

PUBLIC HEARING OF APRIL 28, 1998

(Meeting convened at 2:00 p.m. and adjourned at 3:23 p.m.)

PLEDGE OF ALLEGIANCE Led by Commissioner John E. Rodstrom.

CALL TO ORDER

1. MOTION TO ADOPT Resolution 1998-358 to vacate and abandon right-of-way, lying and being in Broward County, Florida and located at 437 SW 2nd Avenue in the City of Fort Lauderdale. Petitioner: Riverfront Marina, Inc., et al. (Larry Heyworth - Agent) 7-V-98.

ACTION: (B-38) Approved.

2. MOTION TO ADOPT Resolution 1998-359 to vacate and abandon a utility easement, lying and being in Broward County, Florida and located at the northwest corner of Wiles Road and State Road 7 in the City of Coral Springs. Petitioner: WCI Communities Limited Partnership 12-V-98.

ACTION: (B-53) Approved.

3. MOTION TO ADOPT Resolution 1998-360 to vacate and abandon a utility easement, lying and being in Broward County, Florida and located at the northwest corner of Wiles Road and State Road 7 in the City of Coral Springs. Petitioner: WCI Communities Limited Partnership 13-V-98.

ACTION: (B-60) Approved.

4. MOTION TO ADOPT Resolution 1998-361 to vacate and abandon a roadway easement, lying and being in Broward County, Florida and located at the northwest corner of Wiles Road and State Road 7 in the City of Coral Springs. Petitioner: WCI Communities Limited Partnership 14-V-98.

ACTION: (B-71) Approved.

5. MOTION TO ADOPT Resolution 1998-362 to vacate and abandon a utility easement, lying and being in Broward County, Florida and located at the southeast corner of Oakland Park Boulevard and NW 31st Avenue in the City of Oakland Park. Petitioner: Oakland Partners, Inc. (Craven, Thompson & Associates, Inc. - Agent) 15- V-98.

ACTION: (B-81) Approved.

6. MOTION TO ENACT an ordinance, the substance of which is as follows:

TEXT CHANGE 2-T-98

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY,

FLORIDA, AMENDING CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES, "BROWARD COUNTY ZONING CODE," AMENDING ARTICLE IV, "ZONING BOARD," CHANGING THE TITLE TO "DISTRICT AND REGULATION CHANGES" AND PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO AMEND REGULATIONS, DISTRICT BOUNDARIES, AND CLASSIFICATIONS OR PROPERTY; AMENDING AND RENUMBERING SECTION 39-48, "ESTABLISHMENT; DUTIES;" CREATING SECTION 39-26, "APPLICATIONS FOR REZONING AND AMENDMENTS," PROVIDING THE PROCEDURES FOR THE INITIATION OF REZONINGS, AMENDMENTS TO THE ZONING CODE OR DEVELOPMENTS OF REGIONAL IMPACT; CREATING SECTION 39-27, "NOTICES OF PUBLIC HEARING," SETTING FORTH THE REQUIREMENTS FOR NOTICES OF PUBLIC HEARINGS; CREATING SECTION 39-28, "BASIS FOR RECOMMENDATIONS," ESTABLISHING THE CRITERIA USED BY THE ZONING BOARD FOR MAKING RECOMMENDATIONS; CREATING SECTION 39-29, "ZONING BOARD RECOMMENDATIONS," PROVIDING THE RECOMMENDATIONS BY THE ZONING BOARD; CREATING SECTION 39-30, "COUNTY COMMISSION PUBLIC HEARINGS," SETTING FORTH PROCEDURES FOR HEARINGS BEFORE THE COUNTY COMMISSION; CREATING SECTION 39-31, "AUTHORITY TO WITHHOLD PERMITS AND APPROVALS; ZONING IN PROGRESS," PROVIDING FOR WITHHOLDING PERMITS WHERE CERTAIN ZONING TEXT AND CLASSIFICATION CHANGES ARE CONSIDERED; CREATING SECTION 39- 32, "APPEALS," PROVIDING FOR APPEALS FROM ZONING DECISIONS; DELETING SECTION 30-49, "RULES AND PROCEDURES;" DELETING SECTION 39-50, "MEETINGS;" DELETING SECTION 39-51, "ZONING

BOARD ACTION;" DELETING ARTICLE X, "AMENDMENTS;" DELETING ARTICLE LXXXIV, "ESTABLISHMENT OF HEARING OFFICER;" PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

ACTION: (B-89) Filed proof of publication, as amended per Commissioner Parrish's addendum, and enacted Ordinance 19998-08 to be effective as provided by law.

7. MOTION TO ENACT an ordinance, the substance of which is as follows:

TEXT CHANGE 3-T-98

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES, "ZONING CODE," DELETING ARTICLE V, "BOARD OF ADJUSTMENT," CREATING A NEW ARTICLE V ENTITLED "VARIANCES AND APPEALS," CREATING SECTION 39-35, "ESTABLISHMENT AND DUTIES OF BOARD OF ADJUSTMENT," ESTABLISHING A BOARD OF ADJUSTMENT TO BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS TO HEAR AND DECIDE REQUESTS FOR VARIANCES AND APPEALS FROM ADMINISTRATIVE DECISIONS RELATING TO THE BROWARD COUNTY ZONING CODE AND ESTABLISHING THE DUTIES OF THE BOARD OF ADJUSTMENT; ADDING A NEW SECTION 39-36, TO BE TITLED "APPLICATIONS FOR HEARINGS," PROVIDING CRITERIA FOR APPLICATIONS REQUESTING A VARIANCE OR APPEALING AN ADMINISTRATIVE DECISION; PROVIDING A TIME FRAME FOR A PUBLIC HEARING TO BE SET UPON APPLICATION; ADDING NEW SECTION 39-37 TO BE TITLED "STAFF REVIEW," TO PROVIDE FOR THE REVIEW AND RECOMMENDATIONS OF THE DIVISIONS OF BROWARD COUNTY RELATIVE TO REQUESTS FOR VARIANCE; ADDING A NEW SECTION 39-38, TO BE TITLED "NOTICES," PROVIDING FOR NOTICES OF PUBLIC HEARINGS; ADDING A NEW SECTION 39-39 TO BE

TITLED "AUTHORITY," PROVIDING FOR THE AUTHORITY OF THE BOARD OF ADJUSTMENT; ADDING A NEW SECTION 39-40 TO BE TITLED "CONSIDERATIONS FOR VARIANCES," PROVIDING CRITERIA FOR CONSIDERATIONS FOR GRANTING VARIANCES; ADDING A NEW SECTION 39-41, TO BE TITLED "CONSIDERATIONS FOR APPEALS FROM AN ADMINISTRATIVE DECISION," PROVIDING CRITERIA FOR CONSIDERATIONS IN MATTERS RELATING TO APPEALS FROM AN ADMINISTRATIVE DECISION; ADDING A NEW SECTION 39-42, TO BE TITLED "CONDITIONS AND LIMITATIONS," PROVIDING FOR THE AUTHORITY OF THE BOARD OF ADJUSTMENT TO PRESCRIBE REASONABLE CONDITIONS AND LIMITATIONS ON VARIANCES AND DECISIONS RELATING TO APPEALS FROM AN ADMINISTRATIVE DECISION; ADDING A NEW SECTION 39-43, TO BE TITLED "TIME LIMITS," PROVIDING FOR TIME LIMITS ON VARIANCES; ADDING NEW SECTION 39-44, TO BE TITLED "APPEALS TO DECISIONS OF THE BOARD OF ADJUSTMENT," PROVIDING FOR APPEALS FROM A DECISION OF THE BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

ACTION: (B-121) Filed proof of publication and enacted Ordinance 1998-09 to be effective as provided by law.

8. MOTION TO CONSIDER enactment of an ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 2, AIRPORTS AND AIRCRAFT, SECTION 2-18 (4) OF ARTICLE II, ENABLING PROVISIONS, RELATING TO RATES, CHARGES, FEES AT BROWARD COUNTY-OWNED AIRPORTS; PROVIDING THAT RATES, FEES, AND CHARGES SHALL BE FIXED, ESTABLISHED, AND COLLECTED BASED ON A RESOLUTION TO BE ADOPTED AT ONE PUBLIC HEARING OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; DELETING THE REQUIREMENT THAT THE COMMISSION ADOPT A PRELIMINARY RESOLUTION PRIOR TO SUCH PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (B-132) Filed proof of publication and enacted Ordinance 1998-11 to be effective as provided by law.

9. MOTION TO CONSIDER enactment an ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 4-8 OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROHIBIT ACTIONS OF ANIMALS THAT CONSTITUTE A NUISANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Ilene Lieberman)

ACTION: (B-145) Filed proof of publication and enacted Ordinance 1998-11 to be effective as

provided by law.

QUASI-JUDICIAL HEARING

Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

10. MOTION TO ENACT an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

REZONING PETITION 5-Z-98

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 19, TOWNSHIP 51 SOUTH, RANGE 42 EAST; FROM R-1C, ONE-FAMILY DWELLING DISTRICT, TO B-1, NEIGHBORHOOD BUSINESS DISTRICT, UTILIZING THE 5% FLEXIBILITY RULE; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-369) Filed proof of publication and approved the Code and Zoning Enforcement Division's recommendation of denial.

END OF QUASI-JUDICIAL HEARING

NON AGENDA

11. COMMENT: Commissioner Gunzburger commented that there are only four applicants for the position of County Attorney, and the deadline is Thursday, April 30, 1998. She advised that if there are not enough applicants coming forward she suggested the county should look to a headhunter for a greater pool of applicants.

ACTION: (A-2001) No action taken at this time.

12. Commissioner Rodstrom remarked that he had spoken with resource recovery persons about deep well injection and sludge. He reported that they suggested exploring burning sludge and adding tires, as the tires are flammable and that would help the nonflammable sludge, in the resource recovery plant. He stated that there would have to be a caveat that the residues are examined.

ACTION: (A-2138) The Board suggested that this information be provided to the Resource Recovery Board, Wheelbrator, and staff of the Office of Integrated Waste Management.

13. INFORMATIONAL: The Chair advised that the National League of Cities (NCL) Symposium on “Achieving World Class Local Economics” will be held in Orlando, Florida, on May 17-19, 1998.

ACTION: (A-2198) No action taken.

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