

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE GARDEN PARK DISTRICTS; AMENDING SECTION 39-4 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR ADDITIONAL DEFINITIONS; CREATING ARTICLE XL OF CHAPTER 39 OF THE CODE, ESTABLISHING THE GARDEN PARK DISTRICTS AND PROVIDING FOR THEIR DESCRIPTION, PURPOSE, GENERAL PROVISIONS, USE, DEVELOPMENT STANDARDS, PARKING, ACCESS, LANDSCAPING, SIGNAGE, AND NONCONFORMING USES AND STRUCTURES THEREIN; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Section 39-4 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-4. Definitions.

...

Acre, net. 43,560 square feet of contiguous, private property under the same ownership.

Active building liner. An enclosed building designed for human occupation, with a direct view to adjacent streets or open space. Commercial active uses generally include,

23 but are not limited to, retail, personal services, offices, hotels, restaurants, coffee shops,
24 libraries, municipal facilities, common areas, entrance lobbies, and commercial uses
25 associated with living and working. Residential active uses generally include, but are not
26 limited to, residential units, common and lobby areas, lounges, gyms, and residential uses
27 associated with living and working.

28 *Active rooftop uses:* Rooftop open-air structures such as cabanas, gazebos,
29 trellises, and other similar structures, which accommodate outdoor common areas. This
30 definition also includes nonhabitable enclosed structures such as restrooms, vertical
31 circulation, and storage areas.

32 . . .

33 *Apartment, ~~E~~fficiency:* A dwelling unit in a multiple unit dwelling, consisting of not
34 more than one (1) habitable room, together with a kitchen or kitchenette and sanitary
35 facilities.

36 *Architectural treatment.* The provision of architectural and/or landscape elements
37 on a façade that serve to visually screen nonactive uses.

38 . . .

39 *Arterial road:* A street having that meaning given in § Section 334.03(1), F.S
40 Florida Statutes. (Arterials roads in Broward County are shown on the Broward County
41 Trafficways Plan map.)

42 *Articulation:* The composition of building elements, shape, mass, and form that
43 modulate the rhythm of a façade, thereby improving the overall composition and aesthetic
44 quality of the building. The following articulations are permitted but shall not fulfill the
45 requirement for architectural treatment: the application of paint and faux treatments;

46 scoring; construction joints; or material projections less than four (4) inches in height,
47 width, or depth.

48 . . .

49 *Building:* Any structure having a roof and used or built for the shelter or enclosure
50 of persons, animals, or property of any kind. The word “building” shall include the word
51 “structure.”

52 *Build-to line:* A front setback line on a lot that marks the location from which the
53 vertical plane of the front building elevation must be erected. The build-to line shall be
54 measured from the outer edge of the adjacent right-of-way.

55 . . .

56 *Code enforcement officer:* Any code inspector, code enforcement officer, law
57 enforcement officer, building official, building inspector, fire inspector, zoning inspector,
58 or other person authorized by the County Administrator whose duty it is to assure code
59 compliance.

60 *Collector road:* A street having that meaning given in Section 334.03(4), Florida
61 Statutes. Collector roads located in Broward County are shown on the Broward County
62 Trafficways Plan map.

63 . . .

64 *First Floor Level:* The lowest habitable floor area of a building. This definition shall
65 not include parking garages or floor areas devoted exclusively to mechanical equipment
66 used to energize, heat, cool, or otherwise service the building in which it is located.

67 *Flexibility units:* This shall equal the difference between the number of dwelling
68 units permitted within a flexibility zone by the Broward County Land Use Plan and the

69 number of dwelling units permitted within the local government’s certified future land use
70 plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of
71 the 2017 Broward County Land Use Plan and formerly defined as “Reserve Units,” which
72 were equal to two percent (2%) of the total number of dwelling units permitted by the
73 Broward Municipal Services District certified future land use plan map.

74 . . .

75 *Fold-out Shelter*. A portable shelter designed to be transported in solid panels or
76 sections for on-site assembly. Fold-out shelters do not have wheels.

77 Food and beverage establishments: Establishments that provide food or
78 beverages for consumption. Uses in this group include food service establishments, full-
79 service restaurants, fast food restaurants, bars, pubs, and similar uses as determined by
80 the Director.

81 . . .

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

85 General retail/personal services: Establishments that provide goods and services
86 geared toward an individual consumer. This group shall include businesses such as:
87 banks, hair and nail salons, adult day care, bakeries, bookstores, apparel stores, grocery
88 stores, pharmacies, health clubs, gift shops, indoor pet care/boarding and indoor kennels
89 (soundproofing and air conditioning required), vehicle retail showrooms, and similar uses
90 as determined by the Director. This group shall also include schools offering instruction
91 in dance, music, martial arts, and similar activities as determined by the Director.

92 . . .

93 Governmental Administration: A building or complex of buildings that houses the
94 administrative offices of any department, commission, district, authority, board,
95 independent agency, or instrumentality of the United States, the State of Florida, the
96 County, an incorporated or unincorporated municipality, or any other governmental unit.

97 Ground level parking: An at-grade parking lot established at the ground level of the
98 development and that has no portion of a building or structure above or below it.

99 Grouped Buildings: Two (2) or more buildings used or to be used for dwelling
100 purposes and that are erected or placed on the same plot.

101 Guyed tower: A wireless communication tower that is supported, in whole or in
102 part, by guy wires and ground anchors.

103 Habitable building space: An enclosed air-conditioned space that can only be
104 occupied upon an issuance of a certificate of occupancy.

105 . . .

106 Panel Antenna: An array of antennas designed to concentrate a radio signal in a
107 particular area.

108 Parking structure: A structure, which may be enclosed in whole or in part, that is
109 used for parking of self-propelled private passenger vehicles.

110 . . .

111 Transportation facilities: Transportation facilities shall include airports, heliports,
112 shipping docks, railroads, or bus terminals, and all other such facilities ~~which~~ that provide
113 for mass public transportation or freight services.

114 Understory parking: An at-grade parking area located below a building.

115 . . .

116 Section 2. Article XL of Chapter 39 of the Broward County Code of Ordinances

117 is hereby created to read as follows:

118 [Underlining omitted]

119 **ARTICLE XL. GARDEN PARK DISTRICTS**

120 **Sec. 39-651. Garden Park Districts.**

121 The following shall constitute the Garden Park Districts (“Districts”) for the
122 purposes of this Code:

123 GP-1: Garden Park Neighborhood District (“GP-1”)

124 GP-2: Garden Park Corridor District (“GP-2”)

125 **Sec. 39-652. Purpose of Districts.**

126 (a) The GP-1 Garden Park Neighborhood District is intended to: (i) emphasize
127 urban form and design; (ii) facilitate multifamily residential development; and (iii) serve as
128 a transition between the GP-2 Garden Park Corridor District and adjacent residential
129 zoning districts. The primary emphasis of the GP-1 District is on urban form and design.
130 Landscaping features shall be incorporated into development as much as possible but
131 are secondary to urban form.

132 (b) The GP-2 Garden Park Corridor District is intended to facilitate mixed land
133 uses along collector and arterial roads. Land or parcels not adjacent to a collector or
134 arterial road shall not be eligible for GP-2 zoning. The primary emphasis of the GP-2
135 District is on urban form and design. Landscaping features shall be incorporated into
136 development as much as possible but are secondary to urban form.

137

138 **Sec. 39-653. General provisions.**

139 All development within the Districts shall be subject to Section 39-294 of the
140 Broward County Code of Ordinances (“Code”), except as otherwise provided in this
141 article. New development within the Districts shall be exempt from Article XXXIX of
142 Chapter 39 of the Code.

143 **Sec. 39-654. Permitted uses.**

	Districts	
	GP-1	GP-2
146 Residential Uses		
147 2-family dwellings	P	NP
148 Community residential facilities	P	P
149 Multifamily dwelling (three (3) or more dwelling units)	P	P
150 Single family detached dwellings	P	NP
151 Townhouses/villas	P	P
152 Civic/Institutional Uses		
153 Colleges and universities	NP	P
154 Community facilities/recreations	P	P
155 Places of worship	P	P
156 Schools (K-12)	P	P
157 Nonresidential Uses		
158 Automotive repairs	NP	NP
159 Automotive sales	NP	NP
160 Child care centers, preschools, or adult day care centers	NP	P

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

161	Drive-through facilities	NP	NP
162	Entertainment uses	NP	P
163	Food/beverage establishments	NP	P
164	General office and banking uses	NP	P
165	General retail/personal services	NP	P
166	Hotels, timeshares	NP	P
167	Medical/dental uses	NP	P
168	Any use not specifically listed shall be prohibited.		

169 **KEY**

170 P = Permitted

171 NP = Not Permitted

172 **Sec. 39-655. Other uses.**

173 (a) No section, regulation, or provision within this article shall be applied in a
174 manner that will have the effect of prohibiting a fuel retailer, as provided by
175 Section 377.707, Florida Statutes.

176 (b) In addition to this article, alcoholic beverage establishments and adult
177 entertainment establishments shall be subject to the requirements of Article XI of
178 Chapter 39 of the Code.

179 **Sec. 39-656. Development standards.**

180 (a) *Area requirements:*

181 (1) Lot size.

182 GP-1: Four thousand eight hundred (4,800) square feet (40'x120') minimum

183 GP-2: No minimum

184 (2) Lot coverage. The combined area occupied by all buildings and roofed
185 structures shall not exceed the following maximum percentages on any site
186 plan:

187 GP-1: Forty percent (40%) of the net lot area

188 GP-2: Lot coverage as permitted by setbacks

189 (b) *Density*. Density shall be measured per gross acre, as defined by the
190 Comprehensive Plan's Broward Municipal Services District Land Use and Community
191 Planning Element and the Broward County Land Use Plan. Determination of maximum
192 permitted density shall be:

193 (1) As permitted by the Broward Municipal Services District Land Use Plan, as
194 modified by Broward County Land Use Plan Policy 2.16.3 or 2.16.4;

195 (2) Through the allocation of residential flexibility units. Residential flexibility
196 units may be administratively allocated as part of an approved site plan by
197 the Director provided:

198 a. Residential flexibility units are available for allocation; and

199 b. The site plan includes at least two (2) amenities that may include, but
200 are not limited to, the following:

201 1. Easements to provide for an expanded sidewalk width;

202 2. Public spaces, such as plazas, seating areas, and fountains;

203 3. Covered walkways;

204 4. Rights-of-way or easement dedication to accommodate
205 transit improvements;

206 5. Dedication/donation/construction of a bus shelter; or

207 6. Other amenities as approved by the Director.
 208 c. Allocated residential flexibility units shall expire if a building permit
 209 for vertical construction is not issued within one (1) year after site
 210 plan approval. One (1) six-month extension may be granted upon
 211 showing of progress being made towards the issuance of a building
 212 permit. Site plan approval shall expire when the residential flexibility
 213 unit allocation expires. Reallocation of residential flexibility units will
 214 require a new site plan application; or

215 (3) As permitted by Section 125.01055(6), Florida Statutes.

216 (c) *Building form typologies.*

217 (1) Permitted Building Typology by District:

Building Typology Type	Districts	
	GP-1	GP-2
Single family detached dwelling	P	NP
Townhouse/villa	P	P
Multifamily residential dwelling (three (3)	P	P
or more dwelling units; maximum		
height by district)		
Mixed use residential/commercial	NP	P
(three (3) stories maximum)		
Mixed use residential/commercial	NP	P
(six (6) stories maximum)		

- 229 (2) Basic illustrative models of the permitted building typologies are depicted in
230 Appendix 1
- 231 (d) *Maximum permitted height/stories.*
- 232 (1) GP-1:
- 233 a. Three (3) stories maximum.
- 234 b. Heights:
- 235 1. Forty foot (40') maximum height for any building or structure.
- 236 2. Thirty-five foot (35') maximum height for any portion of
- 237 buildings and structures within fifty feet (50') of a property
- 238 zoned RS-1 to RS-6.
- 239 3. Active rooftop uses shall not be permitted within fifty feet (50')
- 240 of a property zoned RS-1 to RS-6.
- 241 (2) GP-2:
- 242 a. Buildings shall be at least two (2) stories and no more than five (5)
- 243 stories.
- 244 b. Heights:
- 245 1. Seventy foot (70') maximum height for any building or
- 246 structure.
- 247 2. Thirty-five foot (35') maximum height for any portion of a
- 248 buildings and structures within fifty feet (50') of a property
- 249 zoned RS-1 to RS-5.
- 250 3. Buildings greater than thirty-five feet (35') in height or
- 251 three (3) stories that are contiguous to a property zoned

252 RS-1 to RS-5 shall have a step-back beginning on the third
253 (3rd) story of at least eight feet (8').

254 4. The first floor of any portion of a building utilized for a
255 commercial use shall have a minimum ceiling height of
256 fourteen feet (14').

257 5. Elevator(s), stairwell(s), and other similar access areas may
258 exceed maximum permitted height by no more than
259 eight feet (8').

260 (e) *Setbacks and build-to line.*

261 (1) Buildings with street frontage shall have a build-to line from the street as
262 follows:

263 a. Arterial road shall be fifteen feet (15')

264 b. Collector road shall be ten feet (10')

265 c. Other rights-of-way that are forty feet (40') or wider:

266 1. GP-1 shall be fifteen feet (15'); except that the frontage of a
267 single family dwelling shall be between fifteen feet (15') and
268 twenty-five feet (25')

269 2. GP-2 shall be no less than five feet (5')

270 d. Rights-of-way less than forty feet (40') wide:

271 1. GP-1 shall be a minimum of five feet (5')

272 2. GP-2 shall be a minimum of zero feet (0')

273 (2) Rear: The rear yard setback shall be at least ten feet (10')

274 (3) Interior side yard setback:

- 275 a. GP-1:
- 276 1. Multifamily shall be a minimum of ten feet (10')
- 277 2. Single family and townhouse/villa shall be a minimum of
- 278 five feet (5')
- 279 b. GP-2:
- 280 1. Shall be a minimum of zero feet (0')
- 281 2. If contiguous to GP-1 or RS-1 to RS-5, then shall be a
- 282 minimum of ten feet (10')
- 283 (4) Allowable encroachments.
- 284 a. In GP-1, unenclosed covered front porches may encroach
- 285 eight feet (8') into the build-to line; steps shall not be counted for the
- 286 purposes of calculating the eight feet (8'). Balconies may encroach
- 287 five feet (5') into any required setbacks or build-to lines. Balconies
- 288 shall be prohibited along façades that are contiguous to, and face, a
- 289 property being used as a single family detached residential property.
- 290 b. In GP-2, canopies and other cantilevered shade structures shall be
- 291 permitted to encroach eight feet (8') into the required build-to line of
- 292 an arterial or collector road. The rooftop surface of a structured
- 293 overhang may be used for active space. Balconies may encroach
- 294 five feet (5') into the build-to line and rear yard setback.
- 295 (f) *Dwelling unit floor areas:*
- 296 (1) GP-1: Dwelling unit floor area requirements for buildings within the GP-1
- 297 zoning district shall be as follows:

298 a. Single family detached residential shall be a minimum of
299 eight hundred (800) square feet in floor area, as measured from the
300 outside of the exterior walls, exclusive of a carport, garage, patio,
301 porch, and utility room(s).

302 b. Townhouse/villa units shall be a minimum of six hundred (600)
303 square feet in floor area, with a minimum average of eight hundred
304 (800) square feet for all units within the building.

305 c. Multifamily units, as measured from the interior walls, shall be a
306 minimum of four hundred (400) square feet in floor area, with a
307 minimum average of six hundred (600) square feet for all units within
308 the building.

309 (2) GP-2: Dwelling units within the GP-2 zoning district shall be, as measured
310 from the interior walls, a minimum of four hundred (400) square feet in floor
311 area, with a minimum average of six hundred (600) square feet for all units
312 within the building.

313 (g) *Building frontage*. Building frontages along arterial and collector roads shall
314 be a minimum of sixty percent (60%) of the width of the lot frontage, except as required
315 to provide for minimum requirements related to vehicular and pedestrian access to and
316 from the property; provided, however, that all buildings shall have at least
317 fifty percent (50%) of the frontage along the build-to line.

318 (h) *Building size and mass*. Buildings shall be constructed as variable masses
319 with applied horizontal and vertical extrusions to create the desired building form.

320 (1) The façade of a building shall not occupy more than
321 one hundred fifty feet (150') of continuous frontage along any street.

322 (2) For building articulation, a break in the building façade shall occur at least
323 every one hundred feet (100') on buildings that occupy
324 one hundred fifty feet (150') or more of continuous frontage.

325 (3) All breaks in building façade shall be recessed from the build-to line a
326 minimum of two feet (2').

327 (i) *Building orientation.* Buildings with frontage along a street that has a
328 right-of-way that is forty feet (40') or wider shall face at least one (1) street with at least
329 one (1) clearly identifiable entrance. Developments with multiple frontages shall prioritize
330 the clearly identifiable entrance(s) of the building(s) in the following order: arterial,
331 collector, then all others. Where more than one (1) of the roads are of the same
332 classification, building frontage shall follow the development pattern of the block, where
333 possible. Each residential unit or building along a street frontage shall be designed to face
334 the street, including entrances and porches. Residential units at the street frontage shall
335 have a finished floor height that is a minimum of three feet (3') above the sidewalk, as
336 measured from the nearest edge of the right-of-way. Where a development provides for
337 multiple homes to be built along the street frontage, the three-foot (3') finished floor height
338 may be averaged for the full length of the development's frontage.

339 (j) *Services.*

340 (1) All services shall be subject to the following:

341 a. Development along a right-of-way that is less than forty feet (40') in
342 width shall locate all services, including aboveground equipment and

343 trash enclosures, away from that frontage to the greatest extent
344 possible.

345 b. Where the development does not have frontage along a right-of-way
346 of less than forty feet (40') in width, all services, including
347 aboveground equipment and trash enclosures, shall be located
348 behind the build-to line, and subject to all applicable standards for
349 building placement.

350 c. All services shall be screened from the street view by habitable
351 building space, landscaping, or walls and shall not encroach into
352 required setback and landscaped areas. Trash enclosures shall be
353 screened consistent with Section (n) below.

354 (2) With the exception of fire hydrants, new utilities shall run underground,
355 where possible.

356 (k) *Windows.*

357 (1) Nonresidential building walls facing arterial or collector roads at ground level
358 shall have windows that provide unobstructed transparency of at least
359 sixty percent (60%) of the building wall.

360 (2) Nonresidential portions of building walls facing all other streets at ground
361 level shall have windows that provide unobstructed transparency of at least
362 forty percent (40%) of the building wall.

363 (l) *Rooftop equipment.* Where rooftop equipment, such as exhaust, heating,
364 ventilation, air conditioning, communication systems, and similar equipment, may be seen

365 from the ground level, screening shall be provided. Developments with flat roofs shall
366 provide a parapet, a minimum of four feet (4') in height, to screen rooftop equipment.

367 (m) *Fencing.* Where permitted within a District, fencing and walls shall be
368 designed and sited to ensure visibility from street frontages, while still providing the
369 opportunity to secure property as further provided below:

370 (1) Except as provided in (2) below, all permitted fencing shall be constructed
371 of weather-durable materials (such as iron or composite) as further
372 described in this section. Columns may be constructed with concrete block
373 (a/k/a CBS).

374 a. Fencing of developments with ground floor residential street frontage
375 and other similarly situated porches and patios shall be a maximum
376 of three feet (3') in height and may only be constructed of picket or
377 wrought iron. Columns at entryways to walkups or front porches shall
378 be a maximum of four feet (4') in height. Opaque, solid, shadow box,
379 board on board, and other similar design is prohibited.

380 b. Fencing within interior side and rear yards shall not exceed
381 six feet (6') in height. Opaque designs are permitted.

382 (2) Prohibitions.

383 a. Chain link fencing is prohibited in the Districts.

384 b. Arterial and collector road frontages shall not be permitted to have
385 fencing of any type.

386 (3) No portion of this section shall be construed to prohibit railing/fencing
387 associated with a patio or landing of a residential unit. Such construction
388 shall be consistent with permitted materials.

389 (n) *Dumpsters and waste receptacles.* Dumpsters and other waste receptacles
390 shall not be visible from a right-of-way and shall be hidden by an opaque enclosure that
391 is a minimum of six feet (6') in height. Restaurant uses shall require a fully enclosed,
392 air-conditioned dumpster room.

393 **Sec. 39-657. Parking.**

394 Except as set forth herein, offstreet parking and loading shall be provided in
395 accordance with the standards set forth in Article XII of Chapter 39 of the Code.

396 (a) *Amount of parking.* The minimum parking shall be calculated according to
397 Section 39-228 of the Code, except as provided below:

Use	Amount
<i>Nonresidential</i>	
General retail/personal services	0 spaces for the first 1,000 square feet, and .3 spaces per 1,000 square feet thereafter
Restaurant/food establishments	3 spaces per 1,000 square feet
General office and banking uses	1 space per 400 square feet
Medical and dental uses	1 space per 400 square feet
<i>Multifamily residential uses</i>	
Senior living community 55+ or ALF	.5 spaces per unit
Residential studio or one (1) bedroom	1 space per unit

409	Residential two (2) bedroom	1.5 spaces per unit
410	Residential three (3) bedrooms and more	2 spaces per unit
411	Townhouse/villa	2 spaces per unit
412	Guest parking	1 space per 10 units

413 It is the responsibility of the applicant to demonstrate the parking plan is in
414 compliance with the requirements of the Americans with Disabilities Act and this Code
415 including, but not limited to, the provision of sufficient offstreet parking for the business
416 operations, safe and efficient ingress and egress to the site, and adequate internal traffic
417 circulation. At no point shall the number of offstreet parking spaces be fewer than one (1)
418 space per residential unit, exclusive of any space(s) dedicated for nonresidential parking.

419 (b) *Alternative amount of parking calculation.* Alternative parking requirement
420 calculations may be considered, provided they are accompanied by a parking study that
421 is completed by a certified engineer or planner with appropriate credentials in performing
422 such work. Such requests shall be reviewed by the Division. If in the Director's sole
423 discretion, the findings of the study are found acceptable and consistent with industry
424 standards, the alternative parking requirements shall be approved.

425 (c) *Location.* Parking setbacks along street frontages shall comply with all
426 setback requirements of this article for buildings and structures. Surface parking areas
427 shall have a setback of at least five feet (5') from the rear and interior property lines.

428 (d) *On-street parking.* All developments shall be required, to the extent
429 possible, to provide adjacent on-street parking except as provided below:

430 (1) On any State road, unless approved by the Florida Department of
431 Transportation; or

432 (2) On any County collector road, unless approved by Broward County Traffic
433 Engineering Division, or its successor.

434 (e) *Parking dimensions.* Parking dimensions shall comply with Section 39-217
435 of the Code, except as provided herein:

436 (1) Onsite ninety degree (90°) parking shall be designed and constructed to the
437 following minimum standards:

438 a. Parking spaces shall be a minimum of nine feet (9') by
439 eighteen feet (18'); and

440 b. Drive aisles shall be a minimum of twenty-two feet (22') wide.

441 (2) Parallel parking spaces (onsite or on-street) shall be a minimum of
442 seven feet (7') by twenty-two feet (22'), exclusive of the curb or drainage
443 valley, and drive aisles shall be a minimum of fifteen feet (15') wide.

444 (f) *Parking offsets.* Bicycle racks and on-street parking may be utilized to
445 satisfy offstreet parking requirements as set forth below. However, such parking offsets
446 may not be utilized to satisfy the parking requirements of the Americans with Disabilities
447 Act.

448 (1) *Bicycle racks.* A permanent bicycle rack located within twenty feet (20') of
449 the main door and that accommodates at least four (4) bicycles may be
450 counted as one (1) required offstreet parking space for a nonresidential use.

451 (2) *On-street parking.* On-street parking to serve the adjacent property may be
452 counted towards the offstreet parking requirements of Section (a) as
453 follows:

454 a. When one (1) whole on-street parking space is located between the
455 two (2) property lines that are perpendicular to the street, that whole
456 on-street parking space shall count as one (1) required offstreet
457 parking space; or

458 b. When fifty percent (50%) or more of an on-street parking space is
459 located adjacent to the street-side property boundary, that parking
460 space shall count toward that street-side property's offstreet parking
461 requirement.

462 (g) *Ground level parking, understory parking, and parking structures.* Ground
463 level parking or parking structures may constitute no more than thirty percent (30%) of a
464 development's roadway frontage on an arterial or collector road. Ground level parking
465 and parking structures may front rights-of-way that are less than forty feet (40') in width.
466 All other parking structures and understory parking shall only be permitted behind an
467 active building liner with a minimum depth of twenty feet (20') of habitable building space.
468 Notwithstanding the foregoing, detached single family homes shall be permitted to have
469 a carport or enclosed garage that faces a street.

470 **Sec. 39-658. Access.**

471 Except as provided herein, offstreet parking and loading shall be provided in
472 accordance with the standards set forth in Article XII of Chapter 39 of the Code.

473 (a) *Vehicular access.* Where the entire frontage between two (2) avenues along
474 NW 1st Street, inclusive of lots to the north and south, is being redeveloped, traffic flow
475 along NW 1st Street shall be limited to eastbound only. All other areas within the Districts

476 shall have two-way traffic. Each development shall be permitted curb cuts as provided
477 below.

478 (1) Developments adjacent to NW 1st Street shall be permitted a minimum of
479 one (1) curb cut along NW 1st Street.

480 (2) Developments on local roads with no frontage along NW 1st Street shall be
481 permitted one (1) curb cut along the street frontage.

482 (3) Developments with frontage on an arterial or collector road shall be
483 permitted one (1) curb cut along that frontage, as approved by the Florida
484 Department of Transportation and/or the Broward County Traffic
485 Engineering Division.

486 (4) Single family detached residential homes shall be permitted one (1) curb
487 cut per residence.

488 (b) *Curb cut size.* Permitted curb cuts, as measured at the property line, shall
489 not exceed:

490 (1) Arterial and collector roads—twenty-four feet (24');

491 (2) NW 1st Street—twenty-two feet (22');

492 (3) All other street frontages equal to or greater than one hundred feet (100') in
493 length—twenty feet (20'); and

494 (4) All other street frontages less than one hundred feet (100') in
495 length—ten feet (10').

496 (c) *Pedestrian access.* Sites shall be designed to ensure safe, convenient, and
497 barrier-free pedestrian travel.

- 498 (1) At least one (1) pedestrian entrance shall face the adjacent road of greatest
499 hierarchy, with an arterial road taking precedence over a collector road, a
500 collector road taking precedence over a local road, and a local road taking
501 precedence over an alley.
- 502 (2) Pedestrian entrances shall be easily identifiable from the street and
503 emphasized through projections, recessed areas, canopies, or other
504 architectural elements.
- 505 (3) Ground level doors adjacent to public sidewalks shall be inset so as not to
506 project into the sidewalk when open.
- 507 (4) Desired pedestrian movements shall be clearly delineated through features
508 such as walkways, landscaping, bollards, and surface striping.
- 509 (5) Parking garages shall provide separate and clearly delineated access for
510 pedestrians.
- 511 (6) Delivery zones shall be separated from designated pedestrian areas.

512 **Sec. 39-659. Landscaping.**

513 (a) *Required landscaping.* Except as provided in this section and where limited
514 by the regulations of this article, development shall comply with the requirements of
515 Article VIII of Chapter 39 of the Code to the greatest extent possible.

- 516 (1) Mixed use developments shall comply with the minimum landscape
517 requirements for commercial zoning districts.
- 518 (2) Residential developments shall comply with the minimum landscape
519 requirements for multifamily, commercial, and mixed uses, as applicable.

520 (b) *Landscape waiver*. The Director may waive portions of Section 39-87 of the
521 Code in situations where a proposed development furthers the purpose and intent of the
522 applicable Garden Park District.

523 (c) *Street trees*. Street trees (i.e., trees placed within a right-of-way) shall have
524 a minimum trunk caliper of five inches (5") and shall be spaced at a maximum of
525 twenty-five feet (25') average on center, unless integrated with parking or silva cells, or
526 similar technology is utilized. All required street trees shall be hardwood.

527 (1) Street trees shall be planted in one (1) or more of the following methods:

528 a. *Tree grates*. Tree grates shall mean areas where trees are planted
529 within openings of the sidewalk. Openings shall be covered by
530 permanently installed grates, which are flush with the sidewalk and
531 perforated to permit natural irrigation or similar technology.

532 b. *Landscape islands*. Landscape islands shall mean trees that are
533 planted in the landscaped area between groups of parallel parking
534 spaces. Landscape islands shall be covered with grass and other
535 natural groundcover to permit natural irrigation.

536 c. *Continuous landscape strips*. Continuous landscape strips shall
537 mean trees that are planted in the area between the curb or roadway
538 edge and the sidewalk. In addition to the required trees, such strips
539 shall be covered with grass and other natural groundcover to permit
540 natural irrigation.

541 (2) *Arterial and collector roads*. Where possible, developments adjacent to
542 arterial and/or collector roads shall provide a ten-foot (10') sidewalk/share

543 path easement along the frontage, provided the remaining adjacent
544 rights-of-way can be used for landscaping.

545 **Sec. 39-660. Signage.**

546 Signage shall conform with the requirements of Article VI of Chapter 39 of the
547 Code, as set forth below.

548 (a) GP-1.

549 (1) Except as provided in Section (2) below, signage on properties within the
550 GP-1 District shall conform to the standards provided in Section 39-60(b) of
551 the Code.

552 (2) If a property within the GP-1 District meets the requirements of a. through
553 d. below, signage on such property shall conform to the standards provided
554 in Section 39-60(c) of the Code:

555 a. The use does not conform to Section 39-61(a) of the Code;

556 b. The development has a minimum of one hundred fifty feet (150') of
557 street frontage;

558 c. The development is a minimum of three (3) stories; and

559 d. The development exceeds ten (10) units per acre.

560 (b) GP-2.

561 (1) Signage on properties within the GP-2 District that are developed after
562 _____, [leave blank to insert the effective date of the
563 ordinance], the effective date of this article, shall be in accordance with the
564 following:

- 565 a. Each nonresidential unit shall be permitted one (1) wall sign per
566 building frontage. Such wall signs may be above storefront windows
567 or on a structural overhang.
- 568 b. Each canopy shall be permitted to have one (1) sign.
- 569 c. Window signage shall not exceed twenty percent (20%) of any
570 individual pane.
- 571 d. One (1) under overhang blade sign shall be permitted per unit.
- 572 e. One (1) freestanding sign shall be permitted, provided it is
573 incorporated into an open plaza area and conforms with all setbacks
574 of Article VI of Chapter 39 of the Code.
- 575 f. Buildings that are three (3) stories or higher shall be permitted
576 one (1) parapet sign facing a collector or arterial road.
- 577 g. With the exception of directional signs, all other sign types are
578 prohibited.

579 (2) Signage on properties within the GP-2 District that were developed as of
580 the effective date of this article shall be in accordance with Article VI of
581 Chapter 39 of the Code.

582 **Sec. 39-661. Nonconforming uses and structures within the Garden Park Districts.**

583 (a) Nothing contained in this article shall be deemed or construed to prohibit
584 the continuation of a legally established nonconforming use or structure, as provided by
585 Article VII of Chapter 39 of the Code. The intent of this section is to encourage
586 nonconforming structures to be brought into compliance with the standards outlined in
587 this article.

588 (b) *Legal nonconforming buildings and structures.* All references to
589 nonconforming structures and provisions for nonconforming structures within this section
590 refer to and apply to legal nonconforming buildings and structures.

591 (1) Legally established nonconforming structures may continue to be used and
592 maintained, so long as the structure was legally conforming at the time of
593 original construction.

594 (2) Expansions, repairs, alterations, and improvements to nonconforming
595 structures shall be permitted in accordance with the following provisions:

596 a. Internal and external repairs or improvements (general upkeep) that
597 do not increase the square footage of the nonconforming structure
598 shall be permitted and shall not be subject to the requirements of this
599 section.

600 b. Expansions to a nonconforming structure shall be permitted as
601 follows:

602 1. If the total square footage of the proposed improvement is less
603 than or equal to thirty percent (30%) of the original square
604 footage of the structure at the time it became nonconforming,
605 then the addition shall not be required to comply with the
606 build-to line; however, it shall not encroach beyond the
607 build-to line.

608 2. If the total square footage of the proposed improvement is
609 greater than thirty percent (30%) of the original square
610 footage of the structure at the time it became nonconforming,

611 the entire structure and site improvements shall be brought
612 into compliance with the provisions of this article.

613 Section 3. Severability.

614 If any portion of this Ordinance is determined by any court to be invalid, the invalid
615 portion will be stricken, and such striking will not affect the validity of the remainder of this
616 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
617 legally applied to any individual, group, entity, property, or circumstance, such
618 determination will not affect the applicability of this Ordinance to any other individual,
619 group, entity, property, or circumstance.

620 Section 4. Inclusion in the Broward County Code of Ordinances.

621 It is the intention of the Board of County Commissioners that the provisions of this
622 Ordinance become part of the Broward County Code of Ordinances as of the effective
623 date. The sections of this Ordinance may be renumbered or relettered and the word
624 "ordinance" may be changed to "section," "article," or such other appropriate word or
625 phrase to the extent necessary in order to accomplish such intention.

626 Section 5. Effective Date.

627 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis I. Marrero Koratich 02/03/2023
Alexis I. Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 02/03/2023
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Garden Parks Districts Ordinance
02/06/2023
#41039-0000

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.