

ORDINANCE NO. 2025-15

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 COMMUNITYRESIDENTIALHOMES,ASSISTEDLIVINGFACILITIES,ADMINISTRATIVE
6 SETBACK WAIVERS, ZONING VERIFICATION LETTERS, AND GENERAL UPDATING
7 AMENDMENTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE,
8 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 to
34 the owner or manager of the facility, and which is licensed by the State of Florida or other
35 government agency for such purposes Shall have the same meaning as a “community
36 residential home” defined in Section 419.001, Florida Statutes, as may be amended.

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

42 . . .

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

45 . . .

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

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

57 . . .

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

61 . . .

62 ~~Nursing Home: An establishment, which staff includes state-licensed physicians~~
63 ~~and nurses, where nursing care, personal care, or custodial care is provided to three or~~
64 ~~more unrelated persons who are unable to care for themselves properly by reason of~~
65 ~~illness, physical infirmity or advanced age Any facility that provides nursing services as~~

66 defined in Part I of Chapter 464, Florida Statutes, as may be amended, and is licensed
67 pursuant to state law.

68 . . .

69 ~~*Public or Private Facility: Means 1 or more dwelling units in a single structure on a*~~
70 ~~*single lot or parcel of record, regularly occupied by no more than 16 related or unrelated*~~
71 ~~*minors or adult persons and operated by public service agency or private care agency in*~~
72 ~~*accordance with section 39-185 of this code. This definition shall not include adult*~~
73 ~~*congregate living facilities.*~~

74 . . .

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

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

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

84 . . .

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

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

88 . . .

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

91 [Underlining omitted]

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

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

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

97 [Underlining omitted]

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

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

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

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

106 . . .

107 (b) *Nonconforming plots.* Nonconforming plots shall mean plots that have
108 insufficient size or area for a current, legally existing use. Nonconforming plots located
109 within residential zoning districts that are included in plats approved by the Broward
110 County Board of County Commissioners and recorded in the ~~public~~ Official ~~Records~~ of
111 Broward County shall be entitled to construct a minimum of one (1) dwelling unit; and

112 such nonconforming plots located within Duplex and Attached One-Family Dwelling
 113 Districts (RD-4 through RD-10) and Multifamily Dwelling Districts (RM-5 through RM-25)
 114 shall be entitled to construct a minimum of one (1) duplex with two (2) dwelling units.

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

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

118 ...

119a	Permitted Uses			A-1	A-2
119b	...			...	...
119c	Community residential facilities facilities <u>one-family dwelling (see Article XLI)</u>			P	P
119d	...			...	...

119 ...

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

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

123 ...

124a	Permitted Uses	E-1	E-2	Rural Estate	Rural Ranches
124b	...	...	...	...	...
124c	Community residential facilities facilities <u>one-family dwelling (see Article XLI)</u>	P	P	P	P
124d	...	...	...	...	...

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

124 . . .

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

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

128 The following shall constitute residential zoning districts for the purposes of this C
129 code:

130 District	Title
--------------	-------

131 . . .

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

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

135 **Sec. 39-278. Density.**

136 . . .

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

142 (d) All legally existing residential lots of record as of September 24, 2020,
143 zoned Duplex and Attached One-Family Dwelling Districts (RD-4 through RD-10) and
144 Multifamily Dwelling Districts (RM-5 through RM-25), shall be permitted a minimum of
145 one (1) duplex with two (2) dwelling units, regardless of the property's size or permitted

146 density, provided all such buildings and structures comply with floor area, height, and
 147 setback requirements, and all other minimum housing standards.

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

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

151 . . .

152a	P = Permitted	NP = Not Permitted	C = Conditional Use		
152b	Use	District			
152c		RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
152d	. . .	. . .	. . .	. . .	. . .
152e	2-family dwelling	NP	P	P	P
152f	<u>Assisted living facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
152g	. . .	. . .	. . .	. . .	. . .
152h	Community residential facility <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
152i	<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>

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152j ~~Nursing home,~~ NP NP NP P
~~convalescent or~~
~~rehabilitation home~~

152k

152 ...

153 Section 12. Section 39-295 of the Broward County Code of Ordinances is hereby
 154 amended to read as follows:

155 **Sec. 39-295. Permitted uses.**

156 Permitted principal uses in all business districts shall be limited to those uses
 157 specified in the Master Business List. Any use not specifically listed herein, but that is
 158 commercial in nature, shall be determined by the zoning official to be permitted in the
 159 zoning district specifying the most similar use thereto. All permitted uses shall be subject
 160 to Section 39-300, "Limitations of uses." Specific section references are included in the
 161 following Master Business List:

162 Master Business List

163a	P = Permitted		C = Conditional		A = Accessory use only				
163b	Use		B-1	B-2	B-3	B-4	C-1	CR	OP
163c	Accessory dwellings [see S ub section 39-300(a)]		A	A	A	A	A		
163d	Accessory structures [see S ub section 39-300(a)]		A	A	A	A	A		
163e

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163f	Amusement center (video arcade, games) [see Subsection 39-300(c)]	P	P				A
163g	Amusement park [see Subsection 39-300(b)]						P
163h	Appliance store (major)	P	P	P	P		
163i	<u>Assisted Living Facility</u> [see Article <u>XLI</u>]		<u>P</u>	<u>P</u>			
163j	...	...		...		...	...
163k	Automobile, truck, and recreational vehicle accessories; sales and installation [see Subsection 39-300(d)]	P	P	P	P		
163l	...	...	...	...	...	...	...
163m	Automobile repair garage (mechanical) [see Subsection 39-300(e)]		P		P		
163n	Automobile paint and body shop [see Subsection 39-300(e)]					P	
163o	...	...	...	...	...	...	...
163p	Billiard center or pool hall [see Subsection 39-300(c)]	P	P				A

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

163q	...	...	...	...	...	...	...
163r	Boarding or breeding kennel [see Subsection 39-300(f)]			P		P	
163s	Boat building, repair, and dry storage [see Subsection 39-300(g)]					P	
163t	...	...	...	...	...	...	...
163u	Bus terminal [see Subsection 39-300(h)]		P	P	P	P	
163v	Cabinet or carpenter shop [see S ubsection 39-300(i)]					P	
163w	...	...	...	...	...	...	...
163x	Child care center, pre-school <u>preschool</u> , or adult day care [see Subsection 39-300(j)]	P	P	P	P		A
163y	Clothing donation bin [see S ubsection 39-300(k)]		P	P		P	
163z	...	...	...	...	...	...	...
163aa	Commercial vehicle storage yard (nonaccessory) [see Subsection 39-300(l)]					P	

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163bb	Contractor's shops [see S ub section 39-300(m)]							P
163cc	Convenience store [see S ub section 39-300(q)]	P	P	P	P	P		
163dd	...	...	...	...	...	...	...	...
163ee	Employment agency, day labor [see Sub section 39-300(n)]			P				P
163ff	Equipment sales and rental (construction, industrial, agricultural) [see Sub section 39-300(o)]							P
163gg	...	...	...	...	...	...	...	...
163hh	Funeral home, mortuary [see S ub section 39-300(p)]		P	P				P
163ii	...	...	...	...	...	...	...	...
163jj	Mobile collection center [see S ub section 39-300(s)]		P	P				P
163kk	Mobile food unit [see Sub section 39-300(t)]			C	C	C	C	C
163ll	...	...	...	...	...	...	...	...
163mm	Outdoor recreation club [see S ub section 39-300(b)]							P

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

163nn	...	...	...	...	...	...	...	...
163oo	Parts store, vehicles, or boats [see Sub section 39-300(u)]		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
163pp	Pawnshop [see Sub section 39-300(v)]			<u>P</u>		<u>P</u>		
163qq	...	...	...	...	...	...	...	...
163rr	Racetrack [see Sub section 39-300(b)]						<u>P</u>	
163ss	...	...	...	...	...	...	...	...
163tt	Recreational vehicle park, campground [see Sub section 39-300(w)]						<u>P</u>	
163uu	...	...	...	...	...	...	...	...
163vv	Restaurant, fast food [see Sub section 39-300(x)]	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>
163ww	...	...	...	...	...	...	...	...
163xx	School, trade or vocational [see Sub section 39-300(aa)]	<u>S</u>		<u>P</u>		<u>P</u>		
163yy
163zz	Skateboard facility [see Sub sections 39-300(b) and (y)]	<u>S</u>	<u>P</u>	<u>P</u>			<u>P</u>	

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163aaa	Skating rink [see Subsections 39-300(b) and (y)]		P	P			P
163bbb
163ccc	Swimming pool supplies [see Subsection 39-300(z)]		P	P	P	P	
163ddd	Target range [see Subsection 39-300(b)]						P
163eee	...	...	...	...	...	...	...
163fff	Veterinary hospital [see Subsection 39-300(bb)]			P	P	P	
163ggg	...	...	...	...	...	...	...
163hhh	Warehouse, self-storage [see Subsection 39-300(cc)]			P		P	
163iii	Water parks, commercial (water slides, pools, etc.) [see Subsection 39-300(b)]						P
163jjj	...	...	...	...	...	...	...

163 ...

164 Section 13. Section 39-363 of the Broward County Code of Ordinances is hereby
 165 amended to read as follows:

166 **Sec. 39-363. Permitted uses.**

167 ...

168 *Master Use List*

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

169a	P = Permitted Use	C = Conditional Use	A = Accessory Use Only	
169b	Use	I-1	CF	A-3
169c	Accessory dwelling [see Subsection 39-368(a)]		A	A
169d	Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see S ubsection 39-368(b)]			A
169e	<u>Assisted Living Facility</u> [see Article XLI]			<u>P</u>
169f	...	...	...	...
169g	Cemeteries [see Subsection 39-368(c)]			P
169h	Child care <u>Childcare</u> center, pre-school <u>preschool</u> , or adult day care, including commercial facilities [see Subsection 39- 368(d)]		P	P
169i	...	...	...	...
169j	Clothing donation bin [see Subsection 39-368(e)]			C
169k	Community residential facilities <u>home</u> [see P Subsection 39-368(f) <u>Article XLI</u>]		P	P
169l	<u>Community residential one-family dwelling</u> [see <u>Article XLI</u>]		<u>P</u>	<u>P</u>
169m	...	...	...	...

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

169n	Educational centers [see Subsection 39-368(g)]	P	P
169o	...	...	...
169p	Institutions for the homeless or indigent [see Subsection 39-368(h)]	P	
169q	Landfills or other solid waste disposal facilities [see Subsection 39-368(i)]		P
169r	...	...	...
169s	Nursing homes [see Subsection 39-368(f)]	P	
169t	...	...	...
169u	Penal institutions [see Subsection 39-368(j)]	P	
169v	...	...	...
169w	Trash transfer stations [see Subsection 39-368(k)]	P	P
169x	...	...	...

169 ...

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

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

173 ...

174 (f) ~~Community residential facilities and n~~Nursing homes. Density for
 175 ~~community residential facilities and~~ nursing homes shall be calculated as two (2)
 176 bedrooms equals one (1) dwelling unit. The Future Unincorporated Area Land Use

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

177 Element shall determine the maximum permissible density for such use. If the proposed
178 ~~facility~~ nursing home is not within an area designated residential by the Future
179 Unincorporated Area Land Use Element Map series, any such proposed ~~facility~~ nursing
180 home will be subject to availability and allocation of reserve units.

181 (g) *Educational centers.* Educational centers may have dormitory facilities as
182 an accessory use.

183 (h) (g) *Institutions for the homeless or indigent.* Institutions for the homeless or
184 indigent shall either be governmentally owned or operated or shall be owned or operated
185 by a not-for-profit corporation. Such institutions may include shelters for housing, kitchen
186 and dining facilities, rehabilitative, medical emergency, medical and dental outpatient
187 facilities, counseling, and administrative offices. Such facilities shall be separated from
188 any ~~residentially-zoned~~ residentially zoned district by a minimum of five hundred (500)
189 feet.

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

191 . . .

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

196 (k) (j) *Trash transfer stations.* Trash transfer stations shall be governmentally
197 owned or operated or shall be operated on a contractual basis with a local government.
198 Such facilities shall not be located within five hundred (500) feet of any ~~residentially-zoned~~

199 residentially zoned district, except agricultural districts, and shall require a minimum plot
200 size of ten (10) acres.

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

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

204 . . .

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

206 (1) *Submitted Plans.*

207 a. ~~Submittals for a Courtesy Conceptual Plan Review. Courtesy~~
208 ~~Conceptual Site Plan Review meetings are recommended and~~
209 ~~Plans do not need to be submitted in advance of meeting; however,~~
210 ~~any plans submitted will not be routed for agency review and~~
211 ~~comment.~~

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

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

218a	Requirements	<u>Conceptual Site Plan Review</u>	Site Plan Application
------	--------------	------------------------------------	-----------------------

218b
------	-------	-------	-------

218c	. . .		
------	-------	--	--

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

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

221 (a) Depending on the location, design, size, impact, or other factor of a
222 proposed development, the Urban Planning Division Director may require an applicant to
223 ~~file an application for~~ request a Courtesy Conceptual Plan Review meeting of the site
224 plan prior to filing a ~~sSite pPlan aApplication~~. The Courtesy Conceptual Plan Review is
225 not a replacement for the full ~~sSite pPlan aApplication~~ review procedure and does not
226 qualify as a preapplication meeting.

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

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

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

234 (4) (3) When not required, an applicant has the option to ~~file an application for~~
235 request a Courtesy Conceptual Plan Review of the site plan prior to
236 requesting a preapplication consultation.

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

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

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

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

244 . . .

245 (5) *Posted Notice.* Notice of submittal of a site plan application must be
246 provided by the applicant by posting, in accordance with this section. Within
247 twenty-one (21) days after the issuance of a Notice of Complete Application
248 consistent with Section 39-413(a)(2). ~~The applicant must shall~~ securely
249 post the sign(s) on the property in a visible location on each street frontage
250 and shall submit to the Urban Planning Division an affidavit, including
251 date-stamped photographic proof, of posting of the sign(s) in accordance
252 with this section. If the applicant fails to submit the affidavit within the
253 required timeframe, processing of the application shall cease ~~and any~~
254 ~~required action by the Director shall be postponed until such affidavit is~~
255 ~~received, the application shall be deemed withdrawn, and no further action~~
256 will be taken. The following requirements must be followed by the applicant
257 for signage posting:

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

259a

259b Removal, if administrative Posted sign shall be removed within ~~five (5)~~
~~business~~ seven (7) days after issuance of
agency administrative approval(s).

259c Removal, if referred to County Commission Posted sign shall be removed within ~~five (5)~~
~~business~~ seven (7) days after final disposition
of the application by the County Commission.

259 . . .

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

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

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

271 . . .

272 b. For a site plan application found not to be in compliance with this
273 article, the notice shall state the reason for noncompliance. The
274 applicant shall have ~~sixty (60)~~ forty-five (45) days after the date of
275 the notice to address any noncompliance items identified by the

276 review agencies. The resubmitted plan shall be routed pursuant to
277 Section 39-413(a)(3) and ensuing reviews shall be noticed and
278 processed pursuant to Section 39-413(c). Failure to submit
279 corrections curing deficiencies identified in the notice shall result in
280 issuance of another notice, together with the site plan report, to the
281 applicant and the County Commission stating the intent to deny the
282 site plan application. A County Commissioner shall have
283 fourteen (14) days after the date of transmittal of the notification to
284 request that the application be placed on the County Commission
285 quasi-judicial agenda. Absent such request, the Urban Planning
286 Division Director shall issue an final order of denial consistent with
287 the notice. ~~Any further request will require a new site plan application~~
288 ~~submittal and may not be submitted any sooner than six (6) months~~
289 ~~after the date of the notice of noncompliance.~~

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

296 (3) The applicant may submit a written request for one (1) extension, ~~not to~~
297 ~~exceed~~ of not less than thirty (30) days and not more than

298 one hundred eighty (180) days, provided the applicant agrees to waive
299 timeframes set forth in Section 125.022, Florida Statutes.

300 ~~(3)~~ (4) Notwithstanding Section 39-413(c)(1), if the Director believes that there is
301 a substantial question regarding the interpretation of this article as it applies
302 to the application, the Director may place the matter on the County
303 Commission quasi-judicial agenda for consideration within
304 one hundred eighty (180) days after the application was deemed complete,
305 as set forth in Section 39-413(a)(1) above. ~~If the application generates~~
306 ~~significant public interest, the Director may place the matter on the County~~
307 ~~Commission quasi-judicial agenda for consideration within~~
308 ~~one hundred eighty (180) days after the application was deemed complete,~~
309 ~~as set forth in Section 39-413(a)(1) above.~~ in the following circumstances:

- 310 a. The Director believes that there is a substantive question regarding
311 the interpretation of this article as it applies to the application; or
312 b. If the application generates significant public interest.

313 . . .

314 (e) *Effective period of an approved site plan approval.* An approved site plan
315 approval shall expire within one (1) year if a building permit for the identified
316 improvements is not issued within eighteen (18) months, or if an issued building permit
317 expires and is not in effect for a period of ninety (90) days. In such cases, the development
318 order granting approval shall be null and void. The Urban Planning Division Director may
319 grant up to two (2) six (6) month extensions upon a showing by the applicant that progress
320 is being made towards securing building permit approvals or towards renewing expired

321 building permits. Such request(s) must be made before the expiration schedules provided
322 in this section.

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

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

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

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

337 . . .

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

339 . . .

340 (2) GP-2:

341 . . .

342 b. Heights:

343 . . .

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

349 . . .

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

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

354 [Underlining omitted]

355 **ARTICLE XLI. COMMUNITY RESIDENTIAL HOMES AND ASSISTED LIVING**
356 **FACILITIES**

357 **Sec. 39-674. Purpose.**

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

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

362 This article shall apply to the following use categories:

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

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

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

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

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

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

387 In addition to the requirements provided in this article, all community residential h
388 omes and assisted living facilities shall comply with the zoning requirements of the district
389 in which they are located. Community Residential One-Family Dwellings with

390 six (6) or fewer residents shall be permitted as a one-family dwelling, provided they meet
 391 distance separation requirements.

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

394a P = Permitted NP = Not Permitted

394b	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						

394c	Community Residential One-Family Dwelling; 1-6 Residents	P	P	P	P	P	NP	NP
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394d	Community Residential Home ; 7-14 Residents	NP	NP	P	P	P	NP	NP
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394e	Assisted Living Facility; 15 or more residents	NP	NP	NP	NP	P	P	NP
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393 **Sec. 39-679. Density.**

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

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

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

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

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

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

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

407 Distance separation requirements are as follows:

409a	Category:	Community Residential One-Family Dwelling; residents	Community Residential Home; 14 residents	Assisted Living 7- r Facility	Proximity to A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, and RS-2 to RS-6 Zoning
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409b	Community Residential One-Family Dwelling; 1-6 residents	1,000'	1,200'	N/A	N/A
409c	Community Residential Home; 7-14 residents	1,200'	1,200'	N/A	500'
409d	Assisted Living Facility; 15 or more residents	N/A	N/A	1,200'	N/A

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

409 Pursuant to Chapter 419, Florida Statutes, requests for review and compliance
410 with this article shall be completed by the Urban Planning Division or its successor agency
411 (the "Division") within sixty (60) days after application submittal. Notwithstanding other
412 applicable provisions of Chapter 39 of the Broward County Code of Ordinances (the
413 "Zoning Code"), failure by the Division to respond within the sixty (60) day timeframe shall
414 permit the agency or unit of government, a for-profit or nonprofit agency, or any other
415 person or organization that intends to establish or operate a community residential home
416 to establish the community residential home at the site selected. Applications for
417 community residential homes shall satisfy the following requirements:

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

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

424 (c) The location of the community residential home shall not result in such a
425 concentration of community residential homes in the area in proximity to the site selected
426 or would result in a combination of such homes with other residences in the community,
427 such that the nature and character of the area would be substantially altered. An o
428 verconcentration or combination of use shall be considered to occur when the locations
429 of the community residential homes that are less than the distances provided in
430 Section 39-680 of the Zoning Code or are inconsistent with state law.

431 Section 21. Severability.

432 If any portion of this Ordinance is determined by any court to be invalid, the invalid
433 portion will be stricken, and such striking will not affect the validity of the remainder of this
434 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
435 legally applied to any individual, group, entity, property, or circumstance, such
436 determination will not affect the applicability of this Ordinance to any other individual,
437 group, entity, property, or circumstance.

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

439 It is the intention of the Board of County Commissioners that the provisions of this
440 Ordinance become part of the Broward County Code of Ordinances as of the effective
441 date. The sections of this Ordinance may be renumbered or relettered and the word “
442 ordinance” may be changed to “section,” “article,” or such other appropriate word or
443 phrase to the extent necessary to accomplish such intention.

444 Section 23. Effective Date.

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

ENACTED April 1, 2025

FILED WITH THE DEPARTMENT OF STATE April 1, 2025

EFFECTIVE April 1, 2025

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

By: /s/ Alexis Marrero Koratich 02/18/2025
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 02/18/2025
Maite Azcoitia (date)
Deputy County Attorney

446 AIK/gmb
447 Zoning Code Update Ordinance
448 04/01/2025
449 #60049-0413

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