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Approved BCC

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Submitted By

Alan J. Manning

RETURN TO DOCUMENT CONTROL



Hertzberg

ORDINANCE NO. 90-12

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY; AMENDING CHAPTER 39, BROWARD COUNTY CODE OF ORDINANCES; AMENDING THE TITLE OF THE CHAPTER; PROVIDING STANDARDS FOR INTERPRETATION AND CONFLICT WITH OTHER COUNTY ORDINANCES; PROVIDING FOR ENFORCEMENT OF THE CHAPTER; REPEALING DUPLICATIVE SECTIONS RELATING TO THE REQUIREMENTS FOR BUILDING PERMITS; REVISING SITE PLAN REQUIREMENTS; REVISING REGULATIONS RELATING TO PERMITS FOR NEW USES; REQUIRING CERTIFICATES OF USE FOR CHANGES IN TENANCY OF NON-RESIDENTIAL PROPERTY; DELETING REGULATIONS RELATING TO ZONING CERTIFICATES; REPEALING COUNTY RESPONSIBILITY TO KEEP RECORDS OF CERTIFICATES; REPEALING OUTDATED PROVISIONS REGARDING NONCONFORMING USES; REVISING PROCEDURE ON VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE CHAPTER AND REMOVING REFERENCES TO THE BUILDING AND ZONING ENFORCEMENT DIVISION AS THE RESPONSIBLE DIVISION; REVISING RIGHT OF ENTRY OF INSPECTORS TO PROVIDE ENTRY AS PROVIDED BY LAW AND AUTHORIZING COUNTY ATTORNEY TO OBTAIN INSPECTION WARRANTS; ADDING SECTION PROVIDING FOR SEVERABILITY; REPEALING SECTION RELATING TO CLASSES AND SYMBOLS; REVISING THE CLASSIFICATION OF UNZONED PROPERTY; DELETING SECTION RELATING TO AMENDMENTS; ADDING NEW SECTION RELATING TO ZONING BOARD ACTION; PROVIDING PROCEDURES FOR RECOMMENDATIONS; REVISING REGULATIONS RELATING TO THE POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT; PROVIDING FOR NOTICE OF SPECIAL EXCEPTIONS; AMENDING PROVISIONS RELATING TO THE APPROVAL OF VARIANCES; PROVIDING 150 DAY TIME LIMIT FOR COMPLIANCE WITH THE BOARD OF ADJUSTMENT REQUIREMENTS FOR VARIANCES AND SPECIAL EXCEPTIONS; DELETING SECTION RELATING TO CONDITIONAL ZONING; DELETING SECTION RELATING TO PROCEDURE FOR AMENDMENTS AND ENACTING A NEW SECTION RELATING TO PROCEDURES FOR REZONINGS AND AMENDMENTS TO DISTRICT REGULATIONS; ADDING DEFINITIONS; REVISING RESIDENTIALLY ZONED DISTRICT DEFINITION; DELETING SECTION RELATING TO CONFLICTING REGULATIONS; DELETING SECTION RELATING TO SCOPE OF THE ZONING CODE; DELETING SECTION RELATING TO BUILDING UNDER CONSTRUCTION; DELETING SECTION RELATING TO OUTSTANDING PERMITS; DELETING SECTION RELATING TO UNCOMPLETED STRUCTURES; DELETING SECTION RELATING TO TIME LIMITS FOR VARIANCES AND SPECIAL EXCEPTIONS; REVISING REGULATIONS RELATING TO GROUPED HOUSING AND INCLUDING REVISED REGULATIONS FOR ACCESSORY USES; REVISING REGULATIONS RELATING TO FENCES, WALLS, AND HEDGES; REVISING REGULATIONS RELATING TO EXEMPTIONS FROM HEIGHT LIMITATIONS; DELETING SECTION RELATING TO TRANSITIONAL USES IN 'R' DISTRICTS; DELETING SECTION RELATING TO RESIDENTIAL USES IN NONRESIDENTIAL DISTRICTS; REVISING REGULATIONS RELATING TO DISTRICT BOUNDARY LINE PLOTS; REVISING REGULATIONS RELATING TO USE OF RESIDENTIALLY ZONED PROPERTY FOR ACCESS; DELETING SECTION RELATING TO ELEVATION OF FILLED LAND; REVISING REGULATIONS RELATING TO ESSENTIAL SERVICES; REVISING SECTION RELATING TO NUISANCES; DELETING SECTION RELATING TO ACCESSORY DWELLINGS; DELETING SECTION RELATING TO SEWAGE DISPOSAL; DELETING SECTION RELATING TO PLOTS IN SEPARATE OWNERSHIP; DELETING SECTION RELATING TO REDUCTION OF PLOTS BELOW MINIMUM REQUIREMENTS; REVISING REGULATIONS RELATING TO STORAGE ON RESIDENTIAL PROPERTY TO LIMIT CERTAIN OPEN AIR STORAGE ON RESIDENTIAL

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RETURN TO FRONT RECORDING

1 PROPERTY; REVISING REGULATIONS RELATING TO WATERWAYS;
2 REVISING TRAFFICWAY FRONTAGE SETBACK REQUIREMENTS;
3 REVISING REGULATIONS RELATING TO DENSITY; DELETING
4 ARTICLE X RELATING TO BASE BUILDING LINES; AMENDING
5 ARTICLE LXXVIII, PLANNED EMPLOYMENT CENTER DISTRICT, TO
6 PROVIDE FOR CERTAIN MINOR CHANGES TO APPROVED SITE PLANS
7 THAT MAY BE APPROVED BY THE OFFICE OF PLANNING; RENUMBER
8 F-1 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE;
9 PROVIDING FOR INCLUSION IN A SEPARATE LAND DEVELOPMENT
10 CODE; PROVIDING FOR AN EFFECTIVE DATE.

11 (Sponsored by Board of County Commissioners)

12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
13 COUNTY, FLORIDA:

14 **Section 1.** Section 39-2, "Short title; scope," is hereby
15 amended as follows:

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

17 This ~~ordinance~~ chapter shall be known and cited as the
18 Broward County Zoning Code Ordinance and shall apply in the
19 unincorporated area of Broward County.

20 **Section 2.** Article II, "Administration, Chapter 39, Broward
21 County Code of Ordinances, is hereby amended to read as follows:

22 ARTICLE II. ADMINISTRATION

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

24 (1) The Building and Zoning department of Broward County and
25 all officers, inspectors and employees thereof shall County
26 Administrator shall designate county personnel who shall have
27 the authority to enforce the provisions of this ordinance
28 Code.

29 (2) Where it is found that any of the provisions of this code
30 are being violated, enforcement proceedings may be initiated
31 against the real property owner, the tenant if applicable and
32 any other person violating the provisions of this code. Any
33 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.

(3) 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.

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1 (4) Further, the County Commission may direct the County
2 Attorney to bring an action for injunctive relief in
3 appropriate circumstances.

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

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

10 (a) (1) No building permit shall be issued for the erection, or
11 alteration or use of any building or structure or part
12 thereof, or for the use of any land or water, which is
13 not in conformity with all the provisions of this
14 ordinance code.

15 (b) (2) No license, or permit or certificate shall be issued by
16 the Building and zoning department or by any department,
17 agency or official of Broward County for the use of any
18 premises or the operation of any business, enterprise,
19 occupation, trade profession or activity which would
20 involve, in any way, or constitute a violation of this
21 ordinance code, or upon any premises where a violation
22 of this code is pending or unresolved.

23 Sec. 39-5. ~~Plot~~ Site plan.

24 All applications for building permits shall contain, or
25 be accompanied by, a ~~plot site plan and a sealed survey~~ in
26 duplicate, drawn to scale, showing the actual dimensions of
27 the plot involved in the application, the location of the
28 structure or use proposed and/or the building to be erected
29 or altered, yards and setbacks, easements and rights-of-way,
30 and all other uses and, buildings and structures existing on
31 the plot as well as such other pertinent information as may
32 be necessary for the enforcement of this ordinance code.

33 ~~Sec. 39-6. Permits for new use of land.~~

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

~~Sec. 39-7. Permits for new use of buildings.~~

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

Sec. 39-86. Permits required.

No building or structure, or part thereof, or land or
water, shall be hereafter erected, altered, moved or, repaired
or used unless a building permit shall have been first
obtained for such work. The terms "altered" and "repaired"
shall include any changes in structural parts, stairways, type
of construction, kind or class of occupancy, light or
ventilation, means of ingress and egress or other changes

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1 affecting or regulated by, the building code or this ordinance
2 code, except for minor repairs or changes not involving any
3 of the aforesaid features. The term "used" shall include the
4 erection of any sign, the digging or filling of any water
5 area, paving and landscaping or the removal of same from any
6 plot.

7 Sec. 39-97. Certificates required.

8 No commercially or industrially zoned building or
9 structure, or part thereof, or premises zoned for any
10 commercial or industrial use, or established as a legal
11 nonconforming use which are hereafter erected or altered or
12 undergoes a changed in of occupantey or upon which a new or
13 differnt use is established, shall be occupied or used until
14 a certificate of occupaney use shall have been issued
15 therefor. The original certificate shall be posted at the
16 business location at all times.

17 ~~Sec. 39-10. Certificates for existing uses.~~

18 ~~Zoning certificates shall be issued for existing~~
19 ~~building, structures or parts thereof, or existing use of~~
20 ~~land, if after inspection it is found that such buildings,~~
21 ~~structures or uses of land are in conformity with the~~
22 ~~applicable provisions of this ordinance.~~

23 ~~Sec. 39-11. Temporary certificates.~~

24 ~~Nothing in this ordinance shall prevent the issuance of~~
25 ~~a temporary zoning certificate for a portion of a building or~~
26 ~~structure in process of erection or alteration, provided that~~
27 ~~such temporary certificate shall not be effective for a period~~
28 ~~in excess of (6) months, and provided further that such~~
29 ~~portion is in conformity with this ordinance.~~

30 ~~Sec. 39-12. Record of certificates.~~

31 ~~A record of all certificates issued pursuant to the~~
32 ~~provisions of this ordinance shall be kept on file in the~~
33 ~~office of the building and zoning and code department, and~~
34 ~~copies of such certificates shall be furnished upon request~~
35 ~~to any person having a proprietary or tenancy interest in the~~
36 ~~property involved.~~

37 ~~Sec. 39-13. Certificates of dwelling accessory to buildings.~~

38 ~~Buildings or structures accessory to a dwelling shall not~~
39 ~~require separate zoning certificates but may be included in~~
40 ~~the zoning certificate for the dwelling when shown on the plot~~
41 ~~plan and when completed at the same time as such dwelling.~~

42 ~~Sec. 39-14. Record of nonconforming uses.~~

43 ~~All nonconforming uses existing at the effective date of~~
44 ~~this ordinance shall be ascertained, identified and recorded~~
45 ~~for the purpose of effectuating the provisions of article VII.~~

46 ~~Sec. 39-15. Certificate for nonconforming uses.~~

47 ~~No nonconforming uses shall be maintained, continued,~~
48 ~~renewed, extended or changed unless a zoning certificate~~
49 ~~therefore shall have been issued pursuant to article VIII.~~

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51 text. Words in underscored type are additions.

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1 ~~Sec. 39-16. Procedure on violations.~~

2 ~~Where it is found that any of the provisions of this~~
3 ~~ordinance are being violated, enforcement proceedings shall~~
4 ~~be initiated against the real property owner, and tenant if~~
5 ~~applicable, as prescribed in the Florida statutes and~~
6 ~~ordinances of Broward County, Florida pertaining to code~~
7 ~~enforcement boards and citations and violations of county~~
8 ~~ordinances the person responsible for such violation shall be~~
9 ~~given notice in writing. Such notice shall indicate the~~
10 ~~nature of the violation and the action necessary to correct~~
11 ~~or abut the violation. The officers and employees of the~~
12 ~~building and zoning department shall order discontinuance of~~
13 ~~the use of land or buildings, removal of buildings, additions,~~
14 ~~alteration or structures, discontinuance of any work being~~
15 ~~done, or shall take any and all other action necessary to~~
16 ~~correct violations and obtain compliance with all the~~
17 ~~provisions of this ordinance.~~

18 ~~Sec. 39-178. Duties of enforcers. Administration.~~

19 ~~The building and zoning department, through its officers,~~
20 ~~inspectors and employees, shall be charged with the duty of~~
21 ~~making inspections, approving plans and specifications,~~
22 ~~issuing permits and zoning certificates, maintaining records~~
23 ~~of applications, permits and certificates and taking any and~~
24 ~~all steps or actions necessary to enforce the provisions of~~
25 ~~this ordinance. The Broward County Administrative Code shall~~
26 ~~set forth the authority of the various County departments and~~
27 ~~divisions for the administration of this code.~~

28 ~~Sec. 39-189. Right of entry.~~

29 ~~For the purpose of enforcing the provisions of this~~
30 ~~ordinance, the officials and inspectors of the building and~~
31 ~~zoning department shall have a right of entry as provided by~~
32 ~~law into private property and into private buildings, at any~~
33 ~~reasonable time, whenever said officials and inspectors find~~
34 ~~such entry necessary for the proper discharge of their duties~~
35 ~~under this ordinance code. The office of the County Attorney~~
36 ~~is hereby authorized to seek inspection warrants as necessary.~~
37 ~~Any person refusing to assist in enforcement or obstructing~~
38 ~~such entry shall be guilty of a violation of this ordinance.~~

39 ~~Sec. 39-10. Validity.~~

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

45 **Section 3.** Chapter 39, Section 39-29, "Classes and symbols,"
46 Broward County Code of Ordinances, is hereby repealed in its
47 entirety.

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1 **Section 4.** Chapter 39, Section 39-37, "Regulation of unzoned
2 property," Broward County Code of Ordinances, is amended to read
3 as follows:

4 Sec. 39-37. Regulation of unzoned property.

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

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

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

11 (3) Where the lack of zoning results from any other cause or
12 where zoning under subsection (1) or (2) is not consistent
13 with the land use plan, the property shall be zoned in an R-
14 1A district, it being the intent of this ordinance to regulate
15 and control the use and development of all land and water in
16 the unincorporated portions of Broward County. the least
17 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. For residential land use
designations, it shall be Agricultural Estate, E-2.

18 **Section 5.** Section 39-51, "Amendments," Broward County Code
19 of Ordinances, is repealed in its entirety.

20 **Section 6.** A new Section 39-51, Broward County Code of
21 Ordinances is created to read as follows:

22 Sec. 39-51. Zoning Board Action

23 (1) The Zoning Board shall be required to provide its
24 recommendation regarding a proposed rezoning no later
25 than 100 days following the original date of its first
26 public hearing on a rezoning, except that upon request
27 of a petitioner and approval by the Zoning Board such
decision may be deferred for up to 180 days from the date
of the first public hearing.

28 (2) The Zoning Board shall be required to provide its
29 recommendation on any development orders for developments
30 of regional impact on the advertised date of the public
hearing on the development order.

31 (3) The Zoning Board shall be required to provide its
32 recommendation regarding proposed text amendments to the
33 Zoning Code within 180 days of the date of its first
public hearing on the text amendments; provided that
whenever the director of the Office of Planning certifies
to the Zoning Board that such revisions are necessary to

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1 bring the Zoning Code into compliance with the Broward
2 County Comprehensive Plan by a date specified in the plan
3 or by law, the Zoning Board shall act upon the text
4 amendments within ten (10) days of the first public
5 hearing date where such text amendments are under
6 consideration.

7 (4) If the Board of County Commissioners does not receive a
8 recommendation from the Zoning Board as provided for in
9 this Section, the Board of County Commissioners may
10 consider the rezonings, development order or text
11 amendments without a recommendation by the Zoning Board.

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

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

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

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

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

(d) If the rezoning petition is amended to a less
intensive use within the same category of land use
as defined above, but the zoning board
recommendation for the original petition was for
approval, a new public hearing and recommendation
by the zoning board is not necessary before the
petition is considered by the county commission.

Section 7. Article V, "Board of Adjustment," Chapter 39,
Broward County Code of Ordinances, is amended to read as follows:

ARTICLE V. BOARD OF ADJUSTMENT

Sec. 39-62. Establishment of Duties.

(a) It shall be the duty of County Commissioners of Broward
County to appoint by resolution a Broward County Board
of Adjustment; and it shall be the duty of said board of
adjustment, in appropriate cases and subject to

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1 appropriate conditions and safeguards, to make approve
2 special exceptions to and grant variances to the terms
3 of ~~any zoning order or zoning resolution~~ this code in
4 harmony with the general purpose and intent of ~~such order~~
5 ~~or resolution~~ this code and in accordance with general
6 or specific rules therein contained, unless an article,
7 section, subsection or paragraph specifically provides
8 that no variance is permitted. The members of such board
9 of adjustment shall serve without compensation but shall
10 be paid actual expenses incurred in performance of their
11 duties as members of such board of adjustment to the
12 extent permitted by law. Such board of adjustment shall
13 consist of one member from each county commissioner's
14 district and ~~two members at large~~, each to be appointed
15 for a term consistent with the provision of section 1.233
16 (of the Code of Ordinances) and removable for cause by
17 the board of county commissioners. Vacancies shall be
18 filled for the unexpired term of any member whose term
19 becomes vacant. No member of the board of adjustment
20 shall be a paid or elected official or employee of
21 Broward County.

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

24 (1) To hear and decide appeals when it is alleged that
25 there is an error in any order, requirement,
26 decision or determination made by an administrative
27 official in the enforcement of ~~any zoning regulation~~
28 ~~adopted pursuant to this article~~ code.

29 (2) To hear and decide such special exceptions as the
30 board of adjustment is specifically authorized to
31 pass on under the terms of the ~~zoning resolution~~
32 ~~code~~; to decide such questions as are involved in
33 the determination of when special exceptions should
be granted; and to grant special exceptions with
appropriate conditions and safeguards, or to deny
special exceptions when not in harmony with the
purpose and intent of ~~this article or any regulation~~
~~adopted under the authority of this article~~ the
zoning code.

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

b. In granting any special exception, the board
of adjustment may prescribe ~~the appropriate~~
conditions and safeguards in conformity that
are not in conflict with this article and any
regulation adopted under it the zoning code or
any County ordinance.

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

d. ~~The zoning resolution shall require that the~~
~~board of adjustment shall confer with the~~
~~planning, building and zoning department in all~~
~~cases involving requests for special~~
~~exceptions.~~

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- 1 (3) To hear and decide appeals when it is alleged that
 2 there is an error in any order, requirement,
 3 decision or determination made by an administrative
 4 official in the enforcement of Broward County
 Ordinance No. ~~76-39~~ otherwise known as the "Broward
 County Tree Preservation Ordinance," Chapter 33 1/2
 of the Code of Ordinances.
- 5 (4) To authorize upon appeal such variance from the
 6 terms of the zoning resolution code, where such
 7 variance is not prohibited by the terms of the code,
 8 as will not be contrary to the public interest when,
 9 owing to special conditions, a literal enforcement
 of the provisions of the resolution code would
 result in an unnecessary and undue hardship. In
 order to authorize any variance from the terms of
 the resolution the board of adjustment must find:
- 10 a. ~~That special conditions and circumstances exist~~
 11 ~~which are peculiar to the land, structure or~~
 12 ~~building involved and which are not applicable~~
 13 ~~to other lands, structures or buildings in the~~
 14 ~~same zoning district;~~
- 15 b. ~~That the special conditions and circumstances~~
 16 ~~do not result from the actions of the~~
 17 ~~applicant;~~
- 18 c. ~~That granting the variance requested will not~~
 19 ~~confer on the applicant any special privilege~~
 20 ~~that is denied by the zoning resolution to~~
 21 ~~other lands, buildings or structures in the~~
 22 ~~same zoning district;~~
- 23 d. ~~That literal interpretation of the provisions~~
 24 ~~of the resolution would deprive the applicant~~
 25 ~~of rights commonly enjoyed by other properties~~
 26 ~~in the same zoning district under the terms of~~
 27 ~~the zoning resolution and would work~~
 28 ~~unnecessary and undue hardship on the~~
 29 ~~applicant;~~
- 30 e. ~~That the variance granted is the minimum~~
 31 ~~variance that will make possible the reasonable~~
 32 ~~use of the land, building or structure; and~~
- 33 f. ~~That the granting of the variance will be in~~
 harmony with the general intent and purpose of
 the zoning resolution and that such variance
 will not be injurious to the area involved or
 otherwise detrimental to the public welfare.
- (i) a. In granting any variance, the board of
 adjustment may prescribe appropriate conditions
 and safeguards in conformity with this article
code and resolution adopted under its
 authority. Violation of such conditions and
 safeguards, when made a part of the terms under
 which the variance is granted, shall be deemed
 a violation of this article and of the zoning
resolution code.
- (ii) b. The board of adjustment may prescribe a
 reasonable time limit within which the action

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1 for which the variance is required shall be
2 begun or completed or both.

3 (iii) c. Under no circumstances shall the board of
4 adjustment grant a variance to permit a use or
5 density not generally or by special exception
6 permitted in the zoning district involved or
7 any use expressly or by implication prohibited
8 by the terms of the resolution regulations in
9 the zoning district or the Unincorporated Area
Land Use Plan. No nonconforming use of
neighboring lands, structures of buildings in
the same zoning district and no permitted use
of lands, structures or buildings in the same
zoning districts shall be considered grounds
for the authorization of a variance.

10 (c) In exercising its powers, the board of adjustment may,
11 upon appeal and in conformity with provisions of this
12 article, reverse or affirm wholly or partly, or may
13 modify the order, requirement, decision or determination
14 made by an administrative official in the enforcement of
15 any zoning ~~resolution ordinance or regulation~~ adopted
16 pursuant to this code provision and may make any
17 necessary order, requirement, decision or determination,
18 and to that end shall have all the powers of the officer
19 from whom the appeal is taken. The concurring vote of
20 a majority of all members of the board shall be necessary
21 to reverse any order, requirement, decision or
22 determination of any such administrative official or to
23 decide in favor of the applicant on any matter upon which
24 the board is required to pass ~~under any such resolution~~.

18 If at any regular or special meeting of the board of
19 adjustment, a petition for a variance shall be denied
20 although such petition receives the affirmative vote of
21 a majority of those board members present and voting, the
22 petition shall, at the request of the petitioner, be
23 rescheduled for another vote at the next regular meeting
24 of the board. If, at any meeting subsequent to the first
25 meeting during which such a petition is considered and
26 voted upon, the petition receives fewer than three
27 affirmative votes, the petition shall not be rescheduled
28 for another vote.

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

(e) An appeal to the board of adjustment stays all work on
the premises and all proceedings in furtherance of the

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1 action appealed from unless the official from whom the
2 appeal was taken shall certify to the board of adjustment
3 that, by reason of facts stated in the certificate, a
4 stay would cause imminent peril to life or property. In
5 such case, proceedings or work shall not be stayed except
6 by a restraining order, ~~which may be granted by the board
7 of adjustment or by a court of competent jurisdiction of
8 record on application, on notice to the officer from whom
9 the appeal is taken and on due cause shown.~~

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

13 (g) Any person or persons, jointly or severally aggrieved by
14 any decision of the board of adjustment or any officer,
15 department, board, or commission ~~or bureau~~ of the
16 governing body, may apply to the circuit court for
17 judicial relief within 30 days after rendition of the
18 decision of the board of adjustment.

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

18 No variance or special exceptions shall be authorized by
19 the board of adjustment ~~upon appeal from the terms of this~~
20 ~~ordinance~~ unless a public hearing on the appeal variance or
exception has been held by the board, and notice of which the
public hearing has been given as follows:

21 (1) Variances and special exceptions. ~~Where the~~
22 ~~variance is for some deviation from the zoning~~
23 ~~district regulations.~~ All owners of property within
24 300 feet of the premises for which the variance or
25 special exception is requested, shall be notified
26 of the hearing by regular first class mail.

25 Sec. 39-64. Notification for ~~of~~ errors appeals from
26 administrative decision.

26 In connection with appeals where it is alleged there is
27 an error in any order, requirement, decision or determination
28 made by an administrative official in the enforcement of this
29 ordinance code, notification shall be given mailed by first
30 class mail to all owners of property directly contiguous to
31 the premises which are involved in the appeal.

30 Sec. 39-65. Notifications.

31 Where notice of contiguous or nearby property owners is
32 required by this article in connection with hearings, such
33 notice shall be mailed to such property owner at least 10 days
before the date of the hearing. For this purpose, the owner
of property shall be deemed to be the person who, ~~with his~~

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text. Words in underscored type are additions.

1 address, ~~is so~~ shown on the tax rolls of the Broward County
2 ~~Tax Collector~~ Property Appraiser.

3 Sec. 39-66. Publication of agenda.

4 The matters to be considered, and hearings to be held,
5 at meetings of the board of adjustment shall be published in
6 a newspaper of general circulation in Broward County at least
7 10 days prior to each meeting.

8 Sec. 39-67. Requirements for variances.

9 (a) Any variance or special exception approved under the
10 terms of this article shall be in the form of a
11 Resolution adopted by the Board of Adjustment and shall
12 be recorded in the public records of Broward County,
13 Florida, and shall include verification by the enforcing
14 official that all terms, conditions, safeguards and time
15 limits of the approval have been satisfied.

16 (b) No variance from the terms of this ordinance shall be
17 authorized by the board of adjustment unless the board
18 finds ~~beyond reasonable doubt~~ that all of the following
19 facts and conditions exist:

20 (1) That there are unique and special circumstances or
21 conditions applying to the property in question, or
22 to the intended use of the property, that do not
23 apply generally to other properties in the same
24 district; and

25 (2) That any alleged hardship is not self created by any
26 person having an interest in the property nor is the
27 result of mere disregard for or ignorance of the
28 provisions of this ordinance; and

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

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

(5) That the granting of the variance will be in harmony
with the general intent and purpose of the zoning
code and that such variance will not be injurious
to the area involved or otherwise detrimental to the
public welfare.

27 ~~Sec. 39-68. Conditions and limitations.~~

28 ~~In authorizing any variance from the terms of this~~
29 ~~ordinance, the board of adjustment shall include, as a part~~
30 ~~of such variance, any conditions, requirements or limitations~~
31 ~~which the board may believe to be necessary and desirable to~~
32 ~~protect adjacent properties and the surrounding neighborhood,~~
33 ~~and to carry out the spirit and purpose of this ordinance.~~

32 Sec. 39-6968. Time Limit.

33 Any variance or special exception authorized by the board
of adjustment shall expire 90 150 days after the date of the

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1 action on such variance or special exception by the board
2 unless a building permit, if the variance or special exception
3 relates to a structure, is issued based upon and incorporating
4 the variance or special exception is issued within the
5 aforesaid 90-day period 150-day period; and unless all terms,
6 conditions and safeguards of the variance or special exception
7 have been satisfied.

8 ~~Sec. 39-70. Notification for special exceptions.~~

9 ~~In all cases for special exceptions under the terms of~~
10 ~~this ordinance, which the board of adjustment is required to~~
11 ~~hear and decide, all owners of property within 300 feet of the~~
12 ~~premises for which the special exception is requested shall~~
13 ~~be notified of the hearing in connection therewith.~~

14 Sec. 39-7169. Temporary Offices and signs.

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

- 18 (1) A real estate sales office for the sale of lots and/or
19 new houses located in a subdivision or building project,
20 such office not to be used for other purposes. Signs
21 upon or in connection with such temporary office use
22 shall be subject to the approval of the board of
23 adjustment.
- 24 (2) Ground signs advertising the sale of lots or new houses,
25 provided that no such sign shall exceed 10 feet in
26 overall height above the ground or 200 square feet in
27 area, nor shall such signs be located within 100 feet of
28 any residential structure, provided that the aforesaid
29 100 foot separation requirement shall not apply to any
30 structure used for sales or exhibition purposes.
- 31 (3) The uses permissible under paragraphs (1) and (2) above
32 shall be limited as to location as follows:
- 33 (a) Such signs shall be located upon the subdivision to
which the uses are relates; or
- (b) Such uses shall be located adjacent to a trafficway
and not more than 2,500 feet from the subdivision
or building project to which they are related.
- (4) In giving any such approval, the board shall find that
such use is related to and desirable for the economy of
Broward County, is not injurious to the neighborhood and
nearby residences, and is in accord with the spirit and
purpose of this ordinance.
- (5) Any such approval of the board shall be for a period not
in excess of one year; provided however, the board may
give approval for successive periods, each period not
exceeding one year in duration.
- (6) Any such use which is not instituted, operated and
maintained in full conformity with the terms and
conditions of the board's approval and provisions of this
section is hereby declared to be an illegal use in
violation of this ordinance and shall be discontinued and
removed forthwith.

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1 Section 8. Section 39-128. "Terms Defined," Broward County
2 Code of Ordinances, is hereby amended as follows:

3 Sec. 39-128. Terms defined.

4 . . .

5 Acre: A plot having 43,560 square feet of contiguous
6 land area.

7 . . .

8 Commercial Vehicles: Any vehicle designed, intended or
9 used for transportation of people, goods or things, other than
10 private passenger vehicles and recreational vehicles, trailers
11 for private nonprofit transportation of goods and boats. The
12 term "commercial vehicle" shall include but is not limited to
13 the following:

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

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

23 (c) Truck-Tractor: A motor vehicle having four or more
24 wheels and equipped with a fifth wheel for the purpose
25 of drawing a semitrailer.

26 (d) Bus: Any vehicle designed or modified for transportation
27 of 10 or more people in seats permanently placed in the
28 vehicle.

29 (e) Any vehicle upon which a business name is displayed.
30 This term includes, but is not limited to, taxis,
31 limousines, ambulances, and vans, but excludes police
32 and security vehicles which are providing security
33 services to the area where the vehicle is parked.

34 . . .

35 Recreational Vehicle: Shall mean one of the following:

36 . . .

37 (e) Off-Road Vehicle: A motorized vehicle designed and
38 intended solely for recreational activities and not
39 as a means of transportation on public streets.

40 . . .

41 Residentially Zoned District: For the purpose of this
42 ordinance code, the term "residentially zoned district" means
43 and includes districts ~~R-1A, R-1B, R-1C, R-1P, R-1T, R-2, R-~~
~~2P, R-2U, R-3, R-3U, R-4, R-4B, R-5, R-6, T-1, T-1A, T-1B, T-~~
~~1C, PUD, A-1, D-1, E-1 and E-2~~ in unincorporated Broward
County and districts zoned residential in accordance with the

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1 ~~ordinances or regulations of any municipality within Broward~~
2 ~~County or in any municipality of Broward County which permit~~
3 ~~residential uses; provided that the only Agricultural~~
4 ~~districts included in this definition are A-1 and A-2.~~

5 **Section 9.** Section 39-139, "Conflicting Regulations," of the
6 Broward County Code of Ordinances, is hereby repealed in its
7 entirety.

8 **Section 10.** Section 39-140, "Scope," of the Broward County
9 Code of Ordinances, is hereby repealed in its entirety.

10 **Section 11.** Section 39-141, "Building Under Construction,"
11 of the Broward County Code of Ordinances, is hereby repealed in its
12 entirety.

13 **Section 12.** Section 39-143, "Uncompleted Structures," of the
14 Broward County Code of Ordinances, is hereby repealed in its
15 entirety.

16 **Section 13.** Section 39-144, "Time Limit," of the Broward
17 County Code of Ordinances, is hereby repealed in its entirety.

18 **Section 14.** Section 39-153, "Group Housing," is amended to
19 read as follows:

20 Sec. 39-153. Grouped housing.

21 Where two or more separate buildings for dwelling
22 purposes are erected or placed on the same plot, minimum
23 front, side and rear yards shall be provided as required by
24 this ordinance code. The spacing, arrangement and distance
25 between such buildings on the plot shall provide a separation
26 ~~between any two such buildings~~ not less than half the height
27 of the higher of the two buildings.

28 **Section 15.** Section 39-154, "Yard encroachments," of the
29 Broward County Code of Ordinances, is hereby amended to read as
30 follows:

31 Sec. 39-154. Yard encroachments.

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

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text. Words in underscored type are additions.

- 1 (1) Sills, or belt courses, cornices, buttresses, ornamental
- 2 features, chimneys, flues, eaves, awnings and air
- 3 conditioning units may project not over ~~42~~ 36 inches into
- 4 a required yard.
- 5 ~~(2) Cornices, eaves or gutters may project not over one~~
- 6 ~~third of the required yard with a maximum of five feet,~~
- 7 ~~provided that where the yard is less than five feet in~~
- 8 ~~width, such projections shall not exceed half the width~~
- 9 ~~of the yard.~~
- 10 ~~(3) Chimneys, fireplaces or pilasters may project not over~~
- 11 ~~two feet into a required yard.~~
- 12 ~~(4) Moveable awnings may be placed over doors or windows in~~
- 13 ~~any required yard, but such awnings shall not project~~
- 14 ~~closer than one foot to any plot line.~~
- 15 ~~(5) (2) Fire escapes, stairways, and balconies, canopies or~~
- 16 ~~marquees which are unroofed and unenclosed may project~~
- 17 ~~not over five feet 3 feet 8 inches into a required side~~
- 18 ~~yard of a multiple dwelling, hotel or motel.~~
- 19 ~~(6) Meter rooms not over seven feet in height may project not~~
- 20 ~~over five feet into a required yard.~~
- 21 ~~(7) (3) Unenclosed and unroofed perches or patios or terraces~~
- 22 ~~decks extending above the ground not higher than the~~
- 23 ~~first floor level except for railings may be located~~
- 24 ~~extend not over five feet into in a required front yard,~~
- 25 ~~not over 3 feet into a required side yard, and not over~~
- 26 ~~10 feet into a required or rear yard.~~
- 27 ~~(8) Hoods, canopies or marquees may project not over one~~
- 28 ~~third of the required yard, with a maximum of five feet,~~
- 29 ~~but shall not extend nearer than one foot to any plot~~
- 30 ~~line.~~
- 31 ~~(9) (4) Fences, walls and hedges shall be permitted in required~~
- 32 ~~yards as specified in section 39-41155 of this ordinance~~
- 33 ~~code.~~
- (5) Accessory buildings and uses shall require the same
- setbacks as principle buildings except as follows:
- a. In single-family and two-family districts, except
- agricultural and estate districts, on lots not on
- a corner, side and rear yard setbacks may be reduced
- to five feet for accessory buildings and uses when
- located on the rear half of the plot provided no
- encroachment onto a recorded easement would be
- created.
- b. Notwithstanding any other provision in this code,
- in agricultural and estate zoning districts
- accessory buildings and structures for the housing
- or shelter of animals shall require a minimum
- setback of 50 feet from all plot lines.
- (6) Accessory buildings may not exceed one story in height
- in single-family and two-family districts, except
- agricultural and estate districts.

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1 (7) There shall be a minimum distance of 10 feet between all
2 principle and accessory buildings on the same plot.

3 ~~(10) In R-3, R-4, R-40, R-5 and R-6 districts, the first five~~
4 ~~feet of a required front or street side yard, adjacent~~
5 ~~to a street, shall be landscaped and shall not be used~~
6 ~~for parking except on plots developed with a one-family~~
7 ~~or a two-family dwelling, but this five foot landscaped~~
8 ~~strip may be crossed by sidewalks and driveways~~
9 ~~reasonable necessary for access to buildings and~~
10 ~~permissible parking areas. Other portions of required~~
11 ~~yards may be used for accessory parking. This regulation~~
12 ~~shall apply only to streets designated as trafficways by~~
13 ~~the county commission.~~

9 ~~(11) Fallout shelters, for protection against radioactive~~
10 ~~rays, may be located in a required front or street side~~
11 ~~yard, if constructed entirely below ground with no~~
12 ~~projections above grade except as hereinafter specified.~~
13 ~~An entrance hatch may extend not over 1 foot above~~
14 ~~ground, and intake and exhaust pipes for ventilation not~~
15 ~~over 12 inches in outside diameter may extend not over~~
16 ~~48 inches above grade.~~

14 **Section 16.** Section 39-155, "Fences, Walls, Hedges," of the
15 Broward County Code of Ordinances is hereby amended to read as
16 follows:

17 Sec. 39-155. Fences, Walls and hedges.

18 ~~(a)~~ (1) Fences, walls or hedges may be erected or maintained
19 along any plot line or within the required yard setbacks
20 on a residentially zoned ~~or used~~ property to a height not
21 exceeding six and one-half feet above the finished grade
22 of the ~~abutting lot~~ plot, except as follows:-:

21 ~~(1) On a corner lot, no fences, walls, hedges shall be~~
22 ~~erected or maintained to a height exceeding 30~~
23 ~~inches above the crown of the roadway within 25 feet~~
24 ~~of the intersection of the front and side street~~
25 ~~property lines. Open fences of the chain link type~~
26 ~~which do not impair vision for purposes of traffic~~
27 ~~safety may be erected to a height not exceeding four~~
28 ~~feet at the corner.~~

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

29 ~~(3)~~ (2) No Fences, walls or hedges higher than eight (8) feet
30 shall be erected, ~~or placed~~ or maintained along any a
31 plot line or within the required yard setbacks on any a
32 nonresidentially zoned ~~or used~~ property ~~adjacent to~~
33 ~~residentially zoned or used property adjacent to a~~
34 ~~residentially zoned or used property to a height not~~
35 ~~exceeding eight feet.~~

33 (3) On a corner lot, no fences, walls, hedges shall be
erected or maintained to a height exceeding 30 inches

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

6 (4) No barbed wire, electrified, or barbed or razor wire-
7 topped fences or walls may be erected, ~~placed~~ or
8 maintained on any residentially zoned ~~or used~~ property
9 other than in E-1, E-2 and all agricultural zoning
10 districts. ~~The same applies to those fences permitted~~
11 ~~in paragraph (2) above.~~

12 **Section 17.** Section 39-156, "Accessory uses and structures,"
13 Broward County Code of Ordinances, is hereby repealed.

14 **Section 18.** Section 39-157, "Exclusions from height limits,"
15 Broward County Code of Ordinances, is hereby amended to read as
16 follows:

17 **Sec. 39-157.** Exclusions from height limits.

18 ~~Penthouses, sScenery~~ lofts, towers, cupolas, steeples and
19 domes, not exceeding in gross area, at maximum horizontal
20 section, 30 percent of the roof area, and flagpoles, airplane
21 beacons, broadcasting towers, antenna, chimneys, stacks, tanks
22 and roof structures, used only for ornamental or mechanical
23 purposes, may exceed the permissible height limit in any
24 district by not more than 25 percent. Parapet walls may
25 extend not more than five feet above the allowable height of
26 a building. ~~Radio and television for receiving purposes only~~
27 ~~shall not be subject to height limits.~~

28 **Section 19.** Section 39-161, "Transitional uses in 'R'
29 districts," Broward County Code of Ordinances, is hereby repealed
30 in its entirety.

31 **Section 20.** Section 39-162, "Residential uses in
32 nonresidential districts," Broward County Code of Ordinances, is
33 hereby repealed in its entirety.

Section 21. Section 39-163, "District boundary line plots,"
Broward County Code of Ordinances, is amended to read as follows:

Sec. 39-163. District boundary line plots.

(a) Where a business, commercial or industrial B-2, B-2, B-
2A, B-2B, or B-3 district is separated by a street,
alley, canal, railroad right-of-way or other public open
space from a residential district, then any plot in such
nonresidential district adjacent to the such separating

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~~separator street shall be provided with a yard at least 25 feet in depth along such separating street.~~

(b) Where a business or commercial ~~B-1, B-2, B-2A, B-2B or B-3~~ district directly abuts on a residential district without any separator between them ~~such as a street, alley, canal or public open space~~, then any plot in such nonresidential district shall be provided with a yard at least ~~10~~ 20 feet in depth adjacent to the residentially zoned property.

~~(c) Where any C-1, M-1, M-2, M-3, M-4 or M-5 district is separated by a street from a residential district, then any plot in such nonresidential district adjacent to the separating street shall be provided with a yard at least 25 feet in depth along such separating street.~~

~~(d) (c)~~ Where any industrial ~~C-1, M-1, M-2, M-3, M-3, M-4 or M-5~~ district directly abuts on a residential district without any separator between them ~~such as a street, alley, canal or other public open space~~, then any plot in such nonresidential district shall be provided with a yard at least ~~20~~ 35 feet in depth adjacent to the residentially zoned property.

~~(e) (d)~~ The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands. In those instances where the zoning on the adjacent municipal land does not comply with the land use designation reflected on the certified municipal land use plan, the setback requirements shall be based upon the municipal land use designation. If more than one setback requirement is allowed under the adjacent zoning or land use designation, then the least restrictive setback distance shall be the effective regulation.

Section 22. Section 39-164, "Use of residentially zoned property for access," Broward County Code of Ordinances, is hereby amended to read as follows:

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

(a) No land, other than public right-of-way, which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is commercially zoned or used for any purpose not permitted in a residential district.

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

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1 Section 23. Section 39-165, "Elevation of filled land,"
2 Broward County Code of Ordinances, is hereby repealed in its
3 entirety.

4
5 Section 24. Section 39-166, "Essential Services is hereby
6 amended to read as follows:

7 Sec. 39-166. Essential services.

8 Essential services shall be permitted as ~~authorized and~~
9 regulated by law and ordinance of Broward County, it being the
10 intention hereof to exempt such essential services from the
11 application of this ordinance in all zoning districts, except
12 as follows: where such facilities are consistent with the land
13 use plan.

14 ~~Water and Wastewater treatment plants and pumping and~~
15 ~~storage plants, may be permitted in all residentially zoned~~
16 ~~districts by special exception approval only. Minimum~~
17 ~~landscaping and setback requirements for such uses shall be~~
18 ~~required as per section 39-71 of this Code. A site plan~~
19 ~~showing the location of equipment and building, landscaping,~~
20 ~~parking areas, etc., as well as side view of decorative walls,~~
21 ~~must be submitted with the special exception application.~~
22 ~~Additional landscaping, other reasonable conditions or~~
23 ~~safeguards may be recommended by the zoning board and adopted~~
24 ~~by the Broward County Commission for all new utility uses.~~
25 ~~The commission may also adopt such reasonable conditions as~~
26 ~~it deems advisable, even if they were not recommended by the~~
27 ~~zoning board.~~

28 Section 25. Section 39-168 "Nuisances," Broward County Code
29 of Ordinances, is hereby amended to read:

30 Sec. 39-168. Nuisances.

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

(b) Repair or maintenance of vehicles or vessels in
residential districts shall not be permitted unless when
such repair or maintenance is ~~routine or minor~~ in nature
and does not involve major engine or parts repair or
exchange other than tires, batteries, sparkplugs or oil,
and does not involve major exterior or interior
alterations or complete exterior refinishing.

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1 **Section 26.** Section 39-169, "Accessory dwellings," Broward
2 County Code of Ordinances, is hereby repealed in its entirety.

3
4 **Section 27.** Section 39-170, "Sewage disposal," Broward County
5 Code of Ordinances, is hereby repealed in its entirety.

6 **Section 28.** Section 39-171, "Plots in separate ownership,"
7 Broward County Code of Ordinances, is hereby repealed in its
8 entirety.

9
10 **Section 29.** Section 39-172, "Reduction of plots below minimum
11 requirements," Broward County Code of Ordinances, is hereby
12 repealed in its entirety.

13 **Section 30.** Section 39-173, "Storage on residential
14 property," Broward County Code of Ordinances, is hereby amended to
15 read as follows:

16 Sec. 39-173. Storage on residential property.

17 (a) No land which is zoned in a residential district shall
18 be used for the storage of building materials or
19 construction equipment except when incidental to
20 construction operations for which a building permit is
21 in effect.

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

27 (c) Storage or parking of private passenger vehicles or
28 motorcycles accessory to a dwelling in a residential
29 district shall be on a paved surface. All such vehicles
30 shall be in operable condition and currently licensed.

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

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

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 text. Words in underscored type are additions.

1 (1) Tradesmen performing service or construction work
2 or making deliveries or merchandise or household
3 items;

4 (2) Public utility service work or emergency vehicles.

5 **Section 31.** Section 39-174, "Waterways," Broward County Code
6 of Ordinances, is amended to read as follows:

7 Sec. 39-174. Waterways Areas.

8 (a) Definitions.

9 (1) For the purpose of this ~~ordinance section~~, the term
10 "Waterway Area" shall mean a canal, ditch, pond,
11 lake or other depression created for the conveyance
 or storage of natural, pumped, or excess stormwater
 runoff on privately-owned properties.

12 (2) The term "Future Right-of-Way Line" shall mean the
13 ~~base building line as prescribed in the Broward~~
14 ~~County Zoning Ordinance, or the future right-of-~~
15 ~~way line of any street already established by~~
16 ~~partial dedication or the line of trafficway~~
17 designated in the official Broward County
18 Trafficways Plan.

19 (3) The term "create" or "created" as used herein shall
20 mean to dig, construct, widen, deepen, fill, reroute
21 or alter, as applied to Waterways Areas herein.

22 (b) Location of Waterways Areas.

23 (1) No portion of a waterway area shall be created
24 within a public road right-of-way or within
25 ~~reservations dedicated for roadway purposes recorded~~
26 ~~road, utility or ingress and egress easements.~~

27 (2) No waterway area shall be located within ~~100~~ 25 feet
28 from an existing or future right-of-way line or from
29 a plot line unless such waterway area is designated
30 to cross such street same or unless the water area
31 is created within a recorded easement, parcel or
32 tract designated for such purpose, and the waterway
33 area conforms with all of the provisions of the
 ~~zoning ordinance all codes governing such use.~~

34 (c) Permits. Permits shall be required as specified in Sec.
35 39-6 for all water areas except those controlled and
36 maintained by the South Florida Water Management District
37 or water areas specified for such purpose on a recorded
38 subdivision plat.

39 **Section 32.** Section 39-175, "Same-Permits," Broward County
40 Code of Ordinances, is hereby repealed in its entirety.

Coding: Words in ~~struck-through~~ type are deletions from existing
text. Words in underscored type are additions.

1 **Section 33.** Section 39-176, "Same Application for Permits,"
2 Broward County Code of Ordinances, is hereby repealed in its
3 entirety.

4 **Section 34.** Section 39-177, "Same-Inspections," Broward
5 County Code of Ordinances, is hereby repealed in its entirety.
6

7 **Section 35.** Section 39-178, "Trafficway Frontage Setbacks,"
8 Broward County Code of Ordinances, is hereby amended to read as
9 follows:

10 Sec. 39-178. Trafficway frontage setbacks.

11 (a) Setback Area Required. In the unincorporated territory
12 of Broward County, Florida, within the line described and
13 defined in paragraph (b) of this section, upon all
14 property described in paragraph (c) of this section
15 abutting upon a trafficway, there is established a
16 setback area adjacent to such trafficway, which setback
17 area shall be 25 feet in depth, measured from the
existing future right-of-way line of such trafficway or
~~from the base building line of such trafficway, whichever~~
~~shall be at the greater distance from the center line of~~
~~such trafficway as shown on the Broward County~~
Trafficways Plan.

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

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

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

29 Thence run easterly along the south boundary of Sections
30 2 and 1, Township 50 South, Range 41 East and Section 6,
31 Township 50 South, Range 42 East, to the Southeast corner
32 of the southwest quarter (SW 1/4) of said Section 6;

33 Thence run northerly along the east boundary of the west
one-half (W 1/2) of Section 6, Township 50 South, Range
41 East, and Section 31, Township 49 South, Range 42 East
to the northeast corner of the northwest quarter (NW 1/4)
of said Section 31, Township 49 South, Range 42 East;

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

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text. Words in underscored type are additions.

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

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

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

Thence run westerly along the south boundary lines of Sections 34 and 33, Township 48 South, Range 42 East, to the northeast corner of the northwest quarter (NW 1/4) of Section 4, Township 49 South, Range 42 East;

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

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

Thence run northerly along the west right-of-way of the Seaboard Airline Railroad to a point of intersection with a line which is parallel to and 300 feet south of the north boundary of Section 23, Township 48 South, Range 42 East; thence run westerly 300 feet south of and parallel to the north boundary os Sections 23 and 22, Township 48 South, Range 42 East, to a point on the west line of Section 22, Township 48 South, Range 42 East; thence run northerly along the west line of Sections 22 and 15, Township 48 South, Range 42 East a distance of 600 feet to a point; thence run easterly 300 feet north of and parallel to the south boundary of Sections 15 and 14, Township 48 South, Range 42 East to a point of intersection with the westerly right-of-way line of the Seaboard Airline Railroad;

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

Thence run southerly along the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District Levee L-36 to the point of intersection with the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District Levee L-35A;

Thence run southwesterly along the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District Levee L-35A to the point of intersection with the ~~Central and Southern Florida Flood~~

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1 ~~Control District South Florida Water Management District~~
2 Levee L-35;

3 Thence run west-northwesterly along the ~~Central and~~
4 ~~Southern Florida Flood Control District South Florida~~
5 ~~Water Management District Levee L-35 to the point of~~
6 ~~intersection with the Central and Southern Florida Flood~~
7 ~~Control District South Florida Water Management District~~
8 Levee L-37;

9 Thence run southerly along the ~~Central and Southern~~
10 ~~Florida Flood Control District South Florida Water~~
11 ~~Management District Levees L-37 and L-33 to the south~~
12 boundary line of Broward County, Florida;

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

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

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

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

27 (2) Benches.

28 ~~(3) Below grade, underground structures, tanks or~~
29 ~~storage.~~

30 ~~(4)~~ (3) Driveways and walkways.

31 ~~(5)~~ (4) Landscaping, other than required.

32 ~~(6)~~ (5) Ornamental statuary.

33 ~~(7)~~ (6) Parking, other than required.

~~(8)~~ (7) Service signs, except advertising signs.

~~(9)~~ (8) Telephone booths.

~~(10)~~ (9) Utility poles, light standards, ornamental lighting.

~~(12)~~ ~~Advertising signs located not less than 25 feet from~~
any street line.

~~(13)~~ ~~Fuel pumps or pump islands on a plot used of a~~
service station.

~~(e) Prohibited Use of Setback Area. Within the setback area~~
31 ~~required and described in paragraph (a) of this section,~~
32 ~~the following uses and structures are specifically~~
33 ~~prohibited:~~

~~(1) Buildings.~~

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text. Words in underscored type are additions.

1
2 ~~(2) Exhibits or displays.~~

3 ~~(3) Plant nursery.~~

4 ~~(4) Roofed structures except awnings or marquees
permitted in paragraph (d) of this section.~~

5 ~~(5) Sales, display, storage or service of boats,
trailers, machines.~~

6
7 ~~(6) Walls or fences.~~

8 ~~(f)~~ (e) Trafficways Defined. For the purpose of this section,
9 a trafficway shall be defined as a freeway, expressway,
10 primary arterial or major thoroughfare shown upon a
11 trafficway plan officially adopted by Broward County
12 and/or the Broward County planning council.

13 Section 36. Section 39-181, "Density," Broward County Code
14 of Ordinances, is hereby amended to read as follows:

15 Sec. 39-181. Density.

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

18 ~~(b) Acre shall mean a plot having 43,560 square feet.~~

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

22 ~~(d)~~ (c) Notwithstanding any of the provisions of these
23 regulations, ~~no~~ zone shall be developed to a density
24 exceeding the following maximum limits:

Zoning District	Residential Density Range Title	Permitted Dwelling Units Per Acre of <u>Gross Net</u> Area
<u>A-1</u>	<u>Limited Agricultural</u>	<u>1</u>
<u>A-2</u>	<u>Agricultural</u>	<u>1</u>
E-1	Estate	1
RS-1E, Residential Single- Family	Estate	1
E-2	Agricultural- Estate	0.54
RS-1A, Residential Agricultural Estate	Estate	0.54

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1	RS-2, Residential	Low 2	2
2	Single-		
3	Family		
4	Dwelling		
5	R-1A, One-	Low 3	3 (except that a
6	Family		one-family
7	Dwelling		dwelling shall be
8			permitted on a
9			platted lot of
10			record)
11	RS-3, Residential	Low 3	3
12	Single-		
13	Family		
14	Dwelling		
15	R-1B, One-	Low 4	4 (except that a
16	family		one-family
17	dwelling		dwelling shall be
18			permitted on a
19			platted lot of
20			record)
21	RS-4, Residential	Low 4	4
22	Single-		
23	Family		
24	Dwelling		
25	R-1C, One-	Low 5	5 (except that a
26	Family		one-family
27	Dwelling		dwelling shall be
28			permitted on a
29			<u>platted</u> lot of
30			record)
31	RS-5, Residential	Low 5	5
32	Single-		
33	Family		
34	Dwelling		
35	R-1P, One	Low 5	5 (except that a
36	Family		one-family
37	Dwelling-		dwelling shall be
38	Parking		permitted on a
39			platted lot of
40			record)
41	RS-1P, One-	Low-5	5
42	Family		
43	Dwelling-		
44	Parking		
45	D-1, Special	Low-Medium	7
46	One-Family		
47	District		
48	RS-7D,	Low-Medium	7
49	Residential		
50	Special		

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1	Single-		
2	Family		
3	R-2, Two-	Low-Medium	10 (except that a
4	Family		<u>two-family</u>
5	Dwelling		<u>dwelling shall be</u>
6			<u>permitted on a</u>
7			plot consisting of
8			a single lot of
9			record, not less
10			than 50 feet in
11			width and held in
12			separate
13			ownership, shall
14			be utilized for a
15			two-family
16			dwelling
17			
18	RD-2 to RD-	Low-Medium	10 (except that a
19	10,		<u>two-family</u>
20	Residential-		<u>dwelling shall be</u>
21	Duplex		<u>permitted on a</u>
22			plot consisting of
23			a single lot of
24			record, not less
25			than 50 feet in
26			width and held in
27			separate
28			ownership, shall
29			be utilized for a
30			two-family
31			dwelling
32			
33			
	RD-2 to RD-	Low-Medium	2-10
	10,		
	Residential-		
	Duplex		
	R-2P, Two-	Low-Medium	10 (except that a
	Family		<u>two-family</u>
	Dwelling-		<u>dwelling shall be</u>
	Parking		<u>permitted on a</u>
			plot consisting of
			a single lot of
			record, not less
			than 50 feet in
			width and held in
			separate
			ownership, shall
			be utilized for a
			two-family
			dwelling
	RD-10P,	Low-Medium	10
	Residential		
	Duplex-		
	Parking		
	R-2U, Two-	Low-Medium	10 (except that a
	Family		two-family
	Dwelling		dwelling shall be
	(Unit Owned)		permitted on a
			plot of record 60
			feet in width and

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~~6,000 square feet
in area, each unit
individually owned~~

1			
2			
3	RD-10U,	Low-Medium	10
4	Residential-		
5	Duplex (Unit		
6	Owned)		
7	RM-3 to RM-	Low-Medium	3 to 10
8	10,		
9	Residential		
10	Multiple-		
11	Family		
12	R-3, Low-	Medium	15 <u>multiple-family</u>
13	Density		<u>dwelling units or</u>
14	Multiple-		<u>5 one-family</u>
15	Family		<u>detached dwellings</u>
16	RM-11 to RM-	Medium	11 to 16
17	16,		
18	Residential		
19	Multiple-		
20	Family		
21	R-3U, Row	Medium	15
22	House		
23	RRH-16,	Medium	16
24	Residential-		
25	Rowhouse		
26	R-4	Medium-High	25
27	Apartment		
28	R-4A,	Medium-High	25
29	Planned		
30	Apartment		
31	R-4B,	Medium-High	20
32	Planned		
33	Apartment		
34	RM-17 to RM-	Medium-High	17 to 25
35	25,		
36	Residential-		
37	Multifamily		
38	Dwelling		
39	T-1A, Mobile	Low-Medium	6
40	Home Park		
41	RP-6,	Low-Medium	6
42	Residential		
43	Mobile Home		
44	Park		
45	T-1B, Mobile	Low-Medium	8
46	Home Park		
47	RP-8,	Low-Medium	8
48	Residential		
49	Mobile Home		

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1	Park		
2	T-1C, Mobile	Low-Medium	10
3	Home Park		
4	RP-10,	Low-Medium	10
5	Residential		
6	Mobile-Home		
7	Park		
8	PUD, Planned		Subject to site
9	Unit		plan approval and
10	Development		district
11			<u>regulations in</u>
12			<u>accordance with</u>
13			<u>the Broward County</u>
14			<u>and Unincorporated</u>
15			<u>Area Land Use</u>
16			<u>Plans</u>
17	PRD, Planned		Subject to site
18	Residential		plan approval and
19	Development		district
20			regulations
21	R-5, Motel	High	50 motel units per
22			acre of gross area
23			<u>or 25 multifamily</u>
24			<u>dwelling units</u>
25	R-6, Hotel		50 hotel units per
26			acre of gross area
27			<u>or 25 multifamily</u>
28			<u>dwelling units</u>

18 ~~(e) Multiple family residential structures developed in~~
19 ~~either R-5 or R-6 zone shall not exceed a density of 25 D/U per~~
20 ~~acre of gross area.~~

21 ~~(f) (d) The maximum number of hotel or motel units permitted on~~
22 ~~any parcel of land zoned to allow such uses is double the maximum~~
23 ~~number of dwelling units permitted in each residential district by~~
24 ~~section 39-181 (d) of these regulations other than R-5 or R-6~~
25 ~~districts, shall be the maximum density permitted by the Broward~~
26 ~~County and Unincorporated Area Land Use Plans.~~

27 **Section 37.** Article X. "Base Building," Broward County Code
28 of Ordinances, is hereby repealed in its entirety.

29 **Section 38.** Section 39-225, "Distance limitations between
30 designated uses," Broward County Code of Ordinances, is hereby
31 amended to read as follows:

32 Sec. 39-225. Distance limitations between designated uses.

33 (a) In the development, enforcement and amendment of
this ordinance, 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

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1 given location, thereby having a deleterious effect upon the
2 adjacent business and residential areas. Special regulation
3 of these uses is necessary to ensure that these adverse
4 effects will not contribute to the blighting and downgrading
5 of the surrounding neighborhood. None of the designated uses
6 set forth in this article, or added from time to time to this
7 article by amendment, shall be located nearer to the same or
8 any other designated use nor nearer to any church or public,
9 private or parochial, kindergarten, nursery, elementary,
10 middle or high school, or day care center than 1,000 feet.
11 Measurement of the 1,000 feet shall be made in accordance with
12 subsection (c) hereof.

13 (b) It shall be unlawful hereafter to establish any
14 designated use within unincorporated Broward County if the
15 proposed location is within 500 feet of a residentially zoned
16 district. This prohibition shall be waived upon the
17 presentment to the building and zoning enforcement division
18 of a written petition requesting such waiver, signed by 51
19 percent of all those persons owning real property, residing
20 or operating or managing a business within 500 feet of the
21 proposed location of the designated use. The circulator of
22 the petition requesting a waiver shall subscribe and swear to
23 an affidavit attached to the petition that the circulator
24 personally witnessed the signatures on the petition and that
25 the signatures were affixed to the petition by the persons
26 whose names appear on the petition. Said petition shall bear
27 at the top of each page thereof a typewritten title in
28 substantially the following form:

29 "The undersigned hereby request a waiver from the
30 ~~Building and Zoning Enforcement Division of~~ Broward County,
31 Florida, that shall permit the establishment and location of
32 a(an) (state specifically which designated use is sought to
33 be established) within 500 feet of my real property, residence
or business."

34 ~~Building~~ The code and zoning enforcement division shall
35 carefully investigate the petition and signatures on the
36 petition to verify that the petitioners do in fact own real
37 property, or reside or do business in a residentially zoned
38 district within 500 feet of the proposed designated use.
39 Measurement of the 500 feet shall be made in accordance with
40 subsection (c) hereof.

41 (c) For the purposes of this article, a designated use
42 or proposed designated use shall be deemed to be within 1,00
43 or 500 feet of another designated use or church, school, real
44 property, residence, business or residentially zoned district,
45 respectively, as defined or described herein, if any part of
46 the building in which, or plot of land upon which, a
47 designated use is located or proposed to be located is within
48 1,000 feet or 500 feet, as the case may be, as measured by an
49 actual or imaginary straight line upon the ground or in the
50 air, of any part of the building in which, or plot of land
51 upon which, another designated use or such church, school,
52 real property, residence, business or residentially zoned
53 district, respectively, is located. (Ord. No. 77-48, § 2, 9-
16-77; Ord. No. 78-33, § 3, 6-27-78)

54 **Section 39.** Section 39-235, "Permits," Broward County Code
55 of Ordinances, is hereby amended to read:

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text. Words in underscored type are additions.

1 Sec. 39-235. Permits.

2 (a) A permit for new excavations shall be obtained from
3 ~~the building and zoning department of~~ Broward County.

4 (b) After an original permit for an excavation has been
5 issued, the enforcing officer shall issue a renewal permit for
6 the continuance of the excavation in accordance with the
original permit and plans, where the work has been conducted
in accordance with such plans and with these regulations.

7 (c) Within 30 days after the zoning ordinance is
8 adopted, owners or operators of existing excavations shall
9 submit to the enforcing officer a plan showing their presently
10 owned property adjacent to and forming a continuous property
11 with existing excavation area. The plat shall also show
future right-of-way liens and the final limits to which the
owner or operator plans to carry excavations in said property.
Such plats are to be kept for record; and the excavations
indicated thereon will be exempt from the requirements of
these regulations, with the following exceptions:

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

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

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

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

22 (f) Where excavation has been discontinued for a period
23 of 6 months or more, or has been abandoned, any renewal or
24 resumption of excavation shall be required to be subject to
25 a permit for a new excavation, and the issuance of such a
permit shall be subject to all the requirements of this
article for a new permit.

26 **Section 40.** Section 39-243, "Filling of excavations," Broward
27 County Code of Ordinances, is hereby amended to read:

28 Excavations may be filled if permit is obtained from ~~the~~
29 ~~building and zoning department~~ Broward County, subject to the
following conditions:

30 (1) Applicant for permit and owner of property shall
31 comply with such terms and conditions as may be
32 required to prevent objectionable odors and to
prevent the operation from becoming detrimental to
33 the health, safety and general welfare of the

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1 adjacent neighborhood and which will prevent
2 promiscuous dumping by unauthorized persons.

3 (2) That a top dressing consisting of not less than one
4 foot of clear fill shall be provided so that the
5 property shall be in a clean, presentable and
6 sanitary condition.

7 (3) That the owner of the property and the operator
8 shall post a bond in such amount as may be
9 determined by the enforcing officer as necessary to
10 ensure compliance with the terms and conditions as
11 may be established for the filling permit. In the
12 alternative, the owner or operator may provide the
13 amount in cash or, in a form acceptable to the
14 county commission, may provide an irrevocable letter
15 of credit, negotiable certificate of deposit or
16 escrow agreement, all of which shall be in such
17 amount as may be determined by the enforcing officer
18 as necessary to ensure conformance with the terms
19 and conditions as may be established for the filling
20 permit.

21 (4) No permit shall be issued for, or excavation or
22 other area filled with, refuse, debris, junk,
23 organic material or garbage unless such use conforms
24 to all applicable zoning ordinances and conforms to
25 any applicable regulations of the county health
26 department. (Eff. 1-23-77)

27 **Section 41.** Article LXXVIII of the Broward County Code of
28 Ordinances, entitled "Planned Employment Center District," Section
29 39-1275, is amended to read as follows:

30 Sec. 39-1275. CONFORMANCE TO APPROVED SITE DEVELOPMENT PLAN.

31 (1) After rezoning to Planned Employment Center district, no
32 permits shall be issued by the County and no development
33 shall commence unless in conformance with the approved
34 site development plan, unless a change or deviation is
35 approved.

36 (2) The Office of Planning may approve ~~only the following~~
37 minor changes and deviations from the approved site
38 development plan which are in compliance with the
39 provisions and intent of this code, which do not depart
40 from the principal concept of the approved site
41 development plan.

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

44 (4) The Board of Adjustment shall not have the authority to
45 approve changes to the approved site development plan.

46 **Section 42.** Former Article LXIX, Flood Control, F-1 District,
47 is hereby renumbered to be Article LXXX, Flood Control, F-1
48 District to read as follows:

49 Coding: Words in ~~struck-through~~ type are deletions from existing
50 text. Words in underscored type are additions.

ARTICLE ~~LXIX~~ LXXX, FLOOD CONTROL F-1
DISTRICT

Sec. 39-~~1145~~ 1310. Purpose of district.

The F-1 Flood Control Districts are intended to apply to those areas of Broward County which, through ownership or easement, the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District has a right to use for flood control, drainage, reclamation, conservation, recreation, water storage and related purposes. The regulations of the F-1 districts are designed to facilitate these primary objectives and to provide for the protection of public health, safety and welfare by limiting and controlling any other secondary uses of these areas.

Sec. 39-~~1146~~1311. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

- (1) Buildings, structures or topographic features constructed or used by the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District for flood control, drainage, storage and conservation of water.
- (2) Hunting, fishing, boating and camping.
- (3) Sales or rental of equipment and supplies for hunting, fishing, camping or other recreational purposes, as authorized by the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District on land held by that district.
- (4) Hotels, motels, multiple dwellings, rooming, boarding or lodging houses, villas, courts or trailer parks as authorized by the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District on land held by that district.
- (5) Parks and recreational facilities as authorized by the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District on land held by that district, and other publicly owned park and recreational facilities.
- (6) Agricultural, farming or storage use on privately owned land, which use the ~~Central and Southern Florida Flood Control District~~ South Florida Water Management District certifies can be made of such land without interference with the district's right to use for flood control and drainage purposes.
- (7) Accessory uses and structures.
- (8) Residence on floating homes and vessels.

Sec. 39-~~1147~~1312. Uses prohibited.

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1 The permissible uses enumerated in section 39-1146 shall
2 not be construed to include, either as a principal or
3 accessory use, any of the following, which are listed for
4 emphasis:

- 5 (1) Manufacturing or industrial.
- 6 (2) Warehouse or storage, except as permitted under section
7 39-~~1146~~1311(6).
- 8 (3) Display, storage, sale or rental of merchandise except
9 as permitted under section 39-~~1146~~1311(3).
- 10 (4) Dwellings, except as accessory to a permitted use.
- 11 (5) Hotels, motels, multiple dwellings, rooming, boarding or
12 lodging houses, villas, courts or trailer parks except
13 as permitted under section 39-~~1146~~1311(4).
- 14 (6) Agricultural or farming, except as permitted under
15 section 39-~~1146~~1311(6).

16 **Section 43. SEVERABILITY.**

17 If any section, sentence, clause or phrase of this Ordinance
18 is held to be invalid or unconstitutional by any court of competent
19 jurisdiction, then said holding shall in no way affect the validity
20 of the remaining portions of this Ordinance.

21 **Section 44. INCLUSION IN CODE.**

22 It is the intention of the Board of County Commissioners that
23 the provisions of this Ordinance shall become and be made a part
24 of the Broward County Code; and that the sections of this Ordinance
25 may be renumbered or relettered and the word "ordinance" may be
26 changed to "section," "article," or such other appropriate word or
27 phrase in order to accomplish such intentions.

28 **Section 45. EFFECTIVE DATE.**

29 This Ordinance shall become effective as provided by law.

30 ENACTED June 26, 1990

31 FILED WITH DEPARTMENT OF STATE July 2, 1990

32 EFFECTIVE July 5, 1990

33 DMF/gf
#90-420
06/27/90
DFZONING.002

Coding: Words in ~~struck-through~~ type are deletions from existing
text. Words in underscored type are additions.