



Resilient Environment Department  
**URBAN PLANNING DIVISION**

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521

## **Local Planning Agency**

February 12, 2025

2:00pm

Government Center West – 2<sup>nd</sup> Floor Hearing Room

1 North University Drive

Plantation, FL, 33324

### **Agenda:**

#### **1. Call to Order**

#### **2. Approval of Minutes:**

- Exhibit 1: August 14, 2024

#### **3. 25-Z1: Miscellaneous Updates**

- Exhibit 1: Staff Report
- Exhibit 2: Attachments

#### **4. Public Comments: Non-agenda Items**

#### **5. Adjourn**

At the public hearing, any person shall be entitled to be heard regarding the subject of the public hearing.

If you require any auxiliary aids or services for communication, please call (954) 357-6634 so that arrangements can be made. The telephone device for the deaf (TDD) number is (954) 831-3940. Please request accommodations at least three (3) days in advance.

Please be advised that any person who decides to appeal any decision made by the LPA with respect to any matter considered at the public hearing will need a recording of the proceedings, and that for such purpose, will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice and advice that a record is required to appeal any decision is made pursuant to Section 286.0105, Florida Statutes.

**Local Planning Agency Minutes: 8/14/24**



**Resilient Environment Department Local Planning Agency  
Public Hearing Summary Minutes (Draft)**

Government Center West – 2<sup>nd</sup> Floor Hearing Room  
1 North University Drive, Plantation, FL 33324  
August 14, 2024

**Attendance**

Board Members Present

- a. Cyril Saiphoo, AICP, Chair
- b. Angela Chin
- c. Amede Dimonnay
- d. Michael Huneke
- e. Lisa Wight

Board Members Absent

- a. Glennika Gordon

County Staff Present

Urban Planning Division

- a. Josie Sesodia, AICP, Director
- b. Heather Cunniff, AICP, Planning Section Supervisor
- c. Darby Delsalle, AICP, Assistant Director
- d. Andy Joseph, Planner
- e. Hipolito Cruz

County Attorney's Office

- a. Alexis Marrero-Koratich, Assistant County Attorney

Other present

- a. Michael Sheer, Applicant
- b. Eric Powers, City of Deerfield Beach
- c. Scott Stoudemire, City of Coconut Creek

**Agenda**

**1. Call to Order**

Cyril Saiphoo, Chair, called the Local Planning Agency (LPA) meeting to order at 2:00 pm. He stated that the meeting is open to the public, notice of the meeting was published in the Sun-Sentinel, and a copy of the notice is on file with the Urban Planning Division. Attendees were advised that the meeting is being recorded. The LPA members introduced themselves.

**2. Approval of Minutes: June 12, 2024**

*Upon a motion made by Lisa Wight, seconded by Angela Chin, the June 12, 2024 Local Planning Agency minutes were unanimously approved.*

### 3. 24-Z1: 2360 NW 6<sup>th</sup> Street

Mr. Saiphoo introduced the item and requested a staff presentation. Heather Cunniff introduced herself. She stated the rezoning changes the zoning district of an approximately .23-acre site from RS-6: One-Family Detached district to GP-1: Garden Park Neighborhood District. The site is located at 2360 NW 6<sup>th</sup> Street in the Franklin Park neighborhood of the Central County community. The applicant proposes 15 dwelling units. Three dwelling units are currently allowed. Twelve flex units are requested.

Ms. Cunniff entered the Staff Report into the record and stated that it includes full background and details. Ms. Cunniff stated the rezoning allows new multi-family housing to serve Broward County's growing population. She stated that eleven factors must be considered when reviewing a rezoning request. These are addressed throughout the Staff Report and shown in italics.

The site has a future land use designation of Low-Medium (10) Residential on the Broward County Comprehensive Plan's Broward Municipal Services District Future Land Use Map. The rezoning is consistent with the general uses set forth in the Low-Medium (10) Residential future land use designation, as well as the goals, objectives, and policies of the Broward County Comprehensive Plan. Applicable goals, objectives, and policies are referenced throughout the staff report and comments from the various review agencies.

The County's archaeological consultant determined that the subject property is located within the designated North Bank New River Archaeological Zone. The proposed project will have an adverse effect on previously recorded resource(s). A Certificate to Dig is required from the County Historic Preservation Officer prior to any development.

The proposed rezoning is adjacent to the City of Fort Lauderdale. On December 29, 2023, the City was requested to provide comments. Comments were not received.

Infrastructure capacity is expected to be available to serve the rezoning site.

The proposed rezoning allows a circumstance in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted either directly or indirectly by another use or condition.

The Urban Planning Division recommends that the Local Planning Agency find the proposed rezoning consistent with the Broward County Comprehensive Plan.

Mr. Saiphoo recognized Michael Sheer to speak on behalf of the applicant. Mr. Sheer gave a brief Powerpoint presentation. He noted the current zoning permits one single-family house. He stated the rezoning will allow a new, modern fifteen-unit apartment

building. The new project will be compatible with other new existing and planned projects along the Sistrunk corridor. Mr. Sheer shared a slide of various other residential, mixed use, and commercial projects that include:

- 909 Sistrunk Boulevard,
- Wright Dynasty,
- Mount Hermon Apartment,
- B&D Trap Restaurant,
- Sistrunk Marketplace,
- Sistrunk Station,
- Donna's Caribbean,
- The Adderly, and
- The Aldridge.

Mr. Sheer noted new existing and planned projects do not include single-family homes. He further noted that the portion of the Sistrunk corridor to the east of the proposed rezoning site, located in the City of Fort Lauderdale, is zoned NWRAC-MUw: Northwest Regional Activity Center Mixed Use west. Mr. Sheer presented a slide that shows examples of multi-family apartment buildings that are similar to what they plan to develop.

Mr. Sheer referenced an article that was published in the Sun-Sentinel on January 24, 2022 that states only one percent (1%) of land in Broward County is vacant and zoned for residential use. Mr. Sheer also stated the rezoning is consistent with Broward County Land Use Plan policies 2.20.2, 2.20.7, 2.20.11, and 2.20.12, as well as the Northwest Regional Activity Center Master Plan. The rezoning site is served by four Broward County Transit routes, Reverend Samuel Delevoe Memorial Park, and the African-American Research Library. Mr. Sheer concluded his presentation by noting that the GP-1 zoning district is specifically intended to accommodate multi-family residential projects similar to what the applicant proposes.

Mr. Saiphoo opened the meeting for public comment. Hearing none, Mr. Saiphoo requested comments and questions from the LPA members. Mr. Saiphoo asked if the applicant was still working with the City of Fort Lauderdale to incorporate the adjacent lot to the east into their project. Mr. Sheer stated that they sold the lot. Ms. Chin asked if the housing would be affordable or market rate. Mr. Sheer responded that the housing would be market rate, but that market rate in the community is affordable. Mr. Saiphoo inquired if the units would be owned or rented by the occupants. Mr. Sheer responded that they will be rental units.

*Upon a motion made by Lisa Wight, seconded by Angela Chin, and unanimously approved, the Local Planning Agency accepted public comments and approved the staff recommendation.*

#### **4. 24-Z5: Landfill Height**

Mr. Saiphoo introduced the item and requested a staff presentation. Ms. Cunniff noted that on June 18, 2024, the Board of County Commissioners directed the Office of the

County Attorney to draft an Ordinance amending the Zoning Code to increase the permitted height of landfills in an Agricultural-Disposal District (A-6) up to three hundred twenty-five (325) feet.

The amendment does not automatically increase the height of any existing landfill. It creates the potential for future approval of site plans and licenses up to 325 feet. Two (2) landfill sites have A-6 Zoning. These include the Monarch Hill Landfill, located at 2500 Wiles Road, and the Broward County Landfill, located at 7101 SW 205<sup>th</sup> Avenue. The locations are shown on page two of the Staff Report.

Section 39-24 of the Broward County Zoning Code, provides for the Board to amend zoning regulations “whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires.” Broward County has limited land resources to accommodate the solid waste disposal needs generated by continued population growth. The proposed height increase allows future increases in capacity at the two (2) landfills to accommodate future disposal of solid waste. Height increases are subject to site plan approval and licensing.

Ms. Cunniff stated that the proposed zoning code amendment is consistent with various goals, objectives, and policies of the Broward County Comprehensive Plan including those that address the following:

- Availability and capacity of public facilities and services to meet development needs, including solid waste facilities,
- Potential expansion of the Monarch Hill Landfill,
- Cooperation with municipal partners to provide for safe and efficient disposal of solid waste,
- Minimization of the impacts from new or expanded landfills on adjacent existing and adopted future land uses.
- Coordinating with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

Ms. Cunniff noted that Chapter 163.3180, Florida Statutes provides for concurrency of solid waste facilities, meaning that solid waste facilities must be in place at the time development occurs. Broward County is nearly built-out, but the population continues to grow, primarily through urban infill and redevelopment. Large properties are not available to site new landfills.

Broward County is obligated by state statute to ensure the adequacy of solid waste facilities. Increasing the maximum height allowed for landfills would enable existing landfills to potentially increase their capacity to process and dispose of future volumes of solid waste.

Additional material was submitted by the City of Deerfield Beach and the City of Coconut Creek opposing the height increase.

The Urban Planning Division recommends that the Local Planning Agency find the proposed zoning code amendment consistent with the Broward County Comprehensive Plan.

Mr. Saiphoo clarified that the zoning code amendment is being brought forth by County staff, not Waste Management, and requested public comments.

Eric Power, Director of Planning and Development Services for the City of Deerfield Beach spoke against the proposed amendment. The amendment will allow the Monarch Hill Landfill to be the tallest in the State of Florida; there is zero precedent for the impacts the height will have typical land use and environmental concerns. Mr. Power noted that a Google search shows that the Statue of Liberty, the Brooklyn Bridge, and the tallest rollercoaster at Universal Studios in Orlando are all less than 325 feet in height. There are not structures similar in height within the vicinity.

Allowing the 325 feet by right takes away the County's ability to remediate the impact the landfill has on surrounding communities. The Staff Report does not provide justification of need to allow height by right, did not provide an analysis of landfills in other counties or municipalities, and did not consider amendments to other code sections to increase landscaping or setbacks to accommodate the consequences of the increased height. The amendment is not consistent with the Comprehensive Plan's Intergovernmental Coordination Element Policy 2.2 because the City of Deerfield Beach was not contacted by the County regarding the amendment. Mr. Power concluded by stating that the height increase should not be considered until the Solid Waste Authority has completed its master plan and the Comprehensive Plan's Solid Waste Element has been updated.

Scott Stoudemire, Deputy City Manager for the City of Coconut spoke against the amendment. County staff did not give any consideration to additional requirements associated with the proposed height increase. At a minimum, the City believes the following should be considered:

- Waste should be limited to waste generated in Broward County.
- Construction and demolition debris should be processed through a licensed demolition resource recovery plant before being accepted for disposal.
- No source separated yard waste should be accepted for disposal, including disaster debris.
- Prior to expansion of any landfill, nonconforming sections or cells should be brought into full compliance with any applicable state or federal environmental requirements.
- Proposed amendment lacks comprehensive evaluation of related zoning criteria and lacks consideration of setbacks, landscape buffers, maintenance, and odor control.

- Proposed amendment is inconsistent with the Broward Next Broward County Comprehensive Plan and Broward County Land Use Plan, as outlined in the letter submitted by the City.
- Proposed amendments should not be considered until the Broward County Comprehensive Plan's Solid Waste Element is updated.
- No changes to any landfill in Broward County should be made until the Solid Waste Authority develops its Regional Solid Waste and Recycling Master Plan.

Mr. Saiphoo requested comments or questions from the Local Planning Agency members. Ms. Chin asked about the timeframe to update the Regional Solid Waste and Recycling Master Plan. Ms. Sesodia responded that the plan is under contact with the Solid Waste Authority and staff does not have a timeframe. Ms. Chin asked about the contingency plan for when the two landfills reach their permitted height. Ms. Sesodia replied that it is beyond the scope of this zoning code amendment. Ms. Carrano asked about what processes would be required to increase landfill height. Ms. Cunniff stated there are licensing, permitting, and site plan processes. Ms. Carrano inquired about future reuse of the site. Ms. Cunniff stated the any future reuse of the site would be considered at the time of closure. There is a long and involved process that any landfill must go through to complete the closure process. It is too early to speculate about any potential reuse. Ms. Carrano asked about responding to the issues raised about the amendment today. Ms. Cunniff stated that the Board of County Commissioners will hold a public hearing. The purpose of the Local Planning Agency is to consider consistency with the Broward County Comprehensive Plan. Jo Sesodia stated that a lot of the issues raised can be addressed through the comprehensive plan, site plan review, separate agreement, or licensing, but are not appropriate to be addressed by the zoning code. Cyril Saiphoo asked Mr. Power to reiterate inconsistencies with the comprehensive plan. Mr. Power replied that Solid Waste Element Policy 2.11.8, which states "landfills and resource recovery facilities shall be planned to minimize impacts on adjacent and existing or planned land uses" is not listed in the staff report. Raising the height has an impact on adjacent existing and planned land uses. Mr. Power noted that the item is being brought forth at the request of a County Commissioner, not staff. Intergovernmental Coordination Element Policy 8.2 states that Broward County will coordinate with local governments, but the City was never contacted. Mr. Power noted capacity exists at the Broward County Landfill which is only 125 feet in height.

Scott Stoudemire noted that certain policies of the Climate Change Element, including CC1.3, CC1.4, CC2.16, CC2.4.8, CC2.5.3, CC2.5.4 are inconsistent with the proposed zoning code amendment. The height is being tripled and other criteria associated with the zoning district are not being strengthened. The City is working to develop criteria that would be appropriate. It is premature to move forward with the proposed zoning code amendment.



Mr. Saiphoo agreed there are some legitimate concerns with other regulations, such as setback requirements and consistency with the Broward County Comprehensive Plan. He asked if the amendment could be tabled to address the concerns. Ms. Sesodia stated that the zoning code amendment is intended to be presented to the Board of County Commissioners, along with a related future land use map amendment, in the near future. She respectfully requested that Local Planning Agency decide on the item today.

Ms. Wight asked if there would be an opportunity to address issues raised by the cities of Coconut Creek and Deerfield Beach. Ms. Cunniff responded that the Board of County Commissioners will hold public hearings and the issues may be addressed at that time; she further noted that the purpose of the LPA is to make a finding regarding consistency with the comprehensive plan. Ms. Sesodia stated that the issues raised are more appropriately addressed through the comprehensive plan, site plan, licensing, and permitting processes. Ms. Wight inquired about plans to reuse the site after the landfill is closed. Ms. Cunniff explained that landfill closure is a lengthy process and it is too early to speculate about reuse.

Mr. Saiphoo asked Mr. Power to reiterate the issues raised by the City of Deerfield Beach in the letter. He stated the amendment is inconsistent with Comprehensive Plan Policy 2.11.8 and BMSD Policy 1.2.2, ICE 8.2. He further noted that capacity does exist at the Broward County Landfill. Mr. Stoudemire stated the amendment is inconsistent with the Comprehensive Plan's Climate Change Element Policies 1.3, 1.4, 2.16, 4.8, 5.3, and 5.4. He further stated it is premature to move the amendment forward.

Mr. Saiphoo stated that legitimate concerns have been raised about the height increase and other requirements should be considered that lessen the impact. Mr. Saiphoo asked if the item could be tabled to a future meeting. Ms. Sesodia stated that the item is intended to be considered by the Board of County Commissioners in conjunction with several other related items and requested the LPA to act on the item.

*Upon a motion by Mr. Saiphoo, seconded by Michael Huneke and unanimously approved, the Local Planning Agency did not accept the staff's recommendation and did not find the zoning code amendment consistent with the Broward County Comprehensive Plan.*

**5. Public Comments:** Non-Agenda Items  
None.

**6. Adjourn**

*Upon a motion made by Ms. Chin, seconded by Ms. Wight, and unanimously approved, the meeting adjourned at 2:44pm.*

Resilient Environment Department, Urban Planning Division

## STAFF REPORT

### Amendment 25-Z1: Miscellaneous Updates

#### I. Item Summary

**A. Applicant/Agent:** Board of County Commissioners

**B. Commission Districts Affected:** 1, 2, 3, 5, 6, 7, 8, 9

**C. Proposed Modifications (Exhibit 2):** Broward County Code of Ordinances, Chapter 39.-Zoning

#### Article II.-Definitions:

- Adds the following definitions:
  - Assisted Living Facility,
  - Community Residential Home
  - Community Residential One-Family Dwelling;
- Revises the following definitions:
  - Dwelling, One-Family,
  - Dwelling, Two-family, also Duplex.
- Deletes the following definitions:
  - Community Residential Home
  - Convalescent Home,
  - Dwelling Unit, Adult Congregate Living Facility,
  - Public or Private Facility.

#### Article III.-Administrative and Legal Provisions

- Section 39-11.-Zoning district maps:
  - Provides for digital zoning maps.

#### Article V.-Variances, Administrative Decisions and Determinations, and Appeals

- Section 39-47.-Administrative adjustment procedure:
  - Retitles the section to reflect that the requirements address administrative adjustment procedures related to landscaping requirements;
- Section 39-48.-Administrative Setback Waiver:
  - Adds new section to provide for the Director to waive any setback distance by up to ten percent (10%), but not to exceed one (1) foot.
- Section 39-49.-Zoning Verification Letters:
  - Adds new section that codifies the process used by the zoning official to issue zoning verification letters and charge the applicable fee.

#### Article VII.-Nonconforming Uses and Structure

- Section 39-74.-Nonconformity other than use:
  - Renames Section 39-74 to “Nonconforming structures and sites.”
  - Section 39-74(b) *Nonconforming plots*: Adds an entitlement for one (1) duplex with two (2) dwelling units on nonconforming plots within the Duplex and Attached One-Family Dwelling and Multifamily Dwelling Districts. These include the RD-4 through RD-10 and RM-5 through RM-25 zoning districts.

#### Article XIV. - Agricultural Estate A-1 and General Agricultural A-2 Districts

- Section 39-249. Uses permitted:
  - Replaces the Community residential facilities permitted use with the Community residential one-family dwelling use,
  - Adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

Article XV. – Rural and Estate Districts

- Section 39-263. Uses permitted:
  - Replaces Community residential facilities permitted use with the Community residential one-family dwelling use,
  - Adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

Article XVI. – Residential Zoning Districts

- Section 39-277. Residential zoning districts:
  - References Multifamily dwelling districts instead of Multiple-family dwelling districts.
- Section 39-278. Density:
  - Adds Section 39-278(d) to provide an entitlement of one (1) duplex with two (2) dwelling units on all lots of record as of September 24, 2020 within the RD-4 through RD-10 and RM-5 through RM-25 zoning districts,
  - Requires all building and structures to comply with floor area, height, setbacks, and other minimum housing standards.
- Section 39-279. Uses permitted:
  - Adds Assisted living facility to the table of Residential uses and permits them in the RM-17 to 25 zoning districts,
  - Replaces the Community residential facility with adult day care permitted as an accessory use with the Community residential homes with adult day care permitted use and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.
  - Adds the Community residential one-family dwelling use, adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities, and permits such uses in all residential zoning districts,
  - Deletes the Nursing home, convalescent or rehabilitation home use from all Residential zoning districts.

Article XVII. – Commercial Zoning Districts

- Section 39-295. Permitted uses:
  - Adds Assisted living facility to the table of Commercial uses, permits them in the B-3 and B-4 zoning districts, and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

Article XXII. - Community Facilities Districts

- Section 39-363. Permitted uses:
  - Adds Assisted living facility to the table of Community Facilities uses, permits them in the CF zoning district, and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,
  - Replaces the Community residential facilities use with the Community residential home use and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,
  - Adds Community residential one-family dwelling to the table of Community Facilities uses, permits them in the I-1 and CF zoning districts, and adds a

- reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,
- Deletes Nursing home use.
- Section 39-368. Limitations of uses:
  - Deletes Section 39-368(f) that addresses density calculations for Community Residential Facilities and Nursing Home uses.

Article XXVI.-Site Plan Procedures and Requirements

- Section 39-411.-Site plan review:
  - Amends Section 39-411(d) to clarify that Conceptual Plan Review is provided as a courtesy,
  - Amends Section 39-411(d)(1)a. to state that Courtesy Conceptual Review Plan plans are not routed for agency review and comment,
  - Clarifies that an application must be submitted with any site plan submitted for review.
- Section 39-412. Courtesy conceptual site plan meeting:
  - Amends Section 39-412(a) to provide for the Director to require an applicant to request a Courtesy Conceptual Plan Review meeting rather than file an application for Conceptual Plan Review,
  - Updates references to Conceptual Plan Review to Courtesy Conceptual Plan Review,
  - Deletes requirement to route Conceptual Plans,
  - Allows an applicant to request a Courtesy Conceptual Plan Review prior to requesting a preapplication meeting.
- Section 39-413. Site plan review procedures:
  - Requires the applicant to post sign notice of a proposed site plan on the property within 21 days after issuance of a Notice of Complete Application,
  - Provides for site plan application processing to cease and the application to be deemed withdrawn if the applicant does not submit an affidavit that the required sign has been posted within the 21-day sign posting period,
  - Provides for posted signs to be removed seven (7) days after agency approvals or seven (7) days after final disposition of the application by the County Commission.
  - Reduces the timeframe for review agencies to submit comments to the Urban Planning Division from 28 days to 21 days,
  - Reduces the timeframe for an applicant to respond to any noncompliance items included in the review agency comments from 60 days to 45 days,
  - Allows new site plan submittals at any time after a final order of denial has been issued.
  - Reduces the time frame for a site plan to be issued a final order from 180 days to 120 days after an application is deemed complete. The timeframe for issuance of the final order extends to 180 days if the Commission holds a quasi-judicial public hearing,
  - Provides for an applicant to request one (1) extension of the review period between 30 days and 180 days, provided the applicant agrees to waive the timeframes set forth in Section 125.022, Florida Statutes,
  - Allows the Director to place an application for review by the County Commission on the quasi-judicial agenda within 180 days after the application is deemed complete in the following circumstances:

- When the Director believes there is a substantive question regarding interpretation of Article XXVI.-Site Plan Procedures and Requirements as it applies to the application.
- If the application generates significant public interest.
- o Provides for an approved site plan to expire if a building permit is not issued within eighteen (18) months.
- o Allows the Urban Planning Division Director to grant up to two (2) extensions for six (6) months each if the applicant shows progress toward securing building permits or renewing expired building permits.
- o Provides that site plan applications that are substantially similar to a prior denied shall not be submitted less than one hundred eighty (180) days after the final order denial and shall require a new public participation plan.

Article XXXIX.-Central County Community Overlay District

- Repeals Section 39-637.-Adult living facilities in Roosevelt Gardens.

Article XL.- Garden Park Districts

- Section 39-656. Development standards:
  - o Adds requirement for buildings greater than thirty-five feet (35') in height or three (3) stories that are contiguous to property zoned Rd-5 to RD-10 or RM-5 to RM-6 to have a step-back beginning on the third (3<sup>rd</sup>) story of at least eight feet (8'),
  - o Requires entrances that face an arterial or collector road to be recessed at least five feet (5') from the building line.

Article XLI.- Community Residential Homes and Assisted Living Facilities

- Section 39-674. Purpose:
  - o Adds new Article to implement Chapters 419 and 429, Florida Statutes as they relate to Community Residential Homes licensed by the State of Florida.
- Section 39-675. Use Categories:
  - o Adds the following use categories:
    - Community Residential One-Family Dwelling: one to six (1-6) residents,
    - Community Residential Home: seven to fourteen (7-14) residents,
    - Assisted Living Facility: fifteen (15) or more residents.
- Section 39-676. Application Required:
  - o Requires applications for Community Residential One-Family Dwellings to:
    - Identify the number of residents and locations of all community residential homes within the Broward Municipal Services District.
    - Identify the number of residents and the community support requirements of the program,
  - o Requires applications for Community Residential Homes and Assisted Living Facilities to:
    - Identify the number of residents and community support requirements of the program,
    - Contain a statement from the Licensing Entity that indicates the licensing status and how it meets applicable licensing criteria for the safe care and supervision of the residents,
    - Identify all Community Residential Homes and Assisted Living Facilities within the Broward Municipal Services District.
- Section 39-677. Zoning Compliance:
  - o Requires Community Residential Homes and Assisted Living Facilities to comply with requirements of the zoning district in which they are located,

- Permits Community Residential One-Family Dwellings with 6 or fewer residents as a one-family dwelling, provided distance separation requirements are met.
- Section 39-678. Permitted Use Categories:
  - Permits Community Residential One Family Dwelling with 1 to 6 residents in the:
    - Agricultural zoning districts (A-1, A-2),
    - Rural and Estate zoning districts (E-1, E-2, Rural Ranches, Rural Estates),
    - Residential zoning districts (RS-2 to RS-6, RD-4 to RD-10, RM-5 to RM-25),
    - Community Facilities zoning districts (I-1).
  - Permits Community Residential Home with 7 to 14 residents in the:
    - Residential zoning districts: (RD-4 to RD-10, RM-5 to RM-25),
    - Community Facilities zoning districts: (I-1).
  - Permits Assisted Living Facilities with 15 or more residents in the:
    - Residential zoning districts (RM-17 to RM-25),
    - Community Facilities zoning districts: (I-1),
    - Commercial zoning districts (B-3, B-4).
- Section 39-679. Density
  - Provides for Community Residential One-Family Dwelling to be considered one dwelling unit,
  - Provides for Community Residential Home with seven to ten (7-10) residents to be counted as two (2) dwelling units,
  - Provides for Community Residential Home with eleven to fourteen (11-14) residents to be counted as three (3) dwelling units,
  - Provides for every bedroom of an Assisted Living Facility to count a half (0.5) dwelling unit.
- Section 39-680. Distance Separation:
  - Requires distance separation between the following facility types as follows:
    - Between two Community Residential One-Family Dwelling (1-6 Residents): 1,000 feet);
    - Between a Community Residential Home (7-14 Residents) and a Community Residential One-Family Dwelling (1-6 Residents): 1,200’;
    - Between two Community Residentials Homes (7-14 Residents): 1,200’;
    - Between two Assisted Living Facilities (15 or more residents): 1,200’; and,
    - Between a Community Residential Home (7-14 Residents) and an A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, or RS-2 to RS-6 zoning district: 500’.
- Section 39-681. Permit review:
  - Requires applications for proposed Community Residential Homes and Assisted Living Facilities to be processed by the Urban Planning Division within 60 days or the agency is permitted to establish the home or facility.
  - Requires approval of Community Residential Homes and Assisted Living Facilities applications that meet the following requirements:
    - All applicable zoning requirements;
    - All applicable licensing requirements.
    - Provides that an overconcentration occurs when the locations of Community Residential Homes and Assisted Living Facilities are less than those required by Section 39-680 and that facilities may not be geographically sited in a way that results in overconcentration.

#### **D. Effect of Proposed Change.**

Updates the zoning code regarding community residential homes consistent with state statute, adds definitions, adds an administrative adjustment procedure, provides for digital zoning maps, provides for zoning verification letters, and provides entitlements for residential nonconforming plots.

**E. Comprehensive Plan Consistency.**

Consistent: Broward Municipal Services District Element Policy BMSD 1.1.1. (See Section V. Data and Analysis, Good Planning and Zoning Practice).

**II. Staff Recommendation**

The Urban Planning Division staff recommend the Resilient Environment Department Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

**III. Background.** On August 22, 2024, the Board of County Commissioners directed the Office of the County Attorney to draft an Ordinance (Item 47, Legistar 24-497) to address the following:

- allow digital mapping of zoning districts in lieu of printed maps;
- permit construction consistent with the applicable zoning category on nonconforming plots located within residential zoning districts;
- amend and create various sections to update provisions related to community residential homes and assisted living facilities consistent with state law; and,
- provide for general updating amendments.

**IV. Description of Amendment.**

The proposed amendment updates the zoning code consistent with the Board of County Commissioners direction.

**V. Data and Analysis.**

Zoning, Section 39-24 provides for the Board to amend zoning regulations whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires. It further provides that the Board of shall consider public input and the recommendations of staff in considering any ordinance amending the Zoning Code.

*Staff conducted an analysis in accordance with the requirements of the Broward County Code of Ordinance, Chapter 39-Zoning, Section 39-24 and finds the following:*

**Public Necessity:**

- *Aligns site plan review time frames in keeping with the requirement of Section 125.022, Florida Statutes.*
- *Implements Chapters 419 and 429, Florida Statutes as such relate to Community Residential Homes and Assisted Living Facilities.*

**Convenience:**

- *Provides for digital zoning maps,*
- *Adds an administrative adjustment procedure*

**General Welfare:**

- *Provides for Assisted Living Facilities and Community Residential Homes;*

**Good Planning and Zoning Practice:**



- *Provides for zoning verification letters,*
- *Provides entitlements for residential nonconforming plots.*
- *While the proposed amendment is consistent with state statute, it is not consistent with the Broward County Comprehensive Plan's Broward Municipal Services District Element Policy BMSD 1.1.1 that allows Special Residential Facilities in Residential, Commercial, and Community future land use designations. It also is not consistent with various portions of the Broward County Land Use Plan (BCLUP) that address Special Residential Facilities, including Section 2: Permitted Uses. The provisions in state statute prevail. This inconsistency will be corrected as part of updates to both the BCLUP and BMSD Element.*

**VI. Proposed Ordinance** (see Exhibit 2)

**PROPOSED**

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO THE ZONING CODE; CREATING, REPEALING,  
3 AND AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD  
4 COUNTY CODE OF ORDINANCES (“CODE”), RELATED TO DIGITAL MAPS,  
5 COMMUNITY RESIDENTIAL HOMES, ASSISTED LIVING FACILITIES,  
6 ADMINISTRATIVE SETBACK WAIVERS, ZONING VERIFICATION LETTERS, AND  
7 GENERAL UPDATING AMENDMENTS; AND PROVIDING FOR SEVERABILITY,  
8 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10  
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
12 BROWARD COUNTY, FLORIDA:

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

15 **Sec. 39-4. Definitions.**

16 . . .

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

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

23 Assisted Living Facility: Any building or buildings, section or distinct part of a  
24 building, private home, boarding home, home for the aged, or other residential facility,  
25 regardless of whether operated for profit, that through its ownership or management  
26 provides housing, meals, and one (1) or more personal services for a period exceeding  
27 twenty-four (24) hours to fifteen (15) or more adults who are not relatives of the owner or  
28 administrator. Facilities with a licensed capacity of fewer than fifteen (15) adults who are  
29 not relatives of the owner or administrator shall be considered a Community Residential  
30 Home, as defined below.

31 . . .

32 ~~Community Residential Facility Home: A residential building or buildings designed~~  
33 ~~or altered to provide housing, food service, and personal services to persons unrelated~~  
34 ~~to the owner or manager of the facility, and which is licensed by the State of Florida or~~  
35 ~~other government agency for such purposes~~ Shall have the same meaning as a  
36 “community residential home” defined in Section 419.001, Florida Statutes, as may be  
37 amended.

38 Community Residential One-Family Dwelling: A detached dwelling unit licensed to  
39 serve six (6) or fewer unrelated residents and that otherwise meets the definition of a  
40 Community Residential Home. A Community Residential One-Family Dwelling shall be  
41 deemed a one-family dwelling unit and a noncommercial, residential use for the purposes  
42 of local laws and ordinances.

43 . . .

44           ~~Convalescent Home: An institution for the care of persons recovering physical or~~  
45 ~~mental health and strength after sickness or debility.~~

46           . . .

47           *Dwelling, One-Family:* A building with one (1) or more rooms providing complete  
48 living facilities for one (1) family, including equipment for cooking or provisions for  
49 cooking, and including a room or rooms for living, sleeping, and eating, and having all  
50 areas within the building accessible from the interior of the building. One-family dwellings  
51 shall not include ~~group~~ community residential homes, ~~adult-congregate~~ assisted living  
52 facilities, rooming or boarding houses, or dormitory, fraternity, or sorority buildings or  
53 facilities.

54           *Dwelling, ~~Two-Family, also a~~Duplex:* A building containing two (2) one-family  
55 dwellings within a single building. Two-family dwellings shall not include ~~group homes;~~  
56 ~~adult-congregate~~ assisted living facilities; rooming or boarding houses; or dormitory,  
57 fraternity, or sorority buildings.

58           . . .

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

62           . . .

63           ~~*Public or Private Facility:* Means 1 or more dwelling units in a single structure on a~~  
64 ~~single lot or parcel of record, regularly occupied by no more than 16 related or unrelated~~  
65 ~~minors or adult persons and operated by public service agency or private care agency in~~

66 ~~accordance with section 39-185 of this code. This definition shall not include adult~~  
67 ~~congregate living facilities.~~

68 . . .

69 Section 2. Section 39-11 of the Broward County Code of Ordinances is hereby  
70 amended to read as follows:

71 **Sec. 39-11. Zoning district maps.**

72 (a) The areas assigned to these districts, the designations of same, and the  
73 boundaries of said districts shown upon the digital zoning maps hereto attached that are  
74 available online from the Urban Planning Division and made a part of this code are hereby  
75 established, said digital zoning maps and the proper notations, references, and other  
76 information shown thereon shall be as much a part of this code as if the matters and  
77 information set forth by said digital zoning maps were fully described herein.

78 . . .

79 Section 3. Section 39-47 of the Broward County Code of Ordinances is hereby  
80 amended to read as follows:

81 **Sec. 39-47. Administrative adjustment procedure; landscaping.**

82 . . .

83 Section 4. Section 39-48 of the Broward County Code of Ordinances is hereby  
84 created to read as follows:

85 [Underlining omitted]

86 **Sec. 39-48. Administrative setback waiver.**

87 The Director shall have the authority to waive any setback distance by up to  
88 ten percent (10%), but not to exceed one (1) foot.

89 Section 5. Section 39-49 of the Broward County Code of Ordinances is hereby  
90 created to read as follows:

91 [Underlining omitted]

92 **Sec. 39-49. Zoning verification letters.**

93 Upon written request and payment of the applicable fee, the zoning official shall  
94 provide a formal zoning verification letter to (i) confirm applicable zoning regulations and  
95 permitted uses and (ii) indicate whether a property is in compliance with the current zoning  
96 district.

97 Section 6. Section 39-74 of the Broward County Code of Ordinances is hereby  
98 amended to read as follows:

99 **Sec. 39-74. ~~Nonconformity other than use~~ Nonconforming structures and sites.**

100 . . .

101 (b) *Nonconforming plots.* Nonconforming plots shall mean plots that have  
102 insufficient size or area for a current, legally existing use. Nonconforming plots located  
103 within residential zoning districts that are included in plats approved by the Broward  
104 County Board of County Commissioners and recorded in the ~~public~~ Official ~~Records~~ of  
105 Broward County shall be entitled to construct a minimum of one (1) dwelling unit; and  
106 such nonconforming plots located within Duplex and Attached One-Family Dwelling  
107 Districts (RD-4 through RD-10) and Multifamily Dwelling Districts (RM-5 through RM-25)  
108 shall be entitled to construct a minimum of one (1) duplex with two (2) dwelling units.

109 Section 7. Section 39-249 of the Broward County Code of Ordinances is hereby  
110 amended to read as follows:

111 **Sec. 39-249. Uses permitted.**

112	...				
112a	Permitted Uses			A-1	A-2
112b	...			...	...
112c	Community residential <del>facilities</del> <u>one-family dwelling (see Article XLI)</u>			P	P
112d	...			...	...

113 ...

114 Section 8. Section 39-263 of the Broward County Code of Ordinances is hereby  
115 amended to read as follows:

116 **Sec. 39-263. Uses permitted.**

117 ...

117a	Permitted Uses	E-1	E-2	Rural Estate	Rural Ranches
117b	...	...	...	...	...
117c	Community residential <del>facilities</del> <u>one-family dwelling (see Article XLI)</u>	P	P	P	P
117d	...	...	...	...	...

118 ...

119 Section 9. Section 39-277 of the Broward County Code of Ordinances is hereby  
120 amended to read as follows:

121 **Sec. 39-277. Residential zoning districts.**

122 The following shall constitute residential zoning districts for the purposes of this  
123 Code:

124 District Title

125 . . .

126 RM-5 through RM-25 Multiple-family dwelling districts

127 Section 10. Section 39-278 of the Broward County Code of Ordinances is hereby  
128 amended to read as follows:

129 **Sec. 39-278. Density.**

130 . . .

131 (c) All legally existing residential lots of record as of September 24, 2020, and  
132 zoned for residential use shall be permitted a minimum of one (1) residential dwelling unit,  
133 regardless of the property's size or permitted density, provided all such buildings and  
134 structures comply with required floor area, height, setback, and other minimum housing  
135 standards.

136 (d) All legally existing residential lots of record as of September 24, 2020,  
137 zoned Duplex and Attached One-Family Dwelling Districts (RD-4 through RD-10) and  
138 Multifamily Dwelling Districts (RM-5 through RM-25), shall be permitted a minimum of  
139 one (1) duplex with two (2) dwelling units, regardless of the property's size or permitted  
140 density, provided all such buildings and structures comply with floor area, height, and  
141 setback requirements, and all other minimum housing standards.

142 Section 11. Section 39-279 of the Broward County Code of Ordinances is hereby  
143 amended to read as follows:

144 **Sec. 39-279. Uses permitted.**

145 . . .

145a P = Permitted NP = Not Permitted C = Conditional Use

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



145b	Use	District			
145c		RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
145d	...	...	...	...	...
145e	2-family dwelling	NP	P	P	P
145f	<u>Assisted living facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
145g	...	...	...	...	...
145h	Community residential <del>facility</del> <u>home</u> with adult day care permitted as an accessory use ( <u>see</u> <u>Article XLI</u> )	<u>NP</u>	P	P	P
145i	<u>Community residential</u> <u>one-family dwelling</u> ( <u>see (Article XLI)</u> )	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
145j	<del>Nursing home,</del> <del>convalescent or</del> <del>rehabilitation home</del>	NP	NP	NP	P
145k	...	...	...	...	...
146	...				
147	Section 12. Section 39-295 of the Broward County Code of Ordinances is hereby				
148	amended to read as follows:				
149	<b>Sec. 39-295. Permitted uses.</b>				
150	...				

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

151		Master Business List						
151a	P = Permitted	C = Conditional			A = Accessory use only			
151b	Use	B-1	B-2	B-3	B-4	C-1	CR	OP
151c	Accessory dwellings [see <del>Sub</del> section 39-300(a)]	A	A	A	A	A		
151d	Accessory structures [see <del>Sub</del> section 39-300(a)]	A	A	A	A	A		
151e	...	...	...	...	...	...	...	...
151f	Amusement center (video arcade, games) [see <del>Sub</del> section 39- 300(c)]		P	P			A	
151g	Amusement park [see <del>Sub</del> section 39-300(b)]						P	
151h	Appliance store (major)		P	P	P	P		
151i	<u>Assisted Living Facility [see Article XLI]</u>			<u>P</u>	<u>P</u>			
151j	...	...			...		...	...
151k	Automobile, truck, and recreational vehicle accessories; sales and installation [see <del>Sub</del> section 39-300(d)]		P	P	P	P		
151l	...	...	...	...	...	...	...	...

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

151m	Automobile repair garage (mechanical) [see Subsection 39-300(e)]			P		P		
151n	Automobile paint and body shop [see Subsection 39-300(e)]					P		
151o	...	...	...	...	...	...	...	...
151p	Billiard center or pool hall [see Subsection 39-300(c)]		P	P				A
151q	...	...	...	...	...	...	...	...
151r	Boarding or breeding kennel [see Subsection 39-300(f)]			P		P		
151s	Boat building, repair, and dry storage [see Subsection 39-300(g)]					P		
151t	...	...	...	...	...	...	...	...
151u	Bus terminal [see Subsection 39-300(h)]		P	P	P	P		
151v	Cabinet or carpenter shop [see Subsection 39-300(i)]					P		
151w	...	...	...	...	...	...	...	...
151x	Child care center, <del>pre-school</del> <u>preschool</u> , or adult day care [see	P	P	P	P			A

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

~~Subsection~~

39-300(j)]

151y Clothing donation bin [see P P P

~~Subsection~~ 39-300(k)]

151z . . . . .

151aa Commercial vehicle storage yard P

(nonaccessory) [see

~~Subsection~~ 39-300(l)]

151bb Contractor's shops [see P

~~Subsection~~ 39-300(m)]

151cc Convenience store [see P P P P P

~~Subsection~~ 39-300(q)]

151dd . . . . .

151ee Employment agency, day labor P P

[see ~~Subsection~~ 39-300(n)]

151ff Equipment sales and rental P

(construction, industrial,

agricultural) [see

~~Subsection~~ 39-300(o)]

151gg . . . . .

151hh Funeral home, mortuary [see P P P

~~Subsection~~ 39-300(p)]

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

151ii	...	...	...	...	...	...	...
151jj	Mobile collection center [see <del>Subsection</del> 39-300(s)]	P	P		P		
151kk	Mobile food unit [see <del>Subsection</del> 39-300(t)]		C	C	C	C	C
151ll	...	...	...	...	...	...	...
151mm	Outdoor recreation club [see <del>Subsection</del> 39-300(b)]					P	
151nn	...	...	...	...	...	...	...
151oo	Parts store, vehicles, or boats [see <del>Subsection</del> 39-300(u)]	P	P	P	P		
151pp	Pawnshop [see <del>Subsection</del> 39-300(v)]		P		P		
151qq	...	...	...	...	...	...	...
151rr	Racetrack [see <del>Subsection</del> 39-300(b)]					P	
151ss	...	...	...	...	...	...	...
151tt	Recreational vehicle park, campground [see <del>Subsection</del> 39-300(w)]					P	
151uu	...	...	...	...	...	...	...

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

151vv	Restaurant, fast food [see <del>Subsection 39-300(x)</del>	P	P	P	P	A	A
151ww	...	...	...	...	...	...	...
151xx	School, trade or vocational [see <del>Subsection 39-300(aa)</del>		P		P		
151yy	...	...	...	...	...	...	...
151zz	Skateboard facility [see <del>Subsections 39-300(b) and (y)</del>	P	P			P	
151aaa	Skating rink [see <del>Subsections</del> 39-300(b) and (y)]	P	P			P	
151bbb	...	...	...	...	...	...	...
151ccc	Swimming pool supplies [see <del>Subsection 39-300(z)</del>	P	P	P	P		
151ddd	Target range [see <del>Subsection</del> 39-300(b)]					P	
151eee	...	...	...	...	...	...	...
151fff	Veterinary hospital [see <del>Subsection 39-300(bb)</del>		P	P	P		
151ggg	...	...	...	...	...	...	...
151hhh	Warehouse, self-storage [see <del>Subsection 39-300(cc)</del>		P		P		

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

151iii	Water parks, commercial (water slides, pools, etc.) [see Subsection 39-300(b)]	P
151jjj	...	...
152	...	
153	Section 13. Section 39-363 of the Broward County Code of Ordinances is hereby	
154	amended to read as follows:	
155	<b>Sec. 39-363. Permitted uses.</b>	
156	...	
157	<i>Master Use List</i>	
157a	P = Permitted Use                      C = Conditional Use                      A = Accessory Use Only	
157b	Use    I-1    CF    A-3	
157c	Accessory dwelling [see Subsection 39-368(a)]    A    A	
157d	Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see Subsection 39-368(b)]	A
157e	<u>Assisted Living Facility [see Article XLI]</u>	<u>P</u>
157f	...	...
157g	Cemeteries [see Subsection 39-368(c)]	P

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

157h	Child care center, <del>pre-school</del> <u>preschool</u> , or adult day care, including commercial facilities [see <del>Subsection 39-368(d)</del> ]	P	P	
157i	...	...	...	...
157j	Clothing donation bin [see <del>Subsection 39-368(e)</del> ]		C	
157k	Community residential <del>facilities</del> <u>home</u> [see <del>Subsection 39-368(f)</del> <u>Article XLI</u> ]	P	P	
157l	<u>Community residential one-family dwelling</u> [see <u>Article XLI</u> ]	<u>P</u>	<u>P</u>	
157m	...	...	...	...
157n	Educational centers [see <del>Subsection 39-368(g)</del> ]	P	P	
157o	...	...	...	...
157p	Institutions for the homeless or indigent [see <del>Subsection 39-368(h)</del> ]		P	
157q	Landfills or other solid waste disposal facilities [see <del>Subsection 39-368(i)</del> ]			P
157r	...	...	...	...
157s	<del>Nursing homes</del> [see <del>Subsection 39-368(f)</del> ]		<del>P</del>	
157t	...	...	...	...
157u	Penal institutions [see <del>Subsection 39-368(j)</del> ]		P	

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



157v	...	...	...	...
157w	Trash transfer stations [see Subsection 39-368(k)]		P	P
157x	...	...	...	...

158           ...

159           Section 14.   Section 39-368 of the Broward County Code of Ordinances is  
160 hereby amended to read as follows:

161   **Sec. 39-368. Limitations of uses.**

162           ...

163           (f)   ~~Community residential facilities and nursing homes.~~ Density for community  
164 residential facilities and nursing homes shall be calculated as two (2) bedrooms equals  
165 one (1) dwelling unit. ~~The Future Unincorporated Area Land Use Element shall determine~~  
166 ~~the maximum permissible density for such use. If the proposed facility is not within an~~  
167 ~~area designated residential by the Future Unincorporated Area Land Use Element Map~~  
168 ~~series, any such proposed facility will be subject to availability and allocation of reserve~~  
169 ~~units.~~

170           (g)   *Educational centers.* Educational centers may have dormitory facilities as  
171 an accessory use.

172           (h) (g)   *Institutions for the homeless or indigent.* Institutions for the homeless or  
173 indigent shall either be governmentally owned or operated or shall be owned or operated  
174 by a not-for-profit corporation. Such institutions may include shelters for housing, kitchen  
175 and dining facilities, rehabilitative, medical emergency, medical and dental outpatient  
176 facilities, counseling, and administrative offices. Such facilities shall be separated from

177 any ~~residentially-zoned~~ residentially zoned district by a minimum of five hundred (500)  
178 feet.

179 (h) *Landfills or other solid waste disposal facilities.*

180 . . .

181 (i) *Penal institutions.* Penal institutions shall not be located within  
182 twenty-five hundred (2,500) feet of another penal institution or school or of any  
183 ~~residentially-zoned~~ residentially zoned district. The minimum plot size for any such facility  
184 shall be  
185 twenty (20) acres.

186 (j) *Trash transfer stations.* Trash transfer stations shall be governmentally  
187 owned or operated or shall be operated on a contractual basis with a local government.  
188 Such facilities shall not be located within five hundred (500) feet of any ~~residentially-zoned~~  
189 residentially zoned district, except agricultural districts, and shall require a minimum plot  
190 size of ten (10) acres.

191 Section 15. Section 39-411 of the Broward County Code of Ordinances is hereby  
192 amended to read as follows:

193 **Sec. 39-411. Site plan review.**

194 . . .

195 (d) *Submittals.* Courtesy Conceptual Plan Review and Site Plan Application.

196 (1) *Submitted Plans.*

197 a. ~~Submittals for a~~ Courtesy Conceptual Plan Review. Courtesy  
198 Conceptual Site Plan Review meetings are recommended and  
199 Plans do not need to be submitted in advance of meeting; however,

200 any plans submitted will not be routed for agency review and  
201 comment.

202 b. ~~Submittals for a site plan application~~ Site Plan Application.  
203 Applications for Site Plan Review are required at the time of  
204 application submittal. Unless submitted electronically, applications  
205 shall include drawings, the overall size of which shall be 24" x 36",  
206 drawn at a scale not less than 1" = 50'.

207 (2) Table of Submission Requirements ~~are~~ is as follows:

207a	Requirements	Conceptual <del>Site Plan</del>	Site Plan Application
		<u>Review</u>	
207b	...	...	...
208	...		

209 Section 16. Section 39-412 of the Broward County Code of Ordinances is hereby  
210 amended to read as follows:

211 **Sec. 39-412. Courtesy conceptual ~~site plan meeting~~.**

212 (a) Depending on the location, design, size, impact, or other factor of a  
213 proposed development, the Urban Planning Division Director may require an applicant to  
214 ~~file an application for~~ request a Courtesy Conceptual Plan Review meeting of the site plan  
215 prior to filing a ~~Site p~~l~~a~~n ~~a~~n Application. The Courtesy Conceptual Plan Review is not a  
216 replacement for the full ~~Site p~~l~~a~~n ~~a~~n Application review procedure and does not qualify  
217 as a preapplication meeting.

218 (1) Review for completeness of a Courtesy Conceptual Plan Review  
219 application shall not be required as the review is merely conceptual.  
220 However, insufficient information may result in additional requests.

221 (2) ~~When applicable, the Director shall forward the application for Conceptual~~  
222 ~~Review consistent with Section 39-413(a)(3).~~

223 (3) The Urban Planning Division shall schedule a meeting with the applicant  
224 and the selected review agencies to discuss the conceptual site plans.

225 (4) (3) When not required, an applicant has the option to ~~file an application for~~  
226 request a Courtesy Conceptual Plan Review of the site plan prior to  
227 requesting a preapplication consultation.

228 (b) No formal comments, interpretation of the Ccode, or order shall be issued  
229 in conjunction with a Courtesy Conceptual Plan Review application.

230 Section 17. Section 39-413 of the Broward County Code of Ordinances is hereby  
231 amended to read as follows:

232 **Sec. 39-413. Site plan review procedures.**

233 (a) *Application Procedure.* The following procedures shall govern the review of  
234 applications:

235 . . .

236 (5) *Posted Notice.* Notice of submittal of a site plan application must be  
237 provided by the applicant by posting, in accordance with this section. Within  
238 twenty-one (21) days after the issuance of a Notice of Complete Application  
239 consistent with Section 39-413(a)(2). ~~The applicant must~~ shall securely  
240 post the sign(s) on the property in a visible location on each street frontage

241 and shall submit to the Urban Planning Division an affidavit, including  
242 date-stamped photographic proof, of posting of the sign(s) in accordance  
243 with this section. If the applicant fails to submit the affidavit within the  
244 required timeframe, processing of the application shall cease ~~and any~~  
245 ~~required action by the Director shall be postponed until such affidavit is~~  
246 ~~received, the application shall be deemed withdrawn, and no further action~~  
247 will be taken. The following requirements must be followed by the applicant  
248 for signage posting:

249 **Public Notification Signage Posting for Site Plan Approval**

249a	...	...
249b	Removal, if administrative	Posted sign shall be removed within <del>five (5)</del> <del>business</del> <u>seven (7)</u> days after issuance of agency administrative approval(s).
249c	Removal, if referred to County Commission	Posted sign shall be removed within <del>five (5)</del> <del>business</del> <u>seven (7)</u> days after final disposition of the application by the County Commission.

250 ...

251 (b) *Review responsibilities.* Each review agency shall submit written comments  
252 and recommendations to the Urban Planning Division within ~~twenty-eight (28)~~  
253 ~~calendar~~ twenty-one (21) days after acceptance of the application by the Urban Planning  
254 Division. If any reviewing agency report does not respond within said time frame, it shall  
255 be presumed that the agency has no comments or objections.

256 (c) *Reviewing agency reports; comments; required action.* The Urban Planning  
257 Division Director shall review the application, the citizen participation report, and the  
258 reports of the reviewing agencies.

259 (1) Within seven (7) days after receiving the reviewing comments and  
260 recommendations, the Urban Planning Division shall prepare a report and  
261 issue a notice of the status of the application.

262 . . .

263 b. For a site plan application found not to be in compliance with this  
264 article, the notice shall state the reason for noncompliance. The  
265 applicant shall have ~~sixty (60)~~ forty-five (45) days after the date of  
266 the notice to address any noncompliance items identified by the  
267 review agencies. The resubmitted plan shall be routed pursuant to  
268 Section 39-413(a)(3) and ensuing reviews shall be noticed and  
269 processed pursuant to Section 39-413(c). Failure to submit  
270 corrections curing deficiencies identified in the notice shall result in  
271 issuance of another notice, together with the site plan report, to the  
272 applicant and the County Commission stating the intent to deny the  
273 site plan application. A County Commissioner shall have  
274 fourteen (14) days after the date of transmittal of the notification to  
275 request that the application be placed on the County Commission  
276 quasi-judicial agenda. Absent such request, the Urban Planning  
277 Division Director shall issue an final order of denial consistent with  
278 the notice. ~~Any further request will require a new site plan application~~

279                    ~~submittal and may not be submitted any sooner than six (6) months~~  
280                    ~~after the date of the notice of noncompliance.~~

281            (2) All site plan applications shall be issued final orders consistent with the most  
282            recent notice within one hundred ~~eighty (180)~~ twenty (120) days after the  
283            application being deemed complete as set forth in Section 39-413(a)(2)  
284            above. This period shall extend to one hundred eighty (180) days if a  
285            quasi-judicial hearing before the County Commission is requested or  
286            required.

287            (3) The applicant may submit a written request for one (1) extension, ~~not to~~  
288            ~~exceed~~ of not less than thirty (30) days and not more than  
289            one hundred eighty (180) days, provided the applicant agrees to waive  
290            timeframes set forth in Section 125.022, Florida Statutes.

291            (3) (4) Notwithstanding Section 39-413(c)(1), ~~if the Director believes that there is a~~  
292            ~~substantial question regarding the interpretation of this article as it applies~~  
293            ~~to the application,~~ the Director may place the matter on the County  
294            Commission quasi-judicial agenda for consideration within  
295            one hundred eighty (180) days after the application was deemed complete,  
296            as set forth in Section 39-413(a)(1) above. ~~If the application generates~~  
297            ~~significant public interest, the Director may place the matter on the County~~  
298            ~~Commission quasi-judicial agenda for consideration within~~  
299            ~~one hundred eighty (180) days after the application was deemed complete,~~  
300            ~~as set forth in Section 39-413(a)(1) above.~~ in the following circumstances:

301           a.     The Director believes that there is a substantive question regarding  
302                     the interpretation of this article as it applies to the application; or

303           b.     If the application generates significant public interest.

304           . . .

305           (e)     ~~Effective period of an approved site plan approval.~~ An approved site plan  
306 ~~approval~~ shall expire ~~within one (1) year~~ if a building permit for the identified  
307 improvements is not issued within eighteen (18) months, or if an issued building permit  
308 expires and is not in effect for a period of ninety (90) days. In such cases, the development  
309 order granting approval shall be null and void. The Urban Planning Division Director may  
310 grant up to two (2) six (6) month extensions upon a showing by the applicant that progress  
311 is being made towards securing building permit approvals or towards renewing expired  
312 building permits. Such request(s) must be made before the expiration schedules provided  
313 in this section.

314           (f)     Resubmittal following final order of denial. Whenever the Urban Planning  
315 Division Director has denied a site plan application or condition thereto, the Director shall  
316 not accept the same or substantially similar request unless the Director determines that  
317 such action is permitted due to changed circumstances; to prevent an injustice; or to  
318 facilitate the proper development of the County based upon evidence provided by the  
319 applicant. A new site plan application for the property that is determined to be substantially  
320 similar to the prior denied request shall not be submitted less than  
321 one hundred eighty (180) days after the date of the final order of denial and shall be  
322 required to include a new public participation plan.



323 Section 18. Section 39-637 of the Broward County Code of Ordinances, titled  
324 “Adult living facilities in Roosevelt Gardens,” is hereby repealed in its entirety.

325 Section 19. Section 39-656 of the Broward County Code of Ordinances is hereby  
326 amended to read as follows:

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

328 . . .

329 (d) *Maximum permitted height/stories.*

330 . . .

331 (2) GP-2:

332 . . .

333 b. Heights:

334 . . .

335 3. Buildings greater than thirty-five feet (35') in height or  
336 three (3) stories that are contiguous to a property zoned  
337 ~~RS-4~~ RD-5 to ~~RS-6~~ RD-10 or ~~RM-5~~ to RM-6 shall have a  
338 step-back beginning on the third (3rd) story of at least  
339 eight feet (8').

340 . . .

341 (o) Entrances that face a collector or arterial road shall be recessed a minimum  
342 of five feet (5') from the building line.

343 Section 20. Article XLI of Chapter 39 of the Broward County Code of Ordinances  
344 is hereby created to read as follows:

345 [Underlining omitted]

346 **ARTICLE XLI. COMMUNITY RESIDENTIAL HOMES AND ASSISTED LIVING**

347 **FACILITIES**

348 **Sec. 39-674. Purpose.**

349 The purpose of this article is to implement Chapters 419 and 429, Florida Statutes,  
350 as may be amended, as they relate to Community Residential Homes. This article shall  
351 only apply to those facilities licensed by the State of Florida.

352 **Sec. 39-675. Use categories.**

353 This article shall apply to the following use categories:

- 354 (a) Community Residential One-Family Dwelling; one to six (1-6) residents.
- 355 (b) Community Residential Home; seven to fourteen (7-14) residents.
- 356 (c) Assisted Living Facility; fifteen (15) or more residents.

357 **Sec. 39-676. Application required.**

358 An application shall be submitted to the Zoning Official to request any of the use  
359 categories listed in Section 39-675. An application shall include the following, as  
360 applicable:

361 (a) *Community Residential One-Family Dwelling.* An application for community  
362 residential one-family dwellings with six (6) or fewer residents shall identify the number of  
363 intended residents and shall provide the most recently published data compiled from the  
364 Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department  
365 of Juvenile Justice, the Department of Children and Families, or the Agency for Health  
366 Care Administration (the "Licensing Entity") that identifies all community residential  
367 homes within the jurisdictional limits of the Broward Municipal Services District (the  
368 "BMSD").

369 (b) *Community Residential Home and Assisted Living Facility.* An application  
 370 for either a community residential home or an assisted living facility must identify the  
 371 number of residents intended and the community support requirements of the program.  
 372 The application shall also contain a statement from the Licensing Entity indicating the  
 373 licensing status of the proposed use and specifying how it meets applicable licensing  
 374 criteria for the safe care and supervision of the residents of the home. The applicant shall  
 375 also provide the most recently published data compiled from the applicable Licensing  
 376 Entity that identifies all community residential homes or assisted living facilities within the  
 377 jurisdictional limits of the BMSD.

378 **Sec. 39-677. Zoning compliance.**

379 In addition to the requirements provided in this article, all community residential  
 380 homes and assisted living facilities shall comply with the zoning requirements of the  
 381 district in which they are located. Community Residential One-Family Dwellings with  
 382 six (6) or fewer residents shall be permitted as a one-family dwelling, provided they meet  
 383 distance separation requirements.

384 **Sec. 39-678. Permitted use categories.**

384a	P = Permitted	NP = Not Permitted						
384b	Category:	A-1, A-2,	RS-2	RD-4	RM-5	RM-17	B-3	All
		E-1, E-2,	to	to	to	to	to	Other
		Rural	RS-6	RD-10	RM-16	RM-25,	B-4,	Districts
		Ranches,				I-1	CF	
		Rural						
		Estates						

384c	Community Residential One-Family Dwelling; 1-6 Residents	P	P	P	P	P	NP	NP
384d	Community Residential Home; 7-14 Residents	NP	NP	P	P	P	NP	NP
384e	Assisted Living Facility; 15 or more residents	NP	NP	NP	NP	P	P	NP

385 **Sec. 39-679. Density.**

386 Residential density for each facility category shall be determined as follows:

387 (a) A community residential one-family dwelling shall be considered as one (1)  
388 dwelling unit.

389 (b) A community residential home with seven to ten (7-10) residents shall be  
390 considered as two (2) dwelling units; community residential homes with  
391 eleven to fourteen (11-14) residents shall be considered as three (3) dwelling units.

392 (c) Every bedroom within an assisted living facility shall be counted as a  
393 half (0.5) dwelling unit.

394 **Sec. 39-680. Distance separation.**

395 Applications regulated under this article must include a survey demonstrating  
 396 compliance with distance separation requirements. All distance requirements in this  
 397 section shall be measured from the nearest point of the property line of the existing home  
 398 or area of single-family zoning to the nearest property line of the proposed home/facility.

399 Distance separation requirements are as follows:

399a	Category:	Community Residential One-Family Dwelling; 1-6 residents	Community Residential Home; 7-14 residents	Assisted Living Facility	Proximity to A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, and RS-2 to RS-6 Zoning
399b	Community Residential One-Family Dwelling; 1-6 residents	1,000'	1,200'	N/A	N/A
399c	Community Residential Home; 7-14 residents	1,200'	1,200'	N/A	500'
399d	Assisted Living Facility; 15 or more residents	N/A	N/A	1,200'	N/A

400 **Sec. 39-681. Permit review.**

401 Pursuant to Chapter 419, Florida Statutes, requests for review and compliance  
 402 with this article shall be completed by the Urban Planning Division or its successor agency

403 (the “Division”) within sixty (60) days after application submittal. Notwithstanding other  
404 applicable provisions of Chapter 39 of the Broward County Code of Ordinances (the  
405 “Zoning Code”), failure by the Division to respond within the sixty (60) day timeframe shall  
406 permit the agency or unit of government, a for-profit or nonprofit agency, or any other  
407 person or organization that intends to establish or operate a community residential home  
408 to establish the community residential home at the site selected. Applications for  
409 community residential homes shall satisfy the following requirements:

410 (a) The siting of the community residential home is in accordance with all  
411 applicable zoning requirements specified in the Zoning Code;

412 (b) The community residential home meets applicable licensing criteria  
413 established and determined by the applicable Licensing Entity, including requirements  
414 that the community residential home be located at a site that assures the safe care and  
415 supervision of all its residents; and

416 (c) The location of the community residential home shall not result in such a  
417 concentration of community residential homes in the area in proximity to the site selected  
418 or would result in a combination of such homes with other residences in the community,  
419 such that the nature and character of the area would be substantially altered. An  
420 overconcentration or combination of use shall be considered to occur when the locations  
421 of the community residential homes that are less than the distances provided in  
422 Section 39-680 of the Zoning Code or are inconsistent with state law.

423 Section 21. Severability.

424 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
425 portion will be stricken, and such striking will not affect the validity of the remainder of this

426 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
427 legally applied to any individual, group, entity, property, or circumstance, such  
428 determination will not affect the applicability of this Ordinance to any other individual,  
429 group, entity, property, or circumstance.

430 Section 22. Inclusion in the Broward County Code of Ordinances.

431 It is the intention of the Board of County Commissioners that the provisions of this  
432 Ordinance become part of the Broward County Code of Ordinances as of the effective  
433 date. The sections of this Ordinance may be renumbered or relettered and the word  
434 "ordinance" may be changed to "section," "article," or such other appropriate word or  
435 phrase to the extent necessary to accomplish such intention.

436 Section 23. Effective Date.

437 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/ (in italics) 00/00/2025  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By: /s/ (in italics) 00/00/2025  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Zoning Code Update Ordinance  
01/22/2025  
#60049-0413

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