

PUBLIC HEARING OF MAY 22, 2001

(The meeting convened at 2:00 p.m. and adjourned at 3:25 p.m.)

PLEDGE OF ALLEGIANCE

CALL TO ORDER

1. MOTION TO ADOPT Resolution 2001-469 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Sun Terminals, Inc., for a five-year term, to provide steamship agent services at Port Everglades; providing for severability; providing for an effective date, and authorizing the Chair and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on May 8, 2001.

ACTION: (A-1295) Approved, as amended. See Page *****

2. MOTION TO CONSIDER award of renewal licenses for Nonemergency Medical Transportation Service (NEMTS) to ABET Enterprises, Inc., Coastal Limousine Service, Inc., and Professional Medical Transportation Corporation.

ACTION: (A-1302) Approved.

3. MOTION TO CONSIDER enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, REPEALING AND RESCINDING ORDINANCE NO. 1999-41 RELATING TO ACCESS TO BROADBAND INTERNET ACCESS TRANSPORT SERVICES (CODIFIED AS CHAPTER 20, ARTICLE XIX OF THE BROWARD COUNTY CODE OF ORDINANCES); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-1320) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

4. 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 5 OF THE BROWARD COUNTY CODE OF ORDINANCES, AMENDING ARTICLE III, "BUILDING CODE"; CREATING A NEW DIVISION 2 ENTITLED "NONRESIDENTIAL FARM BUILDINGS AND STRUCTURES IN THE UNINCORPORATED AREA"; CREATING SECTION 5-41, "GENERAL," PROVIDING THAT ANY NONRESIDENTIAL FARM BUILDING OR STRUCTURE LOCATED ON A FARM IN THE UNINCORPORATED AREA IS EXEMPT FROM THE SOUTH FLORIDA BUILDING CODE, BROWARD EDITION OR ANY SUCCESSOR BUILDING CODE; CREATING SECTION 5-42, "USE OF BUILDING OR STRUCTURE FOR FARM PURPOSES"; CREATING SECTION 5-43, "DEFINITIONS"; CREATING SECTION 5-44, "TERMINATION OF FARM USE"; CREATING SECTION 5-45, "ADMINISTRATIVE DETERMINATIONS"; CREATING SECTION 5-46, "CRITERIA FOR FARM CLAIMS"; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-0580) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

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, May 8, 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: (A-0590) 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.

*See Page ******

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, May 8, 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: (A-1333) 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 *****

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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 the 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.

7. 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).

REZONING 16-Z-00

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA; FROM A-1, AGRICULTURAL ESTATE DISTRICT TO RS-3, ONE-FAMILY DETACHED DWELLING 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: (A-0625) Filed proof of publication and continued the public hearing to Tuesday, June 12, 2001 at 2:00 p.m. See Page *****

END OF QUASI-JUDICIAL HEARING

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NON AGENDA

8. ART IN PUBLIC PLACES COMMITTEE - ADD GUY HARVEY TO SHORT LIST FOR ART IN PUBLIC PLACES AT THE AIRPORT - COMMISSIONER PARRISH

ACTION: (A-1396) An item will be placed on the agenda for the Tuesday, June 5, 2001 Commission meeting. See Page *****

9. HB 1053 - COUNTY ADMINISTRATOR

ACTION: (A-1396) By a consensus of the Board, the Board directed staff to send a letter to the Governor requesting that he veto HB 1053 Transportation legislation. See Page *****

10. BENEFITS OF ORGAN DONATION - COMMISSIONER LIEBERMAN

ACTION: (A-1735) Staff was asked to find ways to promote organ donation education among county employees. See Page *****

11. DISABILITY AWARENESS EDUCATION - ADVISORY BOARD FOR INDIVIDUALS WITH DISABILITIES - COMMISSIONER LIEBERMAN

ACTION: (A-1784) Staff was asked to network with the Advisory Board for Individuals with Disabilities to promote disability awareness education programs throughout the county. See Page *****

12. ADD COMMISSIONER TO SELECTION/NEGOTIATION COMMITTEE - COMMISSIONER WASSERMAN-RUBIN

ACTION: (A-1855) Without objection, Commissioner Wasserman-Rubin was added to Selection/Negotiation Committee #012610RB relating to the parking garage contract for the Broward County Convention Center.

See Page *****

13. UPDATE - TIME LINE FOR CHALLENGE GRANTS - SWIM CENTRAL GRANTS - COMMISSIONER WASSERMAN-RUBIN

ACTION: (A-1875) Staff was directed to provide an update on the time line for the challenge grants and the SWIM Central grants. See Page *****

14. ALTERNATIVES TO LANDSCAPING OPEN SPACES - UNIVERSITY OF FLORIDA & TAMPA BAY WATER UTILITY PROJECT - COMMISSIONER JACOBS

ACTION: (A-1885) Staff was directed to research the landscape project at the University and attempt to coordinate a pilot program for Broward County's drought management practices. See Page *****

15. UPDATE - PEEBLES - CONVENTION CENTER HOTEL - THE CHAIR

ACTION: (A-1937) The Fourth Amendment to the agreement and all other documents relating to the Convention Center Hotel will come before the Board for consideration on Tuesday, June 26, 2001, 10:00 a.m. time certain.

See Page *****

16. BROWARD COUNTY LEGISLATIVE DELEGATION AD HOC COMMITTEE ON ANNEXATION - REPRESENTATION - COMMISSIONER GUNZBURGER

ACTION: (A-2216) An item will be placed on the agenda for the Tuesday, June 5, 2001 commission meeting with respect to adding representation from the Municipal Services Advisory Board to the Ad Hoc Committee on Annexation. See Page *****

17. UPDATE - REAPPORTIONMENT/REDISTRICTING SOFTWARE - COMMISSIONER GUNZBURGER

ACTION: (A-2242) No board action was taken. See Page *****

18. THANK COMMISSIONERS FOR SUPPORT OF ITEM 54 - RLI FOR TAXICAB CONCESSION - COMMISSIONER EGGELLETION

ACTION: (A-2371) No board action was necessary. See Page *****

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