

1 Regional Planning Council, South Florida Water Management District, Department of
2 Environmental Protection, Department of State, Department of Transportation, Fish and
3 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
4 and Department of Education, as applicable, were considered; and

5 WHEREAS, the Board of County Commissioners after due consideration of all
6 matters hereby finds that the following amendment to the 1989 Broward County
7 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
8 County Comprehensive Plan; complies with the requirements of the Local Government
9 Comprehensive Planning and Land Development Regulation Act; and is in the best
10 interests of the health, safety, and welfare of the residents of Broward County; and

11 WHEREAS, the proposed amendment constitutes an amendment as part of
12 Broward County's permitted second annual amendments to the Plan for 2010.

13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15 Section 1. The 1989 Broward County Land Use Plan is hereby amended by
16 Amendment PCT 10-5, which is an amendment to the 1989 Broward County Land Use
17 Plan text regarding the Dania Beach Regional Activity Center, as set forth in Exhibit A,
18 attached hereto and incorporated herein.

19 Section 2. SEVERABILITY.

20 If any portion of this Ordinance is determined by any Court to be invalid, the
21 invalid portion shall be stricken, and such striking shall not affect the validity of the
22 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
23 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
24

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 3. EFFECTIVE DATE.

4 1. The effective date of the plan amendment set forth in this Ordinance shall
5 be the latter of:

6 (a) Thirty-one (31) days after the Department of Community Affairs notifies
7 Broward County that the plan amendment package is complete;

8 (b) If the plan amendment is timely challenged, the date a final order is issued
9 by the Administration Commission or the Department of Community Affairs finding the
10 amendment to be in compliance in accordance with Section 163.32465(6), Florida
11 Statutes; or

12 (c) If a Declaration of Restrictive Covenants or Interlocal Agreement is
13 applicable, as per Exhibit B, the date the Declaration of Restrictive Covenants or
14 Interlocal Agreement is recorded in the Public Records of Broward County.

15 2. This Ordinance shall become effective as provided by law.

16 ENACTED

17 FILED WITH THE DEPARTMENT OF STATE

18 EFFECTIVE

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EXHIBIT A TO ORDINANCE

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 10-5
(DANIA BEACH)

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation May 18, 2010

It is recommended that the proposed amendment to the Broward County Land Use Plan be approved as follows:

1. Subject to the City, prior to the second Planning Council public hearing, finalizing its coordination with the South Florida Water Management District (SFWMD) and local water providers to address long-range water supply;

Update: August 17, 2010: The City of Dania Beach has received a commitment from Broward County Water and Wastewater Services Division to allow the purchase of an additional 0.6 mgd by 2015 and 1.83 mgd by 2030 to meet the City's short- and long-range water supply needs.

2. Subject to, prior to the second Planning Council public hearing, finalization and acceptance of satisfactory mitigation to address adverse impacts to the regional transportation network resulting from the amendment; and

Update: August 17, 2010: The City of Dania Beach has submitted a proposed traffic mitigation plan to address the impacts to the regional transportation network as follows: 1) reduction of additional p.m. peak hour trips based on internalization and pass-by trips for commercial uses; and 2) fair-share contribution of up to \$1,800,000 towards nearby transit infrastructure improvements, programmed roadway improvements, and/or pedestrian/greenway improvements consistent with Broward County's 2035 Long Range Transportation Plan. The Broward County Metropolitan Planning Organization staff has indicated that the proposed trip reduction and fair-share contribution will adequately mitigate the projected impacts to the regional transportation network.

3. Any approval be conditioned on the execution, to the satisfaction of Broward County, of a legally enforceable mechanism regarding the voluntary commitments offered by the applicant.

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Transmittal Recommendation May 27, 2010

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous 17-0; Boisvenue, Bruck, Case, Castillo, Castro, G. Cooper, S. Cooper, Dinnen, DuBose, Fisher, Julian, Mallozzi, Reinstein, Ritter, Udine, Willett and Williams)

III. County Commission Transmittal Recommendation June 8, 2010

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments July 19, 2010

Comment 1: The Florida Department of Community Affairs (DCA) and the South Florida Regional Planning Council (SFRPC) states that the City has not demonstrated that adequate potable water supply exists to serve the proposed amendment given the current “not in compliance” status of the City’s 10-Year Water Supply Plan. The DCA and SFRPC recommend that the County should not adopt the amendment until said plan is updated and demonstrates that adequate water supplies are available to meet the needs of the City for the next 10 years, including the increased demand from this amendment.

Comment 2: The South Florida Water Management District (SFWMD) also states that the County should not adopt the proposed amendment until the City is able to demonstrate by binding short- and long-term commitments from Broward County Water and Wastewater Services Division or another water provider that it can obtain adequate water supplies to serve the development from this amendment, as well as all existing and projected demands in its service area.

Response 1 and 2: The City of Dania Beach has coordinated with the Broward County Water and Wastewater Services Division and the affected large users of the South Regional Wellfield. The County Administrator has confirmed that Broward County is able to supply the City with an additional 0.6 mgd to meet short-range needs by 2015, with a total additional 1.83 mgd by 2030 to meet long-range needs. Further, although the current status of the 10-year Water Supply Plan is “not in compliance,” DCA has agreed to allow a Department of Administrative Hearings (DOAH) hearing on the Water Supply Plan to be rescheduled for December 2010. The additional allocations being offered by Broward County, when finalized and agreed to by the SFWMD, should bring the Water Supply Plan into compliance.

IV. Summary of State of Florida Review Agency Comments (continued) July 19, 2010

Comment 3: The DCA states that the proposed text amendment includes acreage for the non-residential land uses allowed in the Regional Activity Center (RAC), but does not identify the amount of development (i.e., square footage) that will be allowed for each non-residential land use. The DCA recommends that the County revise the text to include the total non-residential square footage that will be permitted in the RAC.

Response 3: The city has chosen to describe the amendment for the proposed mixed-use area in terms of acreage. Development within the subject area would have a potential similar to that permitted under the current land use designations which are also described as acreage. The subject amendment is consistent with other amendments often proposed that seek a change from acreage under one land use classification to another. It is respectfully noted that the subject amendment as described utilizes an acreage description format essentially the same as other amendments either already adopted in the County Land Use Plan or reviewed by DCA without objection or comment in this regard (i.e. Dania Beach Regional Activity Center adopted December 8, 2009, and the Hallandale Beach Regional Activity Center reviewed by DCA as part of Broward amendment package 10-1AR).

To further address the comment raised, it is noted that the County Plan text amendment includes the following provision to monitor development within the proposed RAC: “Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the portion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A).”

Last, an issue of potential floor area ratios (FAR) may be raised within the context of the comment. In this regard, the City is revising their local Policy 27.16 to reflect an FAR of 0.29 (12,632 square feet per acre) for the 20 additional acres of Employment Center use and an FAR of 0.52 for the additional 30 acres of Commercial use. In addition, the City has submitted revised public services and facilities analyses based on the proposed FAR’s.

Comment 4: The South Florida Regional Planning Council recommends that specific improvements to address traffic impacts on the regional transportation network be identified through a traffic mitigation plan.

IV. Summary of State of Florida Review Agency Comments (continued) July 19, 2010

Response 4: The City of Dania Beach has submitted a proposed traffic mitigation plan to address the impacts to the regional transportation network as follows: 1) reduction of additional p.m. peak hour trips based on internalization and pass-by trips for commercial uses; and 2) fair-share contribution of up to \$1,800,000 towards nearby transit infrastructure improvements, programmed roadway improvements, and/or pedestrian/greenway improvements consistent with Broward County's 2035 Long Range Transportation Plan. The Broward County Metropolitan Planning Organization staff has indicated that the proposed trip reduction and fair-share contribution will adequately mitigate the projected impacts to the regional transportation network.

Comment 5: The Florida Department of Transportation recommends that the County revise its policies under Objective 10.02.00 to include mandatory actions for local governments that want to create or amend RAC's. At a minimum the policies should address placement, types and intensities of uses in relation to transit infrastructure and ensure pedestrian and bicycle access to transit services.

Response 5: The Regional Activity Center land use designation is one of five distinct "mixed-use" categories within the Broward County Land Use Plan. Each of these five designations (Regional Activity Center, Local Activity Center, Transit Oriented Corridor, Transit Oriented Development, and Mixed Use Residential) has specific objectives and policies that differentiate them from one another, based upon the desired characteristics of the subject site. The Regional Activity Center (RAC) designation was developed to encourage development or redevelopment of areas of regional significance, such as downtowns and redevelopment areas, regional employment centers, Developments of Regional Impact (DRIs), centers for tourism, and areas surrounding regional community facilities such as airports, colleges and universities, convention centers or governmental complexes.

Although non-motorized transportation (Policy 10.02.02), public transit access (Policy 10.02.03), and pedestrian movement and safety (Policy 10.02.04) are encouraged within the guiding RAC policies, the Regional Activity Center designation was not contemplated to be solely "Transit Oriented." In this light, the Broward County Planning Council developed, and the Broward County Commission adopted, the two "Transit Oriented" designations in 2004.

The Dania Beach RAC, originally adopted in December 2009, is a mixed-use, downtown center of regional tourism, in close proximity to the Fort Lauderdale/Hollywood International Airport, Port Everglades and the Broward County Convention Center.

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. Summary of State of Florida Review Agency Comments (continued) July 19, 2010

Response 5 (continued): The area contains significant historic resources and tourism related uses, may develop as a center of regional significance for the marine industry, and is bisected by the potential passenger service FEC rail corridor. As the Dania Beach RAC is approximately 1,344 gross acres in size, mandating a concentration of densities and intensities along transit routes would in effect take property rights away from parcels further from said transit routes.

Herein lies a major difference between a Regional Activity Center and a Transit Oriented Corridor. The Transit Oriented Corridor designation requires areas to be designated as such be within approximately one-quarter mile of the mainline transit corridor. The existing Davie RAC, with its current boundaries, does not meet the objectives, policies and criteria to be re-designated as a Transit Oriented Corridor.

The Regional Activity Center designation, by design, does not specify placement of uses and intensities within the RAC area, rather, each RAC is “governed by local land use plan element policies which ensure that performance and design standards are adopted within local land development regulations that provide for an interconnected street network, a safe and attractive pedestrian environment and multi-modal transit connections.”

Comment 6: The Florida Department of Transportation recommends that Broward County and the City coordinate with the Metropolitan Planning Organization (MPO) to identify the exact locations of the mobility hubs and types of vehicles that would serve those facilities.

Response 6: The City of Dania Beach has agreed to coordinate with the MPO to identify the exact locations of the mobility hubs within the RAC when establishing or revising the master plan and when identifying transit facility locations and the types of vehicles that would serve those facilities.

V. Planning Council Staff Final Recommendation August 17, 2010

It is recommended that the proposed amendment to the Broward County Land Use Plan be approved, subject to the voluntary commitments offered by the City of Dania Beach regarding long-term water supply and mitigation of impacts to the regional transportation network. It is also recommended that any approval be conditioned on the execution of a legally enforceable mechanism regarding the voluntary commitments offered by the City.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 10-5

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Dania Beach
- II. County Commission Districts: Districts 4 and 7
- III. Site Characteristics
 - A. Size: Approximately 1,344.0 acres
 - B. Location: In Sections 3, 33, 34 and 35, Townships 50 and 51 South, Range 42 East; generally located east of Interstate 95, between Griffin Road and Sheridan Street.
 - C. Existing Uses: Single-family and multi-family residential, retail, office, educational facilities, religious institution, warehouse, marina, park, commercial recreation, cemetery, utilities, agricultural and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Regional Activity Center (RAC):
 - 7,818 dwelling units consisting of:
 - 2,348 single-family dwelling units
 - 2,165 mid-rise apartments
 - 2,047 townhouses
 - 972 garden apartments
 - 286 duplexes
 - 640 hotel rooms
 - 264.0 acres of commercial use plus an additional 500,000 square feet of commercial use
 - 247.5 acres of industrial use
 - 54.5 acres of employment center use
 - 40.5 acres of parks and recreation (minimum)
 - 36.2 acres of community facilities use
 - 6.5 acres of transportation use
 - 2.6 acres of conservation (minimum)
 - 2.5 acres of utilities

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

IV. Broward County Land Use Plan (BCLUP) Designations (continued)

- B. *Proposed Designation:* Regional Activity Center (RAC):
7,818 dwelling units consisting of:
2,348 single-family dwelling units
2,165 mid-rise apartments
2,047 townhouses
972 garden apartments
286 duplexes
640 hotel rooms
294.0 acres of commercial use plus an additional 500,000 square feet of commercial use
247.5 acres of industrial use
74.5 acres of employment center use
40.5 acres of parks and recreation (minimum)
36.2 acres of community facilities use
6.5 acres of transportation use
2.6 acres of conservation (minimum)
2.5 acres of utilities
- C. *Estimated Net Effect:* **Addition of 30.0 acres of commercial use**
Addition of 20.0 acres of employment center use

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

- A. *Existing Uses:*
- | | |
|---------------|--|
| <i>North:</i> | Commercial, mobile home park, single-family residential, marina, multi-family residential and vacant |
| <i>East:</i> | Park/conservation area, single-family residential, multi-family residential and educational facility |
| <i>South:</i> | Marina, single-family residential, multi-family residential, park/conservation area, commercial, utilities, hotel and vacant |
| <i>West:</i> | Single-family residential, multi-family residential, educational facility, utilities, hotel, commercial and Interstate 95 |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- B. *Planned Uses:*
- North:* Commercial, Low-Medium (10)
Residential, Low (5) Residential,
Industrial, Transportation,
Employment Center-High,
Recreation and Open Space, Medium
(16) Residential, Conservation and
Medium-High (25) Residential
- East:* Transportation, Conservation, Low
(5) Residential, Medium-High (25)
Residential, Low-Medium (10)
Residential, Medium (16)
Residential, Community Facilities,
Commercial and High (50)
Residential
- South:* Commercial, Low-Medium (10)
Residential, Medium (16)
Residential, Low (5) Residential,
Conservation, Medium-High (25)
Residential, Regional Activity
Center (Hollywood), Utilities,
Industrial and Recreation and Open
Space
- West:* Commercial, Low-Medium (10)
Residential, Community Facilities,
Utilities, Low (5) Residential,
Transportation, Industrial, Medium
(16) Residential and Medium-High
(25) Residential

VI. Applicant/Petitioner

- A. *Applicant:* City of Dania Beach
- B. *Agent:* The Mellgren Planning Group
- C. *Property Owners:* There are numerous property owners in the subject area.

VII. Recommendation of Local Governing Body:

The City of Dania Beach has recommended approval. The City anticipates adoption of the corresponding local amendment by October of 2010.

**BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT
PCT 10-5**

BROWARD COUNTY LAND USE PLAN

The following area has been designated Regional Activity Center within the Broward County Land Use Plan:

Dania Beach Regional Activity Center

Acreage: Approximately 1,344.0 acres

General Location: Located east of Interstate 95, between Griffin Road and Sheridan Street.

Density and Intensity of Land Uses*:	Residential Land Uses	7,818	dwelling units**
	Hotel	640	rooms
	Commercial Land Uses	294.0 264.0	acres
	plus an additional	500,000	square feet
	Industrial Land Uses	247.5	acres
	Employment Center Land Uses	74.5 54.5	acres
	Parks and Recreation Land Uses	40.5	acres minimum
	Community Facilities Land Uses	36.2	acres maximum
	Transportation Land Uses	6.5	acres
	Conservation Land Uses	2.6	acres minimum
	Utilities Land Uses	2.5	acres maximum

Remarks: Chapter 163 Community Redevelopment Area, provides access to Fort Lauderdale-Hollywood International Airport and Port Everglades, and is located around the proposed FEC commuter rail alignment.

* Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the proportion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A).

** Consisting of 2,348 single-family units, 286 duplexes, 2,047 townhouse units, 972 garden apartment units and 2,165 high-rise units¹. Dwelling units from any given category (ex. single-family, townhouse, etc.) may be substituted for dwelling units of another category provided that the substitution results in the same or lesser student generation using the County's adopted student generation rates. No more than 3,867 dwelling units shall be located east of U.S. 1 in Traffic Evacuation Zone 16, as per the Broward County Hurricane Evacuation Study, 2001.

¹ Note: High-rise units are defined as four (4) stories or more, consistent with the effective Broward County Land Development Code definition at the time of adoption of Broward County Land Use Plan amendment PC 03-6.

PCT 10-5
Page Two

Prior to the issuance of any building permit of development, the City will consult with the appropriate water supplier to ensure that adequate water supplies to serve the new development will be available no later than the anticipated date of the certificate of occupancy. Any determination that adequate water supplies will be available will require the demonstration that a consumptive use permit has been issued to the City with sufficient allocation available to serve the new development, given all other existing commitments for that allocation. The “sufficient allocation” in the Consumptive Use Permit (CUP) shall be defined consistent with the permit’s limiting conditions as they exist at the time of building permit issuance. Permitted projects may be issued a Certificate of Occupancy only upon demonstration by the City that adequate water supply exists within the City’s current legal allocation.

Note: Underlined words are proposed additions. ~~Struck through~~ words are proposed deletions.