

555 SW 3RD AVE

LAND USE PLAN AMENDMENT (Small Scale)

Application for Amendment to the
City of Deerfield Beach and
Broward County Land Use Plans

June 20, 2023

Prepared by:

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& Associates, Inc.**

• Planning • Zoning • Land Use • Expert Testimony •
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Established 1985

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EXHIBITS

- EXHIBIT A: SURVEY
- EXHIBIT B: LOCATION MAP
- EXHIBIT C1: CURRENT FUTURE LAND USE – CITY
- EXHIBIT C2: CURRENT FUTURE LAND USE - COUNTY
- EXHIBIT D1: PROPOSED FUTURE LAND USE – COUNTY
- EXHIBIT D2: PROPOSED FUTURE LAND USE - COUNTY
- EXHIBIT E: WATER, SEWER & DRAINAGE CORRESPONDENCE
- EXHIBIT F: SOLID WASTE CORRESPONDENCE
- EXHIBIT G: PARKS INVENTORY
- EXHIBIT H: MASS TRANSIT CORRESPONDENCE
- EXHIBIT I: VEGETATIVE ANALYSIS
- EXHIBIT J: DRAFT DECLARATION OF RESTRICTIVE COVENANTS
- EXHIBIT K: RESO NO. 2023/012
- EXHIBIT L: MEETING MINUTES 1/10/2023

I. TRANSMITTAL INFORMATION

- A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan. Please attach a copy of the referenced motion, resolution or ordinance. The local government's action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.

To be provided.

- B. Name, title, address, telephone, facsimile number and email of the local government contact person

**Eric Power, Director
Planning & Development Services
City of Deerfield Beach
150 N.E. 2nd Ave.
Deerfield Beach, FL 33441
E: epower@deerfield-beach.com
Ph: 954-480-4206**

- C. Summary minutes from both the local planning agency and local and the local government public hearings of the transmittal of the Broward County Land Use Plan amendment

Local Planning Agency and City Commission Minutes to be provided when available.

- D. Whether the amendment is one of the following:
- * Development of Regional Impact
 - * Small scale development activity (per Florida Statutes)
 - * Emergency (please describe on separate page)
 - * Other amendments which may be submitted without regard to FL statutory limits regarding submittals (Brownfield amendments, etc.).

The amendment site is small scale.

II. APPLICANT INFORMATION

- A. Name, title, address, telephone, facsimile number and email of the applicant.

**Eric Power, Director
Planning & Development Services
City of Deerfield Beach
150 N.E. 2nd Ave.
Deerfield Beach, FL 33441
E: epower@deerfield-beach.com
Ph: 954-480-4206**

- B. Name, title, address, telephone, facsimile number and email of the agent.

**Leigh R. Kerr, AICP
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard, Suite 104
Fort Lauderdale, FL 33301
P: 954-467-6308 Email: Lkerr808@bellsouth.net**

- C. Name, title, address, telephone, facsimile number and email of the property owner.

**Parcel ID: 484201000570
City of Deerfield Beach
150 NE 2 Ave
Deerfield Beach, FL 33441
Contact: Eric Power, Director, Planning & Development Services
E: epower@deerfield-beach.com
Ph: 954-480-4206**

- D. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs). Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.

The City of Deerfield Beach is the owner of this property and has identified this approximately 1.36-acre parcel as an area of opportunity for affordable housing development. In order for the City to be able to make this property available under the property disposition process, the Land Use must be amended. The current Land Use is Conservation under the City Future Land Use Map and Recreation & Open Space under the County Future Land Use Map. The property is not part of the Tivoli Sand Pine Preserve to the south. This property was

dedicated to the City in 1974 and has been maintained as vacant land since that time. In order to amend the Land Use, the City must process a local and County land use plan amendment.

Upon approval of the Land Use Change from Conservation to Residential Medium (15) on the City’s map, and Recreation & Open Space to Medium (16) Residential on the County’s map, the City will then amend the Zoning on the site from S (Open Space) to RM-15 (Residence, Multi-Family).

Upon the completion of the Land Use and Zoning amendments, the City will be able to offer this property as a developable property for affordable housing. A Draft Declaration of Restrictive Covenants is attached as EXHIBIT K.

III. AMENDMENT SITE DESCRIPTION

- A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.

The subject site contains 1.36 net/1.52 gross acres and is on the west side of SW 3rd Ave/Martin Luther King Avenue, +/- 1/3 mile north of SW 10th Street, in the City of Deerfield Beach. See EXHIBIT B: LOCATION MAP.

- B. Sealed survey, including legal description of the area proposed to be amended.

See EXHIBIT A: SURVEY.

- C. Map at a scale of 1"=300' clearly indicating the amendment's location, boundaries and proposed land uses. (Other scales may be accepted at the discretion of the Planning Council Executive Director. Please contact the Planning Council office in this regard, prior to the submittal of the application.)

Please see EXHIBIT B: LOCATION MAP.

IV. EXISTING AND PROPOSED USES

- A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation.

TABLE 1		
LAND USE DESIGNATION – SUBJECT SITE		
	Current	Proposed
City	Conservation	Residential Medium (15 du/ac)
County	Recreation & Open Space	Medium (16) Residential

Also refer to **EXHIBITS C1 and C2 FOR CURRENT FUTURE LAND USES.**

- B. Current land use designations for the adjacent properties.

The current land use of the adjacent sites is depicted in the table below.

TABLE 2 ADJACENT LAND USE DESIGNATIONS		
	City	County
North	Residential Moderate (10 du/ac)	Low-Medium (10) Residential
South	Conservation Residential Moderate (10 du/ac)	Recreation & Open Space Low-Medium (10) Residential
East	Residential Moderate (10 du/ac) Community Facility	Low-Medium (10) Residential Community
West	Residential Moderate (10 du/ac)	Low-Medium (10) Residential

- C. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for adjacent areas.

Flexibility provisions have not been utilized to rezone adjacent areas.

- D. Existing use of amendment site and adjacent areas.

TABLE 3 ADJACENT and SITE USES	
Subject Site	Vacant Open Space
North	Vacant Open Space
South	Tivoli Sand Pine Preserve
West	Residential Common Area
East	Multi Family, Deerfield Park Elementary

- E. Proposed use of the amendment site including proposed square footage* for each non-residential use and/or dwelling unit count. For RAC, LAC, TOC, TOD and MU-R amendments, please provide each existing non-residential use square footage and existing dwelling units for amendment area.

The proposed future land use is depicted on EXHIBITS D1 and D2: PROPOSED FUTURE LAND USE.

	Proposed Future Land Use	Site Area	Proposed Use
City	Residential Medium (15 du/ac)	1.52 gross acres	22 DUs
County	Medium (16) Residential	1.52 gross acres	24 DUs

For the purposes of actual development, development on the site will comply with the City's Land Development Regulations.

- F. Maximum allowable development per local government land use plans under existing designation for the site, including square footage for each non-residential use and/or dwelling unit count.

The maximum allowable development under the current land use designation is as follows:

	Existing Future Land Use	Site Area	Maximum Development under Existing Use
City	Conservation	1.52 gross acres	1.52 ac of Conservation
County	Recreation & Open Space	1.52 gross acres	1.52 acres of Rec & Open Space

- G. Indicate if the amendment is part of a larger development project that is intended to be developed as a unit such as a site plan, plat or DRI. If so, indicate the name of the development; provide the site plan or plat number, provide a location map; and, identify the proposed uses.

The amendment is not part of a larger development project.

V. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

Due to the low-impact of the existing Conservation land use (city plan) and Recreation & Open Space land use (County plan), the existing/before condition is calculated as having zero (0) impact on public facilities and services. The ability of public services and facilities to meet the demands using this conservative approach to the "before" condition further demonstrates the demands resulting from the proposed residential use can be met.

A. Potable Water Analysis

1. Provide the potable water level of service per the adopted certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The subject site is located within the City of Deerfield Beach water service area. The City's water level of service is 170 gpcd as stated in Sec 4.3.2 of the Deerfield Beach 2020 Comprehensive Water Supply Facilities Work Plan adopted November 15, 2022.

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant expansions, including year and funding sources.

The subject property is served by the City of Deerfield Beach West water treatment plant. Based upon the City's 2020 update of the Water Supply Facilities Work Plan, the capacity of the west plant is 21 MGD. The water use permit issued by SFWMD allocates 14.15 MGD from the Biscayne and Floridan aquifers. The City purchases an additional 0.59 MGD of raw water from the Broward County's regional water system. Therefore, the City's total available water supply is 14.74 MGD

TABLE 4 PLANT CAPACITY & DEMAND – POTABLE WATER	
Current Plant Capacity	21.0 MGD
Current and Committed Plant Demand	10.41 MGD ¹
SFWMD Permitted Withdrawal (10.15 MGD from Biscayne Aquifer; 4.00 MGD from Floridan Aquifer; 0.59 MGD from Broward County)	14.74 MGD
Expiration Date of SFWMD Permit (#06-00082-W)	5/14/2029

¹ Demand per Table 5.1: 2025 Projected Population and Water Demand Forecast – City Service Area, 2020 Comprehensive Water Supply Facilities Work Plan.

- Identify the wellfield serving the service area in which the amendment is located including the permitted capacity, committed capacity, remaining capacity and expiration date of the permit.

TABLE 5 WELLFIELDS (Broward County North Regional Wellfield)	
<u>Capacity:</u> 10.15 MGD from Biscayne Aquifer; 4.00 MGD from Floridan Aquifer	14.15 MGD
Current + Committed Capacity	10.41 MGD
Remaining Capacity	3.74 MGD
Expiration Date of SFWMD Permit (#06-00082-W)	5/14/2029
Source: 2020 Water Supply Plan Update	

- Identify the net impact on potable water demand, based on adopted level of service resulting from the proposed amendment. Provide calculations, including anticipated demand per s.f.* or d.u.

TABLE 6 POTABLE WATER IMPACT			
Broward County	<i>Use</i>	<i>Rate/Calculation</i>	<i>Total</i>
Current	Recreation & Open Space	0 GPD	0 GPD
Proposed	Medium (16) Residential: 22 DUs	x 141 GPD/DU	= 3,102 GPD
Source: Broward County Guidelines for Determining Ability to Provide Potable Water and Wastewater Service.		change	+ 3,102 GPD

- Correspondence from potable water provider verifying the information submitted as part of the application on items 1-4 above. Correspondence must contain name, position and contact information of party providing verification.

See **EXHIBIT E: WATER, SEWER & DRAINAGE CORRESPONDENCE** and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442

B. Sanitary Sewer Analysis

1. Provide the sanitary sewer level of service per the adopted and certified local land use plan.

The adopted level of service for sanitary sewer in the City as specified in the Utilities Element adopted in 2022 is 105.7 gallons annual average daily flow per capita of permanent population.

2. Identify the sanitary sewer facilities serving the amendment site including the current plant capacity, current plus committed demand on plant capacity, and planned plant capacity.

The subject site is in the service area of the Broward County North Regional Wastewater Treatment Plant.

TABLE 7 SANITARY SEWER DEMAND AND CAPACITY Broward County North Regional Wastewater Treatment Plant	
Plant Capacity	95.0 MGD
Current + Committed Plant Demand	(70.04 + 3.018) = 73.06 MGD
Planned Plant Capacity	No planned expansions.
<small>Source: Broward County Water Wastewater Calculations Sheet</small>	

3. Identify the net impact on sanitary sewer demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

TABLE 8 SANITARY SEWER IMPACT			
	<i>Use</i>	<i>Calculation</i>	<i>Total (GPD)</i>
Current	Recreation & Open Space	0 GPD	= 0 GPD
Proposed	Medium (16) Residential: 22 DUs	x 100 GPD/DU	= 2,200 GPD
		change	+ 2,200 GPD

Source: Broward County Guidelines for Determining Ability to Provide Potable Water and Wastewater Service.

4. Correspondence from sewer provider verifying information submitted as part of the application on items 1-4. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT E: WATER, SEWER & DRAINAGE CORRESPONDENCE and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442

C. Solid Waste

1. Provide the adopted level of service standard for the municipality in which the amendment is located.

The City of Deerfield Beach's adopted level of service for solid waste collection is 5.4 lbs per capita per day and 7.0 lbs per capita per day for disposal.

2. Identify the solid waste facilities serving the service area in which the amendment is located including the landfill/plant capacity, current plus committed demand on landfill/plant capacity, and planned landfill/plant capacity.

The City has contracted Waste Connections, Inc. for solid waste processing, transportation and disposal of municipal waste and recycling is delivered by the city to Waste Management's Transfer Station in Deerfield Beach.

The City is served by the Waste Connection's transfer station with final disposal at the John E. Drury (JED) landfill in Saint Cloud, Florida. The City sends approximately 72,000 tons per year to this facility. The landfill has a 3,836,210 tons per year capacity of available capacity until the year 2032. The total capacity for the JED landfill is 52,215,585 tons.

Per Table 5.9 of the City's Solid Waste Sub-Element, the City's projected solid waste generation on 2030 is 115,000 tons per year and in 2040 is 118,665 tons per year.

3. Identify the net impact on solid waste demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.

TABLE 9 SOLID WASTE IMPACT			
	<i>Use</i>	<i>Calculation</i>	<i>Total</i>
Current	Recreation & Open Space	0 Lbs/day	= 0 Lbs/day
Proposed	Medium (16) Residential: 22 DUs	X 8.9 Lbs/day	= 196 Lbs/day
Change			+ 196 Lbs/day

Source: City Comprehensive Plan Policy 8.1.1

4. Correspondence from the solid waste provider verifying that capacity is available to serve the amendment area the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT F: SOLID WASTE CORRESPONDENCE and below:

Name: Grant Smith, Esq. on Behalf of Waste Connections of Florida
Agency: Strategy Smith PA
Email: gsmith@strategysmith.com
Ph: 954-328-9064
Address: 101 E. Las Olas Blvd #130-120, Fort Lauderdale, FL 33301

D. Drainage Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located.

The level of service for drainage in the City of Deerfield Beach will be consistent with Chapter 62-25, F.A.C. and the regulations of the South Florida Water Management District, Broward County and the Florida Building Code.

Subject Deerfield Beach Adopted Drainage Level of Service Standards

Road Protection	Residential streets not greater than fifty feet wide rights-of-way to have crown elevations no lower than the elevation for the respective area depicted on the ten year "FEMA Flood Map." Rights-of-way greater than fifty feet wide to have an ultimate
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edge of pavement no lower than the elevation for the respective area depicted on the ten year "FEMA Flood Map."

Building Elevations	To have the lowest floor elevation no lower than the elevation for the respective area depicted on the "100 Year Flood Elevation Map", the FEMA Base Flood Elevation for the area or the site-specific 100-yr, 3-day design storm stage, whichever is highest. Off Site Discharge Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.
Storm Sewers	Design frequency minimum to be three-year rainfall intensity of the State Department of Transportation Zone 10 rainfall curves.
Flood Plain Routing	Calculated flood elevations based on the ten-year and one hundred-year return frequency rainfall of three day duration shall not exceed the corresponding elevations of the ten year "FEMA Flood Map" and the "100-Year Flood Elevation Map."
Antecedent Water Level	The elevation depicted on the map "Average Wet Season Water Levels".
On Site Storage	Minimum capacity above antecedent water level and below flood plain routing elevations to be design rainfall volume minus off site discharge occurring during design rainfall, except for the 100-yr, 3-day design storm event, which is zero discharge.
Water Quality	Prior to discharge to surface or ground water, 80% or 95% reductions in pollutant load must be achieved based on the rebuttable presumptions of the water quality treatment criteria.

- Identify the drainage district and drainage systems serving the amendment area.

The subject property is within the drainage district managed by the City of Deerfield Beach.

- Identify any planned drainage improvements, including year, funding sources and other relevant information.

All improvements required to meet the adopted level of service will be installed in conjunction with new development.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site. Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

No application for a drainage permit has been submitted with this land use plan amendment. With the development plans for the property, the applicant will submit an application for a surface water management system permit. The surface water management system will be designed to meet all required City and County requirements.

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrated how the site will be drained and the impact on the surrounding properties. The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage for proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Development within the site will be required to meet the drainage standards of the City, Broward County Department of Planning and Environmental Protection, and the South Florida Water Management District. The subject site will meet the level of service when development of the site is complete.

6. Correspondence from local drainage district verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT E: WATER, SEWER & DRAINAGE CORRESPONDENCE and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442

E. Recreation and Open Space Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located and the current level of service.

The adopted level of service for recreation and open space in the City and Broward County is 3.0 acres/1,000 residents.

2. For amendments which will result in an increased demand for “community parks” acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted.

Please see EXHIBIT G: PARKS INVENTORY

3. Identify the net impact on demand for park acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.

TABLE 10 RECREATION & OPEN SPACE IMPACT			
	<i>Use</i>	<i>Calculation</i>	<i>Total</i>
Current	Recreation & Open Space	N/A	N/A
Proposed	Medium (16) Residential: 22 DUs	2.0 pph x .003 ac	= 0.13 ac
change			+ 0.13 ac

Source: City Comprehensive Plan

Estimated Number per Gross Acre of Persons per Residential Land Area Dwelling Unit

- From 0 up to 1 - 3.3
- Over 1 up to 5 - 3.0
- Over 5 up to 10 - 2.5
- Over 10 up to 16 - 2.0**
- Over 16 up to 25 - 1.8
- Over 25 up to 50 - 1.5

(Source: Broward County Land Development Code)

4. Identify the projected “community parks” acreage needs based on the local government’s projected build-out population.

TABLE 11 PARK NEEDS			
Planning Horizon	Population	Demand	Supply
2045	93,188	x .003 = 279.56 acres	346.05 acres

Source: Table 8.1 Recreation & open Space Element

5. As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Policies 2.5.4 and 2.5.5 (a. through e.), regarding the provision of open space.

Policy 2.5.4 is addressed below. Policy 2.5.5 does not apply because the site does not contain a golf course.

***POLICY 2.5.4** Broward County shall strongly encourage the preservation of open space areas. Amendments to the Broward County Land Use Plan which would result in the loss of open space shall be strongly discouraged and be required to address how open space and recreation needs of the existing and projected residents of the community will be met, including how the negative impacts of the loss of open space on surrounding neighborhoods will be minimized or mitigated.*

Response: The subject site is a small, 1.36-acre site. According to the vegetative analysis prepared for the site, no endangered or threatened species of special concern or commercially exploited flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present.

The City of Deerfield Beach exceeds the adopted level of service for recreation and open space in the City and Broward County which is 3.0 acres/1,000 residents through the long-term planning horizon (2045). The demand for parks in 2045 is 279.65 acres when 346.05 acres are available (3.71 ac/1000 / surplus 66.49 acres). Refer to Table 13 above. The change in land use resulting from the proposed amendment will not reduce the availability of recreation & open space acres counted toward the City's level of service for parks since the subject site was not considered a park use or included on (re)certified parks table. The population resulting from the proposed amendment is estimated to be +/- 42 people requiring +/- 0.13 acres. This demand is easily accommodated by the City's current inventory of recreation & open space.

The subject site is located adjacent to the +/- 22-acre Tivoli Sand Pine Preserve but is not part of the preserve. The site was never considered or planned to be a park. The surrounding area will continue to be served by nearby recreation & open space opportunities including Tivoli Sand Pine Preserve (+/- 22 acres) to the south and Deerfield Beach Elementary (+/- 2.11 acres) to the east.

F. Traffic Circulation Analysis

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

TABLE 12 ROADWAY CONDITIONS (2020)							
ROADWAYS	LANES	AADT			Peak Hour		
		Volume	Capacity	LOS	Volume	Capacity	LOS
EAST-WEST							
SE 10 STREET							
E of I-95	6	32000	56905	C	3040	5121	C
E. of Dixie Hwy	4	15500	32400	D	2910	2920	D
NORTH-SOUTH							
DIXIE HWY							
N. of SW 10 St	4	15500	39800	C	1473	3580	C
SW 3 AVE							
N of SW 10 St	4	6800	29160	C	646	2628	C
US1							
N of SW 10 St	6	43000	59900	C	4085	5390	C

Source: MPO Roadway Level of Service Analysis '20/'40

2. Identify the projected LOS for the roadways impacted by proposed amendment for the long range planning horizon. Utilize avg. daily and p.m. peak hour traffic volumes per MPO plans and projections.

TABLE 13 PROJECTED ROADWAY CONDITIONS (2040)							
ROADWAYS	LANES	AADT			Peak Hour		
		Volume	Capacity	LOS	Volume	Capacity	LOS
EAST-WEST							
SE 10 STREET							
E of I-95	6	44800	56905	C	4256	5121	C
E. of Dixie Hwy	4	25700	32400	D	2442	2920	D
NORTH-SOUTH							
DIXIE HWY							
N. of SW 10 St	4	37300	39800	C	3544	3580	D
SW 3 AVE							
N of SW 10 St	4	10400	29160	C	988	2628	C
US1							
N of SW 10 St	6	57100	59900	C	5425	5390	F

Source: MPO Roadway Level of Service Analysis '20/'40

3. Planning Council staff will analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for this amendment - calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network and identify the resulting level of service change for the short (5 year) and long range planning horizons.

TABLE 14 TRAFFIC IMPACT						
Land Use		ITE Code	DAILY		PM PEAK	
			Rate	Trips	Rate	Trips
Current	Rec & Open Space	N/A	0	0	0	= 0
Proposed	Med.(16) Res: 22 DUs	221	X 4.54/DU	= 100	X 0.39/DU	= 9
Source: ITE 11 th Edition			Change	+100	Change	+9

4. Provide any transportation studies relating to this amendment, as desired.

No additional transportation studies are presented at this time.

G. Mass Transit Analysis

1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.

Broward County Mass Transit Route 50 runs along Dixie Highway , SW 3rd Avenue and SW 4th Street in the vicinity of the subject site. The City of Deerfield Beach Community Shuttle Express Routes I and II run along SW 3rd Avenue adjacent to the subject site.

TABLE 15 MASS TRANSIT ROUTES			
Route	Days of Service	Service Span	Service Frequency
Broward County Transit			
Rt 50	M-F	5:10 am-11:20 pm	20-30 min headways
	Sat	5:15 am-10:56 pm	40 min headways
	Sun	7:35 am-9:26 pm	50 min headways
Community Shuttle			
Express I	M-Sat	8:00 am – 4:00 pm	60 min headways
Express II	M-Sat	8:00 am – 4:00 pm	60 min headways

2. Describe how the proposed amendment furthers or supports mass transit use.

The proposed amendment will provide residents living within the service area with two mass transit routes. Route 50 runs along Dixie Highway, SW 3rd Avenue and SW 4th Avenue. Route 50 points of interest include the Greyhound Bus Terminal, the North Ridge Shopping Center, and the Northeast Transit Center. The Northeast Transit Center hosts Routes 20, 42, 50, and 60. The community shuttle Express Routes I and II provide service along SW 3rd Avenue adjacent to the subject site. Numerous retail, office, community facilities, and employment opportunities are within reach along these transit routes and ultimately broader connections to transit throughout the County are accessible.

3. Correspondence from transit provider verifying the information submitted as part of the application on items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT H: Mass Transit Correspondence and below:

Name: Khalilah French
Agency: Broward County Transit Division
Position: Service Planner
Ph: 954-357-6543 Ffrench@broward.org
Address: 1 N. University Dr #3100A, Pltn FL 33324

VI. PUBLIC EDUCATION ANALYSIS

Please be advised that the Planning Council staff will request from the Broward County School Board an analysis of the impacts of the amendment on public education facilities as indicated below. Please note that as per the School Board of Broward County Policy 1151, the applicant will be subject to a fee for the review of the application. The applicant is encouraged to contact the School Board staff to discuss these issues as soon as possible.

A. Public School Impact Application

The School Impact Application will be submitted to the School Board. Below are the public schools serving the subject site.

- **Deerfield Park Elementary**
- **Deerfield Beach Middle**
- **Deerfield Beach High**

- B. The associated fee in the form of a check made payable to the SBBC.

The fee will be provided to the School Board.

VII. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on natural and historic resources.

- A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

The applicant is not aware of any designated historical sites located on or adjacent to the site.

- B. Archaeological sites listed on the Florida Master Site File.

The applicant is not aware of any archeological sites located on or adjacent to the site.

- C. Wetlands

There are no known wetlands within the amendment site. A Landscape Architect/Arborist inspected the subject site and provided a vegetative analysis indicating no endangered or threatened species of special concern or commercially exploited of flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present. Please see EXHIBIT I: VEGETATIVE ANALYSIS.

- D. Local Areas of Particular Concern as Identified within the Broward County Land Use Plan.

A Landscape Architect/Arborist inspected the subject site and provided a vegetative analysis indicating no endangered or threatened species of special concern or commercially exploited of flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present. Please see EXHIBIT I: VEGETATIVE ANALYSIS

- E. Indicate if the site contains, is located adjacent to or has the potential to impact any “Priority Planning Areas for Sea Level Rise” and if so, how they will be protected or mitigated.

A review of the Priority Planning Area Map indicates no areas for planning consideration located within the subject site.

- F. “Endangered” or “threatened species” or “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

A Landscape Architect/Arborist inspected the subject site and provided a vegetative analysis indicating no endangered or threatened species of special concern or commercially exploited of flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present. Please see EXHIBIT I: VEGETATIVE ANALYSIS.

- G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

A Landscape Architect/Arborist inspected the subject site and provided a vegetative analysis indicating no endangered or threatened species of special concern or commercially exploited of flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present. Please see EXHIBIT I: VEGETATIVE ANALYSIS.

- H. Wellfields – Indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the protected zone and any provisions, which will be made to protect the wellfield

The subject site is located within Wellfield Zone 1. Development on the site will comply with Broward County’s Wellfield Protection Ordinance and Broward County Land Development Regulations Article VIII: Wellfield Protection .

Zone 1 means the wellfield protection area shown on the zones of influence map for existing water wells depicted on that map, and within two hundred and fifty (250) feet from an existing water well not depicted on that map.

Zone 2 means the wellfield protection area shown on the zones of influence map for existing water wells depicted on that map, and situated between the outer boundary of Zone 1 and five hundred (500) feet from an existing water well not depicted on that map.

Zone 3 means the wellfield protection area shown on the zones of influence map for existing water wells depicted on that map, and situated between the outer boundary of Zone 2 and one thousand three hundred and twenty (1,320) feet from an existing water well not depicted on that map.

- I. Soils – Describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to mitigate the area’s natural features

Development resulting from this amendment will not require the alteration of soil conditions or topography other than typical construction activity. Best management practices will be employed.

- J. Beach Access – Indicate if the amendment is ocean-front. If so, describe how public beach access will be addressed.

The site is not ocean-front.

VIII. AFFORDABLE HOUSING

Describe how the local government is addressing Broward County Land Use Plan Policy 2.16.2, consistent with Article 5.

The amendment proposed less than 100 dwelling units. The subject site will be utilized for a future affordable housing project. A draft Declaration of Restrictive Covenants is attached as EXHIBIT J.

IX. LAND USE COMPATIBILITY

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

The subject site is proposed to be developed with up to 20 multi-family dwelling units at 15 units/acre. The future land use of adjacent sites is depicted in the table below. Multi-family residential land uses exist to the north, south, east and west of the subject site, along with recreation & open space and community facilities land uses. Development on the site will comply with the City’s land development code, including any compatibility and buffering measures such as setbacks and buffers.

	City	County
North	Residential Moderate (10 du/ac)	Low-Medium (10) Residential
South	Conservation Residential Moderate (10 du/ac)	Recreation & Open Space Low-Medium (10) Residential
East	Residential Moderate (10 du/ac) Community Facility	Low-Medium (10) Residential Community
West	Residential Moderate (10 du/ac)	Low-Medium (10) Residential

The City's Comprehensive Plan includes the following objective and policies that address land use compatibility:

Objective FLU 1.2: Develop and implement land use programs to encourage the elimination or reduction of existing uses inconsistent with the community's character and adopted future land uses.

Policy FLU 1.2.1: The application for land use amendments shall include an explanation of compatibility with surrounding land uses.

Policy FLU 1.2.2: The City's Land Development Code shall prohibit the mixing of incompatible land uses.

Policy FLU 1.2.4: The City shall minimize the impacts of potential incompatible land uses through requirements within its Land Development Code, such as buffering and setbacks.

X. HURRICANE EVACUATION ANALYSIS

(Required for amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Agency). Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Agency.

The subject site is not located in Hurricane Evacuation Zone.

XI. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified Redevelopment (i.e., Community Redevelopment Agency, Community Development Block Grant) area. If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment

plans.

The amendment site is not located within a CRA.

XII. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

Not applicable.

XIII. CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES/GOPs OF COUNTY LAND USE PLAN

HIGHLIGHTED REGIONAL ISSUES

The proposed amendment is consistent with the Smart Growth Highlighted Regional Issue because it is an infill site where public facilities exist and have capacity to accommodate the demands associated with the proposed amendment and because it places dwelling units that are needed to accommodate future growth in an area that is served by mass transit.

The proposed amendment is consistent with the Affordable Housing Vision Highlighted Regional Issue because the City has identified this approximately 1.36-acre parcel as an area of opportunity for affordable housing development. Upon the completion of the Land Use and Zoning amendments, the City will be able to offer this property as a developable property for affordable housing.

BROWARDNEXT GOPs

Policy 2.1.1 Broward County shall maintain a balanced Land Use Plan to implement a regional vision including the provision of essential public services and facilities, as well as enhanced sustainability and livability.

Policy 2.10.3 In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.

Policy 2.14.7 Broward County and its local governments shall consider the individual and cumulative impacts of land use plan amendments on the existing and planned transportation facilities within the County.

Policy 2.15.2 Broward County and its local governments shall determine the consistency of land use plan amendments with their Public School Facilities Elements. The consistency

finding shall address whether sufficient capacity is available, or anticipated within the short or long range planning horizon of their Elements, to accommodate the projected student impact of proposed amendments. As provided for within the Amended Interlocal Agreement for Public School Facilities Planning (ILA), the School Board of Broward County shall advise the County and local governments regarding the projected student impact of amendments and the availability of capacity at impacted schools.

Policy 2.20.2 Provide a range of housing opportunities and choices, including those in the “medium” to “high” densities where compatible with the physical location and services needs of residents in all age and income groups.

XIV. CONSISTENCY WITH GOALS, OBJECTIVES, AND POLICIES OF THE CITY LAND USE PLAN

FUTURE LAND USE ELEMENT

GOAL 1.0 Ensure that development and redevelopment occurring in the City achieves and maintains a functional mix of residential, commercial, industrial and recreational land uses.

FLU Objective 1.1 Establish development and redevelopment programs, which provide the opportunity for a wide range of individuals and families to reside, work, shop, relax and play safely in the city.

FLU Policy 1.1.9 The City shall continue to provide for a variety of housing densities in the Future Land Use Plan.

Objective FLU 1.2: Develop and implement land use programs to encourage the elimination or reduction of existing uses inconsistent with the community’s character and adopted future land uses.

FLU Policy 1.2.1 The application for land use amendments shall include an explanation of compatibility with surrounding land uses.

FLU GOAL 2.0: Ensure that facilities and services necessary to serve the adopted future land use plan and the anticipated population, taking into consideration both permanent and seasonal (including tourist), are provided as development occurs.

Objective FLU 2.1: Maintain an administrative system which ensures that the infrastructure necessary to maintain the adopted levels of service is in place and operational concurrent with the impacts of any new development.

FLU Policy 2.1.1.A The City shall maintain a level of service standard for each public facility located within its jurisdiction for which it has the authority to issue development orders or development permits.

FLU Policy 2.1.6 The City shall issue development orders and permits for future development and redevelopment only if public facilities necessary to meet level of service standards (which are adopted as part of the Capital Improvements Element of this plan) are available concurrent with the impacts of the development.

FLU Policy 2.1.7 The City shall require that all future land use map amendments ensure the availability of potable water supplies and facilities before adoption

FLU Policy 2.1.9 In coordination with Policy UT 1.5.2 of the Utilities Element of the Deerfield Beach Comprehensive Plan, all new development within the City (residential, commercial and industrial) shall be serviced by a centralized wastewater system.

FLU Objective 2.3 Discourage urban sprawl and encourage a separation of urban and rural land uses by directing new development into areas where necessary regional and community facilities and services exist.

GOAL FLU 8.0 Promote and implement appropriate land uses and development patterns consistent with smart growth and sustainable management principles to maximize natural and socioeconomic resources, and to preserve and improve the health, safety and welfare of the City's residents and visitors.

Objective FLU 8.1: Coordinate land use and transportation planning activities to enhance neighborhood livability by providing a variety of transportation choices, reducing commute times to work, and reducing greenhouse gas emissions.

HOUSING ELEMENT

GOAL HS 1.0: Provide sufficient quantity of safe and adequate housing which is affordable to all income groups in Deerfield Beach.

Objective HS 1.1: The City shall provide for adequate and affordable housing for the existing population, anticipated population growth, and households with special housing needs.

Policy HS 1.1.1: The City shall prioritize and streamline development review and permitting processes for housing, especially affordable housing, in order to minimize the undesired impact these processes have on housing costs.

Policy HS 1.1.2: The City shall coordinate, and when appropriate, partner with private and non-profit sectors to improve coordination among

participants in housing production This shall include, but not be limited to, close coordination with the following parties: private developers, especially those providing low and moderate income housing;; Community Housing Development Organization; The Deerfield Beach Housing Authority; The Broward County Housing Authority; The Broward County Housing and Community Development Division; and the Broward Housing Partnership.

Policy HS 1.1.4: The City shall continue to provide for a variety of dwelling unit densities and housing types in the permitted uses section of the Future Land Use Element and the land development regulations so as to allow for the development of housing affordable for all income levels over the planning timeframe.

Policy HS 1.1.7: The City shall encourage infill development on vacant or underused sites within residential areas.

IX. PUBLIC OUTREACH

Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.

The applicant/local government will comply with SEC 98-35 of the City's Code described below.

Sec. 98-35. Public notice requirements for development permits.

- (1) *Public notice required. Compliance with applicable laws.* Prior to any public hearing of the city commission for a development permit as described in section 98-12 of this Code, the applicant shall provide proper notification to the public in compliance with this section and all applicable county, state and federal law. The applicant shall be responsible for compliance with this Code and all applicable county, state and federal law.
- (2) *Application form.* Upon a determination that the development permit shall be heard at a city commission hearing, the planning and development services department shall provide a form template to the applicant that provides for identification of the application type, application location, hearing date, hearing time, hearing location, accessibility notice, city phone number and city website address. Failure to adhere to the requirements of the approved form may result in the applicant's item not being considered by the city commission.
- (3) *Location map.* A location map, in a form approved by the planning and development services department, shall be prepared by the applicant and provided with all required mailed notices and, if required by applicable law, with all published notices.

- (4) *Published notice.* A public notice shall be placed in a newspaper of general circulation and published on at least one occasion at least seven days and no more than ten days prior to the hearing in accordance with F.S. § 166.041. Additional notices shall be published by the applicant if required by applicable law.
- (5) *Mailed notice. Affidavit required.* A written notice, in a form approved by the city, shall be prepared by the applicant and provided to all property owners within 500 feet of the subject property. The written notice shall be mailed and post marked in an envelope with a legible return address, not fewer than 15 days and no more than 20 days prior to the date set for public hearing. A list of all property owners within 500 feet of the subject property shall be taken from the latest ad valorem tax record of the Broward County property appraiser's office. Notice to the addresses shown on the latest ad valorem tax record of the property appraiser's office is deemed to be notice to all owners of such property. Such notice shall be in substantially the same form as the standard form for publication notice approved by the city. A signed and notarized affidavit of proof of the required mailing shall be filed with the planning and development services department on the date of the mailing. A list of all mailings returned shall be counted and given to the planning and development services department prior to the public hearing.
- (6) *Posted notice at property.* A posted notice, in the form approved by the city, shall be erected adjacent to each public-right-of-way of the subject property at least 15 days prior to, and no more than 20 days prior to, the date set for public hearing and shall be maintained by the applicant at the subject property until the time for removal as provided below. The posted notice, and the applicant responsible for the posted notice, shall meet all of the following requirements:
 - (a) The notice placed upon the property shall be four-foot by four-foot and stand six feet tall.
 - (b) The notice shall contain a solid white or yellow background and legible lettering a minimum of four inches tall, in a large black typeface, which is easily readable by the public from the perimeter of the property.
 - (c) A signed and notarized affidavit of proof of the posted notice shall be filed with the planning and development services department within 24 hours of installation of the required posted notice.
 - (d) If the property does not front on to a public right-of-way, the posted notice shall be placed on the subject property in such a manner as to give maximum exposure to the public.
 - (e) In the event that any public hearing item is tabled or deferred, the applicant shall amend all posted notices on the subject property, at least seven days prior to the public hearing(s), to show the new date, time and location of the hearing(s). The applicant shall certify that the posted notice was amended as required and shall file a new affidavit of posting with the planning and development services department within 24 hours of the date the posted notice is amended in accordance with this subsection.
 - (f) Posted notices shall be removed by the applicant within seven days after final

hearing of the development permit application by the city commission.

XVI. ADDITIONAL SUPPORT DOCUMENTS

- A. Other support documents or summary of support documents on which the proposed amendment is based.

N/A.

- B. Any proposed voluntary mitigation or draft agreements.

N/A.

XVII. PLAN AMENDMENT COPIES

- A. 3 hard copies and 10 digital copies (13 copies total) for the BCPC (Please include additional copies if amendment site is adjacent to other municipalities and/or county jurisdictions). Additional copies may be requested by the Planning Council Executive Director after the initial application submittal.

To be provided with transmittal.

- B. If requesting concurrent transmittal to DEO, 1hard copy and 10 digital copies (11copies total), as required by DEO, of the corresponding local land use plan amendment application, including transmittal letter from municipality to DEO

To be provided with transmittal.

EXHIBITS

EXHIBIT A: SURVEY

EXHIBIT B: LOCATION MAP

EXHIBIT C1: CURRENT FUTURE LAND USE – CITY

EXHIBIT C2: CURRENT FUTURE LAND USE - COUNTY

EXHIBIT D1: PROPOSED FUTURE LAND USE – COUNTY

EXHIBIT D2: PROPOSED FUTURE LAND USE - COUNTY

EXHIBIT E: WATER & SEWER & DRAINAGE CORRESPONDENCE

EXHIBIT F: SOLID WASTE CORRESPONDENCE

EXHIBIT G: PARKS INVENTORY

EXHIBIT H: MASS TRANSIT CORRESPONDENCE

EXHIBIT I: VEGETATIVE ANALYSIS

EXHIBIT J: DRAFT DECLARATION OF RESTRICTIVE COVENANTS

EXHIBIT K: RESO NO. 2023/012

EXHIBIT L: MEETING MINUTES 1/10/2023

EXHIBIT A
SURVEY

P:\Cities_Villages_Towns\Deerfield_Beach\08-23-017-555-SW-3RD\PLANS\08-23-017-V-01-LEGEND.dwg, 5/22/2025 11:44:18 AM, T:\Martin, I.2

GENERAL ABBREVIATIONS	
ABRV	DESCRIPTION
A/C	AIR CONDITION PAD
BCR	BROWARD COUNTY RECORDS
BOTT	BOTTOM
(C)	CALCULATED
CIP	CAST IRON PIPE
CL	CENTER LINE
CONC	CONCRETE
(D)	DEED/DESCRIPTION
DIP	DUCTILE IRON PIPE
ELEV	ELEVATION
EP	EDGE OF PAVEMENT
EXIST	EXISTING
FF	FINISHED FLOOR
FND	FOUND
FPL	FLORIDA POWER & LIGHT
GE	GRATE ELEVATION
HDPE	HIGH DENSITY POLYETHYLENE
IE	INVERT ELEVATION
IR	IRON ROD
IRC	IRON ROD AND CAP
IP	IRON PIPE
L	ARC LENGTH
LB	LICENSED BUSINESS
LF	LINEAR FEET
(M)	MEASURED
MND	MAGNETIC NAIL AND DISC
NTS	NOT TO SCALE
ORB	OFFICIAL RECORDS BOOK
(P)	PLAT
PB	PLAT BOOK
PC	POINT OF CURVATURE
PG	PAGE
PI	POINT OF INTERSECTION
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RE	RIM ELEVATION
R/W	RIGHT OF WAY
TOB	TOP OF BANK
TOE	TOE OF SLOPE
TOP	TOP OF PIPE
TYP	TYPICAL
Δ	DELTA
34-03-69 SECTION-TOWNSHIP-RANGE	

GENERAL SYMBOL LEGEND					
	SYM.	DESCRIPTION			
CONTROL	⊠	AERIAL TARGET	⊠ PJB TELEPHONE JUNCTION BOX		
	⊙	BENCH MARK	□ PR TELEPHONE RISER		
	○	IRON PIPE	○ TMH TELEPHONE MANHOLE		
	●	IRON ROD	○ FIBO FIBER OPTIC CABLE MARKER		
	⊙	NAIL & DISC	○ CATV CATV RISER		
	⊙	IRON ROD AND CAP	○ TM TELEPHONE MARKER		
	ELECTRICAL	○ EMH ELECTRIC MANHOLE	⊠ N BACKFLOW PREVENTOR	○ FH FIRE HYDRANT	
		⊠ EJB ELECTRIC JUNCTION BOX	⊠ SIA SIAMESE CONNECTION	⊠ WM WATER METER	
		□ EM ELECTRIC METER	⊠ X WM WATER VALVE	⊠ T WATER SPIGOT	
		⊠ TCB TRAFFIC CONTROL BOX	⊠ ICV IRRIGATION CONTROL VALVE	⊠ IM IRRIGATION METER	
□ ER ELECTRICAL RISER		○ GTR GENERIC TREE (TRG)	○ OAK TREE (TRO)		
⊠ T TRANSFORMER		○ PTR PINE TREE (TRP)	○ PALM TREE (TRPL)		
⊠ CW CROSSWALK POST		○ B BORING HOLE	⊠ M METER (UNKNOWN)		
⊠ GUY WIRE		⊠ B BOLLARD	⊠ C COLUMN		
⊠ LIGHT POLE		⊠ MB MAIL BOX	⊠ FP FLAG POLE		
⊠ CONCRETE UTILITY POLE		○ MH MANHOLE (UNKNOWN)	○ MH MANHOLE (UNKNOWN)		
POLES	○ CO CLEAN OUT	○ SO STUB OUT	○ S STAND PIPE		
	⊠ SV SEWER VALVE	⊠ CB CATCH BASIN	○ SDMH STORM DRAIN MANHOLE		
	○ YD YARD DRAIN	⊠ YD YARD DRAIN	⊠ CURB INLET		
	⊠ CURB INLET W/ MANHOLE	⊠ CURB INLET W/ GRATE	⊠ CI W/ MANHOLE & GRATE		
	⊠ GM GAS METER	○ GMH GAS MANHOLE	⊠ GSV GAS VALVE		
	○ MW MONITORING WELL	○ GASM GAS MARKER	○ VTP VENT PIPE		
	MISCELLANEOUS	⊠ PM PARKING METER	⊠ POST	⊠ HH HAND HOLE	
		⊠ GATE POST	⊠ TC TRASH CAN	⊠ BR BIKE RACK	
		⊠ CONCRETE	⊠ BRICK PAVERS	⊠ STONE	
		⊠ ASPHALT	⊠ DIRT/SAND		
HATCHES					

SURVEYOR'S NOTES:

- REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO SEARCH OF THE PUBLIC RECORDS WAS UNDERTAKEN FOR EASEMENTS, RIGHTS OF WAYS, RESTRICTIONS OR OTHER RECORDED OR EVIDENCE OF UNRECORDED DOCUMENTS BY THIS FIRM, THOUGH A LIMITED SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED FOR THE LEGAL DESCRIPTION AND RIGHT OF WAY INFORMATION SHOWN HEREON.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA. (CALCULATED PER FIELD MEASUREMENTS TO BEAR NORTH 01° 13' 03" WEST) AND ALL OTHER BOUNDARY LINES ARE RELATIVE THERETO.
- THERE MAY BE UNDERGROUND 'FOOTINGS', DRAINAGE, UTILITIES, ETC. NOT SHOWN OR INDICATED HEREON.
- THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PREMISE OF THIS SURVEY IS TO DEFINE THE BOUNDARIES OF THE PARCEL DESCRIBED HEREIN FOR INCLUSION WITH ZONING CHANGE DOCUMENTS. A TRIMBLE R12 GNSS INSTRUMENT WITH TRIMBLE TSC-7 DATA COLLECTION WAS UTILIZED TO ESTABLISH HORIZONTAL SURVEY CONTROL AND LOCATE MISC. FEATURES. A TOPCON ES-102 INSTRUMENT WITH RANGER (TDS) DATA COLLECTION WAS UTILIZED TO COLLECT DATA IN THE HORIZONTAL PLANE AND ALSO RUN A GEOMETRICALLY CLOSED TRAVERSE.
- ALL SYMBOLS SHOWN HEREON ARE FOR REPRESENTATIONAL PURPOSES ONLY AND ARE NOT TO SCALE.
- THE DIGITAL DATA PROVIDED IS INTENDED TO BE VIEWED AT A SCALE OF 1" = 20' ON A STANDARD 24" X 36" SHEET.
- ALL DISTANCES AND ELEVATIONS SHOWN HEREON ARE IN ACCORD WITH THE UNITED STATES STANDARD USING FEET AND DECIMALS THEREOF.
- THE RECORDING INFORMATION FOR SW 3RD AVENUE ADJACENT TO THE SURVEYED PARCEL WAS TAKEN FROM THE BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION MAP FOR SECTION 1, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA AND DESCRIBES AN AREA BOUNDED BY A LINE 35 FEET FROM THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA. BASED ON THE BROWARD COUNTY PROPERTY APPRAISER WEBSITE AND CONSTRUCTED IMPROVEMENTS THE RIGHT OF WAY OCCUPIES AN AREA BOUNDED BY A LINE 40 FEET FROM THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 1. THE RIGHT OF WAY PER DESCRIPTION IS SHOWN HEREON.
- THE LANDS SHOWN HEREON CONTAIN A GROSS AREA OF 1.36 ACRES, MORE OR LESS (INCLUDING RIGHT OF WAY). GROSS LAND AREA EXCLUDING 40 FOOT RIGHT OF WAY CONTAINS 1.20 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:

(OFFICIAL RECORDS BOOK 5816, PAGE 938, BROWARD COUNTY, FLORIDA)

THE NORTH 177.70 FEET OF THE SOUTH ¾ OF THE EAST ½ OF THE EAST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

SAID LANDS CONTAINING 1.36 ACRES.



STANDARD LINETYPES			
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
---	BASELINE	--- BTC ---	BURIED TRAFFIC CONTROL
---	PARCEL LINE	--- <C> ---	COMMUNICATIONS DUCTBANK CL
---	BOUNDARY LINE	--- <F> ---	FIBER OPTIC DUCTBANK CL
---	EASEMENT LINE	--- OHW ---	OVERHEAD WIRE
---	LOT LINE	--- BE ---	BURIED ELECTRIC
---	RIGHT OF WAY LINE	--- SL ---	BURIED STREET LIGHTING
---	CENTER LINE	--- <E> ---	ELECTRICAL DUCTBANK
---	SECTION LINE	--- FM ---	FORCE MAIN
---	LANDSCAPE/TREE LINE	--- SAN ---	SANITARY SEWER
---	EDGE OF WATER	--- SNS ---	SANITARY SERVICE
---	RAILROAD TRACKS	--- VS ---	VACUUM SEWER
---	PLAT LINE	--- SD ---	STORM DRAIN
---	CURB & GUTTER	--- FIRE ---	FIRE LINE
-X-X-X-X-X-X-	FENCE LINE	--- RWL ---	RAW WATER LINE
---	GUARD RAIL	--- WL ---	WATER LINE MAIN
--- UNK ---	UNKNOWN UTILITY	--- WLC ---	WATER LINE CHILLED
---	ABANDONED UTILITY	--- WS ---	WATER SERVICE
---	NON FIELD VERIFIED UTILITY	--- IRR ---	IRRIGATION LINE
---	BURIED CABLE TV	--- GAS ---	GAS LINE ABOVE GROUND
---	BURIED COMMUNICATIONS LINE	--- BG ---	BURIED GAS LINE
---	FIBER OPTIC CABLE	--- GS ---	BURIED GAS SERVICE LINE
---	BURIED TELEPHONE	--- FUEL ---	FUEL LINE

DIGITAL SIGNATURE

IF THIS DOCUMENT WAS DIGITALLY SIGNED BY THE SURVEYOR ON THE DATE SHOWN, PRINTED COPIES OF THE DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS APPLICABLE SECTIONS OF THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO QUALIFICATIONS NOTED HEREON.

FOR THE FIRM BY: ROBERT D. KEENER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4846

FIELD DATE: 03/09/23

SIGNATURE DATE: _____

NO.	DATE	FB / PG	DWN	REVISION	CKD
2	03/21/23	1947/63	JBF	ADD R/W PER CLIENT	RDK
1	03/10/23	1947/63	JBF	MAP OF BOUNDARY SURVEY	RDK

PREPARED FOR
CITY OF DEERFIELD BEACH

CRAIG A. SMITH & ASSOCIATES
CONSULTING ENGINEERS-PLANNERS-SURVEYORS
21045 COMMERCIAL TRAIL
BOCA RATON, FLORIDA 33486
(561) 314-4445
CERTIFICATE. NO. LB0003110

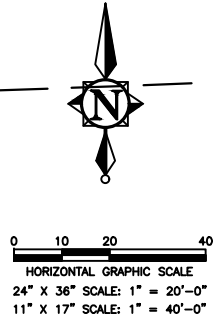
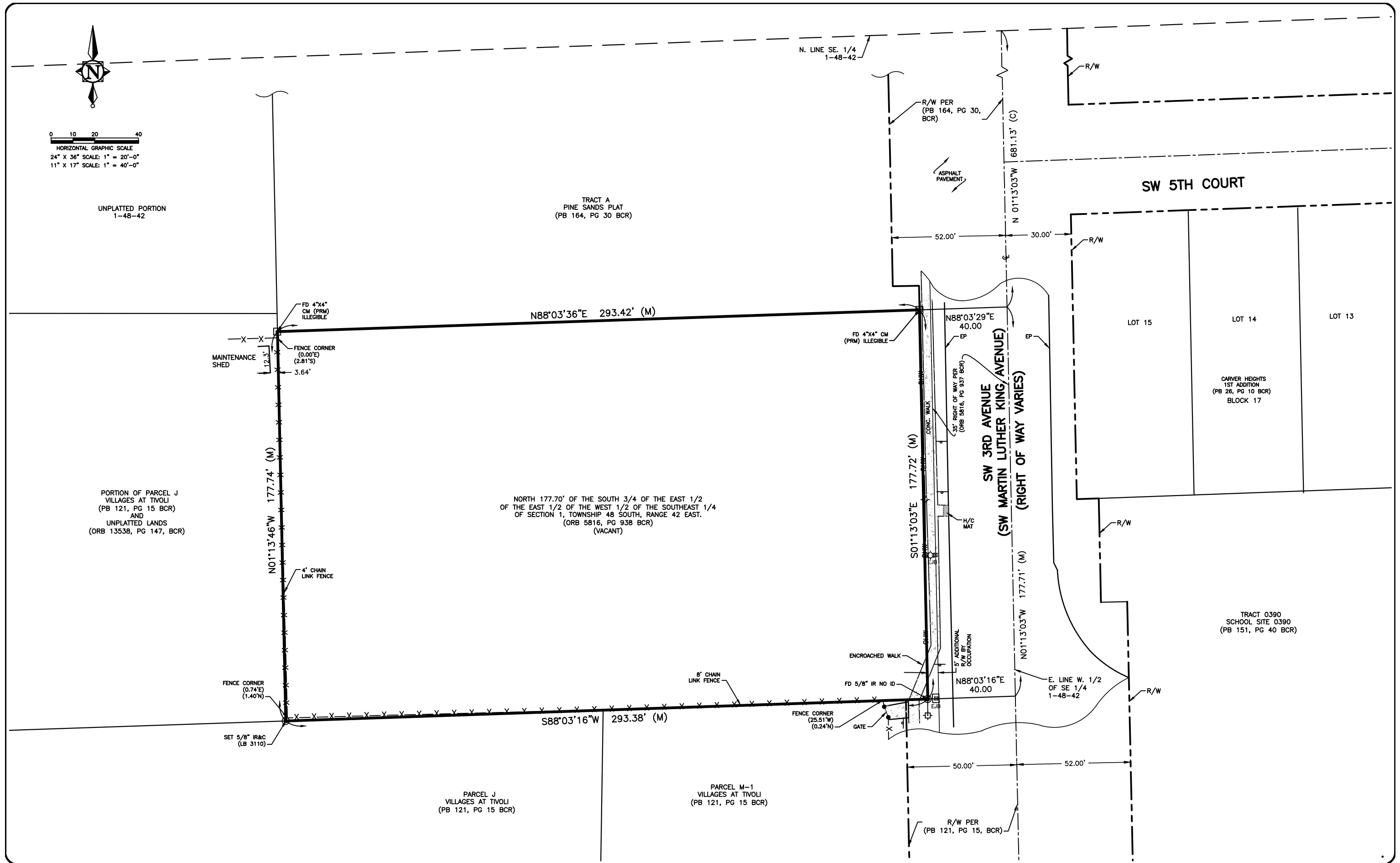
MAP OF BOUNDARY SURVEY
LEGEND

555 SW 3RD AVENUE
DEERFIELD BEACH, FLORIDA

FILE NAME: 08-23-017-V-01-LEGEND.dwg
LAST SAVED: 03/22/23 - 7:47am
GAS PROJECT NUMBER
08-23-017

SHEET
V-01
OF
02

\\cas-file\Projects\Cities_Villages_Towns\Deerfield_Beach\08-23-017-5155-5W-2RD\PLANS\08-23-017-V-02-SRVY.dwg, 5/22/2025 12:59:54 PM, Wkabalach, i:2



NO.	DATE	FB / PG	DWN	REVISION	CKD
2	03/21/23	1947/63	JBF	ADD R/W PER CLIENT	RDK
1	03/10/23	1947/63	JBF	MAP OF BOUNDARY SURVEY	RDK

PREPARED FOR
CITY OF DEERFIELD BEACH

CRAIG A. SMITH & ASSOCIATES
CONSULTING ENGINEERS-PLANNERS-SURVEYORS
21045 COMMERCIAL TRAIL
BOCA RATON, FLORIDA 33486
(561) 314-4445
CERTIFICATE NO. LB0003110

MAP OF BOUNDARY SURVEY

555 SW 3RD AVENUE
DEERFIELD BEACH, FLORIDA

FILE NAME: 08-23-017-V-02-SRVY.dwg
LAST SAVED: 03/22/23 - 11:45am
GAS PROJECT NUMBER
08-23-017

SHEET
V-02
OF
02



**555 SW 3rd AVENUE
LOCATION**


 Subject Site

EXHIBIT B




1 inch = 1,000 feet

**Leigh Robinson Kerr
& Associates, Inc.**

808 East Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-6308
E: Lkerr808@bellsouth.net



EXHIBIT C1
CITY OF DEERFIELD BEACH
CURRENT FUTURE LAND USE

 SUBJECT SITE



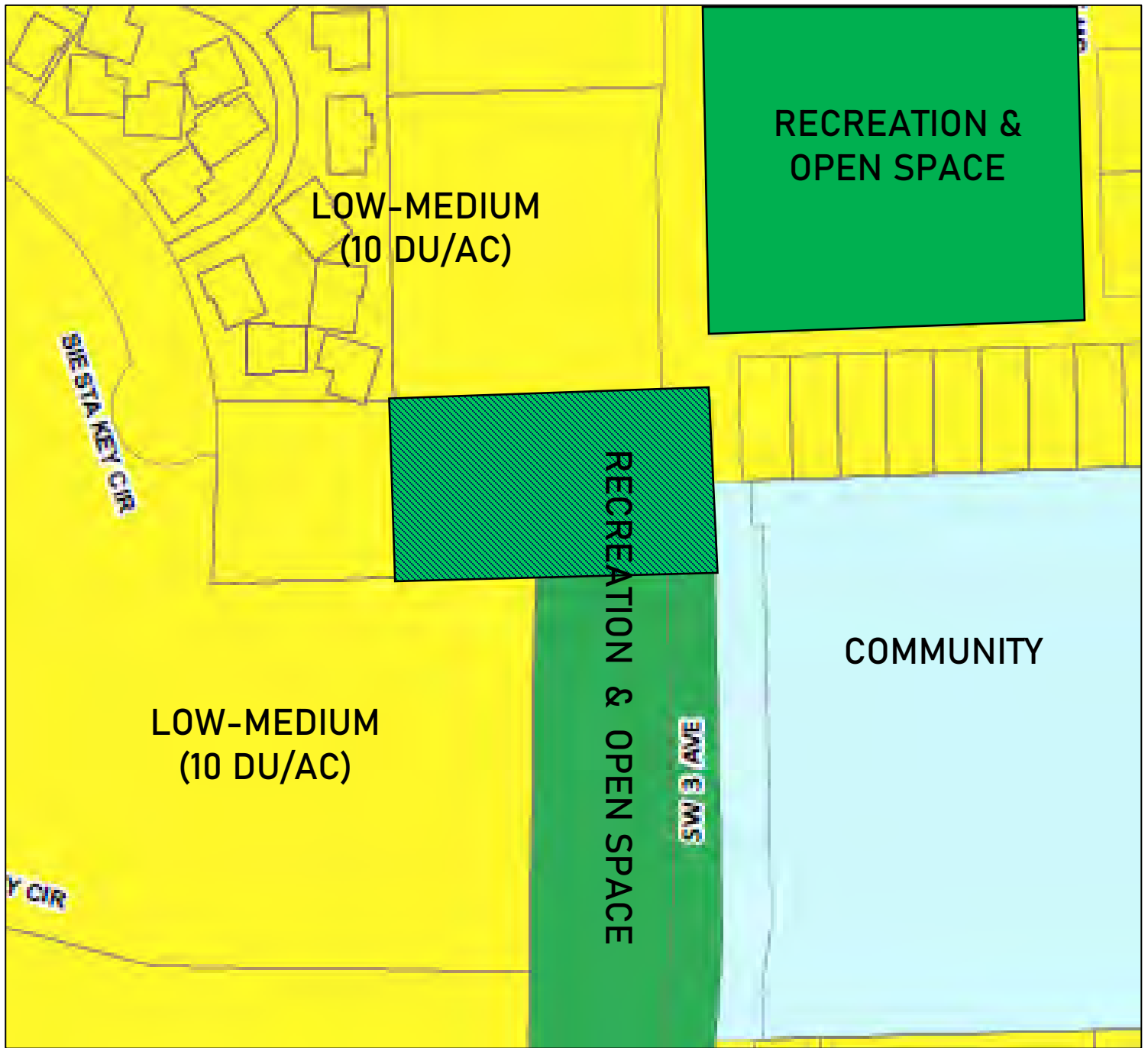



EXHIBIT C2
BROWARD COUNTY
CURRENT FUTURE LAND USE

 SUBJECT SITE



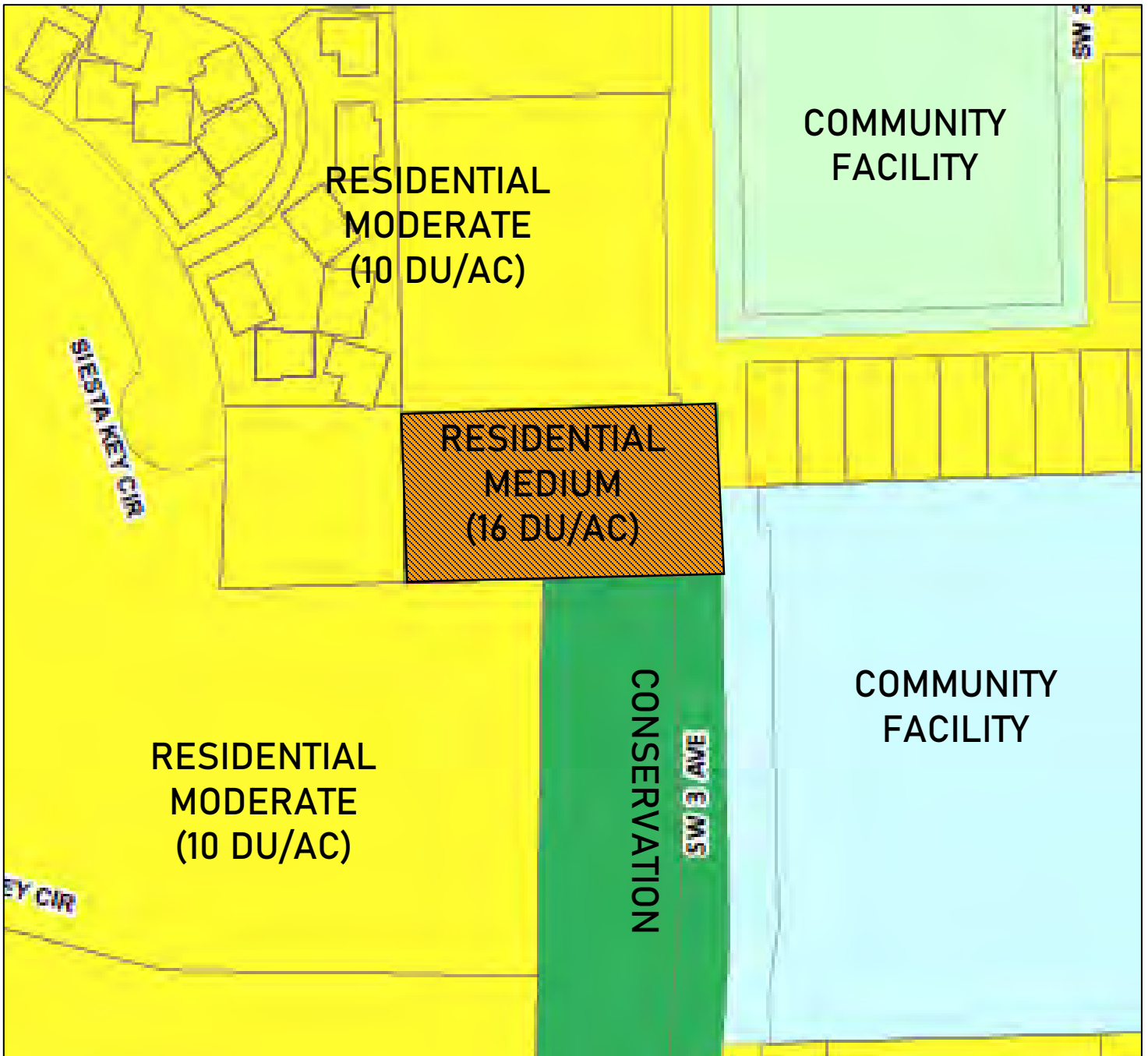


EXHIBIT D1
CITY OF DEERFIELD BEACH
PROPOSED FUTURE LAND USE



SUBJECT SITE



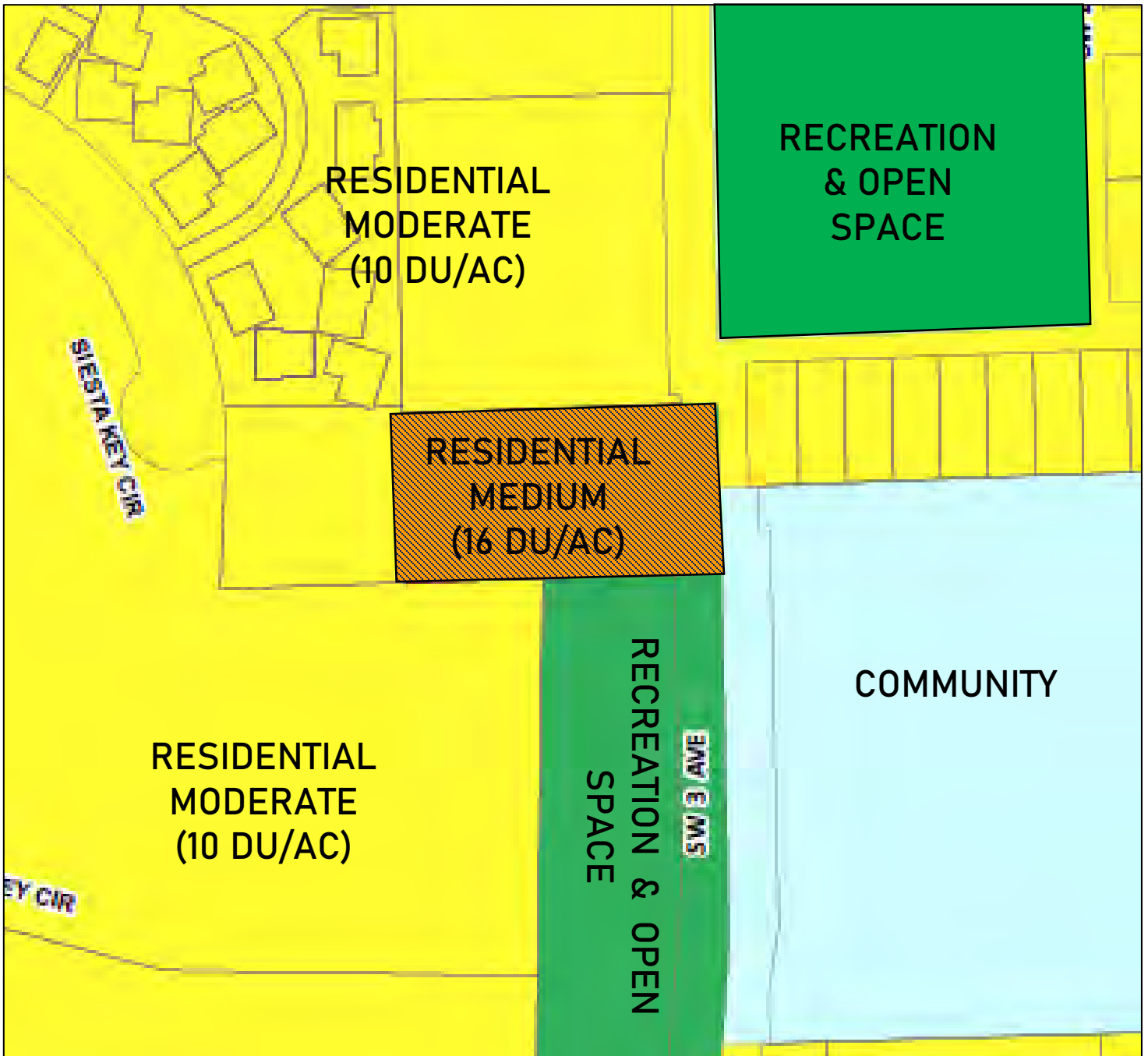


EXHIBIT D2
BROWARD COUNTY
PROPOSED FUTURE LAND USE



SUBJECT SITE





EXHIBIT E

Date: April 28, 2023

Kelly Ray
Planner
Leigh Robinson Kerr and Associates, Inc.
808 East Las Olas Blvd, Suite 104
Fort Lauderdale, FL 33301

Re: 555 SW 3rd Ave (LUPA)
Verification of Potable Water, Wastewater Service and Drainage

Kelly:

The Potable Water, Waste Water and Drainage service calculations provided in correspondence received on April 14, 2023 for the referenced property located at 555 SW 3RD AVE, DEERFIELD BEACH 33441 are consistent with the City required calculations based on the City's level of service for Deerfield Beach 2020 Comprehensive Utilities Element Plan adopted November 15, 2022

While we verify the existence of Potable Water, Sanitary Sewer and Drainage utility facilities adjacent to the proposed development, this does not alleviate the developer's responsibility to analyze the existing utilities for adequacy to address demand. This analysis shall be performed at the time of Engineering Permit application review. Be aware that off-site improvements may be required based on the condition/size of the existing utilities as well as the capacity at the receiving Sewage Lift Station to handle the added demand on the system.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line that tapers off to the right.

Alfonso Orellana, CFM
Plans Review Engineer

Leigh Robinson Kerr
& Associates, Inc.

Member, American Institute of Certified Planners

April 14, 2023

Environmental Services Director
City of Deerfield Beach
200 Goolsby Boulevard
Deerfield Beach, FL 33442

**Re: "555 SW 3rd Ave" Land Use Plan Amendment Water, Wastewater and
Drainage Analysis**

Dear Sir:

My office is preparing an application for a land use plan text amendment (LUPA) in the City of Deerfield Beach. As part of our analysis, we are required to evaluate the impacts of the proposed amendment and confirm the effect on potable water, sanitary sewer and drainage.

I have attached a copy of the analysis we have prepared and a site location map. I would appreciate your review of the materials and a written response concerning the accuracy of this information. Please provide me with your response at your earliest convenience.

If you should have any questions or require additional information, do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,


Kelly Ray
Planner

Enclosures

• Planning • Zoning • Land Use • Expert Testimony •
808 East Las Olas Boulevard, Suite 104, Fort Lauderdale, Florida 33301
Phone (954) 467-6308 Fax (954) 467-6309
lkerr808@bellsouth.net • www.LeighRobinsonKerr.com

Established 1985

A. PROJECT INFORMATION

The City of Deerfield Beach is the owner of this property and has identified this approximately 1.36-net acre net/1.52-gross acre parcel as an area of opportunity for affordable housing development. In order for the City to be able to make this property available under the property disposition process, the Land Use must be amended. The current Land Use is Conservation under the City Future Land Use Map and Recreation & Open Space under the County Future Land Use Map. In order to amend the Land Use, the City must process a local and County land use plan amendment.

The maximum allowable development under the current and proposed land use designations are as follows:

	Existing Future Land Use	Site Area	Maximum Development under Existing Land Use
City	Conservation	1.52 gross acres	1.52 ac of Conservation
County	Recreation & Open Space	1.52 gross acres	1.52 acres of Rec & Open Space

	Proposed Future Land Use	Site Area	Maximum Development under Proposed Land Use
City	Residential Medium (15 du/ac)	1.52 gross acres	22 Dwelling Units
County	Medium (16) Residential	1.52 gross acres	24 Dwelling Units

Due to the low-impact of the existing Conservation land use (city plan) and Recreation & Open Space land use (County plan), the existing/before condition was calculated as having zero (0) impact on public facilities and services. The ability of public services and facilities to meet the demands using this conservative approach to the “existing/before” condition further demonstrates the demands resulting from the proposed residential use can be met.

B. POTABLE WATER ANALYSIS

1. Provide the potable water level of service per the adopted and certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The subject site is located within the City of Deerfield Beach water service area. The City’s water level of service is 170 gpcd as stated in Sec 4.3.2 of the Deerfield Beach 2020 Comprehensive Water Supply Facilities Work Plan adopted November 15, 2022.

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant expansions, including year and funding sources.

The subject property is served by the City of Deerfield Beach West water treatment plant. Based upon the City’s 2020 update of the Water Supply Facilities Work Plan, the capacity of the west plant is 21 MGD. The water use permit issued by SFWMD allocates 14.15 MGD from the Biscayne and Floridan aquifers. The City purchases an additional 0.59 MGD of raw water from the Broward County’s regional water system. Therefore, the City’s total available water supply is 14.74 MGD

PLANT CAPACITY & DEMAND – POTABLE WATER	
Current Plant Capacity	21.0 MGD
Current and Committed Plant Demand	10.41 MGD ¹
SFWMD Permitted Withdrawal (10.15 MGD from Biscayne Aquifer; 4.00 MGD from Floridan Aquifer; 0.59 MGD from Broward County)	14.74 MGD
Expiration Date of SFWMD Permit (#06-00082-W)	5/14/2029

¹ Demand per Table 5.1: 2025 Projected Population and Water Demand Forecast – City Service Area, 2020 Comprehensive Water Supply Facilities Work Plan.

- Identify the wellfield serving the service area in which the amendment is located including the permitted capacity, committed capacity, remaining capacity and expiration date of the permit.

WELLFIELDS (Broward County North Regional Wellfield)	
Capacity: 10.15 MGD from Biscayne Aquifer; 4.00 MGD from Floridan Aquifer	14.15 MGD
Current + Committed Capacity	10.41 MGD
Remaining Capacity	3.74 MGD
Expiration Date of SFWMD Permit (#06-00082-W)	5/14/2029
Source: 2020 Water Supply Plan Update	

- Identify the net impact on potable water demand, based on adopted level of service resulting from the proposed amendment. Provide calculations, including anticipated demand per s.f.* or d.u.

POTABLE WATER IMPACT			
Broward County	Use	Rate/Calculation	Total
Current	Recreation & Open Space	0 GPD	0 GPD
Proposed	Medium (16) Residential: 22 DUs	x 141 GPD/DU	= 3,102 GPD
Source: Broward County Guidelines for Determining Ability to Provide Potable Water and Wastewater Service.		change	+ 3,102 GPD

- Correspondence from potable water provider verifying the information submitted as part of the application on items 1-4 above. Correspondence must contain name, position and contact information of party providing verification.

See: WATER & SEWER CORRESPONDENCE and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442

C. SANITARY SEWER ANALYSIS

1. Provide the sanitary sewer LOS per the adopted and certified local land use plan.

The adopted level of service for sanitary sewer in the City as specified in the Utilities Element adopted in 2022 is 105.7 gallons annual average daily flow per capita of permanent population.

2. Identify the sanitary sewer facilities serving the site including the current plant capacity, current plus committed demand on plant capacity, and planned plant capacity.

The subject site is in the service area of the Broward County North Regional Wastewater Treatment Plant.

SANITARY SEWER DEMAND AND CAPACITY Broward County North Regional Wastewater Treatment Plant	
Plant Capacity	95.0 MGD
Current + Committed Plant Demand	(70.04 + 3.018) = 73.06 MGD
Planned Plant Capacity	No planned expansions.
Source: Broward County Water Wastewater Calculations Sheet	

3. Identify the net impact on sanitary sewer demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or du.

SANITARY SEWER IMPACT			
	<i>Use</i>	<i>Calculation</i>	<i>Total (GPD)</i>
Current	Recreation & Open Space	0 GPD	= 0 GPD
Proposed	Medium (16) Residential: 22 DUs	x 100 GPD/DU	= 2,200 GPD
Source: Broward County Guidelines for Determining Ability to Provide Potable Water and Wastewater Service.			change + 2,200 GPD

4. Correspondence from sewer provider verifying information submitted as part of the application on items 1-4. Correspondence must contain name, position and contact information of party providing verification.

See WATER & SEWER CORRESPONDENCE and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442

D. DRAINAGE ANALYSIS

1. Provide the adopted level of service standard for the service area in which the amendment is located.

The level of service for drainage in the City of Deerfield Beach will be consistent with Chapter 62-25, F.A.C. and the regulations of the South Florida Water Management District, Broward County and the Florida Building Code.

Subject	Deerfield Beach Adopted Drainage Level of Service Standards
Road Protection	Residential streets not greater than fifty feet wide rights-of-way to have crown elevations no lower than the elevation for the respective area depicted on the ten year "FEMA Flood Map." Rights-of-way greater than fifty feet wide to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten year "FEMA Flood Map."
Building Elevations	To have the lowest floor elevation no lower than the elevation for the respective area depicted on the "100 Year Flood Elevation Map", the FEMA Base Flood Elevation for the area or the site-specific 100-yr, 3-day design storm stage, whichever is highest. Off Site Discharge Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.
Storm Sewers	Design frequency minimum to be three-year rainfall intensity of the State Department of Transportation Zone 10 rainfall curves.
Flood Plain Routing	Calculated flood elevations based on the ten-year and one hundred-year return frequency rainfall of three day duration shall not exceed the corresponding elevations of the ten year "FEMA Flood Map" and the "100-Year Flood Elevation Map."
Antecedent Water Level	The elevation depicted on the map "Average Wet Season Water Levels".
On Site Storage	Minimum capacity above antecedent water level and below flood plain routing elevations to be design rainfall volume minus off site discharge occurring during design rainfall, except for the 100-yr, 3-day design storm event, which is zero discharge.

Water Quality	Prior to discharge to surface or ground water, 80% or 95% reductions in pollutant load must be achieved based on the rebuttable presumptions of the water quality treatment criteria.
---------------	---

2. Identify the drainage district and drainage systems serving the amendment area.

The subject property is within the drainage district managed by the City of Deerfield Beach.

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

All improvements required to meet the adopted level of service will be installed in conjunction with new development.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site. Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

No application for a drainage permit has been submitted with this land use plan amendment. With the development plans for the property, the applicant will submit an application for a surface water management system permit. The surface water management system will be designed to meet all required City and County requirements.

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrated how the site will be drained and the impact on the surrounding properties. The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage for proposed water management retention area, elevations for buildings, roads and years, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Development within the site will be required to meet the drainage standards of the City, Broward County Department of Planning and Environmental Protection, and the South Florida Water Management District. The subject site will meet the level of service when development of the site is complete.

6. Correspondence from local drainage district verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

See **EXHIBIT G: DRAINAGE CORRESPONDENCE** and below:

Name: Environmental Services Director
Agency: Deerfield Beach Environmental Services/Engineering Dept.
Ph: Phone: 954-480-4400 E: dfbenv@deerfield-beach.com
Address: 200 Goolsby Boulevard, Deerfield Beach, FL 33442



**555 SW 3rd AVENUE
LOCATION**

 Subject Site

 1 inch = 1,000 feet

**Leigh Robinson Kerr
& Associates, Inc.**
808 East Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-6308
E: Lkerr608@bellsouth.net

EXHIBIT F

From: [Grant Smith](#)
To: [Leigh Kerr](#); kray808@bellsouth.net
Subject: 555 LUPA
Date: Monday, July 24, 2023 12:05:48 PM

Good morning:

I have reviewed the attached 555 LUPA materials with my client, Waste Connections of Florida, and they have authorized me to represent that they have the transfer and disposal capacity to appropriately dispose of the waste as calculated in your submission. That being said, the Waste Connections contract for disposal only goes through December 27, 2023, after which there is no guarantee that the vendor for solid waste disposal will be Waste Connections. If you need any additional information, please let me know.

Grant

Grant

Grant J. Smith, Esq.
StrategySmith, PA
401 East Las Olas Boulevard
Suite 130-120
Fort Lauderdale, FL 33301
954.328.9064 - Direct

From: kray808@bellsouth.net
To: ["gsmith@strategysmith.com"](mailto:gsmith@strategysmith.com)
Cc: ["kerr808@bellsouth.net"](mailto:kerr808@bellsouth.net)
Subject: 555 Deerfield - LUPA - Solid Waste
Date: Thursday, June 29, 2023 2:52:00 PM
Attachments: [L-Solid Waste.pdf](#)

Mr. Smith,

Please find attached our letter requesting your review of our solid waste analysis for the above referenced land use plan amendment in Deerfield Beach.

Call or email with any questions you may have.

Thank you.

Kelly Ray-Sosnowski, LEED AP+BDC
Planner
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-6308 Email: Kray808@bellsouth.net

Leigh Robinson Kerr
& Associates, Inc.

Member, American Institute of Certified Planners

June 20, 2023

Via E-mail: gsmith@strategysmith.com

Grant Smith, Esq. on Behalf of Waste Connections of Florida
Strategy Smith PA
101 E. Las Olas Blvd #130-120
Fort Lauderdale, FL 33301

Re: "555 SW 3rd Ave" Land Use Plan Amendment - Solid Waste Analysis

Dear Sir:

My office is preparing an application for a land use plan text amendment (LUPA) in the City of Deerfield Beach. As part of our analysis, we are required to evaluate the impacts of the proposed amendment and confirm the effect on solid waste.

I have attached a copy of the analysis we have prepared and a site location map. I would appreciate your review of the materials and a written response concerning the accuracy of this information. Please provide me with your response at your earliest convenience.

If you should have any questions or require additional information, do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,



Kelly Ray
Planner

Enclosures

A. PROJECT INFORMATION

The City of Deerfield Beach is the owner of this property and has identified this approximately 1.36-net acre net/1.52-gross acre parcel as an area of opportunity for affordable housing development. In order for the City to be able to make this property available under the property disposition process, the Land Use must be amended. The current Land Use is Conservation under the City Future Land Use Map and Recreation & Open Space under the County Future Land Use Map. In order to amend the Land Use, the City must process a local and County land use plan amendment.

The maximum allowable development under the current and proposed land use designations are as follows:

	Existing Future Land Use	Site Area	Maximum Development under Existing Land Use
City	Conservation	1.52 gross acres	1.52 ac of Conservation
County	Recreation & Open Space	1.52 gross acres	1.52 acres of Rec & Open Space

	Proposed Future Land Use	Site Area	Maximum Development under Proposed Land Use
City	Residential Medium (15 du/ac)	1.52 gross acres	22 Dwelling Units
County	Medium (16) Residential	1.52 gross acres	24 Dwelling Units

Due to the low-impact of the existing Conservation land use (city plan) and Recreation & Open Space land use (County plan), the existing/before condition was calculated as having zero (0) impact on public facilities and services. The ability of public services and facilities to meet the demands using this conservative approach to the “existing/before” condition further demonstrates the demands resulting from the proposed residential use can be met.

B. SOLID WASTE ANALYSIS

1. Provide the potable water level of service per the adopted and certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The City of Deerfield Beach’s adopted level of service for solid waste collection is 5.4 lbs per capita per day and 7.0 lbs per capita per day for disposal

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant expansions, including year and funding sources.

The City has contracted Waste Connections, Inc. for solid waste processing, transportation and disposal of municipal waste and recycling is delivered by the city to Waste Management’s Transfer Station in Deerfield Beach.

The City is served by the Waste Connection’s transfer station with final disposal at the John E. Drury (JED) landfill in Saint Cloud, Florida. The City sends approximately 72,000 tons per year to this facility. The landfill has a 3,836,210 tons per year capacity of available capacity until the year 2032. The total capacity for the JED landfill is 52,215,585 tons.

Per Table 5.9 of the City’s Solid Waste Sub-Element, the City’s projected solid waste generation on 2030 is 115,000 tons per year and in 2040 is 118,665 tons per year.

3. Identify the net impact on solid waste demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.

SOLID WASTE IMPACT			
	<i>Use</i>	<i>Calculation</i>	<i>Total</i>
Current	Recreation & Open Space	0 Lbs/day	= 0 Lbs/day
Proposed	Medium (16) Residential: 22 DUs	X 8.9 Lbs/day	= 196 Lbs/day
Change			+ 196 Lbs/day

Source: City Comprehensive Plan Policy 8.1.1

4. Correspondence from the solid waste provider verifying that capacity is available to serve the amendment area the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT F: SOLID WASTE CORRESPONDENCE and below:

Name: Grant Smith, Esq. on Behalf of Waste Connections of Florida
Agency: Strategy Smith PA
Email *gsmith@strategysmith.com*
Ph: 954-328-9064
Address: 101 E. Las Olas Blvd #130-120, Fort Lauderdale, FL 33301



**555 SW 3rd AVENUE
LOCATION**



Subject Site



1 inch = 1,000 feet

**Leigh Robinson Kerr
& Associates, Inc.**

808 East Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-5308
E: Ljkerr808@bellsouth.net

EXHIBIT G

Deerfield Beach Recreation and Open Space—2021 Update May 6, 2021

The need for recreation and open space land uses is analyzed by the acres of park land per 1,000 permanent and projected residents. The 1977 Broward County Land Use Plan outlined minimum standards for Community and Regional Parks, which are still in place today. Municipal governments are responsible for providing a minimum of three (3) acres of Community and Regional Parks within the city limits, while Broward County is responsible for providing three (3) acres of Regional parks per 1,000 residents county-wide.

Applying Broward County's 2020-2045 current population estimates (including group quarters), the table below displays the acreage for community parks per 1,000 permanent residents for the existing and 2045 projected Deerfield Beach population. The 382.93 acres of 2020 park acreage is in accordance with the guidelines for community parks outlined in the 2017 Broward County Comprehensive Plan.

Land Use Amendment LUPA #64A amended the Future Land Use (FLU) designations on +/- 5.7 gross acres of property from Commercial (5.1 acres) and Residential Moderate - 10 du/ac (.6 acres) to Residential Irregular - 48.6 du/ac. The Property is generally located on the west side of Federal Highway and east of NE 9th Avenue between NE 4th Street and NE 2nd/Eller Street. The amendment was adopted by the City Commission on April 6, 2021.

The totaled current and allowed park acres have been revised per the County's 2020 - 2045 population estimates.

Based on the difference between the required and allowable acreage in the 'Recreation and Open Space Inventory' table on the following page, the City will have a surplus of 118.98 gross acres of recreation and open space acreage at the LOS of 3 acres per 1,000/residents by 2045.

PROJECTED RECREATION ACREAGE PER PERSON 2020 - 2045

Date	Population	Recreation Acreage (Per FLU Map)	Acres per Thousand LOS
2020	78,912	382.93	4.85
2030	89,381	382.93	4.28
2045	93,188	398.54	4.28

RECERTIFIED: 1/28/21
EFFECTIVE: 11/16/21

Deerfield Beach Recreation and Open Space Inventory

2020 Required Park Acreage @ 3 Acres/1000 residents: 236.74 (gross acres)

2045 Required Park Acreage @ 3 Acres/1000 residents: 279.56 (gross acres)

City Parks	Acres (per FLU map)	Allowable Acreage	Notes
Mini Parks			
451 SE 19 Ave	1.49	1.49	
SE 19 Ave Median Park	0.50	0.50	
Sullivan Park	2.51	2.51	
Mayo Howard Park	5.93	5.93	
Crystal Heights Mini Parks (4)	0.85	0.85	
Intracoastal Public Access			
NE 7 ST	0.11		Zoned RM-10
NE 5 ST	0.20		Zoned RM-10
NE 3 ST	0.23		Zoned RM-25
NE 2 ST	0.15		Zoned RM-25
SE 2 ST	0.19		Zoned RS-5
SE 4 ST	0.20		Zoned RS-5
SE 8 ST	0.15		Zoned RM-25
SE 10 ST	0.08		Zoned RM-25
Total	1.31		
Neighborhood Parks			
McKeithen Park	9.17	9.17	
Ecidar Park	3.40	3.40	
Constitution Park	9.36	9.36	
Villages of Hillsboro Park	10.72	10.72	
Crystal Heights Parks (3)	5.98	5.98	
Park in Tallman Pines (2004 annex)	2.11	2.11	
Community Parks			
Pioneer Park	24.95	24.95	Cemetery Includes 14.2 ac required for Pioneer Grove LAC.
Westside Park	23.49	23.49	
Pineview	8.49	8.49	cemetery
Projected TOD Park Acreage Required	2.94		2.94 in 2045 projected
Undeveloped Parks			
185 NE 6 CT	5.65	5.65	
Sand Pine Preserve	28.23	28.23	
500 SW 10 ST	2.54	2.54	
438 NW 4 AVE	0.47	0.47	
Natura Park	1.35	1.35	
Former Tam O'Shanter Golf Course Parcel X	49.65	49.65	
Hillsboro Tech Park	3.45	3.45	Owned by City
Branhilda Richardson Knowles Park (SE 2 nd Ave)	3.30	3.30	Owned by City – within Pioneer Grove LAC

School Sites			
Deerfield High School	37.22	15.34	
Deerfield Middle	30.71	14.93	
Zion Lutheran	12.98	7.21	
Quiet Waters Elementary	22.48	2.68	
Tedder Elementary	15.02	1.64	
Deerfield Beach Elementary	12.99	2.11	
Deerfield Park	9.96	2.35	
Park Ridge	10.16	2.10	
Beaches			
South Beach (Public)	8.42	8.42	
South Beach (Private)	4.67		
Central Beach (Public)	11.71	11.71	
Central Beach (Private)	2.31		
North Beach (Public)	7.69	7.69	
North Beach (Private)	4.28		
Golf Courses			
Century Village	25.66		
Deer Creek Country Club	148.00		
%15 of community park requirement		36.16	(41.93 in 2045 due to increased park LOS requirement)
Other Private Recreational Acreage			
Riverglen Playground Park	0.94		Zoned PUD
Riverglen Green Space	9.02		Zoned PUD
Riverglen Recreation Facility	2.19		Zoned PUD
Waterways Recreation Facilities	6.37		Zoned PUD
Deer Creek Hillsboro Canal Park	2.74	2.74	
Hillsboro Canal Property	33.11	33.11	owned by SFWMD
Crystal Lake	153.19	18.82	*TAZ 34 and 35 pop. (25.72 in 2045 due to population increase)
Century Village Green Space	57.89		Owned by Century Village Master Mgmt.
County Open Space/Parks			
Helwig Park/Conservation Area	9.97		
Military Trail Park/Conservation	20.73		
Regional Parks			
Quiet Waters Park	466.33	10.00	
Deerfield Island Park	53.31	5.33	
Total Park & Open Space Acres	1389.20	Total Allowed	2020
		382.93	
		Total Allowed	2045
		398.54	
* Allowable acreage limited to 3 acres/1000 residents in the vicinity (TAZ 34 & 35)			Revised 05/06/2021 (LUPA #64A)

EXHIBIT H

From: kray808@bellsouth.net
To: "Ffrench, Khalilah"
Cc: ["kerr808@bellsouth.net"](mailto:kerr808@bellsouth.net)
Subject: 555 Deerfield - LUPA - Mass Transit
Date: Thursday, June 29, 2023 2:44:00 PM
Attachments: [L-Mass Transit.pdf](#)

Hi Khalilah,

Please find attached our letter requesting your review of our mass transit analysis for the above referenced land use plan amendment in Deerfield Beach.

Call or email with any questions you may have.

Thank you.

Kelly Ray-Sosnowski, LEED AP+BDC
Planner
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-6308 Email: Kray808@bellsouth.net

Leigh Robinson Kerr
& Associates, Inc.

Member, American Institute of Certified Planners

June 20, 2023

Via E-mail: Ffrench@broward.org

Khalilah Ffrench
Broward County Transit Division
Service Planner
1 N. University Dr #3100A, Pltn FL 33324

Re: "555 SW 3rd Ave" Land Use Plan Amendment - Mass Transit Analysis

Dear Khalilah:

My office is preparing an application for a land use plan text amendment (LUPA) in the City of Deerfield Beach. As part of our analysis, we are required to evaluate the impacts of the proposed amendment and confirm the effect on mass transit.

I have attached a copy of the analysis we have prepared and a site location map. I would appreciate your review of the materials and a written response concerning the accuracy of this information. Please provide me with your response at your earliest convenience.

If you should have any questions or require additional information, do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,


Kelly Ray
Planner

Enclosures

A. PROJECT INFORMATION

The City of Deerfield Beach is the owner of this property and has identified this approximately 1.36-net acre net/1.52-gross acre parcel as an area of opportunity for affordable housing development. In order for the City to be able to make this property available under the property disposition process, the Land Use must be amended. The current Land Use is Conservation under the City Future Land Use Map and Recreation & Open Space under the County Future Land Use Map. In order to amend the Land Use, the City must process a local and County land use plan amendment.

The maximum allowable development under the current and proposed land use designations are as follows:

	Existing Future Land Use	Site Area	Maximum Development under Existing Land Use
City	Conservation	1.52 gross acres	1.52 ac of Conservation
County	Recreation & Open Space	1.52 gross acres	1.52 acres of Rec & Open Space

	Proposed Future Land Use	Site Area	Maximum Development under Proposed Land Use
City	Residential Medium (15 du/ac)	1.52 gross acres	22 Dwelling Units
County	Medium (16) Residential	1.52 gross acres	24 Dwelling Units

Due to the low-impact of the existing Conservation land use (city plan) and Recreation & Open Space land use (County plan), the existing/before condition was calculated as having zero (0) impact on public facilities and services. The ability of public services and facilities to meet the demands using this conservative approach to the “existing/before” condition further demonstrates the demands resulting from the proposed residential use can be met.

B. MASS TRANSIT ANALYSIS

1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.

Broward County Mass Transit Route 50 runs along Dixie Highway , SW 3rd Avenue and SW 4th Street in the vicinity of the subject site. The City of Deerfield Beach Community Shuttle Express Routes I and II run along SW 3rd Avenue adjacent to the subject site.

MASS TRANSIT ROUTES			
Route	Days of Service	Service Span	Service Frequency
Broward County Transit			
Rt 50	M-F	5:10 am-11:20 pm	20-30 min headways
	Sat	5:15 am-10:56 pm	40 min headways
	Sun	7:35 am-9:26 pm	50 min headways
Community Shuttle			
Express I	M-Sat	8:00 am – 4:00 pm	60 min headways
Express II	M-Sat	8:00 am – 4:00 pm	60 min headways

2. Describe how the proposed amendment furthers or supports mass transit use.

The proposed amendment will provide residents living within the service area with two mass transit routes. Route 50 runs along Dixie Highway, SW 3rd Avenue and SW 4th Avenue. Route 50 points of interest include the Greyhound Bus Terminal, the North Ridge Shopping Center, and the Northeast Transit Center. The Northeast Transit Center hosts Routes 20, 42, 50, and 60. The community shuttle Express Routes I and II provide service along SW 3rd Avenue adjacent to the subject site. Numerous retail, office, community facilities, and employment opportunities are within reach along these transit routes and ultimately broader connections to transit throughout the County are accessible.

3. Correspondence from transit provider verifying the information submitted as part of the application on items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.

See EXHIBIT H: Mass Transit Correspondence and below:

Name: Khalilah Ffrench
Agency: Broward County Transit Division
Position: Service Planner
Ph: 954-357-6543 Ffrench@broward.org
Address: 1 N. University Dr #3100A, Pltn FL 33324



**555 SW 3rd AVENUE
LOCATION**



Subject Site



1 inch = 1,000 feet

**Leigh Robinson Kerr
& Associates, Inc.**

808 East Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-5308
E: Lrkerr808@bellsouth.net



EXHIBIT I

Memorandum

TO: Eric Power, Director of Planning and Development Services.

FROM: Harold Hoyte, Landscape Architect and Arborist for the City

DATE: February 10, 2023

RE: **Vegetative Analysis - 555 SE 3rd Ave.**

I visited the approximately 1.4 Acre parcel at 555 SE 3rd Ave. on 2/9/23 and made the following determinations to all trees on the site.

Approximately 95% were Category 1 or 2 invasive species such as, Carrotwood, Ear leaf Acacia, Brazilian Pepper and Umbrella Tree. These trees range in height from 10 feet to 45 feet.

5 native Lysiloma (multitrunked) 15-25 feet tall in poor condition are present; 22 Sabal Palms are also present as 'volunteers' as a native species, 4-20 CT, in fair condition; Pongam and Java plum (Fair condition) trees are both non-native species and are represented by 1 tree each, at heights of approximately 20 and 30 feet respectively.

Based on my inspection, no endangered or threatened species of special concern or commercially exploited flora or fauna were visible. In addition, plants listed in the regulated plant index for protection by the Florida Department of Agriculture and Consumer Services were not present.

Return to: (enclose self-addressed stamped envelope)

Name: Leigh R. Kerr, AICP, President
Address:

808 E. Las Olas Blvd #104
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Leigh R. Kerr, President
Leigh Robinson Kerr & Assoc., Inc.
808 E. Las Olas Blvd #104
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ of _____, 2023, by **CITY OF DEERFIELD BEACH**, a Public Entity, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF DEERFIELD BEACH**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Declarant made applications to Broward County and the County Planning Council requesting that the land use plan designation on the Property be changed to add up to twenty (20) dwelling units on the City of Deerfield Beach Land Use Plan and up to twenty-one (21) dwelling units on the Broward County Land Use Plan in conjunction with redevelopment of the Property ("Project"); and

WHEREAS, in connection with the Project, Declarant has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County; and

WHEREAS, Declarant agrees to make certain provisions for affordable housing for the period of time provided herein.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Declarant hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. Declarant hereby declares the following: One hundred percent (100%) of the residential units to be constructed on the Property shall be affordable income units as defined in the County Comprehensive Plan, and as further restricted by this Declaration ("Affordable Housing Units").

3. Affordable Housing Units Offered For Sale. In the event of a Conversion, Declarant hereby declares all Affordable Housing Units offered for sale shall be purchased in accordance with the following:

- (a) All Affordable Housing Units constructed on the Property shall be used solely as each owner's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and
- (b) All Affordable Housing Units shall be purchased solely by persons who meet the following criteria at the time of purchase of an Affordable Housing Unit. "Purchased" shall be defined to mean by sale, inheritance, court order, or other legal method of transfer or acquisition.
 - 1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and
 - 2) The purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income; and
 - 3) Excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price; and
 - 4) During the term of this Declaration, as defined herein, every deed of sale or equivalent document transferring title to the Affordable Housing Unit shall include a restriction stating as follows:

This property is to be sold and occupied as an "Affordable Housing Unit," in accordance with the Declaration of Restrictive Covenants

recorded in the Official Records of Broward County at O.R. Book _____, Page_____.

- 5) Prior to any transfer of title or closing on a purchase of an Affordable Housing Unit, each purchaser shall cause to be provided to the County written certification that the criteria in (b) 1), 2), and 3) above have been satisfied.
- (c) At the time of sale of any Affordable Housing Unit, Declarant shall record a Notice of Designation of Affordable Housing Unit (an “Affordable Housing Notice”) corresponding to the sale, the form of which Affordable Housing Notice is set forth on “Exhibit B” attached hereto and incorporated herein.

4. Affordable Housing Units Offered For Rent. Declarant hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:

- (a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and
- (b) All Affordable Housing Units shall be rented solely by persons who meet the following criteria at the time of lease:
 - 1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and
 - 2) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

- (c) On an annual basis, beginning no later than 12 months after the Effective Date of this Declaration, the owner of a Affordable Housing Unit offered for rent shall (through owner or owner's property manager or other owner representative) cause to be provided to the City written certification that the criteria in 4(b) has been satisfied.

5. Amendments. Except as otherwise provided herein, this Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County and City. The appropriate governmental authority of the County and City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense. No amendment to this Declaration shall be necessary in the event of a Conversion (as may occur from time to time).

6. Recordation and Effective Date.

- (a) This Declaration shall not become effective ("Effective Date") until the later of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida. As used herein, "Final Approval" shall mean final approval and adoption of the Unincorporated/County plan amendment application and the County plan amendment application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.
- (b) Once recorded, this Declaration shall run with the Property for the sole benefit of the City and the County and does not operate as a restriction in favor of any Property owner, and shall bind all successors and assigns to the title of the Property.
- (c) From and after such time as any Affordable Housing Unit is conveyed by Declarant to a third party purchaser, following a Conversion, Declarant shall have no further obligations under this Declaration with respect to that particular Affordable Housing Unit and such third party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

7. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

8. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

10. Term. Release and Termination. The restrictions, covenants, rights and privileges granted, made and conveyed herein ("Affordable Housing Restrictions") shall be valid for a period of thirty (30) years from the Effective Date ("Term"); thereafter the Affordable Housing Restrictions shall be of no further force and effect and shall automatically terminate without the consent of the City or the County, or the necessity to record any instrument in the Public Records of Broward County, Florida.

11. Remedies for Violation. In the event the Declarant, its successors or assigns, violate any of the covenants and restrictions contained herein, Declarant hereby acknowledges and agrees that the County may withhold further permits and approvals with respect to the Property, provided the County first provides Declarant with written notice and thirty (30) day opportunity to cure the violation. The County's option to withhold further permits and approvals with respect to the Property shall not be exercised if within the thirty (30) day notice period: (i) the violation is cured by Declarant; or (ii) the violation cannot reasonably be cured within that time period but the Declarant begins to cure such violation within such time period and thereafter diligently pursues such cure to completion, with such diligence period not to exceed one hundred and twenty (120) days from the date of the notice of violation. The County is the beneficiary of these covenants and restrictions, and as such, the County may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

12. Waiver. Any failure of the County to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day first above written.

CITY OF DEERFIELD BEACH
a public entity.

By: _____

Printed Name: _____

Printed Name: _____

STATE OF _____)

EXHIBIT A
Map of Subject Property

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

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Notice of Designation of Affordable Housing Unit

By recordation of this Notice, _____ hereby designates for the Restriction Period, as hereinafter defined, the following unit as an "Affordable Housing Unit," as defined by that certain Declaration of Restrictive Covenants recorded in Official Records Book _____, Page _____ of the public records of Broward County, Florida, which requires that Affordable Housing Units be sold only to persons who meet the following criteria at the time of sale: (a) one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of Broward County's median income as reported by the United States Department of Housing and Urban Development and adjusted to family size; and (b) the purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

Unit Address

and/or Unit Number: _____

The restriction of the foregoing designation shall be thirty (30) years from the recordation of this Notice against the applicable Affordable Housing Unit or until the expiration of the Term of the underlying Declaration, whichever time period expires first ("Restriction Period").

Witnesses:

By _____

Name typed:

Name:

Address:

Name typed:

_____ day of _____, 20__

