



September 17, 2018

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Florida Department of Economic Opportunity
Caldwell Building
107 East Madison, MSC 160
Tallahassee, FL 32399

Dear Mr. Eubanks:

On September 13, 2018, the Broward County Board of County Commissioners held a public hearing in accordance with Chapter 163, Florida Statutes, and voted to adopt Ordinance Numbers 2018-32, 2018-33 and 2018-34, amending the Broward County Comprehensive Plan (BCCP). The enclosed ordinances adopt two (2) amendments to the Broward County Land Use Plan map (PC 18-6 and PC 18-7) and one (1) amendment to the Broward County Land Use Plan text (PCT 18-4). The amendments were transmitted by the Board of County Commissioners on April 24, 2018, and were reviewed under the expedited State review process (DEO #18-3ESR). In addition, the amendment reports reflect no changes from the transmittal submission package.

In accordance with the Florida Administrative Code, the adoption ordinances and the adopted amendments are provided (one hard copy and two digital copies). It is noted that the certified, sealed ordinances will be forwarded upon receipt from the County's Records, Taxes and Treasury Division. In addition, by copy of this letter, digital copies of this submittal are being provided directly to the South Florida Regional Planning Council, the Florida Department of Transportation - District IV, the South Florida Water Management District, the Florida Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services and the Florida Department of Education.

We appreciate the continued assistance and cooperation of the Division of Community Planning & Development in the development and refinement of the Broward County Comprehensive Plan. Please contact me or Deanne Von Stetina, AICP, Assistant Executive Director for the Planning Council, if you have any questions or require additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "BBB", is written over a light blue horizontal line.

Barbara Blake Boy
Executive Director

Ray Eubanks
September 17, 2018
Page Two

BBB:PMS

Enclosures

cc/enc: Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council
Stacy L. Miller-Novello, PE, Director, Transportation Development, Florida Department
of Transportation, District IV
Terry Manning, AICP, Planning & Policy Analyst, South Florida Water Management
District
Plan Review, Office of Intergovernmental Programs, Florida Department of
Environmental Protection
Deena Woodward, Historic Preservation Planner, Florida Department of State
Scott Sanders, Conservation Planning Services, Florida Fish & Wildlife Conservation
Commission
Comprehensive Plan Review, Office of Policy & Budget, Florida Department of
Agriculture and Consumer Services
Tracy D. Suber, Educational Consultant-Growth Management Liaison, Florida
Department of Education
Maite Azcoitia, Broward County Deputy County Attorney

cc: Bertha Henry, Broward County Administrator
Josie P. Sesodia, AICP, Director, Broward County Planning and Development
Management Division
Jim Koeth, Assistant Director, City of Sunrise Planning Division
Eric M. Power, AICP, Director, City of Deerfield Beach Planning and Development
Services Department



PUBLIC HEARING BROWARD COUNTY COMPREHENSIVE PLAN NOTICE OF CHANGE OF LAND USE

Broward County proposes amendments to the Broward County Comprehensive Plan, which includes the Broward County Land Use Plan. The amendments propose a change to the use of land within the areas as described below and shown on the map in this advertisement. The Broward County Board of County Commissioners will hold a public hearing on the proposed amendments on Thursday, September 13, 2018, at 1:00 P.M. in Room 422, Governmental Center Building, 115 South Andrews Avenue, Fort Lauderdale, to consider adoption of Items 1, 2 and 3, per Chapter 163, Florida Statutes, as amended.

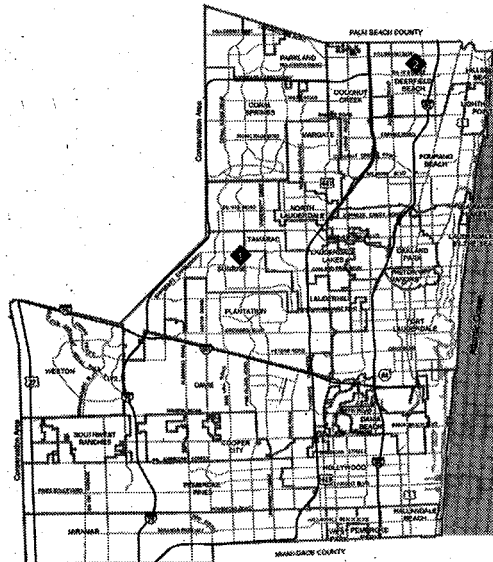
At the public hearing, any citizen, property owner, public official or local government representative shall be entitled to be heard for or against the subject of the public hearing, in person or by letter addressed to the County Commission. Time allotted to speakers, other than staff, members of the Commission and applicants for amendments, may be limited by the Mayor for each public hearing agenda item to allow maximum participation by the public at large. Potential speakers shall be prohibited from assigning allotted time, unless specifically authorized to do so by the Commission. All potential speakers, excluding staff, members of the Commission and applicants for amendments, shall be required to sign in on the requisite sign-in sheet as to each public hearing agenda item. Strict order and decorum shall be preserved. The Mayor shall limit repetitive debate. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, please contact the Public Communications Office at 954.357.6990 (V), or 954.357.6158 (TTY). Please make accommodation requests at least three (3) days in advance.

Information on the amendments is presented below. For additional information contact the Broward County Planning Council, 115 South Andrews Avenue, Room 307, Fort Lauderdale, Florida 33301, Phone: 954.357.6695.

PUBLIC HEARING AGENDA BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS BROWARD COUNTY COMPREHENSIVE PLAN

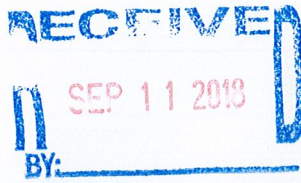
SEPTEMBER 13, 2018 - 1:00 P.M.

- ITEM 1 **AMENDMENT PC 18-6**
Public Hearing on Amendment to the Broward County Land Use Plan – City of Sunrise
From Commerce to Irregular (19.2) Residential
Approximately 15.5 acres; generally located on the north side of Northwest 41 Street, west of Pine Island Road.
- ITEM 2 **AMENDMENT PC 18-7**
Public Hearing on Amendment to the Broward County Land Use Plan – City of Deerfield Beach
From Commercial Recreation within a Dashed-Line Area to 57.9 acres of Recreation and Open Space within a Dashed-Line Area and 25.1 acres of Low-Medium (10) Residential
Approximately 83.0 acres; generally located on the west side of Military Trail, between Hillsboro Boulevard and Southwest 10 Street.
- ITEM 3 **AMENDMENT PCT 18-4**
Public Hearing on Text Amendment to Broward County Land Use Plan Policy 2.9.3 regarding opposition to hydraulic fracturing.



◆ MAP AMENDMENT LOCATION

PLEASE BE ADVISED that if a person decides to appeal any decision made by the Broward County Board of County Commissioners a record of the proceedings shall be necessary and the appealing party will need to ensure that a verbatim transcript of the proceeding be made. This notice is given pursuant to Section 286.0105, Florida Statutes.



SUN SENTINEL
Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared **MARK KUZNITZ** who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a **NOTICE OF PUBLIC HEARING** in the Matter of **THE BROWARD COUNTY PLANNING COUNCIL – COMPREHENSIVE PLAN NOTICE** appeared in the paper on **SEPTEMBER 5, 2018 AD# 5859779**. Affiant further says that the said Sun-Sentinel Said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of she has neither paid, nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Mark Kuznitz

Mark Kuznitz, Affiant

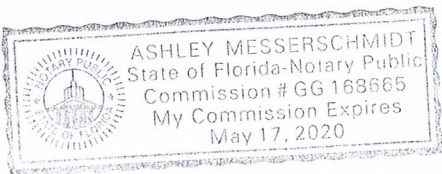
Sworn to and subscribe before me on
SEPTEMBER 5, 2018, A.D.

[Signature]

(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

Personally Known or Produced
Identification _____



PUBLIC HEARING BROWARD COUNTY COMPREHENSIVE PLAN NOTICE OF CHANGE OF LAND USE

Broward County proposes amendments to the Broward County Comprehensive Plan, which includes the Broward County Land Use Plan. The amendments propose a change to the use of land within the areas as described below and shown on the map in this advertisement. The Broward County Board of County Commissioners will hold a public hearing on the proposed amendments on Thursday, September 13, 2018, at 1:00 P.M. in Room 422, Governmental Center Building, 115 South Andrews Avenue, Fort Lauderdale, to consider adoption of Items 1, 2 and 3, per Chapter 163, Florida Statutes, as amended.

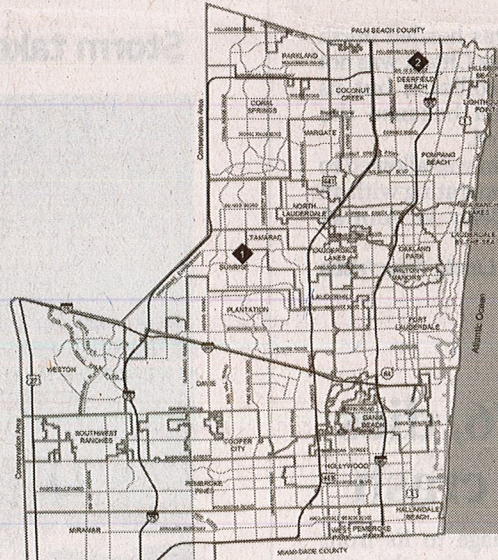
At the public hearing, any citizen, property owner, public official or local government representative shall be entitled to be heard for or against the subject of the public hearing, in person or by letter addressed to the County Commission. Time allotted to speakers, other than staff, members of the Commission and applicants for amendments, may be limited by the Mayor for each public hearing agenda item to allow maximum participation by the public at large. Potential speakers shall be prohibited from assigning allotted time, unless specifically authorized to do so by the Commission. All potential speakers, excluding staff, members of the Commission and applicants for amendments, shall be required to sign in on the requisite sign-in sheet as to each public hearing agenda item. Strict order and decorum shall be preserved. The Mayor shall limit repetitive debate. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, please contact the Public Communications Office at 954.357.6990 (V), or 954.357.6158 (TTY). Please make accommodation requests at least three (3) days in advance.

Information on the amendments is presented below. For additional information contact the Broward County Planning Council, 115 South Andrews Avenue, Room 307, Fort Lauderdale, Florida 33301, Phone: 954.357.6695.

PUBLIC HEARING AGENDA BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS BROWARD COUNTY COMPREHENSIVE PLAN

SEPTEMBER 13, 2018 - 1:00 P.M.

- ITEM 1 **AMENDMENT PC 18-6**
Public Hearing on Amendment to the Broward County Land Use Plan – City of Sunrise
From Commerce to Irregular (19.2) Residential
Approximately 15.5 acres; generally located on the north side of Northwest 41 Street, west of Pine Island Road.
- ITEM 2 **AMENDMENT PC 18-7**
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Public Hearing on Text Amendment to Broward County Land Use Plan Policy 2.9.3 regarding opposition to hydraulic fracturing.



MAP AMENDMENT LOCATION

PLEASE BE ADVISED that if a person decides to appeal any decision made by the Broward County Board of County Commissioners a record of the proceedings shall be necessary and the appealing party will need to ensure that a verbatim transcript of the proceeding be made. This notice is given pursuant to Section 286.0105, Florida Statutes.

ORDINANCE NUMBER 2018 - 32

ORDINANCE TO ADOPT AMENDMENT PC 18-6

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all
4 matters, hereby finds that the following amendment to the Broward County
5 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
6 County Comprehensive Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the
8 residents of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Broward County Comprehensive Plan is hereby amended by
12 Amendment PC 18-6, which is an amendment to the Broward County Land Use Plan
13 located in the City of Sunrise, as set forth in Exhibit "A," attached hereto and
14 incorporated herein.

15 Section 2. SEVERABILITY.

16 If any portion of this Ordinance is determined by any court to be invalid, the
17 invalid portion will be stricken, and such striking will not affect the validity of the
18 remainder of this Ordinance. If any court determines that this Ordinance, or any portion
19 hereof, cannot be legally applied to any individual, group, entity, property, or
20 circumstance, such determination will not affect the applicability hereof to any other
21 individual, group, entity, property, or circumstance.

22 Section 3. EFFECTIVE DATE.

23 (a) The effective date of the plan amendment set forth in this Ordinance will
24 be the latter of:

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity
2 notifies Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as
12 per Exhibit "B," the date the Declaration of Restrictive Covenants or
13 agreement is recorded in the Public Records of Broward County.

14 (b) This Ordinance will become effective as provided by law.

15 ENACTED September 13, 2018

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

18 Approved as to form and legal sufficiency:
19 Andrew J. Meyers, County Attorney

20
21 By /s/ Maite Azcoitia 07/12/18
22 Maite Azcoitia (date)
Deputy County Attorney

23 MA/gmb
07/12/18
24 PC18-6 City of Sunrise Ord.doc
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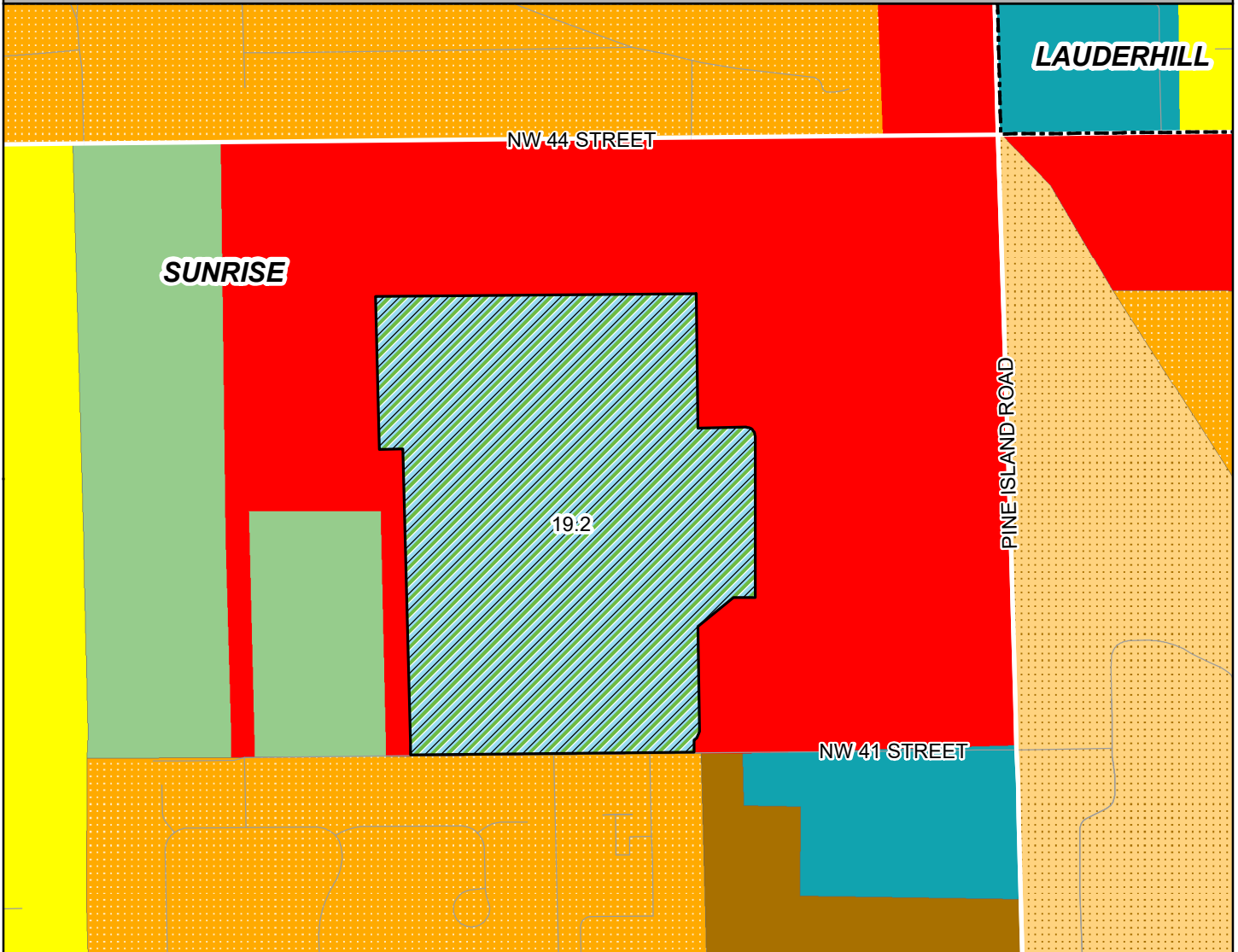
EXHIBIT A


BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-6

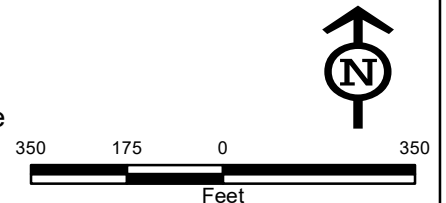
Current Land Use: Commerce

Proposed Land Use: Irregular (19.2) Residential

Gross Acres: Approximately 15.5 acres



- | | |
|---|--|
|  Site |  Medium-High (25) Residential |
|  Municipal Boundary |  Irregular Residential |
|  Low (5) Residential |  Commerce |
|  Low-Medium (10) Residential |  Recreation and Open Space |
|  Medium (16) Residential |  Community |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 18-6
(SUNRISE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation March 13, 2018

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, recognizing the data and analysis submitted by the City of Sunrise regarding affordable housing Policy 2.16.2, inclusive of the applicant's voluntary contribution of \$500 per dwelling unit constructed towards the City's affordable housing programs.

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the Declaration of Restrictive Covenants proffered by the applicant, as an inducement for Broward County to favorably consider its application.

II. Planning Council Transmittal Recommendation March 22, 2018

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 18-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Moraitis, Rosenof, Rosenzweig, Ryan, Udine, Williams and Stermer)

III. County Commission Transmittal Recommendation April 24, 2018

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments May 30, 2018

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

V. Planning Council Staff Final Recommendation June 19, 2018

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, recognizing the data and analysis submitted by the City of Sunrise regarding affordable housing Policy 2.16.2, inclusive of the applicant's voluntary contribution of \$500 per dwelling unit constructed towards the City's affordable housing programs.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation (continued)

June 19, 2018

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the Declaration of Restrictive Covenants proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the Administrative Rules Document: BrowardNext. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

VI. Planning Council Final Recommendation

June 28, 2018

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 13-0; Blackwelder, Blattner, Breslau, Brunson, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Rich, Williams and Stermer)

VII. County Commission Final Action

September 13, 2018

Approved per Planning Council final recommendation.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 18-6

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Sunrise
- II. County Commission District: District 1
- III. Site Characteristics
- A. Size: Approximately 15.5 acres
- B. Location: In Section 20, Township 49 South, Range 41 East; generally located on the north side of Northwest 41 Street, west of Pine Island Road.
- C. Existing Use: Retail
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Commerce
- B. Proposed Designation: Irregular (19.2) Residential
- C. Estimated Net Effect: Addition of 297 dwelling units
Zero (0) dwelling units currently permitted by the Broward County Land Use Plan
Reduction of 15.5 acres of commerce use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses: *North:* Office and religious institution
East: Retail
South: Multi-family residential
West: City park and vacant
- B. Planned Uses: *North:* Commerce
East: Commerce
South: Low-Medium (10) Residential
West: Commerce

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* Rilea Group
- B. *Agent:* Dennis D. Mele, Esq., Greenspoon Marder, P.A.
- C. *Property Owner:* Pine Plaza Holdings, LLC

VII. Recommendation of
Local Governing Body:

The City of Sunrise recommends approval of the proposed amendment. The City anticipates adopting the corresponding local amendment in October of 2018.

EXHIBIT B

The Declaration of Restrictive Covenants has not been filed as of this mailing, however will conform to the stipulations outlined in the following letter.

March 7, 2018

Sara Forelle
Planning Section
Broward County Development and
Environmental Regulation
1 North University Drive, Suite 102-A
Plantation, FL 33324



Re: Rilea Group – Land Use Plan Amendment, City of Sunrise – PC 18-6

Dear Sara:

In response to your comments of January 16, 2018 regarding Amendment PC 18-6, my client, Rilea Group, has agreed to a voluntary contribution of \$500.00 per dwelling unit constructed resulting from Amendment PC 18-6. This contribution (a total of up to \$148,500.00 for 297 units) shall be paid to the City of Sunrise (“City”) to be used, at the City’s discretion, toward affordable housing programs within the City. Said voluntary contribution shall be paid prior to the issuance of the first building permit for a dwelling unit in the proposed residential development as provided for in the Irregular (19.2) Residential land use plan designation.

Thank you for your time and attention to this matter.

Very truly yours,

GREENSPOON MARDER, P.A.

A handwritten signature in dark ink, appearing to be "D. Mele".

Dennis D. Mele, Esq.

cc: Barbara Blake Boy, Executive Director, Broward County Planning Council
Josie P. Sesodia, Director, Planning and Development Management Division
Henry Sniezek, Director, Environmental Protection and Growth Management Division
Shannon Ley, P.E. Sunrise Community Development Director
Jim Koeth, Assistant Director, City of Sunrise Planning Division
Ashley Bosch, Rilea Group

ORDINANCE NUMBER 2018 - 33

ORDINANCE TO ADOPT AMENDMENT PC 18-7

1 ORDINANCE NO. 2018-33

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
3 BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE
4 BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE
5 BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF
6 DEERFIELD BEACH; AND PROVIDING FOR SEVERABILITY AND AN
7 EFFECTIVE DATE.

8 (Sponsored by the Board of County Commissioners)

9 WHEREAS, Broward County adopted the Broward County Comprehensive Plan
10 on April 25, 2017 (the Plan); and

11 WHEREAS, the Department of Economic Opportunity has found the Broward
12 County Comprehensive Plan in compliance with the Community Planning Act; and

13 WHEREAS, Broward County now wishes to propose an amendment to the
14 Broward County Land Use Plan within the City of Deerfield Beach; and

15 WHEREAS, the Planning Council, as the local planning agency for the Broward
16 County Land Use Plan, has held its hearings on March 22, 2018, and
17 June 28, 2018, with due public notice; and

18 WHEREAS, the Board of County Commissioners held its transmittal public
19 hearing on April 24, 2018, having complied with the notice requirements specified in
20 Section 163.3184(11), Florida Statutes; and

21 WHEREAS, the Board of County Commissioners held an adoption public hearing
22 on September 13, 2018, at 1:00 p.m. [also complying with the notice requirements
23 specified in Section 163.3184(11), Florida Statutes] at which public comment was
24 accepted and comments of the Department of Economic Opportunity, South Florida
 Regional Planning Council, South Florida Water Management District, Department of
 Environmental Protection, Department of State, Department of Transportation, Fish and

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all
4 matters, hereby finds that the following amendment to the Broward County
5 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
6 County Comprehensive Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the
8 residents of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Broward County Comprehensive Plan is hereby amended by
12 Amendment PC 18-7, which is an amendment to the Broward County Land Use Plan
13 located in the City of Deerfield Beach, as set forth in Exhibit "A," attached hereto and
14 incorporated herein.

15 Section 2. SEVERABILITY.

16 If any portion of this Ordinance is determined by any court to be invalid, the
17 invalid portion will be stricken, and such striking will not affect the validity of the
18 remainder of this Ordinance. If any court determines that this Ordinance, or any portion
19 hereof, cannot be legally applied to any individual, group, entity, property, or
20 circumstance, such determination will not affect the applicability hereof to any other
21 individual, group, entity, property, or circumstance.

22 Section 3. EFFECTIVE DATE.

23 (a) The effective date of the plan amendment set forth in this Ordinance will
24 be the latter of:

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity
2 notifies Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as
12 per Exhibit "B," the date the Declaration of Restrictive Covenants or
13 agreement is recorded in the Public Records of Broward County.

14 (b) This Ordinance will become effective as provided by law.

15 ENACTED September 13, 2018

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

18 Approved as to form and legal sufficiency:
19 Andrew J. Meyers, County Attorney

20
21 By /s/ Maite Azcoitia 07/12/18
22 Maite Azcoitia (date)
Deputy County Attorney

23 MA/gmb
07/12/18

24 PC18-7 City of Deerfield Beach Ord
Imanage File #80041

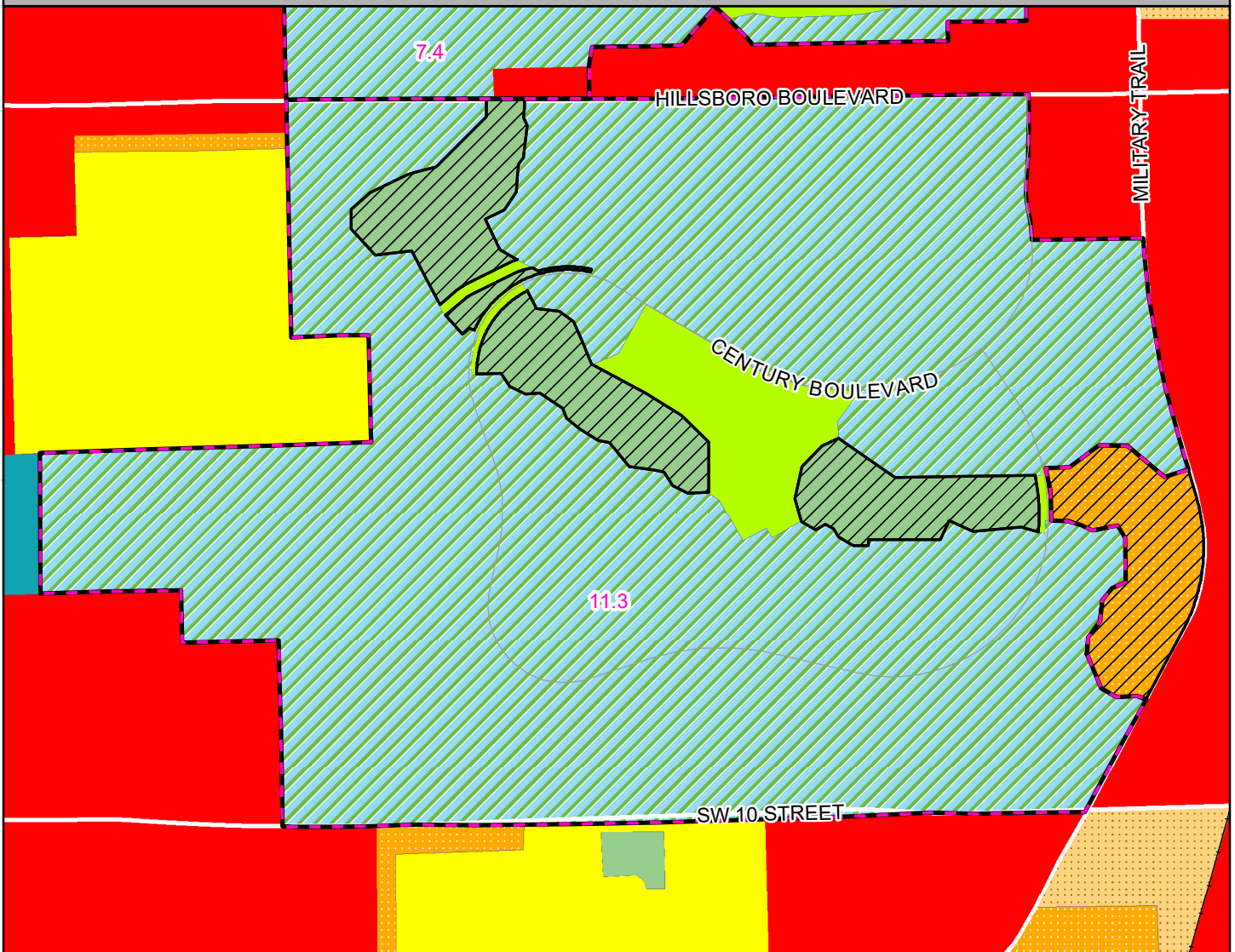
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-7

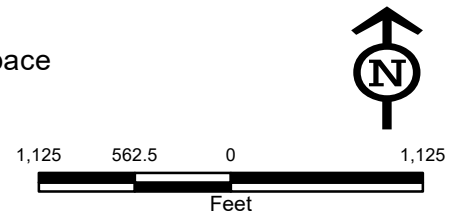
Current Land Use: Commercial Recreation within a Dashed-Line Area

Proposed Land Uses: 25.1 acres of Low-Medium (10) Residential and 57.9 acres of Recreation and Open Space within a Dashed-Line Area

Gross Acres: Approximately 83 acres



- | | |
|---|---|
|  Site |  Irregular Residential |
|  Dashed-Line Area |  Commerce |
|  Low (5) Residential |  Recreation and Open Space |
|  Low-Medium (10) Residential |  Commercial Recreation |
|  Medium (16) Residential |  Community |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 18-7
(DEERFIELD BEACH)

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation March 13, 2018

(Please see Planning Council Staff Final Recommendation on page I-2.)

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan (BCLUP). Therefore, it is recommended that the proposed amendment be approved.

Further, the Broward County Planning and Development Management Division (PDMD) staff has requested that prior to the Planning Council's second public hearing, the City of Deerfield Beach provide additional information regarding the City's plans to address the current and future supply of very-low income rental housing units. Planning Council staff has no objection to the PDMD request; however, it is noted that the data and analysis submitted has been deemed to meet Policy 2.16.2 and that any supplemental material provided is for informational purposes only.

In addition, the City's commitment to submit a corrective amendment to the BCLUP for the remaining Century Village Dashed-Line Area within one (1) year of final action on this amendment is recognized.

- II. Planning Council Transmittal Recommendation March 22, 2018

Approval per Planning Council staff transmittal recommendation. (Vote of the board; 13-2; Yes: Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Grosso, Moraitis, Rosenof, Rosenzweig, Udine, Williams and Stermer. No: Blackwelder and Graham)

- III. County Commission Transmittal Recommendation April 24, 2018

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments May 30, 2018

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation

June 19, 2018

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan (BCLUP). Therefore, it is recommended that the proposed amendment be approved, recognizing the City of Deerfield Beach’s commitment to submit a corrective amendment to the BCLUP for the remaining Century Village Dashed-Line Area within one (1) year of final action on this amendment.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the Administrative Rules Document: BrowardNext. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

Regarding affordable housing, Planning Council staff notes that the City of Deerfield Beach affordable housing study was found **to be in compliance** with Policy 2.16.2. prior to the first Planning Council public hearing. Further, consistent with the Broward County Planning and Development Management Division (PDMD) staff’s informational request, the City has provided additional information regarding its policies and programs to address the current and future supply of very-low income rental housing units, its commitment to maintain and improve its affordable housing stock, and its partnership with the Deerfield Beach Housing Authority.

VI. Planning Council Staff Final Recommendation

June 28, 2018

Approval per Planning Council staff final recommendation. (Vote of the board; 11-2; Yes: Blattner, Breslau, Brunson, DiGiorgio, Ganz, Gomez, Good, Grosso, Rich, Williams and Stermer. No: Blackwelder and Graham)

VII. County Commission Final Action

September 13, 2018

Approved per Planning Council final recommendation.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 18-7

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Deerfield Beach
- II. County Commission District: District 2
- III. Site Characteristics
 - A. Size: Approximately 83.0 acres
 - B. Location: In Sections 2 and 3, Township 48 South, Range 42 East; generally located on the west side of Military Trail, between Hillsboro Boulevard and Southwest 10 Street.
 - C. Existing Use: Former golf course
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Commercial Recreation within a Dashed-Line Area*
 - B. Proposed Designations: 25.1 acres of Low-Medium (10) Residential
57.9 acres of Recreation and Open Space within a Dashed-Line Area
 - C. Estimated Net Effect: Addition of 251 dwelling units
Zero (0) dwelling units currently permitted by the Broward County Land Use Plan
Addition of 57.9 acres of recreation and open space use
Reduction of 83.0 acres of commercial recreation use

* “Dashed-Line Area” means an area having a particular maximum overall allowable density of dwelling units for all land and land uses within the area for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site

- | | | | |
|----|----------------|--------|---|
| A. | Existing Uses: | North: | Multi-family residential |
| | | East: | Multi-family residential |
| | | South: | Multi-family residential |
| | | West: | Multi-family residential and warehouses |
| B. | Planned Uses: | North: | Irregular (7.4) Residential within a Dashed-Line Area, Commerce within a Dashed-Line Area, Irregular (11.3) Residential within a Dashed-Line Area and Commercial Recreation within a Dashed-Line Area |
| | | East: | Irregular (11.3) Residential within a Dashed-Line Area, Commercial Recreation within a Dashed-Line Area and Commerce |
| | | South: | Irregular (11.3) Residential within a Dashed-Line Area |
| | | West: | Irregular (11.3) Residential within a Dashed-Line Area and Commercial Recreation within a Dashed-Line Area |

VI. Applicant/Petitioner

- | | | |
|----|-----------------|--------------------------|
| A. | Applicant: | Toll Brothers, Inc. |
| B. | Agent: | WGI (Wantman Group Inc.) |
| C. | Property Owner: | Fairway Investors, LLC |

VII. Recommendation of Local Governing Body:

The City of Deerfield Beach recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in September of 2018.

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.

ORDINANCE NUMBER 2018 - 34

ORDINANCE TO ADOPT AMENDMENT PCT 18-4

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all
4 matters, hereby finds that the following amendment to the Broward County
5 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
6 County Comprehensive Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the
8 residents of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Broward County Comprehensive Plan is hereby amended by
12 Amendment PCT18-4, which is an amendment to the Broward County Land Use Plan
13 located in the text regarding Fracking, as set forth in Exhibit "A," attached hereto and
14 incorporated herein.

15 Section 2. SEVERABILITY.

16 If any portion of this Ordinance is determined by any court to be invalid, the
17 invalid portion will be stricken, and such striking will not affect the validity of the
18 remainder of this Ordinance. If any court determines that this Ordinance, or any portion
19 hereof, cannot be legally applied to any individual, group, entity, property, or
20 circumstance, such determination will not affect the applicability hereof to any other
21 individual, group, entity, property, or circumstance.

22 Section 3. EFFECTIVE DATE.

23 (a) The effective date of the plan amendment set forth in this Ordinance will
24 be the latter of:

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity
2 notifies Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as
12 per Exhibit "B," the date the Declaration of Restrictive Covenants or
13 agreement is recorded in the Public Records of Broward County.

14 (b) This Ordinance will become effective as provided by law.

15 ENACTED September 13, 2018

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

18 Approved as to form and legal sufficiency:
19 Andrew J. Meyers, County Attorney

20
21 By /s/ Maite Azcoitia 07/12/18
22 Maite Azcoitia (date)
Deputy County Attorney

23 MA/gmb
07/12/18
24 PCT18-4 Text Amendment re Fracking Ord.doc
Imanage File #80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 18-4

“Fracturing (i.e. fracking)”

<u>RECOMMENDATIONS/ACTIONS</u>	<u>DATE</u>
<p>I. <u>Planning Council Staff Transmittal Recommendation</u></p> <p>It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.</p>	<p><u>March 13, 2018</u></p>
<p>II. <u>Planning Council Transmittal Recommendation</u></p> <p>Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 18-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Moraitis, Rosenof, Rosenzweig, Ryan, Udine, Williams and Stermer)</p>	<p><u>March 22, 2018</u></p>
<p>III. <u>County Commission Transmittal Recommendation</u></p> <p>Approval per Planning Council transmittal recommendation.</p>	<p><u>April 24, 2018</u></p>
<p>IV. <u>Summary of State of Florida Review Agency Comments</u></p> <p>The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.</p>	<p><u>May 30, 2018</u></p>
<p>V. <u>Planning Council Staff Final Recommendation</u></p> <p>It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.</p>	<p><u>June 19, 2018</u></p>
<p>VI. <u>Planning Council Staff Final Recommendation</u></p> <p>Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 13-0; Blackwelder, Blattner, Breslau, Brunson, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Rich, Williams and Stermer)</p>	<p><u>June 28, 2018</u></p>
<p>VII. <u>County Commission Final Action</u></p> <p>Approved per Planning Council final recommendation.</p>	<p><u>September 13, 2018</u></p>

ATTACHMENT 1

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN PROPOSED TEXT AMENDMENT PCT 18-4

Section 2: Policies

- .
- .
- .

MINING

- .
- .
- .

POLICY 2.9.3 Broward County continues to oppose and prohibit in any land use category the use of hydraulic fracturing, acid fracturing, and any form of extreme well stimulation for the purposes of resource extraction.

NOTE: Proposed additions are indicated by underlined text.

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.

TABLE OF CONTENTS

**AMENDMENTS TO THE
BROWARD COUNTY COMPREHENSIVE PLAN
PC 18-6, PC 18-7 and PCT 18-4**

**ADOPTION
(DEO #18-3ESR)**

SEPTEMBER 13, 2018

- ITEM 1** **AMENDMENT PC 18-6**
Amendment to the Broward County Land Use Plan – City of Sunrise
- From Commerce to Irregular (19.2) Residential
Approximately 15.5 acres; generally located on the north side of Northwest 41 Street, west of Pine Island Road.
- ITEM 2** **AMENDMENT PC 18-7**
Amendment to the Broward County Land Use Plan – City of Deerfield Beach
- From Commercial Recreation within a Dashed-Line Area to 57.9 acres of Recreation and Open Space within a Dashed-Line Area and 25.1 acres of Low-Medium (10) Residential
Approximately 83.0 acres; generally located on the west side of Military Trail, between Hillsboro Boulevard and Southwest 10 Street.
- ITEM 3** **AMENDMENT PCT 18-4**
Amendment to the Broward County Land Use Plan text regarding hydraulic fracturing (i.e. “fracking”).

EXPLANATION OF TRANSPORTATION TERMINOLOGY

Year 2040:	Long Range Regional Transportation Network
I.T.E.:	Institute of Transportation Engineers Trip Generation Manual
Capacity:	Capacity at Level of Service D in thousands of vehicles at p.m. peak hour
P.M. Peak Hour:	Traffic in thousands of vehicles per peak hour (i.e. one hour measured between 4:00 and 6:00 p.m.)
Annual Average Daily Traffic (A.A.D.T.):	The volume passing a point or segment of a roadway in both directions for one year divided by the number of days in the year. ¹
Significance Threshold:	Corresponding to additional p.m. peak hour trips at three-percent (3%) or more of such capacity of a regional transportation link at the long-range planning horizon per BrowardNext - Broward County Land Use Plan Policy 2.14.9.
LOS:	Level of Service ² (LOS D is a policy of the Broward County Board of County Commissioners)
A	LOS A describes primarily free-flow operations at average travel speeds, usually about 90 percent of the free-flow speed for the given street class. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Control delay at signalized intersections is minimal.
B	LOS B describes reasonable unimpeded operations at average travel speeds, usually about 70 percent of the free-flow speed for the street class. The ability to maneuver within the traffic stream is only slightly restricted, and control delays at signalized intersections are not significant.
C	LOS C describes stable operations; however, ability to maneuver and change lanes in midblock locations may be more restricted than at LOS B, and longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the free-flow speed for the street class.
D	LOS D borders on a range in which small increases in flow may cause substantial increases in delay and decreases in travel speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or a combination of these factors. Average travel speeds are about 40 percent of free-flow speed.
E	LOS E is characterized by significant delays and average travel speeds of 33 percent or less of the free-flow speed. Such operations are caused by a combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.
F	LOS F is characterized by urban street flow at extremely low speeds, typically one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalized locations, with high delays, high volumes, and extensive queuing.

¹ Definition provided by the Broward Metropolitan Planning Organization.

² Highway Capacity Manual. Transportation Research Board: National Research Council, Washington, D.C. 2000, page 10-5.