

## PUBLIC HEARING OF DECEMBER 14, 1999

(The meeting convened at 2:00 p.m. and adjourned at 5:00 p.m.)

PLEDGE OF ALLEGIANCE was led by Mayor Annette Wexler, Town of Pembroke Park.

### CALL TO ORDER

1. MOTION TO ADOPT Resolution 1999-1612 to vacate and abandon utility easements and right-of-way, lying and being in Broward County, Florida and located at the southwest quadrant of I-595 and SW 136<sup>th</sup> Avenue in the Town of Davie. Petitioner: Poinciana Homes of Broward, Inc. (Courtney Callahan, Esquire - Agent) 31-V-98.

***ACTION: (B-1113) Approved.***

2. MOTION TO ADOPT supplemental budget Resolution 1999-1613 within the General Fund in the amount of \$11,582,000 for prior year carryover commitments.

***ACTION: (B-1123) Approved.***

3. MOTION TO ADOPT supplemental budget Resolutions 1999-1614 thru 1999-1616 within Internal Service Funds in the amount of \$914,230 for prior year carryover commitments.

***ACTION: (B-1130) Approved.***

4. MOTION TO ADOPT supplemental budget Resolutions 1999-1617 thru 1999-1618 within Trust and Agency Funds in the amount of \$734,744 for prior year carryover commitments.

***ACTION: (B-1139) Approved.***

5. A. MOTION TO ADOPT supplemental budget Resolution 1999-1619 within the General Capital Fund (3010) in the amount of \$785,000 for prior year carryover and other commitments.

***ACTION: (B-1146) Approved.***

B. MOTION TO ADOPT budget Resolution 1999-1620 within the Library Bond Issue Capital Fund (3180) transferring \$44,675,150 from the reserve for bond projects to establish individual project budgets.

***ACTION: (B-1146) Approved.***

6. A. MOTION TO ADOPT supplemental budget Resolutions 1999-1621 thru 1999-1631 within the Special Purpose and Grant sub-funds of the General Fund in the amount of \$1,532,500 for prior year carryover commitments (\$2,792,120) completing the County match funding for the drug court program (\$354,380), and eliminating the revenue and appropriations associated with the Coconut Creek Fire contract <\$1,614,000>.

***ACTION: (B-1155) Approved.***

B. MOTION TO DELETE 13 vacant positions within the Fire Assessment Fund.

***ACTION: (B-1155) Deferred to January 4, 2000. See Page 30.***

7. A. MOTION TO ADOPT supplemental budget Resolutions 1999-1632 thru 1999-1635 within Enterprise Funds in the amount of \$4,319,613 for prior year carryover commitments.

***ACTION: (B-1178) Approved.***

B. MOTION TO ADOPT budget Resolution 1999-1636 transferring within the Resource Recovery System Fund (4880) the amount of \$196,450 from reserves to reflect the fact that the transfer of staff and associated operating expenses from the Resource Recovery Fund to the Solid Waste Fund did not take place as anticipated since the Resource Recovery System remained with Broward County.

***ACTION: (B-1178) Approved.***

C. MOTION TO ADOPT budget Resolution 1999-1637 transferring within the Mandatory Collections Fund the amount of \$110,520 from reserves to reflect the fact that the transfer of staff and associated operating expenses from the Mandatory Collection Fund to the Solid Waste Fund did not take place as anticipated since the Resource Recovery System remained with Broward County.

***ACTION: (B-1178) Approved.***

8. A. MOTION TO APPROVE first amendment to lease and operating agreement between Port Everglades Authority, predecessor in interest to Broward County, and Sea-Land Service, Inc. to modify the assignment and subletting section of the agreement, and authorize the Chair and Clerk to execute same. This is the second of two public hearings. The first public hearing was held on Tuesday, November 30, 1999. The resolution setting the public hearing was adopted by the Board on November 16, 1999.

***ACTION: (B-1190) Approved.***

B. MOTION TO APPROVE consent to transfer interest in lease agreements from Sea-Land Service, Inc., to and assumption of obligations by Maersk, Inc. and Estoppel Certificate in connection with a lease and operating agreement between Port Everglades Authority as predecessor in interest to Broward County and Sea-Land Service, Inc. for 43 acres of land in Port Everglades, and a lease agreement between Broward County and Sea-Land Service, Inc. for 5,743 square feet of office space in the Port Administration Building.

***ACTION: (B-1190) Approved.***

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, AMENDING CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES, BY REPEALING ARTICLE IV, "AIR POLLUTION," SECTIONS 27-171 TO 27-190 INCLUSIVE, IN ITS ENTIRETY; CREATING NEW ARTICLE IV, "AIR QUALITY," SECTIONS 27-171 THROUGH 27-179, INCLUSIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-1200) Filed proof of publication and continued the public hearing up to 90 days to allow the City of Fort Lauderdale staff to more thoroughly review the impacts of the ordinance on the City. See Page 33.***

10. 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 ANIMAL CARE AND REGULATION; AMENDING BROWARD COUNTY CODE, SECTION 4-2 (K), DEFINITIONS; AMENDING BROWARD COUNTY CODE, SECTION 4-30, BY ESTABLISHING GUIDELINES AND CRITERIA FOR THE ADMINISTRATION OF THE BROWARD COUNTY ANIMAL CARE TRUST FUND ACCOUNT AND ESTABLISHING A SEPARATE FUND FOR PET OWNERS WHO CANNOT AFFORD TO PAY FEES DUE TO UNUSUAL CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

***ACTION: (B-1300) Filed proof of publication and enacted Ordinance 1999-72 to become effective as provided by law. See Page 35.***

11. 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 25½, "PARKS AND RECREATION," ARTICLE II, "URBAN WILDERNESS PARK SYSTEM," BROWARD COUNTY CODE OF ORDINANCES, BY AMENDING SECTION 25½-21, "DEFINITIONS"; AMENDING SECTION 25½-22, "URBAN WILDERNESS ADVISORY BOARD"; AMENDING SECTION 25½-24, "USE"; AMENDING SECTION 25½-27, "PRIORITIES OF ACQUISITION AND ESTABLISHMENT"; AMENDING SECTION 25½-28, "ACQUISITION OF LANDS"; AMENDING SECTION 25½-29, "ESTABLISHMENT OF WILDERNESS AREAS"; AMENDING SECTION 25½-31, "WITHDRAWAL OF LANDS FROM

SYSTEM"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-1496) Filed proof of publication and enacted Ordinance 1999-73, as amended, to become effective as provided by law. See Page 39.***

12. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Text Amendment, PCT 99-1, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT CONSISTING OF A REVISION TO CHAPTER II, GOALS, OBJECTIVES AND POLICIES

AND CHAPTER IV, SECTION B.1, PERMITTED USES IN FUTURE LAND USE CATEGORIES PERTAINING TO AGRICULTURAL LAND USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2014) Filed proof of publication and enacted Ordinance 1999-64 to become effective as provided by law, per Planning Council's recommendation. See Page 48.***

13. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Amendment, PC 98-4, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2031) Filed proof of publication and enacted Ordinance 1999-65 to become effective as provided by law, per Planning Council's recommendation. See Page 49.***

14. A. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Text Amendment, PCT 99-6, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT CONSISTING OF AN ADDITION TO CH. IV., PLAN IMPLEMENTATION REQUIREMENTS, B.1. PERMITTED USES IN FUTURE

LAND USE CATEGORIES, REGIONAL ACTIVITY CENTERS;

PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2125) Filed proof of publication and enacted Ordinance 1999-66 to become effective as provided by law, per Planning Council's recommendation. See Page 50.***

B. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Amendment, PC 99-6, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP

IN THE CITY OF FORT

LAUDERDALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2125) Filed proof of publication and enacted Ordinance 1999-67 to become effective as provided by law, per Planning Council's recommendation. See Page 50.***

15. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Text Amendment, PCT 99-8, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT CONSISTING OF A REVISION TO CHAPTER II, GOALS, OBJECTIVES AND POLICIES AND CHAPTER IV, SECTION D.12, PLAN IMPLEMENTATION REQUIREMENTS PERTAINING TO CRITERIA FOR DESIGNATED URBAN INFILL, URBAN REDEVELOPMENT AND DOWNTOWN REVITALIZATION

AREAS.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2838) Filed proof of publication and enacted Ordinance 1999-68 to become effective as provided by law, per Planning Council's recommendation. See Page 61.***

16. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Text Amendment, PCT 99-12, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT CONSISTING OF A REVISION TO CHAPTER II, GOALS, OBJECTIVES AND POLICIES REGARDING THE AVAILABILITY OF SANITARY SEWER SERVICE WITHIN THE DESIGNATED URBAN

INFILL AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2909) Filed proof of publication and enacted Ordinance 1999-69 to become effective as provided by law, per Planning Council's recommendation. See Page 63.***

17. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Text Amendment, PCT 99-13, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT CONSISTING OF A REVISION TO CHAPTER II, GOALS, OBJECTIVES AND

POLICIES AND CHAPTER IV, PLAN IMPLEMENTATION REQUIREMENTS REGARDING UTILITIES USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2920) Filed proof of publication and enacted Ordinance 1999-70 to become effective as provided by law, per Planning Council's recommendation. See page 63.***

18. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt proposed Land Use Plan Amendment, PC 99-25, as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF MIRAMAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2936) Filed proof of publication. No Board action was taken. See Page 64.***

19. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt Land Use Plan Amendment PC 99-29 as part of the second annual 1999 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE SECOND ANNUAL 1999 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-2960) Filed proof of publication and enacted Ordinance 1999-71, as amended, to become effective as provided by law. See Page 64.***

20. MOTION TO ENACT an ordinance changing the zoning district classification of certain lands within the Unincorporated Area of Broward County, Florida.

REZONING PETITION 22-Z-99

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, CONTAINING 4.26 ACRES, MORE OR LESS, MORE

PARTICULARLY DESCRIBED IN EXHIBIT "A"; FROM B-2, GENERAL COMMERCIAL BUSINESS DISTRICT TO PLANNED DEVELOPMENT DISTRICT, PDD, PLANNED RESIDENTIAL COMMUNITIES, PURSUANT TO CHAPTER 39, ARTICLE LXXXI, PLANNED DEVELOPMENT DISTRICT OF THE BROWARD COUNTY ZONING CODE; PROVIDING FOR LIMITATIONS, CONDITIONS, AND QUALIFICATIONS; PROVIDING FOR ALLOCATION OF 128 RESERVE UNITS PURSUANT TO THE BROWARD COUNTY LAND USE PLAN; PROVIDING THAT THE CONCEPTUAL SITE PLAN FOR THE TRINITY PARK ASSISTED LIVING FACILITY PLANNED DEVELOPMENT DISTRICT WHICH IS ATTACHED AS EXHIBIT "B" IS INCORPORATED INTO THIS ORDINANCE; PROVIDING THAT ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED MASTER DEVELOPMENT PLAN FOR THE TRINITY PARK ASSISTED LIVING FACILITY PLANNED DEVELOPMENT DISTRICT, AND BE SUBJECT TO THE LIMITATIONS, CONDITIONS AND QUALIFICATIONS SET FORTH IN THIS ORDINANCE; PROVIDING CRITERIA FOR DETERMINING MINOR CHANGES AND DEVIATIONS TO THE MASTER DEVELOPMENT PLAN; 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-4207) Filed proof of publication; and continued the public hearing to Tuesday, January 11, 2000 at 2:00 p.m. See Page 79.***

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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 quasi-judicial items 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.

21. MOTION TO ENACT an ordinance amending the Broward County Comprehensive Plan to adopt a "Small Scale" amendment in the Town of Davie, PC 99-32, the substance of which is as follows: (Continued from November 30, 1999 public hearing; item 12).

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP IN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (B-4267) Filed proof of publication and continued the public hearing to Tuesday, January 11, 2000 at 2:00 p.m. See Page 80.***

22. MOTION TO ENACT an ordinance changing the zoning district of certain lands in the Unincorporated Area of Broward County, Florida. (This is the first of two Quasi- Judicial Public Hearings. The second Public Hearing will be held on Tuesday, January 11, 2000 at 2:00 p.m.)

REZONING PETITION 18-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 29 AND 30, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM R-1C, ONE-FAMILY DWELLING DISTRICT TO RS-3 AND RS-4, ONE-FAMILY DETACHED DWELLING DISTRICTS; 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-4511) Filed proof of publication and continued the public hearing to Tuesday, January 11, 2000 at 2:00 p.m. See Page 83.***

END OF QUASI-JUDICIAL HEARING

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23. MOTION TO ENACT an Ordinance adopting amendments to the Broward County Public School Facilities Element.

***ACTION: (B-4874) Filed proof of publication and enacted Ordinance 1999-74 to become effective as provided by law. See Page 88.***

24. MOTION TO ENACT an Ordinance to adopt amendments to the Broward County Comprehensive Plan's Capital Improvements Element.

***ACTION: (B-5898) Filed proof of publication and enacted ordinance 1999-75 to become effective as provided by law. See Page 98.***

25. MOTION TO ENACT an Ordinance to adopt amendments to the Broward County Comprehensive Plan's Intergovernmental Coordination Element.

***ACTION: (B-6105) Filed proof of publication and enacted ordinance 1999-76 to become effective as***

*provided by law. See Page 101.*

26. MOTION TO ENACT an Ordinance to adopt proposed amendments to the Broward County Comprehensive Plan's Recreation and Open Space Element.

***ACTION: (B-6281) Filed proof of publication and enacted ordinance 1999-77 to become effective as provided by law. See Page 103.***

### SUPPLEMENTAL AGENDA

### QUASI-JUDICIAL HEARING

27. MOTION TO CARRY over Small Scale Land Use Plan Amendment, PC 99- 1, Agenda Item 10, November 30, 1999, 2:00 p.m. Public Hearing to December 14, 1999, 2:00 p.m. (Carried over from December 7, 1999; Item 84).

***ACTION: (B-4800) Filed proof of publication. Denied PC-99-1. See Page 84.***

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