

# PUBLIC HEARING OF MAY 11, 1999

(The meeting convened at 2:00 p.m.; recessed at 5:15 p.m.; reconvened at 6:15 p.m. and adjourned at 6:35 p.m.)

PLEDGE OF ALLEGIANCE was led by State House Representative Tracy Stafford, District 92.

## CALL TO ORDER

1. MOTION TO ADOPT Resolution 1999-675 to vacate and abandon ingress and egress easement, lying and being in Broward County, Florida, and located at NW 73rd Street and NW 80th Avenue in the City of Tamarac. Petitioner: Broward County Parks & Recreation Division (McLaughlin Engineering - Agent) 9-V-99.

## **ACTION: (B-0083) Approved.**

2. MOTION TO APPROVE lease agreement between Broward County and Sea-Land Services, Inc. for 5,743 square feet of office space located in the Port Administration Building, and authorize the Chair and Clerk to execute same. (This is the second of two public hearings. The first public hearing was held on April 27, 1999. The resolution setting the public hearing was adopted by the Board on April 13, 1999.)

## **ACTION: (B-0089) Approved.**

3. MOTION TO ADOPT Resolution 1999-676 authorizing the exchange of County Property located in Sections 5 & 6-49-41 and consists of a drainage easement in Parcel "S", "Kings Point Replat," with property owned by Lennar Land Partners, a Florida General Partnership, and in accordance with provisions of Section 125.37 of the Florida Statutes; authorize Chair and Clerk to execute same; and authorize acceptance and recordation of easement and deeds. Parcel 99-4.

## **ACTION: (B-0094) Approved.**

4. 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, April 27, 1999 at 2:00 p.m.)

## TEXT CHANGE 2-T-99

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 II, SECTION 39-4, "TERMS DEFINED," SETTING FORTH DEFINITION OF TERMS; REPEALING SECTION 39-176, "SERVICE STATIONS AND CONVENIENCE STORES;" CREATING ARTICLE XVII ENTITLED "COMMERCIAL DISTRICTS;" CREATING SECTION 39-292, "COMMERCIAL ZONING DISTRICTS," ESTABLISHING COMMERCIAL DISTRICT CATEGORIES; CREATING SECTION 39-293, "PURPOSE OF DISTRICTS," PROVIDING FOR THE PURPOSE OF COMMERCIAL DISTRICTS; CREATING SECTION 39-294, "GENERAL PROVISIONS," ESTABLISHING GENERAL

PROVISIONS FOR COMMERCIAL DISTRICTS; CREATING SECTION 39-295, "PERMITTED USES," ESTABLISHING PERMITTING USES IN COMMERCIAL DISTRICTS; CREATING SECTION 39-296,

"PROHIBITED USES," SETTING FORTH PROHIBITED USES IN COMMERCIAL DISTRICTS; CREATING SECTION 39-297, "PLOT SIZE," ESTABLISHING MINIMUM PLOT SIZES FOR COMMERCIAL PROPERTIES; CREATING 39-298, "PLOT COVERAGE," PROVIDING FOR MAXIMUM PLOT COVERAGES IN COMMERCIAL DISTRICTS; CREATING SECTION 39-299, "HEIGHT," ESTABLISHING MAXIMUM HEIGHTS FOR STRUCTURES IN COMMERCIAL DISTRICTS; CREATING SECTION 39-300, "LIMITATIONS OF USES," SETTING FORTH PERMISSIBLE USES WITHIN COMMERCIAL DISTRICTS; CREATING SECTION 39-301, "SPECIAL REGULATIONS FOR OVERLAY DISTRICTS," PROVIDING STANDARDS FOR OVERLAY DISTRICTS; CREATING SECTION 39-302, "LIMITATIONS OF ACCESSORY USES IN OFFICE PARK DISTRICTS," RESTRICTING ACCESSORY USES IN CERTAIN DISTRICTS; REPEALING ARTICLE LV, "NEIGHBORHOOD BUSINESS B-1 DISTRICT;" REPEALING ARTICLE LVI, "COMMUNITY BUSINESS B-2 DISTRICT;" REPEALING

ARTICLE LVII, "PLANNED BUSINESS CENTER B-2A DISTRICT;" REPEALING ARTICLE LIX, "GENERAL BUSINESS B-3 DISTRICT;" REPEALING ARTICLE LXXIV, "OFFICE PARK (OP) DISTRICT;" 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-0103) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted the Ordinance, as amended, to become effective as provided by law. (Section 39-295 - Permitted Uses, was amended: Automobile repair garage (mechanical, paint or body repairs), and equipment rental (large, contractor's) was deleted. Section 39- 300 - Limitations of uses, shall allow auto paint and body shop only as an accessory use to a new vehicle dealership. Also, in Subsection 39-300, (j) Equipment rental was deleted.)***

5. 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, April 27, 1999 at 2:00 p.m.)

TEXT CHANGE 3-T-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES (ZONING CODE), AMENDING ARTICLE II, SECTION 39-4, "TERMS DEFINED," PROVIDING FOR DEFINITION OF TERMS; CREATING A NEW ARTICLE XVIII, ENTITLED "INDUSTRIAL DISTRICTS"; CREATING A NEW SECTION 39-305 ENTITLED "INDUSTRIAL ZONING DISTRICTS," ESTABLISHING INDUSTRIAL DISTRICT CATEGORIES; CREATING A NEW SECTION 39-306 ENTITLED "PURPOSE OF DISTRICTS," PROVIDING FOR THE PURPOSE OF INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-307 ENTITLED "GENERAL PROVISIONS," PROVIDING GENERAL PROVISIONS FOR INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-308 ENTITLED "PERMITTED USES," SETTING FORTH PERMITTED USES IN INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-309 ENTITLED "PROHIBITED USES," SETTING FORTH PROHIBITED USES IN INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-310 ENTITLED "PLOT SIZE," PROVIDING MINIMUM PLOT SIZES FOR INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-311

ENTITLED "PLOT COVERAGE," PROVIDING FOR MAXIMUM PLOT COVERAGES IN INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-312 ENTITLED "HEIGHT," ESTABLISHING MAXIMUM HEIGHTS FOR STRUCTURES IN INDUSTRIAL DISTRICTS; CREATING A NEW SECTION 39-313 ENTITLED "LIMITATIONS OF USES," SETTING FORTH PERMISSIBLE USES WITHIN INDUSTRIAL DISTRICTS; REPEALING ARTICLE LXII, "LIGHT INDUSTRIAL M-1 DISTRICT"; REPEALING ARTICLE LXIII, "MEDIUM INDUSTRIAL M-2 DISTRICT"; REPEALING ARTICLE LXIV, "GENERAL INDUSTRIAL M-3 DISTRICT"; REPEALING ARTICLE LXVI, "HEAVY INDUSTRIAL M-5 DISTRICT"; 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-0610) 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 the second of two public hearings. The first public hearing was held on Tuesday, April 27, 1999 at 2:00 p.m.)

TEXT CHANGE 4-T-99

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 VIII ENTITLED "FUNCTIONAL LANDSCAPING AND XERISCAPING," SECTION 39-75, "PURPOSE AND INTENT," PROVIDING FOR PURPOSE OF ARTICLE; AMENDING SECTION 39-76, "DEFINITIONS," PROVIDING FOR DEFINITION OF TERMS; AMENDING SECTION 39-77, "LANDSCAPE PLANS," SETTING FORTH REQUIREMENTS OF LANDSCAPE PLANS; AMENDING SECTION 39-78, "INSTALLATION OF LANDSCAPING AND IRRIGATION," PROVIDING REQUIREMENTS FOR LANDSCAPING AND IRRIGATION; AMENDING SECTION 39-80, "PLANT MATERIAL," SETTING FORTH MATERIALS TO BE USED TO MEET LANDSCAPING REQUIREMENTS; AMENDING SECTION 39-81, "LANDSCAPE REQUIREMENTS FOR VEHICULAR USE AREAS," ESTABLISHING LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS; AMENDING SECTION 39-82, "SIGHT DISTANCE FOR LANDSCAPING ADJACENT TO PUBLIC RIGHTS-OF-WAY AND POINTS OF ACCESS," PROVIDING FOR UNOBSTRUCTED VIEW AT INTERSECTIONS; AMENDING SECTION 39-83, "NONVEHICULAR OPEN SPACE," ESTABLISHING REQUIREMENTS FOR NONVEHICULAR OPEN SPACE; AMENDING SECTION 39-84, "BUFFERS BETWEEN RESIDENTIAL AND NONRESIDENTIAL PROPERTIES," PROVIDING FOR BUFFERS BETWEEN DIFFERING USES OF PROPERTIES; AMENDING SECTION 39-85, "SINGLE-FAMILY AND TWO-FAMILY DWELLINGS LANDSCAPE REQUIREMENTS," SETTING FORTH LANDSCAPE REQUIREMENTS FOR ONE AND TWO-FAMILY RESIDENTIAL PROPERTIES; AMENDING SECTION 39-86, "NONCONFORMING PROPERTIES," PROVIDING COMPLIANCE REQUIREMENTS FOR NONCONFORMING PROPERTIES; AMENDING SECTION 39-87, "LANDSCAPE MANUAL," PROVIDING FOR THE CREATION AND DISTRIBUTION OF LANDSCAPE MANUALS AND MATERIALS; PROVIDING FOR SEVERABILITY; PROVIDING

FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

***ACTION: (B-0644) Tabled to the conclusion of the 5:30 p.m. Public Hearing meeting for further staff review.***

## **5:30 p.m. Public Hearing meeting:**

***ACTION: (D-1470) Filed proof of publication; accepted the recommendations of staff and the Broward County Zoning Board, and enacted the Ordinance, as amended, to become effective as provided by law.***

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

AN ORDINANCE CREATING A SECTION IN THE CODE OF ORDINANCES OF BROWARD COUNTY, FLORIDA, RELATING TO ACCESS TO BROADBAND INTERNET ACCESS TRANSPORT SERVICES; REQUIRING CABLE TELEVISION FRANCHISEES TO PROVIDE SUCH ACCESS ON RATES, TERMS, AND CONDITIONS AT LEAST AS FAVORABLE AS THOSE ON WHICH IT PROVIDES SUCH ACCESS TO ITSELF; CREATING A PRIVATE CAUSE OF ACTION AND ENFORCEMENT BY COUNTY; PROVIDING AMOST FAVORED NATIONS CLAUSE; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, AND EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners).

***ACTION: (B-0884) Filed proof of publication. The portion of the public hearing where public comments are made was completed and closed. The portion of the public hearing for Commission deliberations was continued to May 18, 1999 at 10:00 a.m., time certain. (The County Attorney was directed to provide a copy of the defense agreement to each Commissioner by Thursday morning, May 13, 1999, for their review to ensure that the County is protected legally.)***

## **NON AGENDA**

8. CONFIDENTIAL MEMORANDA: The Board requested clarification from the County Attorney on how documents received from his office that are stamped "Confidential" should be handled.

***ACTION: (B-6402) Tabled to the conclusion of the 5:30 p.m. Public Hearing meeting.***

## **5:30 p.m. Public Hearing meeting:**

### **Item #7 - Non Agenda:**

***ACTION: (D-1752) It was the consensus of the Board that for the next seven days, all correspondence from the County Attorney's Office marked "Confidential" would be handled as strictly confidential. County Attorney Edward Dion will offer a formal opinion to the commissioners.***

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