

PROPOSED

ORDINANCE NO. 2014-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE APPLICABILITY OF LANDSCAPING REGULATIONS AND STANDARDS AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT ("AIRPORT"); AMENDING SECTION 39-77 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Board of County Commissioners of Broward County, Florida, desires to amend Section 39-77 of the Broward County Code of Ordinances ("Code"), to provide an additional landscaping exemption for areas in proximity to the Airport security fence,

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

Section 1. Section 39-77 Broward County Code of Ordinances is hereby amended as follows:

Sec. 39-77. Applicability.

(a) All development of land requiring a site plan review in accordance with Chapter 5, Article IX, of the Code shall require submittal of a landscape plan that complies with the provisions of this Article. Landscape plans shall be prepared by a

1 registered landscape architect, or other person authorized pursuant to Sections 481.301
2 through 481.329, Florida Statutes, ~~as amended~~.

3 (b) Notwithstanding the exemptions provided for in Subsection 5-180(c) of the
4 Code, the following shall also be exempted from the provisions of this article:

- 5 (1) Bona fide agricultural activities;
- 6 (2) Athletic fields;
- 7 (3) Golf course play areas;
- 8 (4) Any development with an approved site development plan or a valid
9 building permit prior to February 14, 2012;
- 10 (5) Turfgrass in stormwater management areas;
- 11 (6) Community play areas;
- 12 (7) Cemeteries; and
- 13 (8) Everglades restoration projects; ~~and~~
- 14 (9) The "clear zones" extending from the perimeter security fence or wall for
15 the Air Operations Area ("AOA") at the Fort Lauderdale-Hollywood
16 International Airport (Airport), including the airspace above and within the
17 clear zones, as described in the Airport Security Program mandated by
18 the United States Department of Homeland Security, Transportation
19 Security Administration ("TSA"), pursuant to federal aviation security
20 requirements in effect currently or in the future, so as not to obstruct the
21 visibility of the perimeter security fence or wall.

22 Section 2. SEVERABILITY.

23 If any portion of this Ordinance is determined by any Court to be invalid, the
24 invalid portion shall be stricken, and such striking shall not affect the validity of the

1 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
2 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
3 or circumstance(s), such determination shall not affect the applicability hereof to any
4 other individual, group, entity, property, or circumstance.

5 Section 3. INCLUSION IN CODE.

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

11 Section 4. EFFECTIVE DATE.

12 This Ordinance shall become effective as provided by law.

13
14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

PROPOSED

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18 Approved as to form and legal sufficiency:
19 Joni Armstrong Coffey, County Attorney

20
21 By /s/ James D. Rowlee 05/15/14
22 James D. Rowlee (Date)
Senior Assistant County Attorney

23 JDR/lg
05/15/14
Section 39-77 Ord.doc
24 #14-071.11; 14-411

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