

**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 ~~dDuplex~~:* 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

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</u> [see Article <u>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	...	...	...	...	...	...	...	...

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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

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Subsection							
	39-300(j)]						
151y	Clothing donation bin [see		P	P		P	
	<del>Subsection</del> 39-300(k)]						
151z	...	...	...	...	...	...	...
151aa	Commercial vehicle storage yard					P	
	(nonaccessory) [see						
	<del>Subsection</del> 39-300(l)]						
151bb	Contractor's shops [see					P	
	<del>Subsection</del> 39-300(m)]						
151cc	Convenience store [see	P	P	P	P	P	
	<del>Subsection</del> 39-300(q)]						
151dd	...	...	...	...	...	...	...
151ee	Employment agency, day labor			P		P	
	[see <del>Subsection</del> 39-300(n)]						
151ff	Equipment sales and rental					P	
	(construction, industrial,						
	agricultural) [see						
	<del>Subsection</del> 39-300(o)]						
151gg	...	...	...	...	...	...	...
151hh	Funeral home, mortuary [see		P	P		P	
	<del>Subsection</del> 39-300(p)]						

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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	...	...	...	...	...	...	...

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

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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

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157h	Child care center, <del>pre-school</del> <u>preschool</u> , or adult day care, including commercial facilities [see Subsection 39-368(d)]	P	P	
157i	...	...	...	...
157j	Clothing donation bin [see Subsection 39-368(e)]		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 Subsection 39-368(g)]	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	

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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> <u>Review</u>	Site Plan Application
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]





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.