

PROPOSED

EXHIBIT 1

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY ZONING CODE; AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), TO DEFINE AND PROVIDE FOR THE PLACEMENT AND REGULATION OF DONATION BINS AND CLOTHING DONATION BINS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Barbara Sharief)

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

Section 1. Chapter 39 of the Broward County Code of Ordinances, "Zoning," Article II, "Definitions," Section 39-4, is hereby amended to read as follows:

Sec. 39-4. Terms defined.

...

Change of Occupancy: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Charitable organization: An organization determined by the Federal Internal Revenue Service to be a tax-exempt organization, pursuant to Subsection 501(c)(3) of the Internal Revenue Code, that is established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose.

...

1 *Civic Center:* A building or complex of buildings that house governmental offices
2 and services, which may include cultural, recreational, athletic, convention, and
3 entertainment facilities, owned or operated by a governmental agency.

4 *Clothing donation bin:* A receptacle or container made of metal or other
5 fire-resistant material designed or intended for the collection and temporary storage of
6 donated clothing.

7 ...

8 *Division:* The ~~Permitting, Licensing and Consumer Protection~~ Planning and
9 Redevelopment Division, or successor agency.

10 *Donation bin:* A receptacle or container designed or intended for the collection
11 and temporary storage of donated items other than clothing.

12 ...

13 Section 2. Article IX, "General Provisions," of Chapter 39 of the Broward
14 County Code of Ordinances, is hereby amended to add Section 39-110 to read as
15 follows:

16 **Sec. 39-110. Donation bins.**

17 (a) It shall be unlawful to deposit, store, keep, or maintain or to permit to be
18 deposited, stored, kept, or maintained, a donation bin in or on any lot, parcel, or tract of
19 land or body of water in any zoning district. Clothing donation bins shall be permitted
20 only in those zoning districts indicated in Sections 39-295, 39-313, and 39-368 of this
21 chapter, subject to compliance with the requirements of this section. The conditions
22 listed in this chapter for clothing donation bins shall not be subject to waiver by the
23 hearing officer or Board of County Commissioners.

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **(b) Clothing donation bins shall be owned and operated only by charitable**
2 **organizations. The clothing donated shall be provided to others as part of a bona fide**
3 **charitable endeavor, and any proceeds from collected donations must be used by the**
4 **charitable organization for its charitable purposes.**

5 **(c) Clothing donation bin structure.**

6 **(1) Clothing donation bins shall be of the type that are enclosed by use of a**
7 **one-way receiving door so that the contents of the bins may not be**
8 **accessed by anyone other than those responsible for the retrieval of the**
9 **contents.**

10 **(2) No clothing donation bin shall cover a ground surface area in excess of**
11 **five (5) feet by five (5) feet and nor shall it exceed six (6) feet in height.**

12 **(3) Clothing donation bins shall have wheels affixed to the bottom or**
13 **otherwise be readily transportable.**

14 **(d) Permits. Prior to the placement of a clothing donation bin on any property,**
15 **an application for a permit shall be filed with the Planning and Redevelopment Division.**
16 **The application for a permit shall include:**

17 **(1) An affidavit attesting to the following:**

18 **a. The precise location where the clothing donation bin will be located,**
19 **including a description of the business or enterprise being**
20 **conducted on or at the property, as indicated on the business**
21 **license for the principal business on the property;**

22 **b. The manner in which the applicant anticipates any clothing**
23 **collected via the clothing donation bin will be used, sold, or**
24

1 dispensed, and the method by which the proceeds of collected
2 donations will be allocated or spent;

3 c. The name and telephone number of the bona fide office of the
4 charitable organization that owns or has custody of the clothing
5 donation bin, the name of the person authorized by said
6 organization to assure compliance with this ordinance, and the
7 phone number, physical address, and e-mail address where such
8 person can be reached during normal business hours. For
9 purposes of this section, an answering machine or service
10 unrelated to the person or entity does not constitute a bona fide
11 office;

12 d. The name(s) and phone number(s) of the person(s) responsible for
13 placing, emptying, and removing the clothing donation bin; and

14 e. That the charitable organization shall report to the Planning and
15 Redevelopment Division any change of entity or entities that may
16 share or profit from any clothing collected from the clothing
17 donation bin no later than thirty (30) days after the date of any
18 changes and acknowledgment that failure to do so may result in the
19 revocation of the permit, pursuant to the provisions of Subsection
20 39-110(h).

21 (2) Written consent from the property owner to place the clothing donation bin
22 at or on the property, and whether any other clothing donation bins are
23 currently at or on the property. The property owner's written consent shall
24 acknowledge that the County shall hold both the property owner and the

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

1 charitable organization liable for violation(s) of this chapter and that failure
2 of the charitable organization to comply with this provisions of this chapter
3 shall not be a defense by the property owner should a violation be found
4 to exist.

5 (3) The articles of incorporation of the charitable organization, the names of
6 the officers and the registered agent of the charitable organization, and
7 the name, phone number, e-mail address, and physical address of the
8 responsible person to be contacted with respect to compliance with this
9 chapter.

10 (4) The annual permit fee, as set by resolution of the Board of County
11 Commissioners.

12 Permit renewal applications shall include an affidavit certifying that all information and
13 statements in the current application continue to be true and accurate or a description of
14 any facts which would make any information or statement in the current application no
15 longer true or accurate and which must, therefore, be modified for the renewal permit.
16 An annual permit fee shall be paid for renewal of each permit for a clothing donation bin
17 issued under the provisions of this chapter.

18 (e) Placement. In addition to the requirements of Sections 39-295, 39-308,
19 and 363 of this chapter, the following criteria shall be applied in determining if a clothing
20 donation bin is placed in conformity with this chapter.

21 (1) Clothing donation bins shall be placed wholly on improved property.

22 (2) Clothing donation bins shall not be placed within one hundred (100) yards
23 of any place that stores or sells fuel or other flammable liquids or gases.
24

- 1 (3) Clothing donation bins shall be located no closer than twenty (20) feet to
2 any property line.
- 3 (4) Clothing donation bins shall not be placed in a location that interferes with
4 vehicular or pedestrian circulation.
- 5 (5) Clothing donation bins shall be secured or removed in such a manner as
6 to minimize the danger of such bins causing damage to persons or
7 property in the event of high winds or severe weather conditions.
- 8 (6) No clothing donation bin shall be permitted within one hundred (100) feet
9 of a residentially-zoned district or closer than fifty (50) feet from any street.
- 10 (f) Display requirements. The following information shall be clearly and
11 conspicuously displayed on the exterior of all clothing donation bins:
- 12 (1) The permit number and its date of expiration, including a statement that a
13 copy of the permit application is on file with the Planning and
14 Redevelopment Division;
- 15 (2) The name and address of the charitable organization that owns the bin
16 and received a permit for its placement, and any other entity which may
17 share or profit from any clothing collected via the bin; and
- 18 (3) The telephone number of the charitable organization's bona fide office
19 and, if applicable, the telephone number of any other entity which shares
20 or profits from any clothing collected via the bin. For purposes of this
21 subsection, an answering machine or service unrelated to the charitable
22 organization does not constitute a bona fide office.
- 23 (g) Maintenance requirements.
- 24

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

1 (1) The contents of the clothing donation bin shall be clothing only and shall
2 be regularly emptied at least every two (2) weeks and shall not be
3 permitted to overflow to the point where the contents are visible from the
4 outside. The ground area immediately adjacent to the clothing donation
5 bin (within three (3) feet of the clothing donation bin on all sides) shall be
6 kept free of donated clothing and debris.

7 (2) With the exception of the information required in Subsection 39-110(f) to
8 be displayed on the exterior of the clothing donation bin, the clothing
9 donation bin shall be kept free of signs, advertising, graffiti, and other
10 markings, and shall be maintained in a structurally sound, clean, and
11 sanitary condition.

12 (3) It shall be the responsibility of the owner of the property upon which the
13 clothing donation bin is located and the charitable organization which
14 obtains the permit to remove or properly secure the clothing donation bin
15 in the event of any of the following National Weather Service Advisories,
16 Watches, and Warnings for Broward County: Wind Advisory, Severe
17 Thunderstorm Watch, High Wind Watch, Tornado Watch, High Wind
18 Warning, Severe Thunderstorm Warning, Tornado Warning, Tropical
19 Storm Warning, Hurricane Watch, and Hurricane Warning. If such action
20 is not taken, Broward County reserves the right to remove the clothing
21 donation bin and revoke the permit pursuant to the provisions of
22 Subsection 39-110(h).

23 (h) Enforcement. Where it is found that any of the provisions of this section
24 have been violated, enforcement proceedings may be initiated against the property

1 owner and the charitable organization issued a clothing donation bin permit. Any
2 enforcement procedure authorized by the Broward County Code of Ordinances or State
3 law may be used to enforce the provisions of this section. Prior to the revocation of a
4 permit, the zoning official shall notify the property owner and charitable organization
5 issued the permit of the zoning official's intent to revoke the permit, including the
6 reason(s) therefor. All written notifications of the zoning official's intent to revoke a
7 clothing donation bin permit shall be in accordance with the notice provisions in Section
8 162.12, Florida Statutes, and shall state the following:

9 THE HOLDER OF THE CLOTHING DONATION BIN PERMIT SHALL HAVE
10 TEN (10) DAYS FROM THE DATE OF THIS NOTIFICATION TO REQUEST A
11 HEARING, IN WRITING, BEFORE THE BROWARD COUNTY HEARING
12 OFFICER. IF NO WRITTEN REQUEST FOR A HEARING IS RECEIVED BY
13 THE ZONING OFFICIAL WITHIN TEN (10) DAYS AFTER THE DATE OF THIS
14 NOTIFICATION, THE CLOTHING DONATION BIN PERMIT SHALL BE
15 CONSIDERED REVOKED.

16 Section 3. Article XVII, "Commercial Districts," of Chapter 39 of the Broward
17 County Code of Ordinances, is hereby amended to read as follows:

18 ...

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

20 Permitted principal uses in all business districts shall be limited to those uses
21 specified in the Master Business List. Any use not specifically listed herein, but which is
22 commercial in nature, shall be determined by the zoning official to be permitted in the
23 zoning district specifying the most similar use thereto. All permitted uses shall be
24

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

subject to Section 39-300, "Limitations of uses." Specific subsection references are included in the following Master Business List:

Master Business List

P = Permitted

C = Conditional

A = Accessory use only

Use	B-1	B-2	B-3	B-4	C-1	CR	OP
Accessory dwellings [see <u>Subsection</u> 39-300(a)]	A	A	A	A	A		
...							
Amusement center (video arcade, games) [see <u>Subsection</u> 39-300(c)]		P	P			A	
Amusement park [see <u>Subsection</u> 39-300(b)]						P	
...							
Automobile, truck, and recreational vehicle accessories; sales and installation [see <u>Subsection</u> 39-300(d)]		P	P	P	P		
...							
Automobile repair garage (mechanical) [see <u>Subsection</u> 39-300(e)]			P		P		
Automobile paint and/or body shop [see <u>Subsection</u> 39-300(e)]					P		
...							
Billiard center or pool hall [see <u>Subsection</u> 39-300(c)]		P	P			A	
...							

Coding:

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

1	Boarding or breeding kennel [see <u>Subsection</u>			P		P		
2	39-300(f)]							
3	Boat building, repair, and dry storage [see					P		
4	<u>Subsection 39-300(g)]</u>							
5	...							
6	Bus terminal [see <u>Subsection 39-300(h)]</u>		P	P	P	P		
7	Cabinet or carpenter shop [see <u>Subsection</u>					P		
8	39-300(i)]							
9	...							
10	Child care center, pre-school, or adult day	P	P	P	P			A
11	care [see <u>Subsection 39-300(j)]</u>							
12	Clothing donation bin [see <u>Subsection</u>		<u>P</u>	<u>P</u>		<u>P</u>		
13	<u>39-300(k)]</u>							
14	...							
15	Commercial vehicle storage yard					P		
16	(nonaccessory) [see <u>Subsection 39-</u>							
17	<u>300(k)(l)]</u>							
18	Contractor's shops [see <u>Subsection</u>					P		
19	39-300(l)(m)]							
20	Convenience store [see <u>Subsection</u>	P	P	P	P	P		
21	39-300(p)(q)]							
22	...							
23	Employment agency, day labor [see			P		P		
24	<u>Subsection 39-300(m)(n)]</u>							

Coding:

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

1	Equipment sales and rental (construction,					P		
2	industrial, agricultural) [see <u>Subsection</u>							
3	39-300(n)(<u>o</u>)							
4	...							
5	Funeral home, mortuary [see <u>Subsection</u>		P	P		P		
6	39-300(e)(<u>p</u>)							
7	...							
8	Gasoline station [see <u>Subsection</u>		P	P	P	P		
9	39-300(p)(<u>q</u>)							
10	...							
11	Golf driving range [see <u>Subsection</u>			P			P	
12	39-300(b)							
13	...							
14	Holiday wayside stand ([see s <u>Section</u> 39-		C	C	C	C		
15	239])							
16	...							
17	Marina [see <u>Subsection</u> 39-300(q)(<u>r</u>)			P		P	P	
18	Mobile collection center [see <u>Subsection</u>		P	P		P		
19	39-300(r)(<u>s</u>)							
20	Mobile food unit [see <u>Subsection</u> 39-			C	C	C	C	C
21	300(s)(<u>t</u>)							
22	...							
23	Outdoor event ([see s <u>Section</u> 39-238])	C	C	C	C	C		
24	...							

Coding:

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

1	Pain Management Clinic [see <u>s</u> Section 39-			C				
2	243]							
3	Parts store, vehicles or boats [see		P	P	P	P		
4	<u>Subsection 39-300</u> (t)(u)]							
5	Pawnshop [see <u>Subsection 39-300</u> (u)(v)]			P		P		
6	...							
7	Racetrack [see <u>Subsection 39-300</u> (b)]						P	
8	...							
9	Recreational vehicle park, campground [see						P	
10	<u>Subsection 39-300</u> (w)(x)]							
11	...							
12	Restaurant, fast food [see <u>Subsection</u>		P	P	P	P	A	A
13	39-300(x)(y)]							
14	...							
15	School, trade or vocational [see <u>Subsection</u>			P		P		
16	39-300(aa)(bb)]							
17	...							
18	Skateboard facility [see <u>Subsections</u>		P	P			P	
19	39-300(b) and (y)(z)]							
20	Skating rink [see <u>Subsections 39-300</u> (b) and		P	P			P	
21	(y)(z)]							
22	...							
23	Sports courts (tennis, batting cages, etc.)						P	
24	[see <u>Subsection 39-300</u> (b)]							

Coding:

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

1	Stadium [see <u>Subsection</u> 39-300(b)]						P	
2	...							
3	Swimming pool supplies [see <u>Subsection</u>		P	P	P	P		
4	39-300(z)(aa)]							
5	...							
6	Target range [see <u>Subsection</u> 39-300(b)]					P		
7	...							
8	Veterinary hospital [see <u>Subsection</u>			P	P	P		
9	39-300(bb)(cc)]							
10	...							
11	Warehouse, self-storage [see <u>Subsection</u>			P		P		
12	39-300(ee)(dd)]							
13	...							
14	Water parks, commercial (water slides, pools,						P	
15	etc.) [see <u>Subsection</u> 39-300(b)]							
16	...							
17	Wireless communication facilities [see	P	P	P	P	P	P	P
18	s Section 39-102]							
19	...							
20	Sec. 39-300. Limitations of uses.							
21	...							
22	(k) <u>Clothing donation bin.</u> Clothing donation bins shall be permitted only in							
23	<u>compliance with the provisions of this chapter, including the following requirements:</u>							
24								
	Coding:	Words in struck-through type are deletions from existing text. Words in <u>underscored</u> type are additions.						

- 1 (1) The charitable organization operating the clothing donation bin has
2 obtained a valid permit from Broward County;
- 3 (2) One (1) clothing donation bin shall be permitted on the property of a retail
4 or professional building of at least thirty thousand (30,000) square feet in
5 interior space, none of which is part of a shopping center;
- 6 (3) One (1) clothing donation bin shall be permitted for each thirty thousand
7 (30,000) square feet of building size on property of a shopping center of at
8 least thirty thousand (30,000) square feet in interior building size; and
- 9 (4) All other conditions of this chapter for clothing donation bins are satisfied
10 and there is continuing compliance with the provisions of this chapter.

11 ~~(k)~~ (l) *Commercial vehicle storage yards.* Commercial vehicle storage yards
12 shall not include storage of heavy equipment, including, but not limited to, backhoes,
13 bobcats, cranes, tractors, or other such equipment which is not intended as a means of
14 transportation on public streets. Commercial vehicle storage yards shall not be located
15 within fifty (50) feet of any residentially-zoned ~~plot~~ district.

16 ~~(f)~~ (m) *Contractor shops.* Contractor shops shall be limited to office and
17 warehouse storage and accessory equipment. Any storage of building materials shall
18 be inside a building. Contractor shops shall not be located within two hundred (200)
19 feet of any residentially-zoned district.

20 ~~(m)~~ (n) *Day labor employment agencies.* All clients awaiting employment or
21 transportation to a job-site must be accommodated inside the building.

22 ~~(n)~~ (o) *Equipment sales.* Heavy equipment sales and rental facilities shall be
23 located at least three hundred (300) feet from any residentially-zoned district.
24

1 ~~(e)~~ (p) *Funeral homes and mortuaries.* A funeral home or mortuary may have a
2 crematory as an accessory use thereto, provided the crematory is within the principal
3 building.

4 ~~(p)~~ (q) *Gasoline stations.*

5 ...

6 ~~(q)~~ (r) *Marinas.* Marinas desiring to provide for live-aboard boats shall be
7 required to request allocation of reserve units, if available. Such use shall also
8 demonstrate conformity with all applicable federal, state, or local codes relating to
9 sewage pump facilities or other equivalent facilities.

10 ~~(r)~~ (s) *Mobile collection centers.*

11 ...

12 ~~(s)~~ (t) *Mobile food units.*

13 ...

14 ~~(t)~~ (u) *Parts stores, retail.* All storage and display of parts shall be inside a
15 building. No vehicle parts salvage operations shall be permitted.

16 ~~(u)~~ (v) *Pawnshops.* Pawnshops shall not be permitted on any plot which is
17 contiguous to a residentially-zoned district or which is separated from a
18 residentially-zoned district only by a street, alley, canal, or railroad right-of-way.

19 ~~(v)~~ (w) *Recreational vehicle parks.*

20 ...

21 ~~(w)~~ (x) *Restaurants, fast food.* Outside play areas for children provided at fast
22 food restaurants shall be in walled-in or fenced-in areas only. The wall or fence design
23 must be compatible in design, materials, and color with the main structure. Between
24 any such area and adjoining sidewalks, parking spaces, or other vehicular use areas, a

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

1 landscape strip of no less than five (5) feet shall be provided containing trees and tall
2 shrubs of three (3) feet minimum height. Play equipment shall be limited to a maximum
3 height of ten (10) feet or the height of the fascia, whichever is lower. There shall be no
4 access to or from the play area except through the interior of the restaurant.

5 ~~(x)~~ (y) *Skateboard facilities and skating rinks.* Only indoor skateboard facilities
6 and skating rinks shall be permitted in B-2 and B-3 zoning districts.

7 ~~(y)~~ (z) *Swimming pool supplies.* Except for bulk quantities of sodium
8 hypochlorite, all swimming pool chemicals, including pre-packaged chemicals, shall be
9 dispensed strictly through retail sales and shall be stored within a completely enclosed
10 structure.

11 ~~(z)~~ (aa) *Trade or vocational schools.* Trade or vocational schools involving vehicle
12 or equipment repair instruction shall be on a plot which is at least three hundred (300)
13 feet from any residentially-zoned district.

14 ~~(aa)~~ (bb) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot
15 which is contiguous to a residentially-zoned district or which is separated from a
16 residentially-zoned district only by a street, alley, or canal.

17 ~~(bb)~~ (cc) *Warehouses, self-storage.*

18 ...

19 Section 4. Article XVIII, "Industrial Districts," of Chapter 39 of the Broward
20 County Code of Ordinances, is hereby amended to read as follows:

21 ...

22 **Sec. 39-308. Permitted uses.**

23 Permitted ~~principal~~ uses in all manufacturing and industrial districts shall be
24 limited to those uses specified in the Master Business List following. Any use not

specifically listed herein and not specifically, or by inference, listed shall be determined by the zoning official to be permitted in the zoning district specifying the most similar use thereto. All permitted uses shall be subject to Section 39-313, "Limitations of uses." Specified subsection references in Section 39-313 are included in the Master Business List.

Master Business List

P = Permitted

C = Conditional

A = Accessory use only

Use	M-1	M-2	M-3 or M-4
Accessory dwellings (caretaker or security quarters) [see Subsection 39-313(a)]	A	A	A
...			
Automobile repair garage (mechanical, paint, or body repairs) [see Subsection 39-313(b)]	P	P	P
...			
Automobile, truck, and recreational vehicle salvage or wrecking yards [see Subsection 39-313(c)]			P
...			
Boarding or breeding kennel [see Subsection 39-313(d)]		P	P
...			
Chemical and acid manufacturing or storage and distribution			P
Clothing donation bin [see Subsection 39-313(e)]	<u>P</u>	<u>P</u>	<u>P</u>
...			
Equipment rental and sales, commercial and contractor's <u>contractors'</u>		P	P

Coding:

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

1	[see <u>Subsection 39-313(e)(f)</u>]			
2	...			
3	Fireworks, explosives, firearms, and ammunition manufacturing,			P
4	storage, and distribution [see <u>Subsection 39-313(f)(g)</u>]			
5	...			
6	Medical waste incineration or sterilization [see <u>Subsection</u>			P
7	<u>39-313(g)(h)</u>]			
8	...			
9	Mobile collection center [see <u>Subsection 39-313(h)(i)</u>]	P	P	P
10	Mobile food unit [see <u>Subsection 39-313(h)(j)</u>]	C	C	C
11	...			
12	Offices and showrooms [see <u>Subsection 39-313(h)(k)</u>]	A	A	A
13	Outdoor events ([see <u>Section 39-238</u>])	C	C	C
14	...			
15	Parts store, vehicles or boats [see <u>Subsection 39-313(k)(l)</u>]	P	P	P
16	Penal institutions [see <u>Subsection 39-313(h)(m)</u>]			P
17	...			
18	Quarry [see <u>Subsection 39-313(m)(n)</u>]			P
19	...			
20	Recycling facility [see <u>Subsection 39-313(n)(o)</u>]			P
21	...			
22	Restaurant, fast food [see <u>Subsection 39-313(e)(p)</u>]	A	A	A
23	Restaurant, take-out [see <u>Subsection 39-313(e)(p)</u>]	A	A	A
24	Sanitation companies and waste haulers [see <u>Subsection</u>			P
<p>Coding: Words in struck-through type are deletions from existing text. Words in <u>underscored</u> type are additions.</p>				

1	39-313 (p) <u>(q)</u>			
2	School, trade or vocational [see Subsection 39-313 (r) <u>(s)</u>]	P	P	P
3	...			
4	Swimming pool chemicals [see Subsection 39-313 (q) <u>(r)</u>]		P	P
5	...			
6	Veterinary hospital [see Subsection 39-313 (s) <u>(t)</u>]		P	P
7	Warehouse, self-storage [see section 39-313(t)]	P	P	P
8	Warehouse, distribution	P	P	P
9	<u>Warehouse, self-storage [see Subsection 39-313(u)]</u>	<u>P</u>	<u>P</u>	<u>P</u>
10	...			
11	Wireless communication facilities [see s Section 39-102]	P	P	P
12	* Permitted in M-4 Heavy Industrial District only.			
13	...			
14	Sec. 39-313. Limitations of uses.			
15	...			
16	(e) <u>Clothing donation bins.</u> Clothing donation bins shall be permitted only in			
17	<u>compliance with the provisions of this chapter, including the following requirements:</u>			
18	(1) <u>The charitable organization operating the clothing donation bin has</u>			
19	<u>obtained a valid permit from Broward County;</u>			
20	(2) <u>One (1) clothing donation bin shall be permitted on a single plot;</u>			
21	(3) <u>There shall be a one thousand (1,000) foot separation between clothing</u>			
22	<u>donation bins. Such separation shall be measured by following a straight</u>			
23	<u>line between the point of each clothing donation bin closest to the other</u>			
24	<u>clothing donation bin; and</u>			

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

1 (4) All other conditions of this chapter for clothing donation bins are satisfied
2 and there is continuing compliance with the provisions of this chapter.

3 (f) *Equipment rental and sales, commercial and contractors'.* Any plot upon
4 which an equipment rental business is located, which requires outside storage or
5 display of ~~contractor's~~ contractors' equipment or tools, shall be at least three hundred
6 (300) feet from any residentially-zoned ~~plot~~ district.

7 ~~(f)~~ (g) *Fireworks, explosives, firearms, and ammunition manufacturing, storage,*
8 *or distribution.* Any plot upon which a facility for the manufacture, storage, or
9 distribution of fireworks, explosives, firearms, and ammunition is located shall not be
10 within two thousand (2,000) feet of any residentially-zoned district. The minimum plot
11 size for any such use shall be five (5) acres.

12 ~~(g)~~ (h) *Medical waste incineration or sterilization.* Medical waste incinerators or
13 sterilization facilities shall not be located within five hundred (500) feet of any
14 residentially-zoned district.

15 ~~(h)~~ (i) *Mobile collection centers.*

16 ...

17 ~~(i)~~ (j) *Mobile food units.*

18 ...

19 ~~(j)~~ (k) *Offices and showrooms.* Offices and showrooms shall be permitted only
20 as an accessory use. Office and showroom space shall not exceed fifty percent (50%)
21 of the gross floor area of the principal use. All office and showroom space shall be
22 within the principal building.

1 ~~(k)~~ (l) *Parts stores, vehicles and boats.* All storage and display of parts in M-1
2 districts shall be inside a building. No vehicle parts salvage operations shall be
3 permitted except in a salvage or wrecking yard.

4 ~~(t)~~ (m) *Penal institutions.* Penal institutions shall not be located within two
5 thousand five hundred (2,500) feet of any residentially-zoned district.

6 ~~(m)~~ (n) *Quarries.* Quarries shall only be permitted in an area designated as
7 "Mining" on the Future Unincorporated Area Land Use Element Map Series.

8 ~~(n)~~ (o) *Recycling facilities.* Recycling facilities, except auto salvage yards, shall
9 be located at least five hundred (500) feet from any residentially-zoned district and at
10 least two hundred (200) feet from any business-zoned district. All materials stored,
11 handled, or repackaged on the premises shall either be in containers or stored within a
12 building.

13 ~~(o)~~ (p) *Restaurants.*

14 ...

15 ~~(p)~~ (q) *Sanitation companies.* Plots occupied by a sanitation company storing
16 dumpsters or other waste containers and sanitation vehicles shall not be located closer
17 than five hundred (500) feet ~~to~~ from any residentially-zoned district. All dumpsters,
18 waste containers, and sanitation vehicles shall be emptied prior to storage on the plot.

19 ~~(q)~~ (r) *Swimming pool chemicals.* All swimming pool chemicals, including
20 pre-packaged chemicals, except bulk quantities of sodium hypochlorite, shall be
21 dispensed and stored within a structure or enclosure approved by the Department.

22 ~~(r)~~ (s) *Trade or vocational schools.* Trade or vocational schools involving vehicle
23 or equipment repair instruction shall be on a plot which is at least two hundred (200)
24 feet from any residentially-zoned district.

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

1 ~~(s)~~ (t) *Veterinary hospitals.* Veterinary hospitals shall not be permitted on any
2 plot which is contiguous to a residentially-zoned district or which is separated from a
3 residentially-zoned district only by a street, alley, or canal.

4 ~~(t)~~ (u) *Warehouses, self-storage.*

5 ...

6 Section 5. Article XXII, "Community Facilities Districts," of Chapter 39 of the
7 Broward County Code of Ordinances, is hereby amended to read as follows:

8 ...

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

10 Permitted uses in all Community Facilities Districts shall be limited to those uses
11 specified in the Master Use List. In I-1 and CF Districts, all permitted uses shall be
12 governmentally owned or operated or not-for-profit unless otherwise specified. All uses
13 shall be subject to ~~s~~Section 39-368, "Limitations of uses." Specific subsection
14 references are included in the following Master Use List.

15 *Master Use List*

16 P = Permitted

C = Conditional Use

A = Accessory Use Only

<i>Use</i>	<i>I-1</i>	G-F <u>CF</u>	<i>A-3</i>
Accessory dwelling [see s Subsection 39-368(a)]	A	A	
Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see s Subsection 39-368(b)]			A
...			
Cemeteries [see s Subsection 39-368(c)]		P	

24 ...

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

1	Child care center, pre-school or adult day care,	P	P	
2	including commercial facilities [see s Subsection			
3	39-368(d)]			
4	Civic and cultural centers	P	P	
5	<u>Clothing donation bin</u> [see Subsection 39-368(e)]		<u>C</u>	
6	Community residential facilities [see s Subsection	P	P	
7	39-368(e)(f)]			
8	...			
9	Educational centers [see s Subsection (f) 39-368(g)]	P	P	
10	...			
11	Institutions for the homeless or indigent [see		P	
12	s Subsection (g) 39-368(h)]			
13	Landfills or other solid waste disposal facilities [see			P
14	s Subsection (h) 39-368(i)]			
15	...			
16	Nursing homes [see s Subsection (e) 39-368(f)]		P	
17	...			
18	Penal institutions [see s Subsection (i) 39-368(j)]		P	
19	...			
20	Trash transfer stations [see s Subsection (j) 39-368(k)]		P	P
21	...			
22	Wireless communication facilities [see s Section	P	P	P
23	39-102]			
24	...			
<p>Coding: Words in struck-through type are deletions from existing text. Words in <u>underscored</u> type are additions.</p>				

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

2 ...

3 (e) Clothing donation bins. Clothing donation bins shall be permitted only in
4 compliance with all of the provisions of this chapter, including the following
5 requirements:

6 (1) The charitable organization operating the clothing donation bin has
7 obtained a valid permit from Broward County;

8 (2) One (1) clothing bin shall be permitted on the property of a community
9 facility of at least thirty thousand (30,000) square feet in interior space;
10 and

11 (3) All other conditions of this chapter for clothing donation bins are satisfied
12 and there is continuing compliance with the provisions of this chapter.

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

20 ~~(f)~~ (g) Educational centers. Educational centers may have dormitory facilities as
21 an accessory use.

22 ~~(g)~~ (h) Institutions for the homeless or indigent. Institutions for the homeless or
23 indigent shall either be governmentally owned or operated or shall be owned or
24 operated by a not-for-profit corporation. Such institutions may include shelters for

1 housing, kitchen and dining facilities, rehabilitative, medical emergency, medical and
2 dental outpatient facilities, counseling, and administrative offices. Such facilities shall
3 be separated from any residentially-zoned district by a minimum of five hundred (500)
4 feet.

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

6 . . .

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

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

15 . . .

16 Section 6. SEVERABILITY.

17 If any portion of this ordinance is determined by any Court to be invalid, the
18 invalid portion shall be stricken, and such striking shall not affect the validity of the
19 remainder of this ordinance. If any Court determines that this ordinance, or any portion
20 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
21 or circumstance(s), such determination shall not affect the applicability hereof to any
22 other individual, group, entity, property, or circumstance.

1 Section 7. INCLUSION IN CODE.

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

7 Section 8. EFFECTIVE DATE.

8 This ordinance shall become effective as provided by law.

10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

PROPOSED

14
15 Approved as to form and legal sufficiency:
16 Joni Armstrong Coffey, County Attorney

17 By /s/ Maite Azcoitia 03/26/14
18 Maite Azcoitia (date)
19 Deputy County Attorney

20
21
22
23 MA/gmb
24 03/26/14
 Donationbins-o01.doc
 #14-403

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