

PUBLIC HEARING OF MAY 8, 2001

(The meeting convened at 2:00 p.m. and adjourned at 6:40 p.m.)

PLEDGE OF ALLEGIANCE

CALL TO ORDER

1. A. MOTION TO ADOPT Resolution 2001-426 to vacate and abandon road right-of-way, lying in Broward County, Florida, and located at 701 North Hiatus Road, Pembroke Pines. Petitioner: St. Maximilian Kolbe Catholic Church (Calvin, Giordano & Associates, Inc. - Agent) 30-V-99. **(Commission District 5)**

ACTION: (B-1039) Approved.

B. MOTION TO ADOPT Resolution to vacate and abandon road right-of-way, lying and being in Broward County, Florida and located at the intersection of NE 41st Street and NE 10th Way in unincorporated Broward County. Petitioner: Gran Central Corporation, American Cast Iron Pipe Company and Broward County Parks and Recreation Division (McLaughlin Engineering Company - Agent) 2001-V-03. **(Commission District 2)**

ACTION: (A-1039) Deferred up to 60 days. See Page *****

C. (a) MOTION TO ADOPT Resolution to vacate and abandon a utility easement, lying and being in Broward County, Florida and located at 4000 NE 10th Way in unincorporated Broward County. Petitioner: (McLaughlin Engineering Company - Agent) 2001-V-04 **(Commission District 2)**

ACTION: (B-1039) Deferred up to 60 days. See Page *****

(b) MOTION TO ACCEPT utility easement at no cost to the County executed by American Cast Iron Pipe Company, located at the southwest corner of NE 41st Street and NE 10th Way in unincorporated Broward County; authorize acceptance and recordation of easement.

ACTION: (B-1039) Deferred up to 60 days. See Page *****

(c) MOTION TO ACCEPT utility easement at no cost to the County executed by Flagler Development Company, located approximately 250 feet south of the southwest corner of NE 41st Street and NE 10th Way in unincorporated Broward County; authorize acceptance and recordation of easement.

ACTION: (B-1039) Deferred up to 60 days. See Page *****

D. MOTION TO ADOPT Resolution 2001-427 to vacate and abandon a canal easement, lying and being in Broward County, Florida and located adjacent to N.W. 39th Avenue, north of Wiles Road in the City of Coconut Creek. Petitioner: Engle Homes/Broward, Inc. (Ford, Armenteros & Manney, Inc. Agent) 2001-V-06 **(Commission District 3)**

ACTION: (B-1039) Approved.

2. 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 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES (MOTOR CARRIERS ORDINANCE), TO ALLOW LIMOUSINE OPERATORS LICENSED BY OTHER COUNTIES RECIPROCITY TO CONDUCT PREARRANGED TRIPS THAT ORIGINATE AND CONCLUDE OUTSIDE OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1068) Filed proof of publication and enacted the Ordinance to become effective as provided by law. See Page *****

3. MOTION TO CONSIDER enactment of an Ordinance, the substance of which is as follows. (This is the first of two Public Hearings. The second Public Hearing is to be held on Tuesday, May 22, 2001 at 2:00 p.m.). This is not a Quasi-judicial Hearing.

TEXT CHANGE 1-T-01

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 II, "DEFINITIONS," SECTION 39-4, "TERMS DEFINED," ADDING FARM DEFINITIONS; AMENDING ARTICLE III, "ADMINISTRATION AND LEGAL PROVISIONS," SUBSECTION 39-19(a), "CERTIFICATES REQUIRED" PROVIDING FOR FARM BUILDING EXCEPTIONS; AMENDING ARTICLE V, "VARIANCES AND APPEALS," ADDING SECTION 39-45, "ADMINISTRATIVE FARM CLAIM DETERMINATIONS," AND SECTION 39-46, "FARM CLAIM CRITERIA"; AMENDING ARTICLE VI, "SIGNS," SUBSECTION 39-54(4)(f), "SIGN PERMITS" AND SUBSECTION 39-58(1), "PERMITTED PERMANENT SIGNS" EXEMPTING FARM SIGNS FROM PERMITTING REQUIREMENTS; AMENDING ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY," SUBSECTIONS 39-130(b)(4) AND (5), "PURPOSE AND INTENT" RELATING TO OPERATION OF FARM PROPERTY AND PUBLIC NUISANCES; AMENDING ARTICLE XII, OFF- STREET PARKING AND LOADING, SUBSECTION 39-215(A), "OFF-STREET PARKING REQUIRED" AND SUBSECTIONS 39-228(b) AND (d), "AMOUNT OF OFF-STREET PARKING" EXEMPTING FARM USES; AMENDING ARTICLE XIV, "AGRICULTURAL, ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS," SUBSECTIONS 39- 245(1), (2), (3)(c), (5), (10) AND (11) "GENERAL PROVISIONS," RELATING TO THE OPERATION OF A FARM AS IT RELATES TO FENCES, STORAGE, NUMBER AND TYPE OF ANIMALS, LANDSCAPING AND SIGNS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-253, "PLOT COVERAGE"; SECTION 39-254, "HEIGHT" AND SUBSECTIONS 39-255(1), (2), (3)(a) AND (4), "YARDS," CREATING SECTION 39-257, "DISCONTINUANCE OF FARM OPERATIONS"; AMENDING ARTICLE XV, RURAL AND ESTATE DISTRICTS, SUBSECTIONS 39-260(1), (2), (3)(c), (5), (8) AND (9), "GENERAL PROVISIONS" RELATING TO THE OPERATION OF A FARM AS IT RELATES TO FENCES, STORAGE, NUMBER AND TYPE OF ANIMALS, LANDSCAPING AND SIGNS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-267, "PLOT COVERAGE," SECTION 39-268(a) AND (b), "HEIGHT" AND SUBSECTIONS 39-269(1), (2), (3)(a) AND (4), "YARDS," CREATING SECTION 39-271, "DISCONTINUANCE OF FARM OPERATIONS"; AMENDING ARTICLE XXII, COMMUNITY FACILITIES DISTRICTS, SECTION 39-362(c), AND (g)(2) AND (5), "GENERAL PROVISIONS" RELATING TO THE OPERATION OF A FARM AS IT RELATES TO LANDSCAPING, SET BACKS AND BUFFERS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-366, "PLOT COVERAGE," SECTION 39-

367, "HEIGHT," AND CREATING SECTION 39-369, "DISCONTINUANCE OF FARM OPERATIONS"; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1139) Filed proof of publication and continued the public hearing to Tuesday, May 22, 2001 at 2:00 p.m.

4. MOTION TO CONSIDER enactment of an Ordinance, the substance of which is as follows. (This is the first of two Public Hearings. The second Public Hearing is to be held on Tuesday, May 22, 2001 at 2:00 P.M.) This is not a Quasi-Judicial Hearing.

TEXT CHANGE 2-T-01

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 SECTION 39-52, ENTITLED "PROHIBITED SIGNS," PROVIDING A PROHIBITION OF BILLBOARD SIGNS WITHIN FIFTEEN HUNDRED FEET OF THE EASTERN PERIMETER OF THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT"; CREATING A NEW ARTICLE XXI, ENTITLED "TRANSPORTATION DISTRICTS"; CREATING A NEW DIVISION 1, ENTITLED "TRANSPORTATION ZONING DISTRICTS"; CREATING A NEW SECTION 39-350, ENTITLED "TRANSPORTATION ZONING DISTRICT CLASSIFICATIONS," SETTING FORTH TRANSPORTATION ZONING DISTRICT CLASSIFICATIONS; CREATING A NEW SECTION 39-351, ENTITLED "PURPOSE OF TRANSPORTATION DISTRICTS," SETTING FORTH THE PURPOSE AND INTENT OF TRANSPORTATION DISTRICTS; CREATING A NEW SECTION 39-352, ENTITLED "GENERAL PROVISIONS," PROVIDING GENERAL PROVISIONS FOR TRANSPORTATION DISTRICTS; CREATING A NEW SECTION 39-353, ENTITLED "PERMITTED USES IN TRANSPORTATION DISTRICTS," SETTING FORTH PERMITTED USES IN TRANSPORTATION DISTRICTS; CREATING A NEW SECTION 39-354, ENTITLED "PROHIBITED USES," SETTING FORTH PROHIBITED USES IN TRANSPORTATION DISTRICTS; CREATING A NEW SECTION 39-355, ENTITLED "PLOT SIZE," PROVIDING FOR MINIMUM PLOT SIZE IN THE AIRPORT TRANSPORTATION DISTRICT; CREATING A NEW SECTION 39-356, ENTITLED "PLOT COVERAGE," PROVIDING FOR MAXIMUM PLOT COVERAGE IN THE AIRPORT TRANSPORTATION ZONING DISTRICT; CREATING A NEW SECTION 39-357, ENTITLED "HEIGHT," PROVIDING FOR PERMITTED HEIGHTS IN THE AIRPORT TRANSPORTATION ZONING DISTRICT; CREATING A NEW SECTION 39-358, ENTITLED "LIMITATIONS OF USES," PROVIDING FOR PERMISSIBLE USES WITHIN THE TRANSPORTATION ZONING DISTRICTS; ADDING A NEW DIVISION II, ENTITLED "AIRPORT ZONING RESTRICTIONS PURSUANT TO CHAPTER 333, FLORIDA STATUTES"; CREATING A NEW SECTION 39-359, ENTITLED "PURPOSE AND DECLARATION OF LEGISLATIVE INTENT," SETTING FORTH THE CONCERN AND INTENT OF BROWARD COUNTY TO PREVENT AND ELIMINATE AIRPORT OBSTRUCTIONS AND INCOMPATIBLE LAND USES; CREATING A NEW SECTION 39-359.1, ENTITLED "DEFINITIONS," SETTING FORTH DEFINITIONS USED IN THIS ARTICLE; CREATING A NEW SECTION 39-359.2, ENTITLED "AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS," PROVIDING FOR THE VARIOUS AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS AS THEY APPLY TO AIRPORTS; CREATING A NEW SECTION 39-359.3, ENTITLED "AIRPORT LAND USE RESTRICTIONS," SETTING FORTH THE VARIOUS LAND USE RESTRICTIONS AS THEY APPLY TO ANY ZONES ESTABLISHED BY THIS ARTICLE; CREATING A NEW SECTION 39-

359.4, ENTITLED "APPLICABILITY," SETTING FORTH THE INTENTION OF BROWARD COUNTY THAT EACH MUNICIPALITY AND JURISDICTION WITHIN BROWARD COUNTY, HAVING AN AREA WITHIN ITS JURISDICTION WITHIN THE ZONES DESCRIBED IN THIS ARTICLE, ADOPT A SIMILAR ORDINANCE AND ENTER INTO AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY; CREATING A NEW SECTION 39-359.5, ENTITLED "NONCONFORMING USES," SETTING FORTH CERTAIN NONCONFORMING USES ALLOWED; CREATING A NEW SECTION 39-359.6, ENTITLED "PERMITS AND VARIANCES," PROVIDING FOR A PERMIT AND VARIANCE PROCESS; CREATING A NEW SECTION 39-359.7, ENTITLED "ADMINISTRATION AND ENFORCEMENT," SETTING FORTH THE PROCEDURE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS PRESCRIBED IN THIS ARTICLE; CREATING A NEW SECTION 39-359.8, ENTITLED "BOARD OF ADJUSTMENT," AUTHORIZING THE BOARD OF ADJUSTMENT TO HEAR APPEALS AND REQUESTS FOR VARIANCES; CREATING A NEW SECTION 39-359.9, ENTITLED "CONFLICTING REGULATIONS"; REPEALING ARTICLE LXXI, "BROWARD COUNTY AIRPORT ZONING ORDINANCE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Zoning Code Services Division and the Aviation Department)

ACTION: (B-1152) Filed proof of publication and continued the public hearing to Tuesday, May 22, 2001 at 2:00 p.m.

5. MOTION TO ENACT an Ordinance, the substance of which is as follows. This is not a Quasi-Judicial Public Hearing.

TEXT CHANGE 3-T-01

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 SECTION 39-25(b), "ESTABLISHMENT AND DUTIES OF ZONING BOARD," REDUCING THE MEMBERSHIP TO EIGHT AND PROVIDING FOR ITS DISSOLUTION ONCE THE MEMBERSHIP IS REDUCED TO THREE OR LESS AS A RESULT OF ANNEXATIONS; AMENDING SECTION 39-35(a), "ESTABLISHMENT AND DUTIES OF BOARD OF ADJUSTMENT," INCREASING THE MEMBERSHIP TO EIGHT AND PROVIDING FOR ITS DISSOLUTION ONCE THE MEMBERSHIP IS REDUCED TO THREE OR LESS AS A RESULT OF ANNEXATIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners).

ACTION: (B-1180) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board and enacted the Ordinance to become effective as provided by law.

6. MOTION TO ENACT an Ordinance, the substance of which is as follows. This is not a Quasi-Judicial Public Hearing.

TEXT CHANGE 4-T-01

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 SECTION 39-27 RELATING TO ZONING NOTICES OF PUBLIC HEARINGS; AMENDING SECTION 39-38 RELATING TO VARIANCE NOTICES; AMENDING SECTION 39-42 PROVIDING FOR NOTICE OF BOARD OF ADJUSTMENT DECISIONS TO THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY ADMINISTRATOR; AMENDING SECTION 39-44 RELATING TO APPEALS OF THE DECISIONS OF THE BOARD OF ADJUSTMENT TO THE COUNTY COMMISSION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-1200) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board and enacted the Ordinance with the amendments included in the backup material; to become effective as provided by law. See Page *****

7. MOTION TO ENACT an Ordinance, the substance of which is as follows. (This is the second of two Public Hearings. The first Public Hearing was held on Tuesday, February 13, 2001 at 2:00 P.M.). This is not a Quasi-Judicial Hearing. (Continued from Tuesday, February 27, 2001, Item 18, and from March 27, 2001, Item 2., 2:00 p.m.)

TEXT CHANGE 11-T-00

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES (ZONING CODE); ARTICLE XVII, “COMMERCIAL ZONING DISTRICTS”; AMENDING SECTION 39-292, “COMMERCIAL ZONING DISTRICTS,” BY ADDING A NEW ZONING DISTRICT CLASSIFICATION TO BE TITLED R0, RESIDENTIAL OVERLAY DISTRICT; AMENDING SECTION 39-293, “PURPOSE OF DISTRICTS,” BY ADDING THE PURPOSE OF RO, RESIDENTIAL OVERLAY DISTRICTS; AMENDING SECTION 39-295, “PERMITTED USES,” ADDING PERMITTED USES FOR RO, RESIDENTIAL OVERLAY DISTRICTS, ADDING PERMITTED USES FOR B-3, INTENSE COMMERCIAL BUSINESS DISTRICT; ADDING PERMITTED USES FOR C-1, COMMERCIAL WAREHOUSE DISTRICT AND ADDING PERMITTED USES FOR B-4 COMMERCIAL REDEVELOPMENT OVERLAY DISTRICTS; AMENDING SECTION 39-297, “PLOT SIZE,” BY ADDING PLOT SIZE REQUIREMENTS FOR RO, RESIDENTIAL OVERLAY DISTRICTS; ADDING A NEW SECTION 39-303, “SPECIAL REGULATIONS FOR RO RESIDENTIAL OVERLAY DISTRICTS,” PROVIDING STANDARDS FOR RO RESIDENTIAL OVERLAY DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Ilene Lieberman)

ACTION: (B-1225) Filed proof of publication and denied enactment of the Ordinance. See Page *****

8. MOTION TO ENACT an Ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida. This is a Quasi Judicial Hearing. (**Commission District 5**)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 5, TOWNSHIP 51 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA; FROM A-1, AGRICULTURAL ESTATE DISTRICT TO I-1, INSTITUTIONAL AND EDUCATIONAL DISTRICT; 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-2025) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board and enacted the Ordinance to become effective as provided by law. The applicant voluntarily agreed to enter into a declaration of restrictive covenants regarding the resolution of traffic concerns of the Diamond Head community and the City of Cooper as reflected in the letter to Ms. Shirley Marler dated December 7, 2000.

See Page *****

9. 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, RELATING TO LOBBYING ACTIVITIES; AMENDING CHAPTER 1, ARTICLE XIII OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 1-260, PROVIDING FOR TITLE AND EXPANDING INTENT AND PURPOSES; AMENDING SECTION 1-261, PROVIDING FOR, MODIFYING, AND DELETING DEFINITIONS; AMENDING SECTION 1-262, PROVIDING FOR CHANGES RELATING TO REGISTRATION AND STATEMENT OF EXPENSES AND PROVIDING FOR DISCLOSURE OF FEES; REPEALING SECTION 1-263; REDESIGNATING AND READOPTING SECTION 1-264; CREATING A NEW SECTION 1-264, PROVIDING FOR PROHIBITION OF CONTINGENCY FEES; AMENDING SECTION 1-265, PROVIDING FOR PENALTIES; CREATING A NEW SECTION 1-266, PROHIBITING CERTAIN TYPES OF COMMUNICATION; CREATING A NEW SECTION 1-267, PROVIDING FOR RECORD KEEPING RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-2214) Filed proof of publication and enacted the Ordinance, as amended; to become effective upon filing with the Department of State. Further, the County Attorney was directed to research the drafting of an ordinance/amendment relating to a Cone of Silence for land use and zoning matters. See Page *****

10. MOTION TO CONSIDER enactment of an ordinance amending Chapter 5, Article IX of the Broward County Code of Ordinances (Broward County Land Development Code), the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE BROWARD COUNTY CODE OF ORDINANCES;

AMENDING SUBSECTION 5- 181(n), "EXPIRATION OF THE FINDINGS OF ADEQUACY," AMENDING THE EXPIRATION TIME FRAME; AMENDING SUBSECTION 5-182(a)(1), "ADEQUACY OF REGIONAL ROADWAY NETWORK, LEVELS OF SERVICE," AMENDING THE LEVELS OF SERVICE; AMENDING SUBSECTION 5-182(a)(5), "ADEQUACY OF REGIONAL ROADWAY NETWORK, ACTION PLANS," AMENDING THE CRITERIA OF ACTIONS PLANS; AMENDING SUBSECTION 5-182(m), "ADEQUACY OF SCHOOL SITES AND FACILITIES," DELETING THE 10% DISCOUNT PROVISION IF ALL SCHOOL IMPACT FEES ARE PAID PRIOR TO THE TIME OF PLAT RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-1925) Filed proof of publication and continued the public to August 2001. See Page

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