following purposes:

(1) Grand opening

(2) Holiday or post-holiday sale

(3) Change of management

(4) Special promotions

(b) Permits shall be limited as follows:

(1) No more than six (6) such permits shall be issued to any one commercial enterprise in any one calendar year.

(2) No permit shall be issued for a period exceeding fourteen (14) consecutive days.

(3) No permit shall be issued for temporary promotional signs within forty-five (45) days of the issuance of any previous temporary sign permit for the same commercial enterprise on the same plot.

(c) Notwithstanding the provisions of section 39-52, "prohibited signs," temporary signs, which may be permitted on the premises of the commercial enterprise are as follows:

(1) Banners, flags and pennants

(2) Balloon signs

(3) Sidewalk signs

(4) Trailer signs without animation

(d) All signs shall be placed on the private property occupied by the commercial enterprise. No trailer sign or sidewalk sign shall block or interfere with any pedestrian or vehicular areas.

(e) *Maximum size and number of signs:* Temporary signs permitted in subsection (c) above shall be limited as follows:

(1) Banners, flags and pennants shall not be limited.

(2) Balloon signs shall be limited to one per commercial enterprise.

(3) Balloon signs shall not be elevated to a height exceeding 25 feet from the ground, and shall be a maximum of 24 feet wide.

(4) Balloon signs and trailer signs shall not be placed in any landscaped area, shall not be located less than ten (10) feet from any right-of-way line or other private property line and shall not be located within any district boundary line separation or setback area.

(5) Sidewalk signs shall be limited to two (2) signs a maximum 24 inches by 30 inches in size per sign.

(6) Trailer signs shall be limited to one per commercial enterprise, a maximum 24 square feet in area.

(f) Any commercial enterprise which is found to be in violation of this section by the code enforcement board or a hearing examiner, shall not be issued a temporary promotional sign permit for one year after the expiration of the last such permit issued to the commercial enterprise or after the adjudication of the violation by either the code enforcement board or a hearing examiner.
(Ord. No. 1997-43, § 1, 10-14-97; Ord. No. 1998-27, § 6, 9-8-98)

Secs. 39-243—39-244. Reserved.

ARTICLE XIV. AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS

Sec. 39-245. General provisions.

The following general requirements shall apply in all agricultural districts.

(1) *Fences, walls and hedges:* Fences, walls and hedges, not including entrance features, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall or hedge shall be placed or maintained within 25 feet of the intersection of the two public or private streets. Fences and walls along any plot line not adjacent to a